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WOLF RESTORATION IN NEW YORK: THE STATE'S PERSPECTIVE

ROBERT A. INSLERMAN

Restoring wolves to New York State, if it occurs at all, will be a long, slow process beginning with determining if it could and should be done. There are many supporters of wolves, and also many opponents. Their views vary as much in intensity as they do in content.

A History of Support

The Department of Environmental Conservation (DEC) has always supported the concept of restoring native species. As stewards of the state's wildlife, the perpetuation of extant native species, and the restoration of extirpated ones has been an important part of this agency's program since our foundation more than 100 years ago. It was one of the prime motivations for our creation and one that has continued to this day. The cornerstone of our Bureau of Wildlife's mission to provide the people of New York the opportunity to enjoy all the benefits of the wildlife of the state, now and in the future. The beaver (*Castor canadensis*), wild turkey (*Meleagris gallopavo*), bald eagle (*Haliaeetus leucocephalus*), and peregrine falcon (*Falco peregrinus*) are examples of native species whose return was greatly accelerated through our efforts.

Other projects have met with less success. State and private groups tried restoring elk (*Cervus elaphus*) and moose (*Alces alces*) several times between the late 1800's through the early 1900's but all ultimately failed. A university-sponsored release of lynx (*Lynx lynx*) in the Adirondacks occurred in the late 1980's with uncertain results. DEC considered, but due to strong local opposition for a variety of reasons, decided against releasing moose in the Adirondacks in the early 1990's.

Two additional projects are currently active. Restoration of river otter (*Lutra canadensis*) in western New York is now underway and appears to be succeeding. The Rocky Mountain Elk Foundation, through contracts with two New York Universities, is funding studies to determine the social and biological feasibility of restoring elk to suitable, site-specific areas throughout New York.

Requirements for Success

In each successful case, restoration was both biologically feasible and socially acceptable. No species can succeed if the land will not support it. No restoration will succeed if the people on the land are against it. The more likely a species is to conflict with human activities, the greater the need for the informed consent of people that share the land. Although support for restoration can be widespread, it is possible for one interest group to stop a project. It is no coincidence that the common element in successful restorations has been the species' compatibility with both land use, and broad public interests. Although the numbers and nature of advocates may have varied from case to case, there was no substantial, substantive opposition to these restorations. In fact, management efforts for all restored species have traditionally been directed to prevent over harvest or overuse, not alleviate the conflicts with humans. Even in the case of the beaver, it was not until recent years, when pelt prices dropped substantially resulting in a rapid population increase, that the species began to be considered more of a nuisance than an asset.

Most "easy" restorations are behind us. The larger remaining potential candidates, including elk, wolf, and cougar (*Felis concolor*) are considerably more problematic from either or both the biological and social perspective than were earlier successes. These restorations would also be inherently more costly to undertake, more expensive to manage, less likely to succeed and clearly more subject to public debate than those projects undertaken in the past. For these reasons, they need to be held to higher standards of review and acceptance than the restoration of less demanding candi-

date species. Wolf restoration would certainly be controversial and will have to be held to that higher standard.

The Law

The decision to restore wolves (*Canis lupus*) to New York State rests with DEC, as it is legally responsible for managing the wildlife of the State of New York. Section 11-0303 of the Environmental Conservation Law (ECL) states: "*The general purpose of powers affecting fish and wildlife, granted to the department by the fish and wildlife law, is to vest in the department, to the extent of the powers so granted, the efficient management of the fish and wildlife resources of the state....*"¹

It further states, "*the department is directed, in the exercise of the powers conferred upon it, to develop and carry out programs and procedures which will in its judgment, (a) promote natural propagation and maintenance of desirable species in ecological balance....*"²

Any attempt to restore wildlife species to the state of New York requires the approval of the department under section 11-0507.3 of the ECL: "*No person shall willfully liberate within the state any wildlife except under permit from the department. The department may issue such permit in its discretion, fix the terms thereof and revoke it at pleasure....*"³

In the specific case of wolves, even possession is strictly regulated under ECL section 11-0511: "*No person shall, except under license or permit first obtained from the department, possess, transport, or cause to be transported, imported or exported any live wolf, wolf dog, coyote, coydog, fox, skunk or raccoon,*"⁴

DEC does not regulate for the sake of regulation. We require a permit and the associated review process pursuant to the State Environmental Quality Review Act (SEQRA)⁵ to ensure that wildlife releases are not contrary to the welfare of

1. N.Y. E envtl. Conserv. Law § 11-0303 (McKinney 1997).

2. *Id.*

3. N.Y. E envtl. Conserv. Law § 11-0507.3 (McKinney 1997).

4. N.Y. E envtl. Conserv. Law § 11-0511 (McKinney 1997).

5. State Environmental Quality Review Act (SEQRA), N.Y. E envtl. Conserv. Law §§ 8-0101 to 8-0117 (McKinney 1997).

the public or the environment. The consequences of unregulated releases, such as starlings (*Sturnus vulgaris*) and house sparrows (*Passer domesticus*), have taught us to be careful when considering the release of wildlife species.

The Issues

Some of the issues that must be addressed to the Department's satisfaction before considering a proposal to restore wolves include:

Historical Status

By definition, restorations involve native species. Although it seems reasonable to assume that wolves were once present, their historical status needs to be thoroughly investigated. The Adirondack Park State Land Master Plan states, in part, that "There will be no intentional introduction in wilderness areas of species of flora or fauna that are not historically associated with the Adirondack environment..." What physical proof exists that wolves were formerly in the Adirondacks, New York or other nearby states? What evidence exists in the literature? One also cannot overlook the fact that the eastern coyote that inhabits the Adirondack Park is larger than its western cousin, and behaviorally exhibits many wolf-like characteristics. Is it a wolf-coyote hybrid and, if so, to what extent may we already have some form of wolf in the Adirondacks? Genetic studies need to be completed to determine the make-up of our native wild candid.

Biological Feasibility

Can the Adirondacks sustain a wolf population over the long term without constant and intensive intervention by DEC staff? Is there sufficient land, prey, and insulation from human activity to give a wolf population a reasonable chance of success? Can wolves survive at the current human density? Is the Adirondack Park large enough or should we instead be looking at northern New York and perhaps southern Canada and Vermont? Is the Adirondack Park conducive to wolves remaining within the bounds of the Park or will they

emigrate to more suitable areas outside the Park where private land is predominant and food/prey resources potentially more abundant?

Ecological Consequences

What changes, good or bad, are likely to occur to the existing wildlife and land of northern New York if wolves are returned? Species of specific interest include white-tailed deer (*Odocoileus virginianus*), beaver, coyote (*Canis latrans*), and moose. Is the current prey base adequate for long term maintenance? The Adirondacks supports a population of deer that ranges from 2-3/sq. mile up to 30 deer/sq. mile. By some estimates, it takes 10 deer/sq. mile to support wolves which is the Adirondack average; however, in the past thirty years, 19 years have seen deer populations below 10/sq. mile (6 of those 19 below 5/sq. mile) and 11 years above 10/sq. mile. Is this adequate or would there be significant impacts on other species of wildlife and domestic species? Also interesting, is the knowledge that there are more deer on privately, managed land within the Adirondacks than on public land, and furthermore, that there are more deer on private land outside the Adirondack Park than on private land within the Park. Given that wolves are a prey-based species, it seems logical to assume that they will be attracted to private lands more often than public lands, which raises the potential for greater human-wolf conflicts that will need to be mitigated.

Consequences to People

What would be the positive and negative consequences of a wolf population to the people of the state of New York, especially northern New Yorkers? Would they welcome or at least be willing to live with the consequences? Would DEC have the authority to deal with the conflicts? Some of the issues that might arise include the effects of wolves on the local economy, deer hunting, domestic animals, the regulation of land use, and hunting and trapping regulations. What are the attributes and liabilities associated with wolf restoration? Property rights, aversion to government intervention, and

home rule are strong values that Adirondack residents cherish and defend. Wolf restoration is viewed as a threat by many not necessarily to other wildlife or specie but to a way of life that many believe will diminish their property rights and increase government interference with their private lives.

Social Acceptability

DEC would not support wolf restoration without the informed consent of the people of the state- particularly those in the affected area. We recognize that there are many stakeholders in the wolf debate on both sides of the issue. We also recognize that any one of them, if sufficiently motivated, has the ability to prevent wolf restoration. But whom do you ask: local residents most likely impacted by wolf restoration; New York State residents, because all, at least in theory, own a piece of the Adirondack Park; or the population at large because the wolf is a public resource? While some studies suggest that there is strong, individual support for wolf restoration, numerous organizations and local government entities have publicly voiced strong opposition whereas, many environmental organizations have remained silent on the issue.

Costs to DEC

If a feasibility study is conducted, DEC will be involved in reviewing the process regardless of who conducts the study. If restoration proves feasible and is implemented, DEC will be responsible for managing wolves as long as they persist. What are the short and long-term costs to DEC of managing a wolf population? Where would the funds come from to pay for this management? How would it affect existing programs and priorities? There may also be legal obstacles, law suits, or prohibitions enacted preventing DEC from becoming involved in wolf restoration.

The DEC Position

DEC staff has not investigated any of these issues in depth and do not pretend to know the answers. We do suspect that successfully restoring wolves would be very difficult - particularly from the social and political perspective. We believe that social attitudes toward wolves have become more positive in recent decades and continue to change but that there is still substantial opposition.

We also suspect that there may not be sufficient information to provide definitive answers to all of the biological questions. As is generally the case, the most cost effective way to answer many of the specific and detailed biological questions is by monitoring animals on the ground, rather than embarking on costly and often speculative modeling.

We anticipate that social and political issues will drive the debate and ultimate decision about wolf restoration. Until the issues and questions are adequately addressed, DEC will not take a position toward wolf restoration. It is also critically important that we remain as objective as possible and removed from the current initiative, so as not to be perceived as a partner, opponent or proponent in the current debate. Also due to fiscal constraints, bureau priorities, and the questionable likelihood of success, we have chosen not to investigate the feasibility of wolf restoration at this time. Wolves will be no worse off tomorrow from a lack of immediate attention in New York than they were five days, years, or decades ago. However, other extant species might suffer if existing resources are redirected toward wolf restoration.

Should other interested parties choose to fund or undertake credible and comprehensive investigations, DEC would be eager to work with them to ensure that they adequately address all issues of concern to the agency. Given the likelihood of sharply conflicting, deeply held views toward wolf restoration, the credibility of the investigation and integrity of the investigators would be of paramount importance. They will need to have the trust and respect of all parties on all sides of the issue.

Any species restoration, and wolf restoration in particular, should be a well thought-out process, not to be rushed or jumped into lightly no matter what the temptation. Our biggest obstacle, and where we are most vulnerable is on process; that we missed or overlooked something. Most of our challenges have been on process, not on management or biological issues. We do not want to turn the wolf restoration issue into one that moves in New York represent hate, mistrust and a symbol for government intervention and land use regulation. It is therefore important that all parties proceed slowly, giving everyone the opportunity and right to be heard while taking into consideration the values and concerns that they hold so dearly.