Gray Wolf Conservation at a Crossroads

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Gray wolf policy in the United States is swinging between federal and state or tribal authority under a mosaic of management regimes in different states and regions. In April 2011, the US Congress intervened in gray wolf (Canis lupus) policy by inserting a budget bill rider that removed federal Endangered Species Act (ESA) protections for wolf populations (i.e., delisted them) in the states of Montana and Idaho and parts of Washington, Oregon, and Utah (USFWS 2009). This left wolf populations classified as endangered in most of the United States, except in Minnesota, where they are threatened, and Alaska, where they are unlisted. However, wolves in Minnesota, Wisconsin, and part of Michigan are also scheduled to be delisted in 2012 (USFWS 2011). The debate has not been settled by the federal action for at least two reasons. First, states’ designs for the public hunting of wolves could prove biologically unsustainable over time, which might result in the relisting of the wolf under the five-year monitoring rules of the ESA (USFWS 2008). Second, delisting opponents are litigating at the federal level as they have successfully done before, and they may also do so at the state level.

The flux in wolf policy and current litigation reflects an important and contentious debate about the balance between meeting human needs and conserving nature and biodiversity. At one extreme, some pro-wolf groups favor continued federal protections under the ESA, arguing that state management of wolves would result in a second wave of eradication. At the other extreme, some interest groups consider wolf population growth out of control and advocate for substantially reducing wolf populations through statewide hunting, trapping, and other liberal lethal control. Although demagogues on both sides assert that their view is the only right one, a substantial middle ground exists in public opinion.

Our research indicates that many residents in wolf ranges do not favor the extirpation but do support hunting or other lethal control when these actions are aimed at improving coexistence and reducing conflict between people and wolves (Bruskotter et al. 2007, Treves et al. 2009, Treves and Martin 2011). Such management is consistent with the wildlife trust doctrine—the legal bedrock that underlies state-led management of wildlife in the United States. In brief, the US Supreme Court recognized the wildlife trust doctrine as imposing on states a duty “to enact such laws as will best preserve the subject of the trust [i.e., wildlife] and secure its beneficial use in the future to the people of the state” (Geer v. Connecticut, 161 U.S. 519, 534 [1896]). In Geer (151 U.S. at 529), the Court noted that the state was obligated to exercise its power over wildlife “for the benefit of the people, and not as a prerogative for the advantage of the government as distinct from the people or for the benefit of private individuals as distinguished from the public good.” Hunting or culling (government-sponsored killing of many individual wolves) to the point of substantial impairment of wolf populations appears to violate that trust. Widespread killing of many wolves will be difficult to justify unless private property or human safety is seriously threatened. In short, states cannot deplete wolves simply because vocal groups dislike them and their ecological effects (e.g., scaring and eating prey). Nor can one force people to live alongside wolves at any cost. Future courts may be asked to rule on whether hunting wolves represents “substantial impairment of the trust asset” (Illinois Central, 146 U.S. at 455–456) and whether a substantial improvement in the public good results.

The compromise position is to make decisions about lethal and nonlethal wolf management at spatial scales that account for both the direct costs to people exposed to wolf encounters and the standard of substantial impairment of wolf populations statewide. This might usher in an era of fine-scale measurements of attitudes and behaviors of people living near wolf packs that range outside of public lands, as well as fine-scale measures of the risk of property damage by those wolves (Treves et al. 2011). This process has not been widely attempted or explicitly articulated to our knowledge. Therefore, we present three scenarios for how one might achieve the balance needed to uphold the wildlife trust doctrine and safeguard the public good. Two scenarios retain federal control, which would apply to states not currently covered by delisting rules (USFWS 2011) or current range states if litigation reverses the delisting. The third scenario involves only state and tribal management, which accords with the states’ obligations to their citizens.

Scenario 1: Federal reclassification of wolves as threatened

Federal protections for endangered species are often unpopular with communities living near those species, because the ESA can limit the use of lethal control to circumstances involving human health and safety or research purposes, while disallowing it for the defense of pets or property. Prolonged endangered status for wolves seems to be associated with increased illegal killing and civil disobedience, which is becoming organized and collective (e.g., in Wisconsin, T-shirts and leaflets exhorted readers to kill wolves, and Idaho Governor Butch Otter ordered...