

PART TWO

Individual Rights and the Endangered Species Act:

The Yellowstone Wolf Reintroduction as a Case Study BY MICHAEL K. PHILLIPS

Editors' Note: This is the second and final article in this series on Yellowstone wolf reintroduction by biologist Mike Phillips. See our Fall 1998 issue for the first article, which covers the history of the reintroduction and the "experimental-nominal" designation, which guides the reintroduction. For a back issue, call 1-800-ELY-WOLF.

Yellowstone Reintroduction: Movements and Mortalities

From March 1995 through 1997, 41 wolves were reintroduced to Yellowstone National Park. Except for one female who sometimes wandered about 70 miles north of Livingston, Montana, the

wolves remained within the Greater Yellowstone Area, and most made extensive use of habitats within the national park. During this time, wolves were located by radio approximately 10,000 times, and only about 10 percent of these locations were on private land.

A minimum of 87 pups were born to 16 packs during the first three years of the project. Fourteen dens were located on public land and two on private land. To improve prospects for long-term survival, adults and pups associated with dens on private land were moved back to the park.

During this time approximately 25 wolves died: eight during federal control, six from illegal shootings, five from vehicle collisions, three by other wolves, and three from unknown causes. Eighty percent of the shootings occurred on private land; all other mortalities occurred on public land.

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Management of Wolves on Private Land

Thirteen situations arose in which wolves on private land had to be managed to resolve human conflict. At the beginning of the restoration project when the wolf population was small, wolves were translocated from private land on two occasions because they had established dens in areas where prospects for long-term survival were poor. On 11 other occasions, 14 wolves were translocated or killed because of livestock depredations. These two types of management situations are discussed below.

1) Wolf Management to Improve Long-term Survival

In April 1995 an adult pair of wolves established a den on private land in the northeastern corner of the Greater Yellowstone Area. Within days of establishing the den, the adult male was illegally killed. Since the den was about four miles from Red Lodge, Montana, and in a location known to many residents, federal biologists decided to capture the adult female and her eight pups (four males and four females) and return them to an acclimation pen in Yellowstone. When the pups were about 6 months old, the family was re-released. In 1997 these animals contributed to the production of four litters that contained a minimum of 24 pups.

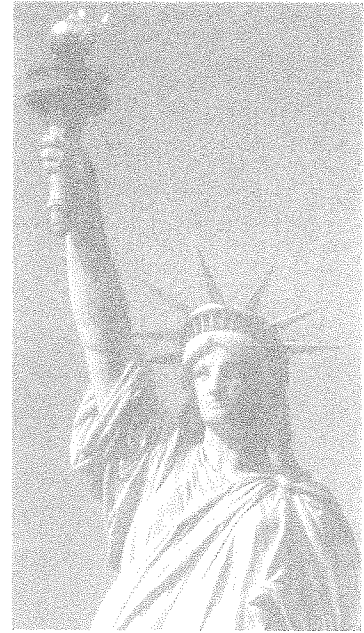
In April 1996 the four members of the "Soda Butte" pack established a den and produced three pups on private land along the north-central boundary of the Greater Yellowstone Area. The den was located about two miles from an

active sheep ranch, which caused considerable citizen concern. This concern prompted the U.S. Fish and Wildlife Service (USFWS) to capture the wolves and re-release them inside the park. In 1997 these animals contributed to the production of a litter that contained a minimum of four pups.

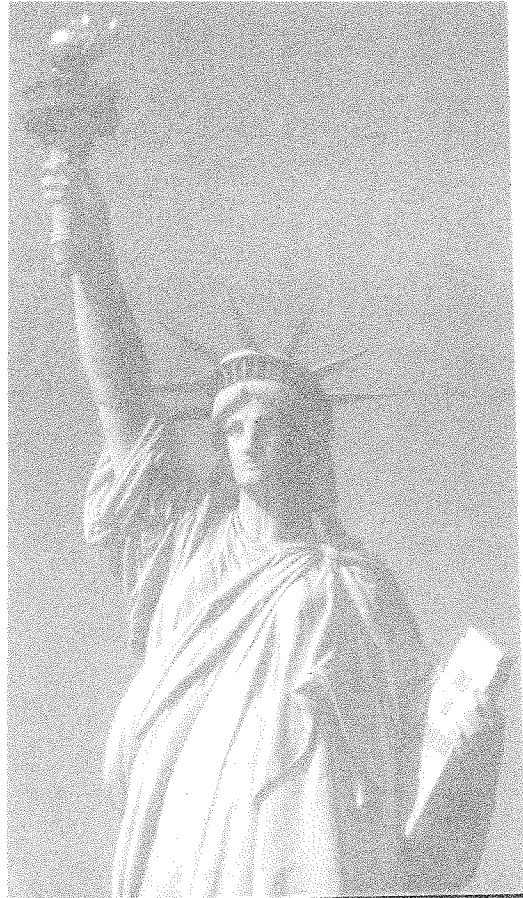
2) Wolf Management to Resolve Interactions With Livestock

Since 1995, 14 wolves were involved in 11 management actions resulting from interactions with livestock on private land. In two incidents ranchers legally shot two wolves as they fed on recently killed livestock. Another incident involved two wolves that were captured and re-released in the park because they were harassing livestock, although they did not kill any. For the remaining eight cases, seven wolves were captured and re-released in Yellowstone, one wolf was permanently placed in captivity because of injuries sustained during trapping, and two other wolf pups were never captured. All re-releases were conducted a minimum of 50 air miles from depredation sites. Overall, from 1995 through 1997, Yellowstone wolves were responsible for the death of 65 domestic sheep and four domestic calves. The Defenders of Wildlife organization reimbursed livestock owners \$7,746 for their losses.

Of the nine wolves that were re-released, six were held in acclimation pens for varying periods before re-release, whereas three were immediately re-released after capture. After re-release only two wolves avoided additional interac-



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tions with livestock, and one of them was killed by a vehicle within seven days. The remaining seven wolves were all involved in additional livestock depredations within a few months of being re-released. In three cases, individual wolves returned within days to the site of their initial depredations and killed more livestock.

For the seven wolves that killed livestock following re-release, five were killed by government biologists and two—a male and female—were returned to captivity because their involvement in their second depredation incident was uncertain. After escaping from the acclimation pen, the female immediately traveled back to the previous depredation site and began harassing sheep; she was

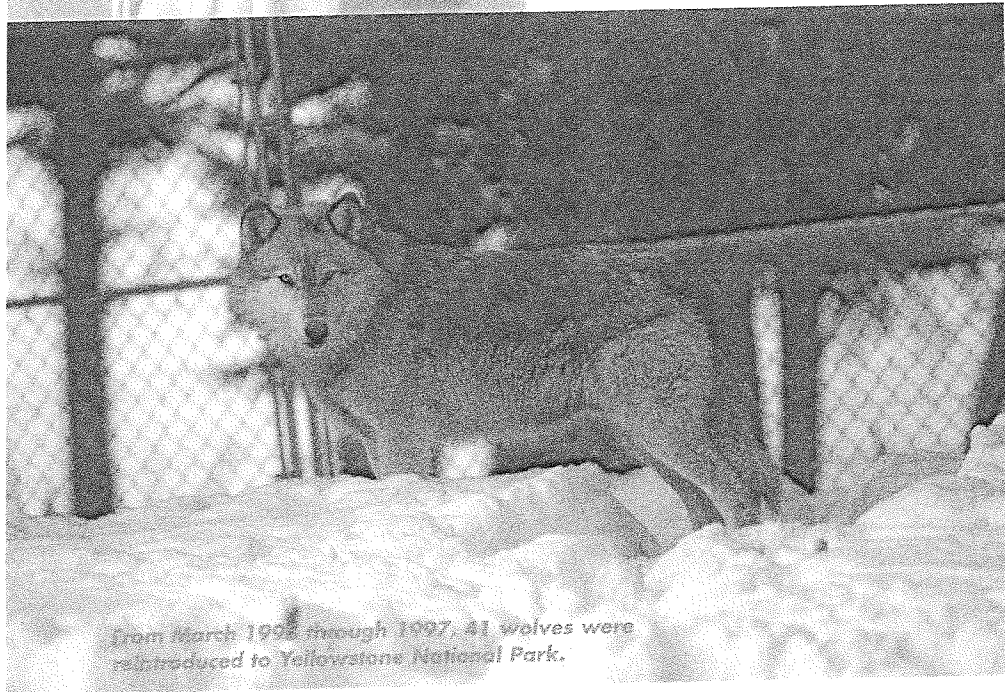
killed by government biologists. The male stayed in the park and is still free-ranging.

Conclusions

Overall, the first three years of the wolf restoration project were successful. While mortality was similar to what was expected, production of pups was higher than expected. Livestock losses were close to expectations, and management of depredating wolves was successful, largely due to application of the “experimental-nonessential” legal designation discussed in Part I. This flexible designation offers management rules adequate latitude for resolving wolf-livestock conflicts. Management issues that arose usually were resolved within a few days. One management issue took months to resolve, however, not because of regulations, but because of the nature of wolf control; wolves are sometimes difficult to capture.

Wolves were managed on private land because of interactions with livestock or to ensure the survival of pups during the early stages of population formation. For example, when the female and her eight pups were translocated from the den that she established on private land near Red Lodge, they constituted 45 percent of the wolf population in the area. Aggressive management for survival of members of a small population is necessary in any well-conceived restoration effort, and such management necessity decreases with population growth.

Wolf management rules in the Greater Yellowstone Area allow wolves to inhabit private property in the absence of a problem; this allowance, however, does not mean that the USFWS and National Park Service are actively targeting private lands as wolf habitat. Quite the contrary, the rules do not provide



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Yellowstone National Park

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for management of private land to promote wolf conservation. But if a wolf wanders onto private property and does not cause definable problems (and in the Greater Yellowstone Area its mere presence is not a definable problem), then USFWS personnel are not required to remove the animal even if the landowner demands such management. While the rules allow landowners to use non-lethal means to harass a wolf to prompt it to move on, they do not allow landowners to kill a wolf simply because it is present.

Such rules are consistent with the national notion that wildlife are owned by the public, rather than by private landowners. Within limits, landowners can manage their property in a manner that promotes or hinders the welfare of wildlife. However, through involvement in the democratic process of making laws that are enforced by state and federal officials, citizens ultimately decide under what circumstances wildlife can be killed or captured and moved from public and private land. Such decisions are not the prerogative of the landowner, regardless of whether the animal in question is naturally occurring or present because of a reintroduction program.

Other Areas of Wolf Reintroduction

Contrary to the final legal rule that covers wolves in the Greater Yellowstone Area, the final rule for the red wolf project in the Southeast and for the Mexican wolf project in the Southwest requires that the USFWS remove wolves from private land at the request of the owner, even if it is just for the mere presence of the animal. Moreover, the red wolf rule contains an additional provision that allows a permit for landowners to kill red wolves for simply being present after

USFWS efforts to remove the animal have concluded.

Some officials and scientists contend that such regulations that provide authority to landowners are inappropriate for two reasons: 1) they are nearly impossible to effectively implement as a wolf population grows because of the difficulties in responding simultaneously to a large number of landowners, and 2) they establish a precedent that could be effectively used to argue for the removal of other endangered species inhabiting private land.

Local opposition to the red wolf and Mexican wolf reintroduction programs greatly affected the regulations governing wolf management. Program administrators assumed from first-hand knowledge of local politics and sentiments that more restrictive rules would have hindered and possibly stopped reintroduction projects altogether. Perhaps these assumptions were valid; but perhaps not, as recent opinion polls indicated widespread local support for red wolf recovery.

The gray wolf reintroduction program in Yellowstone also faced substantial opposition, but authors of the regulations did not provide landowners with a similar level of authority. And so far, the program has been an unqualified success.

The final rules for managing wolves in the Greater Yellowstone Area are a promising affirmation of years of work to develop an acceptable program for restoring wolves to the national park. The rules are respectful of the concerns of local citizens, allow for and actually promote extensive state and tribal involvement, and ensure that recovery is achieved at relatively little cost. Additionally, the rules



Dan Tye

allow biologists to provide each wolf at least two opportunities to establish itself in a "law-abiding" manner, while maintaining lethal control as an option for resolving persistent problems on private land. Many, including myself, believe that such an approach is the most certain way to restore wolves to areas in the United States without jeopardizing other imperiled species, and without placing an unfair burden on private landowners.

Michael K. Phillips is the executive director of the Turner Endangered Species Fund in Gallatin Gateway, Montana, and a member of the International Wolf Center's board of directors. He was the project leader for the gray wolf restoration effort in Yellowstone National Park. Phillips has been a contributor to International Wolf magazine, and is co-author of The Wolves of Yellowstone (125 pages, Voyageur Press, 1996), which can be purchased for \$24.95 from the International Wolf Center, 1-800-ELY-WOLF.