

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

February 5, 2025

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

The Honorable Doug Burgum
Secretary
U.S. Department of the Interior
1849 18th Street N.W.
Washington, D.C. 20240

Dear President Trump and Secretary Burgum,

We write to express our deep frustration and opposition to an eleventh-hour proposed rule from the Biden administration, “Endangered and Threatened Wildlife and Plants; Grizzly Bear Listing on the List of Endangered and Threatened Wildlife with a Revised Section 4(d) Rule.”¹ The proposed rule would put the delisting of recovered grizzly bear populations on hold for generations, which is wholly unjustified by any definition of best available science and detrimental to future recovery efforts for other species. We call upon you to scrap this flawed proposed rule and take the only appropriate action: remove recovered grizzly bear populations from the endangered species list and restore them to state management.

On January 8, 2025, the U.S. Fish and Wildlife Service (Service) announced three separate, but related actions on the listing status of grizzly bears. First, the Service denied petitions from the states of Wyoming and Montana, which called for the establishment and delisting of grizzly bears in Greater Yellowstone Ecosystem (GYE) and Northern Continental Divide Ecosystem (NCDE) in what are known as Distinct Population Segments (DPS).² Second, as a part of the proposed rule, the Service proposed creating one DPS, where grizzlies would keep their threatened status, encompassing all six current grizzly bear recovery zones and the areas around them.³ Third, as a part of the proposed rule, the Service proposed revising the 4(d) rule for grizzlies to grant limited management flexibility to states and private landowners.⁴

The states of Montana, Wyoming, and Idaho have dedicated millions of dollars and have been highly successful in recovering grizzly bears, especially in the GYE and NCDE. According to the most recent population assessments, grizzly populations in the GYE and NCDE are approximately double their recovery goals and meeting other federal recovery metrics.⁵ During a committee hearing last year, the Service’s Deputy Director for Policy, Stephen Guertin acknowledged these facts. When asked if grizzly bears in the GYE met the five factors for listing under the ESA, Mr. Guertin stated, “Probably not.”⁶

¹ [90 FR 4234](#)

² [90 FR 3763](#) and [90 FR 3783](#)

³ [90 FR 4234](#)

⁴ *Id.*

⁵ “2023 Annual Report.” Grizzly Bear Recovery Program. U.S. Fish and Wildlife Service. December 11, 2024. [Grizzly Bear Recovery Program 2023 Annual Report](#)

⁶ Questioning by Rep. Harriet Hageman to USFWS Deputy Director Stephen Guertin. House Committee on Natural Resources. July 9, 2024. [Legislative Hearing on H.R. 7544, H.R. 8308 & H.R. 8811 | Water, Wildlife and Fisheries Subcommittee | House Committee on Natural Resources](#)

However, in justifying their decision not to delist, the Service hid behind regulatory red tape. According to the Service, the basis for not delisting is that the DPSs proposed by the states would not be considered “discrete” because bears have expanded outside their proposed boundaries.⁷ This justification is unconscionable, as it signals to the states that their conservation efforts have been *too successful*. In other words, bears in GYE and NCDE are expanding into other ecosystems, therefore they cannot be delisted on their own. If this decision is allowed to stand, it will further disincentivize states from working with the federal government to recover other listed species.

The Service’s proposal to create one DPS that covers all six grizzly bear recovery areas and their surrounding land would set back grizzly bear recovery for generations. The proposed DPS would encompass almost the entire land mass of the states of Washington, Idaho, Montana, and Wyoming, even while a single grizzly bear does not populate large swaths of these areas.⁸ By grouping thriving populations such as the GYE and NCDE with other regions that currently have no grizzly bears and may never be populated by them, the Service is putting humans affected by recovered grizzly populations in ESA purgatory.

The Service’s decision to propose a revised 4(d) rule that includes limited exemptions from ESA prohibitions on take would in other circumstances be a welcomed action. Yet, as it relates to grizzly bears, these actions are too little and too late. The proposed revision falls short, as it only grants private landowners and states management autonomy in areas where grizzly encounters are less likely and when bears are connected with attacks on livestock and humans. These management tools should have been allowed more than a decade ago when it was apparent these populations were biologically recovered. Framing this proposed revised 4(d) rule as a mechanism of lessening the blow of not delisting the GYE and NCDE is an insincere description of the reality on the ground.

Unfortunately, our deep frustration is nothing new regarding ESA-related decisions made by your predecessors. However, this decision hits close to home, as each of us has constituents who are harmed by the growing and unchecked grizzly bear population. We call upon you to follow the science and return grizzly bears in the GYE and NCDE to state management by removing ESA protections from these populations.

Sincerely,



Harriet M. Hageman
Chair

Subcommittee on Water, Wildlife and Fisheries



Russ Fulcher
Member of Congress



Ryan Zinke
Member of Congress



Troy Downing
Member of Congress

⁷ 90 FR 3763 and 90 FR 3783

⁸ 90 FR 4234