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# A Dispute Resolution Case: The Reintroduction of the Gray Wolf

by

David B. Ross

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## Abstract

Under the authority of The Endangered Species Act of 1973, which listed wolves as endangered, Congress placed the United States Fish and Wildlife Service in charge of the recovery of the wolf population (United States and Wildlife Service, 1994). In 1986, a wolf recovery team established The Northern Rocky Mountain Wolf Recovery Plan. This proactive program recommended the following areas to recolonize the Gray Wolf (*Canis lupus*): Glacier National Park, Yellowstone National Park, and the states of Wyoming, Idaho, and the international border of Montana.

The first experimental population of Gray Wolves was introduced into Yellowstone National Park and central Idaho in January 1995. This experiment allowed government agencies and the public to resolve their conflicts over public lands, the depredation of livestock and ungulate or hoofed animal populations. The states and/or tribal wildlife agencies will provide management of the wolves throughout this recovery program. By the year 2002, the plan for this reintroduction program of 10 breeding pairs (i.e., 100 wolves per area) for three up-and-coming years will confidently result in the wolf population recovery.

## The Reintroduction of the Gray Wolf

### History of the Conflict

In Montana during the mid to late 1800s, cattle increased, bison disappeared from the grasslands, and harvesting of big game for hides and meat resulted in the abundance of large carcasses, which led to an increase of the wolf population. Bison in Montana were eliminated, and populations of other ungulates such as elk, deer, bighorn sheep, and pronghorn were reduced by hunting and unregulated markets for these animals' meat. Between 1867 and 1890, the number of cattle in Montana increased from 67,000 to 1.1 million and sheep from 300,000 to 2.2 million (Montana Agricultural Statistics Service, 1992).

Gray Wolves were common in the Northern Rockies prior to 1870. After bison, elk, deer, and other ungulates were killed by unregulated hunting, and human settlement, wolves and other predators threatened the livestock industry. Depredation of the cattle grower's livestock became a problem, which led to the killing of wolves. Livestock associations, state, and local governments offered bounties for the Gray Wolves, which led to their disappearance. An estimated 100,000 wolves per year were killed in Montana from 1870 to 1877 as government bounties were paid for over 80,000 wolves in that state between 1883 and 1918 (Curnow, 1996).

In 1915, the federal government became involved in the eradication of wolves, but they essentially disappeared from the Northern Rockies by the 1920s to 1930s. The wolves have been eliminated from Yellowstone National Park, Montana, and Idaho by the 1930s (Curnow, 1996). Wolves were killed by shootings, poisoning, den hunting, trapping, and snaring (Lopez, 1978). By 1930, government predator control programs had significantly reduced predators and eliminated wolves from their natural habitat. Amazingly enough, the government ordered the termination of the Gray Wolves and overlooked the Act of 1872 that created Yellowstone

National Park. This Act directed the Secretary of the Interior to “provide the wanton destruction of the fish and game.” The 1916 Organic Act also directed the people to “conserve the scenery and the natural and historic objects and wildlife” (Bishop & Varley, 1991).

### Power

Bangs, the leader of the recovery team, felt that political power was important to obtain support from the public regarding the wolf recovery. The controversy resembled a voting contest, and if wolf advocates defeated the opposition, wolf reintroduction would never occur. Fischer (1995), author of *Wolf Wars* stated, “Bang’s words about a ‘voting contest’ stuck in my mind. Why not turn wolf reintroduction into an election? Why not put ballot boxes in Yellowstone Park? That’s exactly what Defenders ended up doing as part of its ‘Vote Wolf!’ campaign in the summers of 1992 and 1993” (p. 144).

The opponents used their power in money and building a strong bond amongst the cattlemen, sheep men, and other livestock associations and hunters. Having the financial status, the opponents hired a group of prominent attorneys to litigate the conflict of wolf recovery. The two law firms for the plaintiffs are Montana States Legal Foundation of Colorado and American Farm Bureau Federation of Illinois.

### Styles and Tactics of Conflict

The Fish and Wildlife Service used a *communicative orientation style* on how this conflict should be approached, and what should be the goals, skills, and tactics needed to address the recovery program (Hocker & Wilmot, 1995). The Fish and Wildlife Service decided to put together a team that would prepare the Environmental Impact Statement (EIS) on restoring wolves to Yellowstone National Park and central Idaho. The decision for a team leader was a present employee of the Fish and Wildlife Service, Ed Bangs, who previously designed a wolf

recovery program in Montana and had been a wildlife biologist at Alaska's Kenai National Wildlife Refuge for 13 years.

Bangs' style regarding how to deal with others was *collaborative* as he assembled a team that would be cooperative and effective to create a successful solution to the problem. This style fits the situation as the team used good communication skills for a long-term and committed relationship (Hocker & Wilmot, 1995). Bangs selected the individuals based on their expertise regarding endangered species, biological and technical matters of wildlife, analyzing public comment, and plans on how to reintroduce wolves back into the wilderness that they once roamed.

The wolf opponent's style is *contending* as they tried to reach a settlement with persuasive arguments regarding livestock depredation and land restrictions. The opponents made demands and imposed a deadline prior to the release of the wolves in January of 1995 (Rubin, Pruitt, & Kim, 1994).

### Conflict Assessment

Fish and Wildlife Service used the *observation/interview* approach to assess the conflict by gauging the opponents and public attitudes towards wolves in Yellowstone National Park and surrounding areas. Numerous surveys were conducted to learn the attitudes of the general public, residents of the proposed recovery area, members of livestock associations, interest groups, and hunters. This assessment will help build teamwork, search for common interests, and build rapport with the public and opponents (Hocker & Wilmot, 1995).

McNaught (1987) surveyed visitors within the Yellowstone National Park regarding the subject of wolves. This survey resulted in a pro-wolf response that outnumbered anti-wolf responses by a nine to one ratio. Besides the residents of Wyoming, Montana, and Idaho, other

individuals throughout the United States participated in the survey. The majority of the American public ruled strongly for wolf restoration. Yellowstone National Park attracts 2.9 million visitors per year comprised of a large cross-section of middle-class people. Of these visitors, a poll of a six to one ratio indicated that the presence of the wolves would attract more people and bring Yellowstone's ecosystem back since it opened in 1872 (Bishop & Varley, 1991).

The opponents of the wolf recovery used the *metaphoric* approach to assess the conflict by using terms of the wolf as being the *big bad wolf* and *dangerous* to safety of humans (Mech, 1990). The livestock producers felt wolves were an unnecessary predator and were worried about wolf depredation and how to resolve the wolf/livestock conflict. Cattlemen and sheep men fear the wolf and perceive them to prey upon their herds.

#### Alternatives for Wolf Reintroduction

On November 13, 1991, Congress directed the United States Fish and Wildlife Service, the National Park Service, and Forest Service to prepare a draft statement regarding the wolf reintroduction in Yellowstone National Park and central Idaho. This draft, which became the Draft Environmental Impact Statement (DEIS), was to be completed by May 13, 1993, and the final Environmental Impact Statement (EIS) be completed by January 1994 (Singer, 1991; United States Fish and Wildlife Service, 1994). The EIS was to cover every alternative about wolf reintroduction in a systematic process. The process identified the problem, defined information to solve the problem, listed issues that need to be resolved, provided alternatives to solve the problem, and recommended a proposed action to best resolve the problem.

Many open houses and formal public hearings were held in Wyoming, Montana, Idaho, and other locations in the United States to ask the public their opinion for alternatives to wolf

population and management (Environmental Impact Statement, 1993). Of 11 alternatives that were negotiated, five alternatives were considered and developed. Six alternatives were not considered after negotiation because of the conflicting intent and uncertain direction of state law and were far beyond any reasonable use of federal authority.

The first alternative to be considered was the Reintroduction of Experimental Populations as wolves would be reintroduced to Yellowstone National Park and central Idaho. The wolves would be managed by the states and tribal agencies. Compensation for the program would be privately funded; there would be no land restrictions, and toxicants lethal to wolves would be prohibited. According to this alternative, wolf populations would recover by the year 2002 (Environmental Impact Statement, 1993).

The second alternative would be natural recovery with no action and/or current management strategy. This alternative of no wolf reintroduction would result in recovered wolf population in the years from 2012 to 2025 (Environmental Impact Statement, 1993).

The third alternative would be *no wolf*. Fish and Wildlife would stop the funding and management towards the reintroduction situation. The wolves would be removed from the protection of state law, and Animal Damage Control would remove a problem wolf that threatens livestock. This alternative would not allow wolf populations to recover (Environmental Impact Statement, 1993).

The fourth alternative would be a Wolf Management Committee who would develop plans to recover wolves, compensate the farmers for loss of livestock, establish public land use restrictions, conduct educational programs, and allow the agency to relocate or kill a problem wolf. The wolf populations would recover by 2010 to 2015 (Environmental Impact Statement, 1993).

The final alternative would be the reintroduction of non-experimental wolves until 10 breeding pairs are established. No control would occur if wolves depredated livestock on public land. Wolves would be moved if depredated on private land, and ranchers would be compensated for loss of their livestock. The alternative would recover the wolf population by the year 2000 (Environmental Impact Statement, 1993).

As a result, the first alternative was proposed in the final Environmental Impact Statement. Under the authority of Congress, the Secretary of Agriculture and Secretary of the Interior, signed the Record of Decision for this proposal (Environmental Impact Statement, 1993).

#### Litigation

Several groups such as the Wyoming Farm Bureau, Beartooth Stock Association, Montana Stockgrower's Association, and American Farm Bureau Federations brought suit against Bruce Babbitt, Secretary for the Department of the Interior, to stop the reintroduction of the wolves into the Northern Rockies (Keller v. Babbitt, 1996). This case proceeded through litigation for a final resolution regarding this conflict. The United States District Court for the District of Wyoming ruled on behalf of the National Wildlife Federation, Defenders of Wildlife, Wyoming Wildlife Federation, Idaho Wildlife Federation, and Wolf Education and Research Center.

After three days of hearings, the motion was denied, and wolves were reintroduced into Yellowstone Park and central Idaho in January 1995. The courts found that the Plaintiffs failed to demonstrate that they would likely suffer irreparable harm of their livestock operations because of livestock depredations by wolves (Urbigkit v. Babbitt, 1995; Wyoming Farm Bureau Federation v. Babbitt, 1994).



## Resolutions

After many years of research, debate, and compromise there are several resolutions to this conflict: the economics of recovery, compensation for loss of livestock, wolf depredation of livestock on public land, and the removal of wolves if they killed livestock on private land. Through federal funding, the cost to recover wolves in the Northern Rockies from its beginning to the year 2002 will be 12.6 million dollars, which costs the taxpayer in the United States about 4.8 cents (United States Fish and Wildlife Service, 1994). If there were to be more reintroductions, the cost would be less than \$200,000 annually, saving the taxpayer millions of dollars. The reintroduction is also being supported by private funds such as donations to various wildlife federations and support groups. This also reduces the costs to the public. Private organizations have funded the radio-collar monitoring system and management of the Gray Wolf, the National Fish and Wildlife Foundation matched the first \$50,000 received in donations with \$50,000 of its own.

Defenders of Wildlife set up a compensation program that will have a positive impact on private land use. In 1987, Defenders of Wildlife started with \$100,000 of funds to compensate ranchers for any verified loss of livestock by wolves at fair market value. Between 1987 and 1994, Defenders of Wildlife had paid out \$16,000 to 15 different livestock ranchers. This program alone has reduced polarization over wolf/livestock conflicts.

For conserving wildlife on private land, Defenders of Wildlife built economic incentives into the Endangered Species Act. This program will award \$5,000 to any landowner who allows the Gray Wolf to establish a den on their private land to reproduce and raise pups to adulthood. This program is open to all ranchers, farmers, and timber companies.

In addition to costs, anyone knowingly killing a wolf under the Endangered Species Act

could face up to 6 months in jail and a \$25,000 fine. The United States Fish and Wildlife is offering \$1,000, and Defenders of Wildlife with Audubon Society are offering \$5,000 for information leading to arrest or conviction of anyone taking a wolf (The Wild Side, 1995).

In the situation of wolf depredation on public and private lands, the wolf would be captured and placed back into the recovery area. Upon re-release, the wolf would be allowed to leave the recovery area twice. If the wolf escapes a third time, the wolf would be euthanized by Animal Damage Control. The livestock owner would also be compensated for any loss.

### Conclusion

After all negotiations and court litigation, the wolves were reintroduced into the Northern Rockies in January 1995 and 1996. The wolf recovery program has been successful far beyond expectations. There have been no problems with livestock depredation, the majority of wolves are staying on public land, and breeding has occurred. Much planning and research went into designing this reintroduction program, which helped change the public and ranchers' attitude toward the wolf and knowledge of the wolf.

*Without wolves and their wilderness, the country lacks the very electricity of life*

- Brandenburg, 1996

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