

Wisconsin Institute for Law & Liberty: Asks feds to adopt rule modifying Endangered Species Act regulations

Posted on Monday, Sep 24, 2018

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Could help pave way for Wisconsin to manage wolf population

September 24, 2018 - Milwaukee, WI - Today WILL Deputy Counsel Lucas Vebber submitted testimony to the United States Fish & Wildlife Service (FWS) encouraging a rule that would pave the way towards granting states like Wisconsin the ability to manage their own Gray Wolf population.

The Gray Wolf has been the subject of controversy and court fights in recent years. More than 900 wolves live in the Badger State, resulting in an intolerable situation of ranchers, farmers, and sportsmen being unable to protect livestock and hunting dogs from wolves. Last year in Wisconsin the state reimbursed property owners for \$256,148.47 worth of damage - the highest on record.

Worst of all, the state of Wisconsin cannot regulate its own wolf population; they are held captive by arcane federal law and regulations in the Endangered Species Act.

Since 2003, efforts by FWS and Congress have attempted to grant autonomy to states in the upper Great Lakes region, where wolves have recovered, to remove their protections under the Endangered Species Act (ESA). Most recently, FWS granted these states the ability to manage their wolf populations in 2011. By 2014,

a federal judge overturned the rule and placed wolves back under ESA protection. Since then, delisting the Gray Wolf has become a bipartisan cause célèbre among Wisconsin's members of Congress.

The testimony advocates for the adoption of a rule that creates a uniform threshold for when an animal is placed on the Endangered Species Act (ESA) and when it is removed. This regulatory change will provide needed certainty as Wisconsin continues efforts to delist the Gray Wolf once and for all.

Vebber's testimony reads in part:

"This rule is properly based upon the statute and federal case law, and is certainly within FWS' legal authority. It streamlines the regulatory process and will lead to more efficient regulatory action in the future, which is good public policy. Since this proposed regulation is both legally sound and good policy, we support these changes and believe they will be a benefit to the people of Wisconsin who have been stuck in an ESA regulatory nightmare for far too long."

WILL's Cori Petersen wrote on the wolf issue in the Wall Street Journal in July. Petersen wrote in part:

"Delisting the gray wolves in the Great Lakes region would be a significant delegation of authority back to the states, giving Wisconsin, Minnesota and Michigan the power to decide how to control their wolf populations. Since state legislators are closer to the citizens, they're more attuned than the federal government to the needs of [their constituents]."

Vebber's testimony to the US Fish and Wildlife Service can be found here: <http://www.will-law.org/wp-content/uploads/2018/09/will-comments-fwshqes20180006.pdf>