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COMMITTEE ON NATURAL RESOURCES

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SELECT SUBCOMMITTEE ON THE WEAPONIZATION  
OF THE FEDERAL GOVERNMENT



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

May 28, 2024

The Honorable Martha Williams  
Director  
U.S. Fish and Wildlife Service  
1849 C St. NW  
Washington DC, 20240

Director Williams,

We write regarding the U.S. Fish and Wildlife Service's (Service) continued failure to delist the Greater Yellowstone Ecosystem (GYE) grizzly bear population. As you are fully aware, the State of Wyoming filed a petition for judicial review in the Wyoming Federal District Court, alleging that the Department of Interior (DOI) and Fish and Wildlife Service (USFWS or Service) "failed to meet the 12-month deadline for determining Wyoming's petition to delist the grizzly bear population in the Greater Yellowstone Ecosystem."<sup>1</sup> We request that you release such review no later than June 15<sup>th</sup>, 2024, as you have already greatly exceeded the 12-month time-frame as provided for in the Endangered Species Act (ESA). We also request that you respond to this letter with an explanation as to why the Service was unable to timely complete the review as required by law.

In 2005, the USFWS proposed to delist the GYE Grizzly population. Shortly thereafter, in 2006, the USFWS changed the Grizzly Bear Recovery Plan to require new methods of estimating population size and "sustainable mortality." In 2007, the USFWS removed the GYE grizzly population from the threatened species list. Several environmental groups filed a lawsuit against the Service, despite the fact the GYE population far exceeded the number of bears established in the recovery plan. Unfortunately, in 2009, a district judge wrongly overturned the delisting rule, claiming that the Conservation Strategy could not be enforced, and that certain environmental impacts, such as the loss of whitebark pine nuts, were not taken into account. The Service appealed this decision, which was then upheld by the appeals court on the grounds that the loss of whitebark pine nuts were apparently not considered. The Service unsuccessfully appealed that decision thereafter.<sup>2</sup> The Service once again attempted to remove the GYE grizzly from the ESA list in 2017,<sup>3</sup> but re-instated the listing after a District Judge issued a decision in 2019.<sup>4</sup>

<sup>1</sup> [News Release: 05-30-2023 | Governor Mark Gordon \(wyo.gov\)](#)

<sup>2</sup> [Timeline: A History Of Grizzly Bear Recovery In The Lower 48 States | Montana Public Radio \(mtrp.org\)](#)

<sup>3</sup> [Delisting of Yellowstone Grizzly Bear | U.S. Fish & Wildlife Service \(fws.gov\)](#)

<sup>4</sup> [Federal Court Overturns Delisting of Yellowstone Grizzly Bears – The Coalition To Protect America's National Parks \(protectnps.org\)](#)

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Now, in 2024, there are at least twice as many grizzlies in the GYE as compared to the USFWS's initial recovery goals. Recent estimates confirm that the Grizzly population in the GYE is about 1,100 strong.<sup>5</sup> Not only has the species more than fully recovered, but bears continue to expand in geographic range,<sup>6</sup> presenting greater threats to humans, livestock and wildlife than ever before.<sup>7</sup>

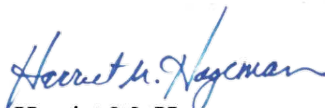
In a Congressional Hearing last year entitled *Examining the President's FY 2024 Budget Proposal for the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and the Power Marketing Administrations*, you testified that the Service needed to complete its scientific review before action could be taken to delist the GYE Grizzly.<sup>8</sup> As you already know, the ESA requires the Service to issue its findings "within 12 months after receiving a petition."<sup>9</sup> The Service has now exceeded that deadline by more than 18 months, and is therefore in direct violation of the ESA.

To review, we request the following from the Department:

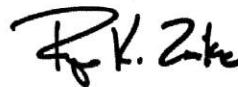
1. That the USFWS finish the review by June 15<sup>th</sup>, 2024.
2. An explanation as to why the USFWS is so far behind in the process.

The GYE grizzly must be delisted before we can officially call this an ESA success story. We need to act now so that we can appropriately manage this species more effectively and keep our communities safe.

Sincerely,



Harriet M. Hageman  
Member of Congress



Ryan K. Zinke  
Member of Congress

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<sup>5</sup> [testimony\\_nesvik.pdf \(house.gov\)](#)

<sup>6</sup> [For the First Time Since 1800s, Grizzly Spotted In Montana Pryor Mountains Near Wyoming | Your Wyoming News Source \(cowboystatedaily.com\)](#)

<sup>7</sup> [Cody Residents Urged To Carry Bear Spray After Grizzly Chased From Public Trail | Your Wyoming News Source \(cowboystatedaily.com\)](#), <https://www.wyodaily.com/story/2024/04/18/news/grizzly-bear-euthanized-south-of-ten-sleep/15416.html>

<sup>8</sup> [Legislative Hearing on H.R. 746, H.R. 886, H.R. 1245 and H.R. 1419 | Water, Wildlife and Fisheries Subcommittee | House Committee on Natural Resources](#)

<sup>9</sup> [16 USC Ch. 35: ENDANGERED SPECIES \(house.gov\)](#)