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## Third Annual Conference on Animals and the Law

Ed Bangs

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# PACE ENVIRONMENTAL LAW REVIEW

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ED BANGS

The most fascinating aspect about wolves is that whether people hate wolves or love wolves, they love to talk about wolves, read about wolves and see them on TV. Over the past ten years, there has been an amazing amount of information about wolves and the fact that people are so fascinated about wolves is what makes wolf management most interesting to me. Unfortunately, what also drives up both the complexity of wolf management and the cost of wolf management is all this public interest in wolves.

In the Northern Rocky Mountains, the Fish and Wildlife Service wants, as endangered species policy, to place ten breeding pair of wolves in Northwest Montana, ten breeding pair of wolves in central Idaho and ten breeding pair of wolves in the Yellowstone area for three successive years. That is a total of about three hundred wolves. When that happens, we will declare them recovered, remove them from protection from the Endangered Species Act<sup>1</sup> and the State Fish and Game Agencies will manage them just like mountain lions, black bear, deer and elk are managed. That will probably also include a public hunting season.

First, I would like to talk about Northwest Montana. Wolves started coming down and first appeared in Glacier National Park in 1986. Today, we have about seven or eight wolf packs, close to one hundred animals. The wolves have done pretty well and they have reached that point on their own. This has required a tremendous public education effort

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1. Endangered Species Act of 1973, 16 U.S.C.A §§ 1531 to 1534 (1994).

because if you believe that if a wolf shows up you will be kicked off your land, your ranching operation will stop, your children will disappear and essentially you will end up homeless then you have a tendency to try and shoot every wolf you see because you are so afraid. So, we have given about six hundred public presentations all around Northwest Montana to livestock groups, sportsman groups, rotary groups- you name it we talk to them. In fact, most people who see me on the street now just run the other way, afraid that I am going to tell them about wolves again. But what has been a key component to the program is public education information and we spend about eighty percent of our time telling people about wolves and wolf management. We have also helped do some research through the universities. We did a study in Glacier Park where we had about forty wolves, about forty mountain lions, probably twice that many black and brown grizzly bears, and some humans hunting on the outskirts of the park. There were also some coyotes in the area and a few lynx and wolverines. We also went in and studied the moose population, the elk population, and the white deer population for about eight years. We radio collared all kinds of these animals and followed them all around to see how they interact with each other. What we found was, of the moose that died, wolves had killed some, grizzly bears had killed some, people had killed some and some died of old age, accidents or avalanches. Of the elk that died, the wolves had killed some, but mountain lions had killed three times more than wolves did. Some of the elk were killed by people and some by grizzly bears. Of the white tail deer studied, mountain lions and wolves were the primary predators of white tail deer but the deer were also killed by a host of other predators. What our study showed was that wolves were just another predator. They were not some biological vacuum cleaner that was sucking all the life out of the woods, rather, they were part of a system and really were not any more efficient than any other predator. In fact, mountain lions were more efficient than wolves. We had wolves that denned in a meadow with radio collared deer and those deer live in the same area where the wolves den. If you think about it, it makes sense. These ani-

mals evolved together over many thousands of years. They are used to each other. They are adaptable to each other and they can live in the same area with each other pretty easily. So, wolves fit into the system very nicely.

In Northwest Montana, from about 1985, we really started having wolves show up until the present time. Wolves do kill livestock occasionally. In Montana, it averages between three and four cattle and three and four sheep a year over about the past twelve years. To put that in perspective, in 1995, livestock producers and cattle producers in Montana estimated that they lost forty million dollars worth of cattle and calves to a host of things, only two percent of that was due to predators. That year wolves killed one steer worth five hundred dollars. So, predation on cattle is a very minor issue and predation by wolves is almost nonexistent. Unlike other predators, when you have something killed by wolves you get compensated but if a mountain lion kills your cattle, that is just a cost of ranching in the west.

I would like now to talk about the central Idaho and Yellowstone areas and those are areas where we started reintroducing wolves in about January of 1995. The debate over reintroduction lasted about twenty years and it was very polarized and very bitter at times. What the Fish and Wildlife Service did was use a provision of the Endangered Species Act called the Experimental Population Rule<sup>2</sup> that allows you to reintroduce an animal where it does not currently exist and get special management flexibility. Out west, we have a rule that allows livestock producers to shoot a wolf if they see it attacking their livestock on private land and they can also obtain a permit to do that on public land grazing allotments. The rule guaranteed that there is absolutely no land use restrictions on private land and there is virtually no land use restrictions on public land because of wolves. It offered the lead for wolf management flexibility and the money for wolf management would go to the states and native American tribes if they wanted to do the managing, rather than have us do it. So, what the rule allows you to do is tailor a program

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2. Endangered Species Act of 1973, 16 U.S.C.A. § 1539(j) (1994).

that addresses almost every one of the public concerns about wolves. What we wanted was wolf recovery and the local people could be absolutely sure that big government did not come with that. Therefore, what made reintroduction in Idaho and Yellowstone Park possible was the amount of flexibility we could give local people. Also, the fact that it is written down as a rule makes you legally accountable to keep your word and to make sure you do what you said. These factors gave the local people the tolerance to say “okay, under those conditions we can have some wolves around.”

Our environmental impact statement (EIS) process lasted two years and we received one hundred and seventy thousand comments, which is a record for any federal action. Our mailing list included comments from all fifty states and forty countries and so wolf restoration in the Yellowstone area was not just a local issue. It was a worldwide issue. When we finally received the okay, after litigating this issue, we went into Canada. The first year we went to Alberta, the second year to British Columbia and we darted wolves from helicopters. In fact, some friends of mine from the Alaskan Department of Fish and Game volunteered their time and came down to help us in that capture effort. So, it was kind of an interagency, international effort. We caught wolves and then brought them into the lower forty-eight states. The first year in Idaho, we released just fifteen young adult wolves and the second year twenty. In Yellowstone, we used a different technique and we put in three packs the first year and four the next year. We estimated that we would have to reintroduce wolves from a minimum of three years and probably five years. After two years, the wolves were doing so well that we did not have to do any more reintroductions. In Idaho, we had two different strategies we used. We captured a bunch of young teen age wolves, took them down to Idaho and turned them loose. We figured that they were just going to run wild for awhile and then by winter—wolf breeding season starts in December and they have a pretty long courtship so breeding actually occurs in February—they would eventually bounce around and figure out that even though they did not know where they were, it is not that bad of a spot, so, like most

teenagers, they would start settling down and looking for love and before long, we would have a bunch of marriages and in spring we would have a bunch of babies. So far, that technique seems to have worked pretty well.

The Nez Perce tribe, which historically occupied central Idaho, decided to submit a plan to Fish and Wildlife Service and they now manage wolf recovery in the state of Idaho in a cooperative agreement with the Fish and Wildlife Service and other agencies. They are doing a wonderful job of restoring wolves into Idaho. It is also pretty pleasing that when the first wolves came in, we actually had spiritual leaders from the Nez Perce tribe give a blessing, a kind of welcoming of the return of their brothers. Right now, in Idaho, we have about thirteen pairs that are running around together. This year we had seven litters born, six of those have survived. It looks like we lost one to disease. Amazingly enough, all the packs are pretty much on four service lands. In central Idaho, the wolves stayed where we wanted them to, which I never would have believed would have happened but it worked out that way, so the recovery there is going fairly well.

If you look at central Idaho, it is extremely mountainous, extremely rugged terrain. Most of the wolves live in that kind of country but also many of them live in the flatter areas within that very rugged terrain. In the future, wolves will end up outside of that area. If you put wolves in a national park or anywhere, they are going to end up all over the place. Individual wolves can travel five hundred miles looking for a new home and mate. But, so far, the wolves have stayed where we wanted them. However, they are using the flatter areas within this thirteen million acre of forest reserve area.

The wolf population has been doubling about every year. We now have about seventy wolves in central Idaho and they are doing really well. Yellowstone National Park is very high profiled. The first wolves were actually brought in the park by the Secretary of Interior and Molly Beatty, the former director of Fish and Wildlife Service. Yellowstone Park is probably the issue that kept wolf recovery in the west alive.

In Yellowstone, we used a strategy where we built pens, about one acre pens for wolves, caught whole families of

wolves in Canada, brought them down, stuck them in a pen for a couple of months and then let them loose. What we tried to do is keep that family unit together so they may breed sooner and be able to kill elk better. In Idaho, wolves feed mainly on deer. In Yellowstone, it is elk, and it takes a few more wolves to kill an elk. So, we put up these pens throughout the park and we kept the wolves in them for two or three months then we turned them loose in April. The wolves did great; most of them stayed just where we wanted them. We did have a couple of occasions where in the first year we had wolves take off, go north and then den on private ranch land next to pretty large sheep operations. We actually went in, caught those wolves and the new puppies and took them back to the park figuring they had a better chance to contributing to recovery in the park rather than outside of it. We do not do that anymore. We just did it in the early phases because we had such a high investment in these wolves. In central Idaho, you can see the wolves moved over a much bigger area. The pens in Yellowstone tended to keep the wolves in a much tighter area and in the park.

Amazingly, and I still cannot believe this, last year we had thirteen litters of wolves produced in the Yellowstone area. Twelve of those litters were in Yellowstone National Park, I never thought wolves would stay in the Park as much as they have but the good news is that they are doing really well in Yellowstone Park. In the whole Yellowstone area we have lost no cattle to wolves and we have lost about sixty to seventy sheep. Also, the wolf population has about been doubling. We have close to ninety to one hundred wolves in Yellowstone Park so over all it is going really well. If you remember our goal of ten breeding pair in each area, we probably have eight breeding pair in each area now and next year we are liable to reach our ten mark. Thus, we are about three to four years away of having wolves recovered and delisting them from the endangered species act which means it has been a very successful program. Reintroduction sped the process up, probably saved taxpayers about five or six million dollars and probably cut the overall program cost in half. If we had just decided to let natural recovery occur, we would

have had more problems. It would have taken a lot longer and it would have been a lot more expensive.

The good news is that wolf restoration in the Northern Rocky Mountains from 1973, when we first started research, into 2002 cost the American citizen a total of one nickel. So, the total cost of wolf restoration which was about eleven million dollars was much more costly than it had to be because it was such a polarized debate that went on so long and also because Congress was directly involved with studies. Economic studies have indicated that having wolves in Yellowstone Park would result in a net economic benefit of about twenty million dollars per year to that area because of the high interest people have in wolves. Already, over 20,000 people have been able to see the wolves in Yellowstone National Park. They have traffic jams in that area because people want to see wolves. So, overall wolf restoration was more expensive than it had to be because of the amount of public debate but still I wish we could all make private investments that paid off the kind of return that Yellowstone has shown. The bottom line is that wolf restoration in the northwest has been a hallowing success. We are all just jumping for joy and the question is "what now?"

People still get highly irate and emotional about wolves. In the past, the issue has been should wolves be restored or not and it got very bitter and very acrimonious. For the most part, that is over with. Wolves are going to be back in the Northern Rocky Mountains. That is a done deal. It is over with so there is no sense in even complaining about it, even though everybody still likes to. The next debate is going to be over how wolves are managed. A lot of people are going to have difficulty with the fact that sometimes wolves kill people's livestock, they kill people's pets and I have to make the decision to kill those wolves. In the future, when wolves become more numerous at a very high reproductive rate and there is going to be public hunting of wolves, many people who wanted them back are going to question whether they need to be hunted, whether they need to be trapped or whether there needs to be wolf control. That is where the debate over wolf issues is going now. Some of the things wolves



do are really cool. Some of the things they do are not so good and it is going to take management to have these large predators around and then have them tolerated in some of the areas where we expect them to live on private land.

This is a letter I just received. It is probably one of the few I can actually bring and show anybody because of the language. It states, "may God bless you if you do the honorable and ethical thing and stop abusing and murdering those Montana wolves." One of the biggest letter writing campaigns in the history of North America was to the state of Alaska over aerial gunning of wolves. I think the Governor received about a million post cards. Many of the state agencies are very afraid of managing wolves for this very reason. Wolves, biologically, are very easy to manage. It is not that big a deal but politically they take a lot of time, effort and public outreach. Also, per animal wolf management is pretty expensive. Right now, we have wolf recovery programs in the Midwest, Minnesota, Wisconsin, Michigan and the northwest where I work. We now have Mexican wolves that are going to be released in the wild within the next year, which I think is a great program. We have had calls for wolf recovery and feasibility in Colorado, Maine, New York and I was just down the Olympic Peninsula this spring looking at restoring wolves there. The public is very interested in wolves and they want to restore them. The question is how many places can wolves live while maintaining the minimum amount of conflict with people. Wolf habitat is in the human mind. Wolves will live anywhere that we allow them to live. They are very adaptable. We could have wolves in Kansas if we did not mind them eating a lot of cattle because there is really nothing else left. So the question of the future of wolves is a question of our wants in society. What do we want? That is a difficult question.

The bottom line is there are two reasons to have wolves back. The first is, did you ever hear a wolf howl? I remember the first wolf I heard howl. I was fifteen in Alaska. It is a cool thing and I am an outdoorsman, a sportsman. I like seeing tracks of large predators. I like being able to see a wolf or a mountain lion. So there are purely selfish reasons for having

wolves back if you enjoy nature. They are cool. I think the more overriding perspective, at least for me being an ecologist and biologist, is that wolves play a very important role in the environment as large predators preying on other animals.

The reason that elk, in Yellowstone Park, are big, strong, alert, beautiful and fast is because of wolves. So, if we keep long term perspectives, I think elk are glad that wolves are back. The elk are the way they are because of wolf predation and I think the important thing to remember, the most important value of wolves is their role as a predator maintaining that process in wild environments. I am thankful there are a few places in the west at least where we can have wolves that can be part of a whole system. Right now in Yellowstone Park all the animals that were there when Columbus stepped ashore are now in Yellowstone National Park.

That is it. Thanks for listening.