

Lawsuit seeks to reverse grizzly delisting

By SCOTT McMILLION
Bozeman Daily Chronicle Staff Writer

The grizzly bears in and near Yellowstone National Park face food shortages caused by global warming, a dearth of protected habitat and a shallow gene pool. Plus, there aren't enough of them to ensure their own survival.

And the government is ignoring this information because of political pressures.

That, in a nutshell, is the legal case presented by seven environmental groups in a lawsuit filed in United States District Court in Idaho Monday that seeks to halt the government's effort to remove federal protections for the bear.

On April 30, the U.S. Fish and Wildlife Service removed the grizzly from the U.S. Endangered Species Act, where it had been since 1975.

Chris Servheen, the man who runs grizzly recovery efforts for FWS, said he wasn't surprised at the suit or its allegations.

"It's called the 'throw-it-on-the-wall-and-see-what-sticks' approach," Servheen said Monday. "Nothing we could have ever done would prevent them from suing us. That's what they do. Whatever we achieve, they always want more than that."

He also strongly defended the integrity of the government's delisting plans.

"The bottom line is we are committed to the future of the Yellowstone bears," Servheen said. "We'll continue to be committed to them and we'll make sure the future of the bears is a good one."

The bears are recovered, he said, and delisting acknowledges that.

The suit was filed by lawyers for EarthJustice, an environmental law firm. The plaintiffs are the Sierra Club, Natural Resources Defense Council, Alliance for the Wild Rockies, Center for Biological Diversity, Western Watersheds Project, Great Bear Foundation and Jackson Hole Conservation Alliance.

Grizzly bear delisting has caused disagreements among some environmental groups. Other national groups, like the National Wildlife Federation and the Defenders of Wildlife, endorse delisting, Servheen noted. A number of Montana groups have stayed out of the fight.

The suit points to global warming and the "inevitable" loss of whitebark pine nuts, a critical food for grizzlies. Insects and plants the bears need could also suffer from global warming, the suit says, while brucellosis control and possibly

chronic wasting disease could harm bison and elk numbers, another important food source.

The suit maintains that Yellowstone bears lack the genetic diversity they need for long-term survival and that there is "fierce political pressure" to limit the acres protected for grizzly survival.

"There's no political pressure whatsoever," Servheen countered. "Politicians comment on things, but nobody has directed me to do anything I wouldn't do as a biologist."

He said that for 26 years his agency has been moving toward delisting under several political administrations and the goal has always been delisting of a recovered grizzly population.

The Yellowstone grizzly population now numbers about 600 animals and is increasing 4 percent to 7 percent annually, Servheen said.

He agreed the globe is warming and habitats will change. But the key is in seeing how grizzlies adapt to those changes, he said. A \$3.7 million annual program has been set up to monitor food supplies, distribution of bears, mortality and reproduction.

The suit points out there is no guarantee that money will be available for long.

Servheen said there's never a guarantee for federal money.

"The Defense Department doesn't have guaranteed funding," he said. "Why should the grizzly bear?"

The suit also maintains the federal government created a "distinct population segment" when it protected all grizzlies in the lower 48 states but did not include abundant Alaskan grizzlies.

The Yellowstone population is the biggest in the lower 48 states, but because of the "distinct population" status, the suit alleges, it should not be delisted until all the bears are recovered, and some populations along the Canadian border contain only a few dozen animals.

Those bear populations -- from Montana's Yaak Valley to Washington's North Cascades -- need help, Servheen agreed.

"This lawsuit takes away from the work we need to do on the populations that are in serious trouble," he said.