

Colorado wolf reintroduction to move forward as ranchers' legal effort fails

December 18 2023, by Elise Schmelzer and Katie Langford, The Denver Post



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The reintroduction of wolves in Colorado this month will proceed as planned after a federal judge on Friday 15 Dec. denied ranchers' request to stop the state's efforts to allow for further environmental analysis.

U.S. District Judge Regina Rodriguez denied a request by the Colorado Cattlemen's Association and Gunnison County Stockgrowers' Association to halt the reintroduction of the controversial canines, finding it "contrary to the public's interest in seeing [gray wolves](#) released in Colorado."

Voters approved the reintroduction in 2020, and [wolves](#) could be on the ground in Colorado as early as Monday.

The request for the delay was filed as part of a federal [lawsuit](#) the two ranching groups filed Monday against Colorado Parks and Wildlife and the U.S. Fish and Wildlife Service. The lawsuit alleges the government agencies violated the National Environmental Policy Act by failing to prepare an environmental impact statement about the wolves while renewing a cooperative agreement between the two agencies about conserving [endangered species](#).

But Rodriguez found the agencies did comply with the National Environmental Policy Act through "extensive public involvement," including several opportunities for public comment and peer review.

"While the Petitioners who have lived and worked on the land for many years are understandably concerned about possible impacts of this

reintroduction, neither these possible impacts nor their assertions under the Administrative Procedures Act are sufficient for this Court to grant the extraordinary relief they seek," Rodriguez wrote in the ruling, which was published late Friday.

The lawsuit and subsequent filings by the livestock groups asked to halt the reintroduction, which is mandated to take place by the end of 2023. The cattlemen's lawsuit alleges the reintroduction could harm the endangered Gunnison sage grouse populations and kill or stress cattle.

Andrew Spann, president of the Gunnison County Stockgrowers' Association, testified during a court hearing Thursday that he wants to see an analysis of how the eventual population of hundreds of wolves would affect the lands, recreation and economies of Colorado.

"This issue is not just producers worried about their cows being killed. ... This about what are the impacts and how are we going to address those going forward," Spann said.

But potential harm to sage grouse or cattle does not rise to the level of irreparable harm that would cause the court to intervene, Rodriguez wrote in the ruling.

"To satisfy its burden of proving irreparable harm, the party seeking injunctive relief must show that the harm is 'certain and great' and not speculative," Rodriguez wrote. "Here, Petitioners have not presented evidence demonstrating that harm will occur if their requested relief is not granted, nor have they demonstrated such harm, if it did occur, would be irreparable."

During the Thursday hearing, Lisa Reynolds, attorney for Colorado Parks and Wildlife, said the ranchers' lawsuit was a "last-ditch effort" to halt the reintroduction, which has been in the works since voters in 2020

approved the reintroduction.

"Now, at the eleventh hour they want to put a halt to the three-year plan for reintroduction under the guise of a need for more study and analysis," Reynolds said.

Attorneys for Colorado Parks and Wildlife and the Fish and Wildlife Service on Thursday argued that they did not need to conduct an environmental impact review to renew the cooperative agreement, which has been in place for decades. The federal agency has never prepared an environmental impact statement when renewing similar legal agreements across the country, said Brian Herman, attorney for the Fish and Wildlife Service.

Further, the U.S. Fish and Wildlife Service did conduct an environmental impact review for the reintroduction of wolves, although under a different federal process, Herman said. The service analyzed the environmental impact of reintroducing wolves while preparing the federal 10(j) rule that will allow for the killing or hazing of wolves in certain circumstances.

Wildlife advocacy groups slammed the lawsuit, calling it "ridiculous," "flimsy" and a "red herring."

"For the past three years, the concerns of ranchers and livestock owners have been elevated in painstaking and deliberate state and federal processes," Lindsay Larris, [wildlife](#) program director for WildEarth Guardians, said in a statement. "Government officials have bent over backward to accommodate this special interest, but apparently, nothing but the complete absence of wolves on the landscape will be enough."

Although Rodriguez denied the request to delay the reintroduction, the lawsuit will proceed in federal court, along with another lawsuit filed

against the reintroduction.

Conservation groups, including the Center for Biological Diversity and Defenders of Wildlife, praised the court order in statements Friday.

"I'm relieved that the court saw right through the livestock industry's self-serving and meritless arguments," said Alli Henderson, southern Rockies director at the Center for Biological Diversity, in a statement. "Both science and Colorado voters have very clearly told us that wolves belong here. Once wolves are reintroduced, they'll help restore balance to our state's ecosystems."

Colorado Conservation Alliance and two of its [board members](#) on Thursday sued the Fish and Wildlife Service and Colorado Parks and Wildlife in federal court alleging the environmental impact statement completed for the 10(j) rule was insufficient. The analysis did not look at potential impacts to the endangered Mexican wolf and did not adequately look at how wolves might affect deer, elk and other prey, the lawsuit states.

The lawsuit asks the judge to halt the reintroduction until a more thorough environmental impact statement is completed. A hearing has not yet been set in that lawsuit, nor have the two [government agencies](#) filed legal responses to the lawsuit.

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Citation: Colorado wolf reintroduction to move forward as ranchers' legal effort fails (2023, December 18) retrieved 28 April 2024 from <https://phys.org/news/2023-12-colorado-wolf-reintroduction-ranchers-legal.html>

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