



Wildlife Advocates Send Notice of Intent to Sue Over Unpermitted Taking of Grizzly Bears

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MISSOULA— The Flathead-Lolo-Bitterroot Citizen Task Force of Missoula has sent a 60-day Notice of Intent (NOI, attached) to sue the U.S. Fish & Wildlife Service and the State of Montana for violations of the federal Endangered Species Act (ESA). The NOI is required by the ESA and allows parties to attempt to settle differences prior to litigation.

The NOI claims illegal unregulated taking of grizzly bears is occurring as a consequence of Montana’s Wolf and Furbearer Trapping regulations and that this taking may threaten population connectivity and grizzly bear recovery. The Task Force is dedicated to national forest plan revisions and grizzly bear recovery through habitat and population connectivity.

“There is no Incidental Take Statement, no approved Conservation Plan and no Incidental Take Permit been issued by the U.S. Fish & Wildlife Service. This inadequate regulatory mechanism must be fixed,” said Patty Ames, President of the Flathead-Lolo-Bitterroot Citizen Task Force. “Our action would not prohibit trapping, it would require it to be done in a manner that does not result in the trapping, maiming and killing of grizzly bears who are trying to connect with other grizzly populations.”

The ESA definition of “take” is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Incidental take is an unintentional, but not unexpected taking which is also illegal.

Montana has a central role in the recovery of grizzly bears. All or part of four Grizzly Bear Recovery Zones are located within Montana, as are all of both Demographic Connectivity Areas established in the Grizzly Bear Conservation Strategy. Most of the other potential connectivity areas identified by scientists in peer-reviewed publications are located within Montana. Almost all of the western half of Montana is within the known distribution and may be present areas for grizzly bear.

The federal courts ruled in *Crow Tribe et al. vs. U.S.* that a plan to connect the isolated grizzly bear populations is required. The White House Council on Environmental Quality issued a policy on habitat connectivity on March 21, 2023. This policy directs federal agencies to work with the States to reduce adverse impacts on connectivity.

FWS will also prepare a new EIS on Bitterroot Recovery as per the ruling in *Alliance for the Wild Rockies v. Cooley* and estimates it will be completed over the next four years. At this time the strategy for this Recovery Zone is natural immigration through historically occupied connectivity habitats.

Overall, grizzly bears within Montana occupy and are present outside of Recovery Zones in a geographic area that is larger than the Recovery Zones.

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