

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 4

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

1  
2 TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND THE HOUSE OF REP-  
3 RESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, THE UNITED  
4 STATES DEPARTMENT OF THE INTERIOR, THE UNITED STATES DEPARTMENT OF  
5 AGRICULTURE, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND THE CON-  
6 GRESSIONAL DELEGATIONS REPRESENTING THE STATES OF IDAHO, MONTANA,  
7 WASHINGTON, AND WYOMING IN THE CONGRESS OF THE UNITED STATES.

8 We, your Memorialists, the House of Representatives and the Senate of  
9 the State of Idaho assembled in the First Regular Session of the Sixty-eighth  
10 Idaho Legislature, do hereby respectfully represent that:

11 WHEREAS, under the Biden Administration, the U.S. Fish and Wildlife  
12 Service (USFWS) rejected petitions for delisting grizzly bears from Idaho,  
13 Montana, and Wyoming, improperly reaffirming protected status for grizzly  
14 bears under the Endangered Species Act (ESA), despite robust grizzly bear  
15 populations and in disregard of the ESA's stated purpose, statutory author-  
16 ity, and congressional intent; and

17 WHEREAS, grizzly bears were listed under the ESA in 1975 only in the  
18 lower 48 states, a listing that does not now qualify as a threatened species  
19 subject to the ESA's protections; and

20 WHEREAS, grizzly bear populations have significantly expanded in num-  
21 ber and range since the 1975 listing, with estimated numbers now surpassing  
22 60,000 and occupying 60% of the grizzly's historical range in North America,  
23 with approximately 2,000 ESA-listed grizzly bears in Idaho, Montana, Wash-  
24 ington, and Wyoming; and

25 WHEREAS, instead of proceeding with delisting in compliance with the  
26 ESA, on January 15, 2025, five days before the change in administration, US-  
27 FWS instead proposed continuation of ESA-protected status for a new distinct  
28 population segment (DPS) that begins at the Pacific Ocean, covering all of  
29 Washington and extending eastward across most of Idaho and Montana and a  
30 portion of Wyoming; and

31 WHEREAS, this proposed DPS is symbolic of moving goalposts under the  
32 ESA, at the expense of actual grizzly bear conservation and the safety,  
33 livelihoods, and well-being of local communities, through prolonging ESA  
34 restrictions based on unoccupied, expansive "recovery" areas, which have  
35 previously been proposed for "nonessential experimental" populations, and  
36 undefined "connectivity" zones through unsuitable habitat and populated  
37 areas; and

38 WHEREAS, USFWS continues to discount and ignore the combined efforts  
39 over several decades by Idaho's Department of Fish and Game and Office of  
40 Species Conservation and their sister state agencies, which have conserved  
41 and protected grizzly bears and have played a critical role in the restora-  
42 tion of grizzly populations; and

1 WHEREAS, the grizzly bear (*Ursus arctos horribilis*) is a subspecies of  
2 the brown bear species (*Ursus arctos*), and both the species and subspecies  
3 are secure and do not warrant protection, with grizzly bears in Alaska and  
4 western Canada never being ESA-listed; and

5 WHEREAS, best available science regarding the biological status of  
6 grizzly bears in the Greater Yellowstone Ecosystem supported delisting  
7 proposals by the Bush, Obama, and Trump administrations, with litigation  
8 restoring ESA-listed status based on procedural rather than biological  
9 grounds; and

10 WHEREAS, the grizzly bear population in the Greater Yellowstone Ecosys-  
11 tem of Idaho, Montana, and Wyoming showed steady growth until numbers slowed  
12 in the early 2000s, suggesting the region had reached carrying capacity in  
13 suitable habitat. Presently, this population remains robust as evidenced by  
14 grizzly bears continuing to disperse from millions of square miles of secure  
15 habitat to unsuitable habitat resulting in conflict; and

16 WHEREAS, Idaho, Montana, and Wyoming, along with the National Park Ser-  
17 vice, have successfully managed the Greater Yellowstone Ecosystem grizzly  
18 bear population, including the time it was delisted, to maintain a popula-  
19 tion of grizzly bears that is biologically secure, exceeding USFWS' popula-  
20 tion goal for "recovery" for nearly 20 years; and

21 WHEREAS, grizzly bears occupying the United States-Canada transbound-  
22 ary area (including USFWS "recovery areas" for the Northern Continental Di-  
23 vide, Selkirk, and Cabinet-Yaak) number more than an estimated 1,000 in the  
24 United States alone, such that they continue to disperse from millions of  
25 square miles of secure habitat to unsuitable habitat resulting in conflict;  
26 and

27 WHEREAS, continued grizzly bear conservation, including conflict man-  
28 agement and prevention, is best accomplished outside of the ESA framework  
29 under state management with respect to conditions specific to individual  
30 states; and

31 WHEREAS, a complete delisting of grizzly bears in the lower 48 states  
32 would result in a positive outcome for all states that have or may have griz-  
33 zly bears within their borders; and

34 WHEREAS, the expansion of unmanaged populations into unsuitable habi-  
35 tat has led to loss and harm of livestock and domestic animals, as well as  
36 harm and death to humans as demonstrated by several bear-to-human conflicts;  
37 and

38 WHEREAS, such expansion into unsuitable habitat poses extreme risks to  
39 human safety, private property, and the economic well-being of local commu-  
40 nities and will conflict with the traditional uses of land and natural re-  
41 sources in Idaho; and

42 WHEREAS, unnecessarily prolonging the ESA listing of grizzly bears in-  
43 fringes on private property rights, state public lands management, state and  
44 local economies, and community safety.

45 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-  
46 sion of the Sixty-eighth Idaho Legislature, the House of Representatives and  
47 the Senate concurring therein, that the Legislature hereby calls upon the  
48 Trump administration to achieve the ESA's stated purpose and swiftly delist  
49 the grizzly bear to return full management authority of the species back to

1 the states, whose management and stewardship have been instrumental in re-  
2 building populations under the ESA's constraints.

3 BE IT FURTHER RESOLVED that the Legislature calls on Congress and the  
4 Trump administration to review the Endangered Species Act, its implementing  
5 regulations, and agency policies for effectiveness and legality under the  
6 Supreme Court's *Loper Bright Enterprises v. Raimondo* decision.

7 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Represen-  
8 tatives be, and she is hereby authorized and directed to forward a copy of  
9 this Memorial to the President of the Senate and the Speaker of the House of  
10 Representatives of Congress, the United States Department of the Interior,  
11 the United States Department of Agriculture, the United States Fish and  
12 Wildlife Service, and the congressional delegations representing the states  
13 of Idaho, Montana, Washington, and Wyoming in the Congress of the United  
14 States.