

# Roth: Yellowstone grizzlies scratched from endangered list

By [Jim Roth](#), Director and Chair of the Firm's Clean Energy Practice Group. This column was [originally published in The Journal Record](#) on June 26, 2017.

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How many Yellowstone grizzly bears is enough? Well, it might appear that 700 is the number, based upon the Interior Department's announcement this past week to remove the animal from the endangered species protection. Seven hundred is

today's estimated population, having rebounded from fewer than 150 at its low point. For 42 years, the Endangered Species Act has provided protection for these animals to repopulate the remote areas in and around Yellowstone Park, mostly concentrated in parts of Montana, Idaho, Washington and Wyoming. Once having ranged from Alaska to Mexico and as far east as the Hudson Bay, the grizzly bear has a much smaller range today and that is especially true for the Yellowstone grizzly.

The Endangered Species Act of 1973, signed by President Nixon, is an environmental law passed to protect imperiled species from extinction and the ecosystems upon which those species depend. The act was America's effort to carry out the Convention on International Trade in Endangered Species of Wild Fauna and Flora. With its primary goal to prevent the extinction of imperiled plants and animals, the act's second goal is to recover and maintain those populations by removing or lessening threats to their survival.

This act does allow for "delisting" or "downlisting" a species, based upon several factors. To delist, the threats must have been eliminated or controlled, population size and growth of the species are considered and the stability of the habitat is determined. To downlist, similar analysis occurs and concludes that some of the threats have been controlled and the population has met recovery objectives, allowing the species protection level to go from "endangered" to "threatened."

The Endangered Species Act, written by scientists and lawyers working together, has been affirmed by courts over the course of its existence. This solid legal standing has allowed the law to be effective and successful in its missions, although many believe it could be stronger.

Species with increased population size since being placed on the endangered list include: American bald eagle (increased

from 417 in 1963 to over 11,000 pairs in 2007 when it was delisted); whooping crane (increased from 54 to over 450 from 1967 to 2005); gray wolf (population increases confirmed although accurate numbers are hard to estimate); and red wolf (increased from 17 in 1980 to over 250 in the last decade).

Nonetheless, the act of “delisting” a species is controversial and is rare. Over the history of the act, while most delisting has occurred because of recovery of the species, about 20 percent of the delisting has occurred because of actual extinction.

And as it relates to today’s Yellowstone grizzly bears, their fate may now fall to the wildlife management practices of the respective states they call home. However, the federal authorities will still get to monitor the state management practices for five years and if the population falls below 600 in that time, special actions will trigger to reduce hunting and restrict other activities attributable to the bears’ deaths.

It is my hope that if you are lucky enough to be in the backcountry around Yellowstone and encounter a Yellowstone grizzly bear, that the only thing you will shoot is your camera. Whether “listed” or not, some American treasures deserve to remain living trophies for all generations to enjoy.

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