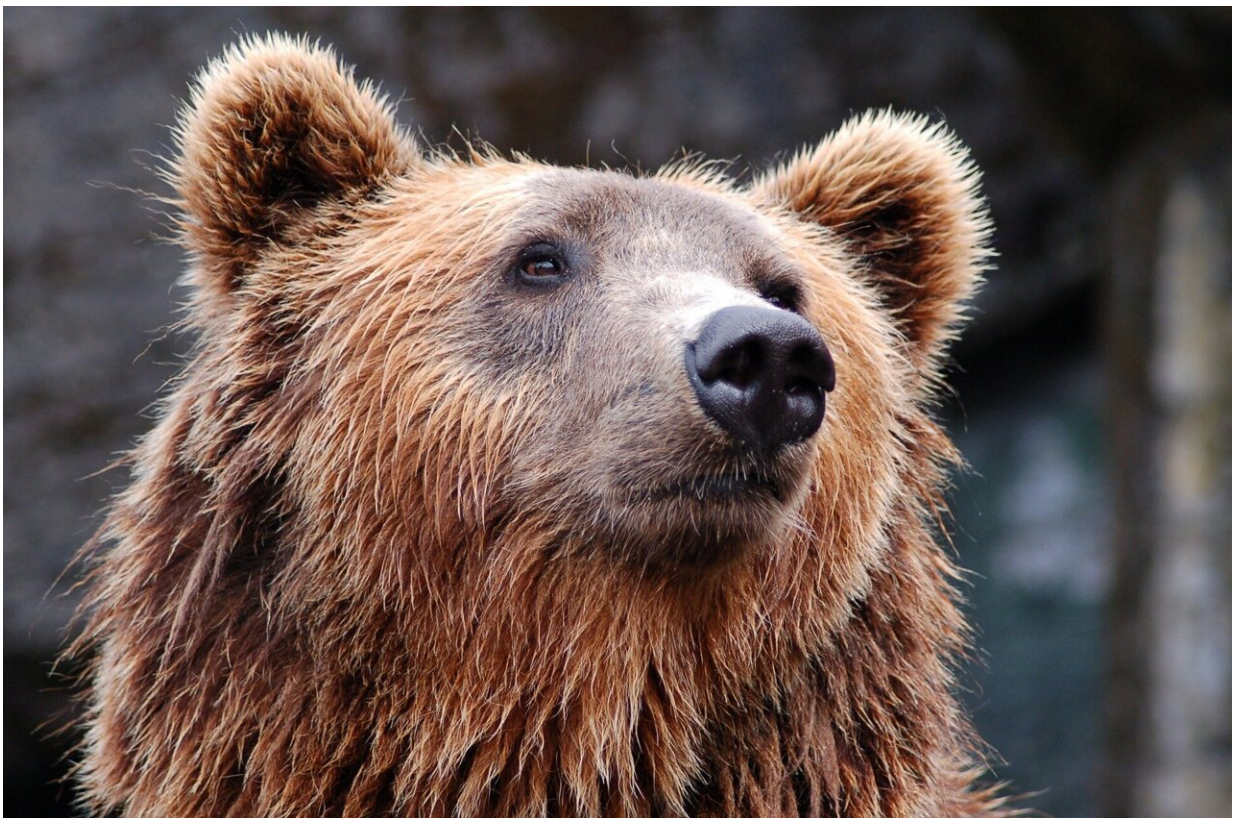


# Idaho threatens lawsuit if US doesn't delist grizzly bears from the Endangered Species Act

May 11 2023, by Nicole Blanchard

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Idaho leaders intend to sue federal officials if the Department of Interior does not remove grizzly bears in the Lower 48 states from the

Endangered Species Act list, according to a notice of intent filed Wednesday.

The document, signed by Idaho Gov. Brad Little and Attorney General Raúl Labrador, explains that Idaho will file a lawsuit against Secretary of Interior Deb Haaland and U.S. Fish and Wildlife Service Director Martha Williams in 60 days if no changes are made.

"Idaho has continually demonstrated leadership in species management, and we have never hesitated to push back on the [federal government's](#) overreaching actions that greatly impact a variety of activities on the ground in our state," Little said in a news release.

The notice comes after more than a year of petitions and threats of legal action from Idaho over the protected bears. While grizzly bears in Alaska are not considered endangered, bears in the contiguous United States have been considered "threatened" since the 1970s, with brief removals from protections in 2007 and 2017.

The listing applied to bears in a swath from the Idaho-Montana border with Canada down through Idaho's border with Wyoming. Officials identified six recovery zones for the species, including the Greater Yellowstone Ecosystem in Idaho, Montana and Wyoming; the Selkirks in North Idaho and northeast Washington; the Bitterroots in Central Idaho and the Cabinet-Yaak area of North Idaho and northwest Montana. At the time, officials estimated there were between 150 and 300 bears in the region.

Little submitted a petition to Fish and Wildlife in April 2022 arguing that the protected bears in Idaho, Montana and Wyoming do not constitute a "distinct population segment" and therefore don't qualify for Endangered Species Act protections. His petition came shortly after Montana Gov. Greg Gianforte and Wyoming Gov. Mark Gordon

submitted their own petitions to the federal agency, though the other governors' petitions called on Fish and Wildlife to reevaluate individual recovery zones: the Continental Divide in Montana and the Greater Yellowstone.

In February, Fish and Wildlife said it would move ahead with Gianforte and Gordon's petitions. But officials rejected Little's petition and said Idaho's claims weren't substantial enough to warrant further investigation.

Little and Labrador slammed that reasoning in the notice of intent Wednesday. They said the argument that the Lower 48 grizzlies don't constitute a distinct population came directly from Fish and Wildlife's own findings.

"It is unfathomable how (Fish and Wildlife) could determine its prior documents do not constitute 'substantial information' that would lead a reasonable person to conclude that the delisting sought by Idaho's [petition](#) may be warranted," the notice said.

The notice doubled down on the initial argument that protected grizzlies are not a distinct population.

Idaho officials said the continued Endangered Species Act protections "injure Idaho's sovereign interests in management of our resident [wildlife](#)." They cited increasing human-bear conflicts with grizzlies and said [rural areas](#) are dealing with "increasing public safety risks and property damage."

In 2022, the Idaho Department of Fish and Game killed six [grizzly bears](#) that it said had preyed on livestock or become a risk to humans—one male bear in Boundary County, a female and a yearling in Fremont County, and a female and her two cubs in Teton County.

U.S. Fish and Wildlife Service is still weighing the petitions to delist bears in the Continental Divide and Greater Yellowstone Ecosystem recovery zones. If the Greater Yellowstone bears are removed from Endangered Species Act protections, it would include grizzlies in eastern Idaho.

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