

Grizzly advocates challenge wolf trapping season

ROB CHANEY

rob.chaney@missoulian.com

Too many grizzly bears are still on their pre-hibernation food prowls for Montana's wolf trapping season to begin as scheduled next Monday.

And if a group of grizzly advocates have their way, the state's four-month wolf-trapping season would get reduced to six weeks, or possibly eliminated. On Monday, the advocates' attorney argued Montana's new wolf regulations violate the Endangered Species Act because the federally protected bears have too high a chance of getting hurt or killed in a wolf trap.

The attorney for Montana Fish, Wildlife & Parks countered that the new wolf trapping rules were modified directly from federal concerns about grizzly risks, and the latest scientific evidence showed the trapping zones and schedules would be well outside likely grizzly winter activity.

"The plaintiffs are dealing with possibilities and speculation," state attorney Sarah Clerget told U.S. District Judge Donald Molloy. "The state is dealing with reasonable certainty."

Tim Bechtold, representing WildEarth Guardians and the Flathead-Lolo-Bitterroot Citizen Task Force, mirrored that claim in reverse. Because grizzlies have recently been confirmed in many places far beyond their historical recovery zones, Bechtold said they face a "reasonably certain threat" of getting caught in a wolf trap in the new wolf trapping zones surrounding those bear territories.

"Grizzlies don't read maps — they go where they go," Bechtold told Molloy.

"Montana must treat all grizzly bears equally, no matter where they live."

And a recent study by British Columbia grizzly researchers found both that the bears are likely to get caught in wolf traps and the trappers are highly unlikely to report the incidents. Bechtold cited that study as the source of his clients' concern, given the state's recent expansion of wolf-hunting and trapping opportunities in the 2023 Legislature.

"The state is not entitled to deference here," Bechtold said. "If the state managed grizzly bears, they'd be shooting them."

Clerget claimed Montana trappers have a 73% reporting rate of incidental take (capturing a protected species in a trap), and that FWP's records show no grizzly bear trapping deaths or injuries since 2013.

"The only place with a reasonable certainty to find a bear is inside that estimated occupancy area," Clerget said. "They are ranging outside that, but the case has to be based on reasonable certainty."

While Montana's biggest concentrations of grizzly bears are in the Northern Continental Divide and Greater Yellowstone ecosystems, recent reports have confirmed grizzlies in the Sapphire and Bitterroot mountain ranges around the Bitterroot Valley, in the Tobacco Root and Gravelly mountains northwest of Yellowstone Park, and in the Judith River area north of Lewistown. Some grizzlies have also been observed staying active all winter without hibernating, by feeding on wolf kills or hunter gut-piles.

Grizzlies have had Endangered Species Act pro-

tection since 1975, when fewer than 600 were estimated to survive in the Lower 48 states. Since then, grizzly numbers have grown to more than 2,000, with nearly all split between the NCDE and GYE regions. The federal law prohibits not only killing, but injuring or harassing protected species without authorization.

Molloy noted that the U.S. Fish and Wildlife Service informed FWP by letter that its proposed wolf regulations could make it impossible for the federal government to delist grizzlies, because of the potential of killing or harming bears through wolf hunting. Clerget responded that the state agency had used that letter to reshape its wolf rules, adding, "I think that letter is old news."

"I don't," Molloy replied. He added that while the Montana Legislature may claim it is speaking for the state's public in approving the expanded wolf-trapping rules, "doesn't Congress speak for everyone in the country?"

The Montana 2023 wolf laws require FWP to delay the start of trapping until it's certain most grizzlies have gone to their dens — which this year is anticipated to be around mid-to late December. Molloy promised to have a decision whether to block the season before then.

Reporter Rob Chaney can be reached at 523-5382 or at rchaney@missoulian.com.



WATCH: To see a bear scratching an itch on camera, scan the QR code and click the link.

[NEWSVU](#)