

## Conservation groups file suit over wolf delisting rider

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Wolf proponents won't give up: they want to restore federal protection of the species.

On Thursday three conservation groups filed suit in Missoula District Court against the U.S. Fish and Wildlife Service.

Alliance for the Wild Rockies, Friends of the Clearwater and WildEarth Guardians said the legal process used to delist the wolves was unconstitutional.

"Wolf decisions should be based on science, not politics," Alliance for the Wild Rockies Executive Director Michael Garrity said. "Everyone in the country is expected

to follow the Constitution. Congress takes an oath they're gonna follow the Constitution. This time they didn't and they need to be held accountable."

In April, U.S. Sen. Jon Tester and Rep. Mike Simpson, R-Idaho, attached a wolf rider to the budget bill, delisting wolves from the endangered species list and returning wolf management to the states.

It, essentially, nullified Judge Donald Molloy's ruling rejecting a settlement between the U.S. Fish and Wildlife Service and environmental groups.

Tester's spokesman, Aaron Murphy, responded to the latest lawsuit with this statement:

"Most Montanans understand that Jon's provision doesn't explicitly repeal a judicial ruling, nor does it even change the Endangered Species Act. It simply restores an approved, science-based decision that allowed Montana to responsibly manage its wolves like any other recovered species."

But the lawsuit's lead council, Colorado attorney Jay Tutchton, does not agree.

"The action we took today, it's about more than wolves," he said. "I think what happened here should be of broader concern than what's happening to the wolf."

What upsets his clients, he said, is that the courts did not get to do their job.

"If we get into a situation where Congress chooses the winner in a court of law, the courts have lost their function," Tutchton said.

The government has 60 days from receiving the suit to file an answer or a motion to dismiss. But Tutchton said if his clients need a decision sooner (i.e. if the states go