

March 22, 2023

The Honorable Bruce Westerman
Chairman
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

The Honorable Raul Grijalva
Ranking Member
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

Re: Opposition to Legislation Removing Endangered Species Act Protections for the Gray Wolf and Grizzly Bear

Dear Chairman Westerman, Ranking Member Grijalva,

On behalf of over 85 organizations and our millions of members and supporters, we write to express our strong opposition to H.R. 764, H.R. 1245, and H.R. 1419, which undermine the Endangered Species Act and legislatively strip protections for the gray wolf and grizzly bear, two of our nation's most iconic keystone species. If passed, these bills will cause irreparable harm by undoing decades of progress to stabilize and recover these apex carnivores.

A decade ago, Congress took the unprecedented action of removing federal protections for wolves in Idaho and Montana. Since then, wolves have been subject to non-scientific and ever-crueler persecution in those states. Idaho hires private contractors to kill wolves, lets hunters and trappers kill an unlimited number of wolves, permits year-round trapping on private land, and allows wolves to be chased down with all-terrain vehicles. In Montana, hunters can now use night-vision scopes and spotlights on private land, strangulation snares on public and private land, and bait to lure wolves across the state. It has also extended the wolf-trapping season by four weeks.

H.R. 764, the so-called "Trust the Science Act" introduced by Representative Boebert (R-Colo.), would legislatively delist gray wolves in the lower-48 states, except for a small population of Mexican gray wolves in Arizona and New Mexico. This misguided legislation would reinstate an October 2020 decision by the U.S. Fish and Wildlife Service to delist the wolf, despite a federal court invalidating the decision and the concerns of independent scientists that wolves remain functionally extinct in the vast majority of their former range across the United States.

In 2020, Colorado voters approved a ballot initiative directing the state to reintroduce wolves. Unfortunately, the lack of federal protections in Wyoming resulted in the death of three members of Colorado's North Park pack, which was the very first wolf pack in the state in over 100 years. It is beyond ironic that Rep. Boebert is working to undermine the will of Colorado voters to bring back wolves to the state, a process that is more likely to succeed if wolves retain federal protections under the Endangered Species Act.

Similarly, H.R. 1245 and H.R. 1419 would remove Endangered Species Act protections for grizzly bears in the Greater Yellowstone Ecosystem population and Northern Continental Divide Ecosystem, respectively. Removing federal protections for these grizzly populations will pave the way for trophy hunting and subject bears to ever-increasing levels of persecution by extreme state legislatures that have shown no restraint with respect to wolves. For example, after federal protections were briefly removed in 2017, Wyoming and Idaho immediately announced grizzly hunts that would have allowed for up to 23 bears to be killed outside of Yellowstone National Park.

In 2018, a Montana federal court blocked those proposed hunts and ruled that the Trump administration had prematurely and illegally stripped protections for Yellowstone grizzlies. As the court explained:

By delisting the Greater Yellowstone grizzly without analyzing how delisting would affect the remaining members of the lower-48 grizzly designation, the Service failed to consider how reduced protections in the Greater Yellowstone Ecosystem would impact the other grizzly populations.¹

By failing to address how removing protections for grizzlies in Yellowstone would affect the recovery of grizzly bears in neighboring ecosystems, such as in northern Idaho where just a few dozen grizzlies struggle to survive and in the Selway-Bitterroot area of central Idaho where just a few grizzly bears might live, the Service had violated the Endangered Species Act's mandate to recover endangered species. Despite having recovery plans to recover grizzly bears in these regions, the Service has not acted on them, and if the grizzly bears in Yellowstone lose protections it will decrease the likelihood of bears recovering elsewhere in violation of the law.

The 2018 ruling, later affirmed by the 9th Circuit Court of Appeals and reinforced by a separate decision on wolves in the D.C. Circuit,² confirmed the fragmented, piecemeal approach to recovery fails to meet the goal of the Endangered Species Act to recover species across significant portions of their range. The court aptly explained:

When a species is already listed, the Service cannot review a single segment with blinders on, ignoring the continuing status of the species' remnant. The statute requires a comprehensive review of the entire listed species and its continuing status. Having started the process, the Service cannot call it quits upon finding a single distinct population segment.³

If Congress prematurely removes protections for grizzly bears and wolves and prohibits any type of judicial review of these delistings, it will severely undermine the recovery of wolves in places like Colorado and the West coast, and grizzly bears in the North Cascades, Idaho and elsewhere. And as we have seen with wolves, once federal protections are irrevocably removed, state governments that are hostile to these iconic species will ratchet up their persecution with no regard for science or functioning, healthy ecosystems.

For these reasons, we urge you to oppose H.R. 764, H.R. 1245, and H.R. 1419.

Sincerely,

Center for Biological Diversity
Alliance for the Wild Rockies
Animal Welfare Institute

¹ *Crow Indian Tribe v. United States*, 343 F. Supp. 3d 999 (D. Montana 2018).

² *Crow Indian Tribe v. United States*, No. 18-36030 at 41 (9th Cir. 2020) (requiring the Service to “determine... whether there is a sufficiently distinct and protectable remnant population, so that the delisting of the [distinct population segment] will not further threaten the existence of the remnant,” and that the lack of “concrete, enforceable mechanisms” to “ensure long-term genetic health of the Yellowstone grizzly,” and that a “commitment to increase population size” is “required to ensure long-term viability.”

³ *Id.* (quoting *Humane Soc’y of the U.S. v. Zinke*, 865 F.3d 585, 601 (D.C. Cir. 2017)).

Animal Wellness Action
Animal Wellness Foundation
Apex Protection Project
Attorneys for Animals, Inc.
Born Free USA
Buffalo Field Campaign
Center for a Humane Economy
Christian Council of Delmarva
Coastal Plains Institute
ColoradoWild
Confident Puppy
Conservation Congress
Conservation Law Foundation
Eco-Integrity Alliance
Endangered Habitats League
Endangered Species Coalition
Environmental Center of San Diego
EPIC- Environmental Protection Information Center
Flathead-Lolo-Bitterroot Citizen Task Force
Flying Popcorn Ranch
FOUR PAWS USA
Friends of Merrymeeting Bay
Friends of the Bitterroot
Friends of the Clearwater
Friends of the Earth
Friends of the Wild Swan
Gallatin Wildlife Association
Glacier-Two Medicine Alliance
Great Old Broads for Wilderness
GREAT Old Broads for Wilderness, Tucson Broadband
Great Old Broads for Wilderness, Bozeman Broadband
Heartwood
Howling For Wolves
Humane Action Pittsburgh
Humane Society Legislative Fund
Inland Empire Lands Council
International Fund for Animal Welfare (IFAW)
International Marine Mammal Project of Earth Island Institute
John Muir Project
League of Conservation Voters
Living With Wildlife Foundation
Montana Wilderness Education School
Montanans for Gallatin Wilderness
National Wolfwatcher Coalition
NH Animal Rights League
North Central Washington Audubon Society
NY4WHALES
Oceanic Preservation Society
Oregon Wild

Panthera
Piping Plover Project
Predator Defense
Project Coyote
PROTECT OUR WOODS
Protect Our Woods
Public Interest Coalition
Resource Renewal Institute
Rocky Mountain Wild
Save Animals Facing Extinction
Save Our Sky Blue Waters
Sequoia ForestKeeper®
Shagbark
Sierra Club
Speak for Wolves
Swan View Coalition, Inc.
The 06 Legacy
The Cougar Fund
The Humane Society of the United States
The Rewilding Institute
The Urban Wildlands Group
Trap Free Montana
Trap Free Montana Public Lands
Trevor Zoo
Voice for Animals
Voices of Wildlife in NH
Washington Wildlife First
WaterWatch of Oregon
Western Watersheds Project
Western Wildlife Outreach
Wild in the Swan
WildEarth Guardians
Wilderness Watch
Wolf Conservation Center
Wolf Hollow
Wyoming Wildlife Advocates
Yaak Valley Forest Council