



5. ENDANGERED SPECIES: Grizzlies' 'threatened' status breeds confusion among agencies (11/19/2009)

Eryn Gable, special to E&E

A recent court ruling restoring Endangered Species Act protection to 600 grizzly bears in Yellowstone has led to a confusing patchwork of regulation and a sense of "disillusionment" among many people who worked for years to restore the bear to one of its best-known habitats, federal officials say.

Nevertheless, Fish and Wildlife Service biologists are striving to manage grizzlies under conditions set out by federal law, even if it means the bear winds up losing specific protections in six national forests within the Greater Yellowstone Ecosystem.

While every project in the national forests remains subject to environmental review, there are no longer explicit limits on reductions to bear habitat or on new developments within habitat areas. Such provisions were included in the 2007 delisting decision.

"There's less habitat protection now than there was under delisted status," said Chris Servheen, coordinator of the federal grizzly recovery program. "It's ironic, but it's true."

The confusion follows a September ruling by U.S. District Judge Donald Molloy in Missoula, Mont., striking down the George W. Bush administration's delisting decision and restoring the "threatened" status to the Yellowstone bears.

In the [ruling](#), Molloy said FWS failed to account for the effects of climate change on the bears' food supply, adding that management plans adopted after delisting were inadequate to ensure the bears' survival ([Land Letter](#), Sept. 24).

Lawyers for the Obama administration have asked Molloy to reverse his decision, but so far, FWS has not appealed the decision to the 9th U.S. Circuit Court of Appeals in San Francisco.

"We're still working out the ramifications, but it has wide-ranging impacts," Servheen said of the relisting.

Lost protections

One of the biggest policy changes resulting from the decision is that federal agencies must now consult with FWS before undertaking actions in grizzly bear habitat -- a change that has already delayed some federal projects.

For example, the Gallatin National Forest in Montana decided earlier this month to withdraw its plan to thin, slash and perform prescribed burns on 3,100 acres in the Hebgen Lake Ranger District because of concerns about the effects on grizzly bears. The Lonesome Wood project was sought by the Forest Service to reduce fire risk for residents and recreational users in the area as well as to maintain and enhance aspen stands through prescribed burning, according to Gallatin officials.

But Craig Kenworthy, conservation director for the Greater Yellowstone Coalition, which was the lead plaintiff in the lawsuit to restore protections to grizzlies, said the bears are at less risk under ESA protection, and the result of the decision will be better protections for grizzlies.

While acknowledging that the relisting decision will eliminate some protections included in the forest plan amendments, Kenworthy stressed that it is unlikely that federal agencies will propose large, habitat-destroying projects while the bears are listed. And even if such projects were proposed, they would be subject to National Environmental Policy Act reviews.



Fish and Wildlife Service officials say the relisting of grizzly bears as a threatened species has created some new management challenges and resulted in the loss of some protections for the bears. Photo courtesy of the National Park Service.

Additionally, Kenworthy said, Molloy's decision will force FWS to come up with a better conservation strategy for the bears.

"This is a species that has come back from the brink of extinction. But in order to make sure that the recovery is a true success, we need to make sure that we have an enforceable plan for the long run," Kenworthy said.

Strained resources

But not all environmental groups are happy with Molloy's decision.

Tom France, head of the National Wildlife Federation's Northern Rockies office in Missoula, Mont., noted that restoring ESA protections for grizzlies takes resources away from other species that have greater recovery needs.

"This will dilute the resources the Fish and Wildlife Service has and force it to continue protections for a population of grizzlies that doesn't really need it," France said.

Steve Schmidt, regional supervisor for Idaho Fish and Game and chairman of the Yellowstone Grizzly Bear Coordinating Committee, said members were disappointed by the relisting decision. "We're working through Judge Molloy's concerns, trying to figure out where we go from here," he said.

Schmidt noted that the bear's improved status was the result of a joint effort among local, state, tribal and federal agencies. But that cooperative effort has been diminished now that the bear is back under the sole management of the Fish and Wildlife Service.

Despite the ongoing controversy over the bear's ESA status, France said it is important to remember that recovery efforts to date have been highly effective. "There is a great success story there, as bear populations have grown and grown again and the bears are now occupying habitat they haven't been in in over a century," France said.

"The most important message is that Yellowstone grizzlies are doing very well," Schmidt added.

Increase in killings

Yet new concerns have emerged, including evidence that more bears are falling prey to humans.

According to the latest figures from the U.S. Geological Survey's Northern Rocky Mountain Science Center, 28 grizzlies have died in the Greater Yellowstone Ecosystem so far this year, including 24 deaths that are known or believed to have been caused by humans.

In 2008, 48 bears died, and 19 of those deaths were caused by hunters who shot the bears in self-defense or after confusing the bear with a different animal.

Servheen, however, said the increase in killings is unrelated to the bears' ESA status, noting that most of the mortalities resulted from people trying to defend themselves from bears. Self-defense killings are allowed regardless of the bear's status under the Endangered Species Act.

"The bottom line is the increase in mortalities has nothing whatsoever to do with the changing status of grizzly bears," Servheen said.

In fact, some experts have noted that the increase in killings may be a result of how well grizzly bears are doing in the Yellowstone ecosystem. As the number of bears in the area increases, they will expand into habitat where conflict with humans is more likely, which in turn increases the likelihood of bear deaths.

Nevertheless, concern over bear killings led state and wildlife managers to release 33 recommendations for reducing human-bear conflicts. They include more education about the effectiveness of bear spray as a deterrent, developing a database of all encounters and deaths, requiring hunters to pack their meat out first, and improving subdivision regulations in bear habitat.

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