

# Conservation groups sue over Mexican wolf restoration program

*Howard Fischer Capitol Media Services*

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Wildlife conservation groups are suing the U.S. Fish and Wildlife Service over what they say is the agency's failure to follow federal law in approving a program to restore Mexican wolves to Arizona.

The lawsuit filed in federal court contends the agency arbitrarily — and illegally — determined that creating and maintaining an experimental population of about 200 wolves is “not essential” to the continued existence of the endangered species. The agency said that's because there are captive populations that could produce more if necessary.

But the issues, according to attorney Matthew Bishop of the Western Environmental Law Center, are more concrete. That includes a prohibition against wolves north of Interstate 40, with the requirement that wolves found on the other side of the highway must either be captured and returned to the area south of the road or placed in captivity.

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“In order to really be able to conserve the species, they need to be able to move into areas of suitable habitat in that region,” he told Capitol Media Services. And he said the “best available science” shows there are some areas north of I-40 that should be open to wolves.

Bishop also said the agency’s rules “allow for too much take and killing of Mexican wolves in the wild.”

So now Bishop, on behalf of the Grand Canyon Wolf Recovery Project and other groups, wants a judge to order the federal agency to go back and revisit its plans — and do so in compliance with the Endangered Species Act and the National Environmental Policy Act.

If the claims sound familiar, they should.

U.S. District Court Judge Jennifer Zippis ruled more than four years ago that the agency ignored the advice of “leading wolf scientists” in adopting its own recovery plan. And the judge said Fish and Wildlife officials acted in an “arbitrary and capricious” manner in deciding what to do.

However, the only thing the judge could do is order the agency to redo its plans.

But Bishop said those revisions still fall short of what the law requires — and what the scientists said is necessary to have a viable wolf population. And he said at least part of that is political.

“I don’t mean like Republican or Democrat,” Bishop said.

“A lot of people just don’t want to see wolves on the land,” he said, at least not in the amounts and in the areas where they could thrive. “They’d rather see a single, smaller population in more

isolated areas.”

But that, said Bishop, is not a factor that Fish and Wildlife can taken into consideration.

“The law requires them to find the best available science in terms of what’s best for wolves and conservation,” he said.

There was no immediate response from the agency.

At the center of the legal battle is the Mexican wolf, which Bishop said historically numbered in the thousands distributed across large portions of the Southwest. But government and private eradication programs largely wiped out the U.S. population. a little wolf history

In 1976, the wolf was listed as an endangered subspecies of gray wolf. But none remained in the United States.

What happened is, several individual Mexican wolves were captured in Mexico, becoming the basis of a captive breeding program overseen by Fish and Wildlife. And Bishop said all Mexican wolves in existence today are derived from seven individuals.

All that led to the plan to establish an experimental population in Arizona and New Mexico — but only south of Interstate 40. And the agency rule said it would “promptly capture” Mexican wolves that leave the area and either “release it within the recovery area, put it into the captive population, or carry out any other management measure.”

By 2015, there were 75 Mexican wolves in the wild through the reintroduction program. There are now about 200.

But Bishop said that the agency rules and restrictions on where wolves are allowed still don’t guarantee the survival in the wild.

And that is underlined, he said, by the agency's declaration that those animals are "not essential."

"The (Fish and Wildlife) Service said if the entire experimental population in the wild died, it would not appreciably reduce the prospects for future survival of the subspecies in the wild because captive populations could produce more surplus wolves for reintroduction," he told the judge.

Bishop said the 2018 court ruling against the agency changed little, with Fish and Wildlife maintaining the same population area as before, including the I-40 northern boundary.

The lawsuit seeks reversal of the agency's "not essential" designation with the limits it proposes.

"The best available science reveals the experimental population of roughly 200 Mexican wolves in the wild in the United States are essential to the continued existence of Mexican wolves in the wild," Bishop wrote. He said that number would have the genetic variation that, if lost, would "appreciably reduce" the survival of the subspecies.

And Bishop said the captive breeding program is unable to replace the 200 wolves in the wild, saying the breeding population "is aging and has lost much of its genetic diversity."

Other plaintiffs in the lawsuit include WildEarth Guardians, Western Watersheds Project, Wildlands Network and the New Mexico Wilderness Association.

*Sky Island Alliance and Wildlands Network put cameras in the San Bernardino National Wildlife Refuge to document animals crossing the border through the floodgates in the border wall. Images and video courtesy Sky Island Alliance and Wildlands Network, 2022*