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THE WOLF SAGA CONTINUES

On Jan. 29 at 9 a.m. oral argument will take place on the Wyoming wolf litigation. Attorneys for the State of Wyoming, Park County and the Wyoming Wolf Coalition will uphold the validity and adequacy of the Wyoming Wolf Management Plan that was approved, then rejected by the US Fish and Wildlife Service (USFWS). The hearing before Judge Johnson in the Federal District Court in Cheyenne is open to the public. The introduction to the most recent brief filed by the Wolf Coalition follows:

"Perhaps the most striking aspect of the Federal Respondents' Response Brief is their blatant effort to redefine politics as 'science,' and public perception as 'biology.' The Federal Respondents have spent 43 pages attempting to justify the unjustifiable. Their Response Brief is nothing short of a gargantuan effort to rewrite history and, where that is not possible, an even more concerted effort to simply ignore it.

The Federal Respondents have also finally conceded that the vast majority of the representations they have made to date related to the Canadian gray wolf population (including, among others, management and control assurances, geographic restrictions, biological needs, stated recovery goals, the importance and purpose of the peer review, travel corridors, genetic connectivity, a promise to 'delist,' and a commitment to turn over management to Wyoming) were made for one purpose only - to say and do whatever necessary to force Wyoming and its citizens to protect wolves (and provide the necessary prey base) throughout the entire State regardless of whether 'recovery' (however defined) is assured and secured in a smaller geographic area.

The Federal Respondents are now arguing that protecting the wolf population at 50 percent above the USFWS unilaterally-defined recovery goals should be considered as a 'bare minimum,' while encouraging this Court to conclude that such a "bare minimum" is not good enough. Their objective in that regard is exposed by their most recent demand that Wyoming be required to provide a cushion upon a cushion, thereby admitting their ultimate goal is to increase, and then increase again, the number of wolves that must be protected regardless of whether they are 'recovered' from a biological standpoint. In doing so they have confirmed that wolf numbers remain nothing, recovery goals are irrelevant and subject to change, and public perception and politics are the new 'scientific' gold standard by which listing and delisting decisions are made under the Endangered Species Act.

The Federal Respondents are arguing that Wyoming - and this Court - should ignore their Northern Rocky Mountain Wolf Recovery Plan, their previous Final Environmental Impact Statement, their previous Final Rules, their previous findings, the testimony of their own wolf experts, and the overwhelming body of biological and scientific evidence that confirms that the Wyoming Wolf Management Plan and statutory scheme are designed, and will be implemented, to protect and preserve a recovered wolf population.

The Federal Respondents make it clear that they would have liked Wyoming to take a different approach to protecting its share of the recovered Canadian gray wolf population. Wolf recovery, however, is not a popularity contest, and 'likability' is not the criterion by which Wyoming's Plan should - or can - be judged.

The Federal Respondents have rattled on about various tangential matters, none of which have any bearing on the only significant issue before this Court - whether Wyoming's Plan passes biological/scientific muster by providing the necessary regulatory framework for protecting this particular non-essential experimental wolf population at or above recovery levels. Wyoming's Plan clearly does and, importantly, the Federal Respondents have utterly failed to support their arguments otherwise. Their efforts are clearly focused on confusion and deflection rather than on addressing the question at hand."

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