
Group threatens to sue state, feds over grizzlies

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A Missoula-based environmental advocacy group has threatened to sue the state of Montana and the U.S. Fish and Wildlife Service over grizzly bears that get caught in traps set for other animals across the state.

The Flathead-Lolo-Bitterroot Citizen Task Force on Tuesday announced that it sent the agencies

a 60-day notice of intent to sue. The notice charges that the Fish and Wildlife Service and Montana, by way of its Department of Fish, Wildlife & Parks, have failed to study and oversee the degree to which grizzly bears are injured or killed by traps set for other animals. By failing to do so, the task force argued, the agencies are violating the Endangered Species Act and have run afoul of established

court rulings.

The Fish and Wildlife Service oversees species listed under the Endangered Species Act. Grizzlies have been listed as a threatened species under the act since 1975. Montana FWP regulates and manages trapping in the state. The task force often examines how land management planning — particularly that of the U.S. Forest Service — affects conservation in western

Montana. Missoula attorney Timothy M. Bechtold sent the notice on behalf of the task force.

Actions such as harassing, pursuing, shooting, injuring, capturing or killing an endangered species are considered “taking,” in wildlife management parlance. It is illegal to take an endangered species without permission from the Fish and Wildlife Service. Intentional taking is generally

allowed only for wildlife management purposes, such as euthanizing sick bears or habitual conflict bears. Unintentional but predictable taking of an animal — such as a bear that gets its paw stuck in a baited trap — is illegal.

The Fish and Wildlife Service, according to the task force, is required by the Endangered Species

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Act to study the degree to which traps and snares set by trappers, and intended for furbearing animals like wolves or marten, unintentionally take grizzlies by injuring or killing them. Such analysis would take the form of an incidental take statement. FWP, in turn, should be required to seek an incidental take permit from the Fish and Wildlife Service for the taking of grizzlies in Montana that occurs under trapping FWP oversees.

Announcing the notice of intent to sue, Flathead-Lo-lo-Bitterroot Citizen Task

Forces President Patty Ames wrote, "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. 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."

A spokesperson for FWP had not returned a request for comment by press time Wednesday. A phone number for the Fish and Wildlife Service's senior public

affairs specialist was not working Wednesday.

The task force's notice stated that, according to FWP records, six grizzly bears were unintentionally captured by traps in the state from 2012 through 2022. But more takings occurred than those reflected in FWP records, the group argued.

"In a case dealing with illegal taking of lynx in Idaho, FWS biologists estimated that 'for every reported incidental take of lynx, one incidental take remains unreported due to the fact that many trappers will not report bycatch of threatened and endangered species,'" the notice stated,

citing previous court cases and peer-reviewed studies. "In fact, most trap-related injuries remain undetected unless the bear is subsequently trapped for research or management. There are reasons to believe it may be even higher for grizzly bears, which have far higher numbers and in a far larger geographic area of Montana than lynx."

One such example in Montana was when coyote traps baited with dead foxes on Rogers Pass instead caught two grizzly

bears, according to the notice. One bear, a cub, was released. The other ran off with the trap on its paw. And wildlife managers and researchers regularly encounter bears with injuries, or entirely missing paws and legs, indicative of having been caught in a trap.

"An Incidental Take Statement is required that calculates both the known and likely level of grizzly bear take from Montana's trapping program but also considers the effects of taking from trapping bycatch

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