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# WESTERN POLITICS AND WILDLIFE POLICY:

## THE CASE OF THE GRAY WOLF

by John Shackelford\*

Battle lines were drawn this fall when Defenders of Wildlife posted a video online about Alaska's use of aircraft to kill wolves. The ten-minute film features statements by biologists, hunters, and a former Lieutenant Governor along with archival footage depicting aerial assaults on fleeing wolves.<sup>1</sup> The video's release coincided with a proposal by California Congressman George Miller to prohibit such aerial hunting. Alaska Governor Sarah Palin defended her state's practice, insisting that Alaska's "science-driven and abundance-based predator management system" serves an entirely different purpose than hunting and that the Congressman's bill "threatened the very foundations of federalism."<sup>2</sup>

Wildlife conservation groups contend that the real threat lies in Alaska's exploitation of a loophole in the federal Airborne Hunting Act ("AHA"), which outlawed shooting or harassing wildlife from aircraft over thirty years ago.<sup>3</sup> The law grants an exception to any person operating under state or federal authority in the administration or protection of natural resources.<sup>4</sup> The video argues that Alaska has issued permits to private individuals seeking trophies under the guise of wildlife management and that killing predators to increase game animal populations violates Congress' intent when it created the management exception in the AHA. Defenders of Wildlife contends that Congressman Miller's Protect America's Wildlife Act ("PAW")<sup>5</sup> is needed to explicitly proscribe the use of aerial hunting for the manipulation of predator and prey populations and restrict the use of other variations of aerial hunting such as the "land-and-shoot" method to government officials only.<sup>6</sup>

The debate over lethal predator control methods is an old one in Alaska but its effects will grow increasingly significant as the U.S. Fish and Wildlife Service ("FWS") inches closer to removing federal protection of the gray wolves in the Northern Rocky Mountain Region. Wolves were eradicated from Idaho, Montana, and Wyoming in the 1930s and their reintroduction to Central Idaho and the Greater Yellowstone Area in 1995 ignited a rancorous debate that stirs passions about conservation, state sovereignty, and the heritage of the Old West.<sup>7</sup> In February of 2007, the Department of Interior released its proposal to remove the Rocky Mountain wolf population from the Endangered Species Act's list of endangered wildlife.<sup>8</sup> The proposal indicated that, by 2006, the federal government's recovery goals for the



Courtesy of Derek Bakken

Gray Wolf

"nonessential experimental" wolf population had been achieved and surpassed for seven consecutive years and that it had already approved Idaho and Montana's management plans. According to FWS, the long-awaited de-listing has been delayed only because Wyoming's management plan is scientifically inadequate and legally inconsistent, and it poses a threat to the survival of the species in that state.<sup>9</sup>

Wyoming's reluctance to adopt an adequate wolf management program may seem incongruent with its neighbors' desire to exercise sovereignty over their natural resources, but it demonstrates the difficulty in drafting sound wildlife policy when traditions—ranching and hunting in this case—seem threatened. Idaho Governor Otter personified this political climate when he proclaimed from the steps of the State Capitol in front of a gathering of pro-hunting demonstrators that he supported a plan to reduce the Idaho wolf population to the federal minimum and that he would be the first to bid for a \$26.50 wolf-hunting permit.<sup>10</sup>

It is this kind of political bravado that preserved some form of aerial hunting in Alaska after the passage of the AHA<sup>11</sup> and reinstated it as a predator control method four years ago.<sup>12</sup> Alas-

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kan voters passed a ballot initiative that banned “same-day-airborne” hunting<sup>13</sup>—the most conservative way to hunt with a plane—but the State Legislature overturned the initiative and overruled the Governor’s subsequent veto just three years later.<sup>14</sup>

After the legislature opened aerial wolf hunting to private individuals, voters responded with Proposition 6, which restricted its use to Department of Fish and Game officials.<sup>15</sup> Although the initiative was again overturned by the legislature, the issue has garnered enough opposition among Alaskans to make its way onto next year’s ballot.<sup>16</sup>

Despite Governor Palin’s claims that predator control is only necessary for “Alaskans to put healthy food on their families’ dinner tables,” many conservation advocates fear that Alaska’s pro-ungulate program will filter down to the lower forty-eight where wolves have only recently reestablished themselves.<sup>17</sup> The de-listing of the gray wolf in Idaho, Montana, and Wyoming will allow for the reduction of wolf numbers within each state to a hundred, providing that there are at least ten

breeding pairs within each group.<sup>18</sup> Considering that there was a combined total of over 1,243 wolves and eighty-nine breeding pairs in 2006, it comes as little surprise that Defenders of Wildlife President Rodger Schlickeisen described the Idaho and

Wyoming’s management plans, which skirt the federal minimum as “geared toward wolf eradication, not wolf conservation.”<sup>19</sup>

The debate over the aerial hunting of wolves and the legal acrobatics that have kept it alive present a challenge to environmental policy-making. Passionate opposing viewpoints

can swing the conservation pendulum wildly on the state and local levels, and it seems likely that federal authorities are better positioned to draft more objective, science-based policy. When moral, cultural, and environmental concerns are at odds, it may be difficult not to hand over responsibility to the people who feel their lifestyles are being threatened. If maintaining healthy ecosystems is the underlying goal, however, then science, not politics, needs to determine U.S. policy toward wildlife. 

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## Science, not politics, needs to determine U.S. policy toward wildlife.

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### Endnotes:

<sup>1</sup> *The Truth About Aerial Hunting of Wolves in Alaska* (Sept. 19, 2007), available at [http://www.youtube.com/watch?v=9Mu\\_rqmFpL8](http://www.youtube.com/watch?v=9Mu_rqmFpL8) (last visited Nov. 14, 2007).

<sup>2</sup> Letter from Alaska Governor Sarah Palin to Congressman George Miller (Sept. 27, 2007), available at <http://www.gov.state.ak.us/news.php?id=642> (last visited Oct. 15, 2007).

<sup>3</sup> DEFENDERS OF WILDLIFE, THE PROTECT AMERICA’S WILDLIFE (PAW) Act, available at [http://www.defenders.org/resources/publications/policy\\_and\\_legislation/paw\\_act\\_fact\\_sheet.pdf?ht=](http://www.defenders.org/resources/publications/policy_and_legislation/paw_act_fact_sheet.pdf?ht=) (last visited Nov. 10, 2007).

<sup>4</sup> Airborne Hunting Act 16 U.S.C. §742j-1 (1971).

<sup>5</sup> H.R. 3663, 110th Cong. (2007).

<sup>6</sup> DEFENDERS OF WILDLIFE, *supra* note 3.

<sup>7</sup> Endangered and Threatened Wildlife and Plants; Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife, 72 Fed. Reg. 6106 (Feb. 8, 2007) (to be codified at 50 C.F.R. pt. 17).

<sup>8</sup> Endangered and Threatened Wildlife and Plants *id.*

<sup>9</sup> Endangered and Threatened Wildlife and Plants, *id.*

<sup>10</sup> Patrick O’Driscoll, *Gray Wolf to Lose Some Protection*, USA TODAY (Jan. 1, 2007), available at [http://www.usatoday.com/news/nation/2007-01-29-gray-wolves\\_x.htm](http://www.usatoday.com/news/nation/2007-01-29-gray-wolves_x.htm) (last visited Nov. 11, 2007).

<sup>11</sup> Wayne L. Regelin, Alaska Department of Fish and Game, *Wolf Management With a Historic Perspective* (Mar. 2002), available at [http://www.wc.adfg.state.ak.us/index.cfm?adfg=wolf\\_wolf\\_mgt](http://www.wc.adfg.state.ak.us/index.cfm?adfg=wolf_wolf_mgt) (last visited Nov. 11, 2007).

<sup>12</sup> Rocky Barker, *Wolves & Elk: The Overriding Issue in Delisting*, THE IDAHO STATESMAN (Mar. 21, 2007), available at <http://www.idahostatesman.com/environment/story/80724.html> (last visited Nov. 11, 2007).

<sup>13</sup> Regelin, *supra* note 11.

<sup>14</sup> Defenders of Wildlife, *Brief History of Wolf Control in Alaska*, available at <http://www.defenders.org/resources/publications/> (enter search terms “Wolf control in Alaska,” then click first result) (last visited Nov. 10, 2007) [hereinafter *Brief History of Wolf Control in Alaska*].

<sup>15</sup> *Brief History of Wolf Control in Alaska*, *id.*

<sup>16</sup> *Brief History of Wolf Control in Alaska*, *id.*

<sup>17</sup> Governor Sarah Palin, *supra* note 2.

<sup>18</sup> Endangered and Threatened Wildlife and Plants; Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife, 72 Fed. Reg. 6107 (Feb. 8, 2007) (to be codified at 50 C.F.R. pt. 17).

<sup>19</sup> Press Release, Defenders of Wildlife, Gray Wolf to Be Removed From Endangered Species List (Jan. 29, 2007), available at [http://www.defenders.org/newsroom/press\\_releases\\_folder/2007/01\\_29\\_2007\\_gray\\_wolf\\_to\\_be\\_removed\\_from\\_endangered\\_species\\_list.php](http://www.defenders.org/newsroom/press_releases_folder/2007/01_29_2007_gray_wolf_to_be_removed_from_endangered_species_list.php) (last visited Nov. 11, 2007).