

Wildlife advocates have appealed a federal judge's approval of Forest Service cattle-grazing permits near Union Pass that allow the killing of 72 **grizzly bears** over a decade.

Five conservation groups say U.S. District Court Judge Nancy Freudenthal erred in rejecting their earlier court challenge to the 2019 authorization of the grazing plan for the Upper Green River Cattle Association. The groups have taken their arguments to the 10th Circuit Court of Appeals in Denver and asked that they be allowed to present oral arguments.

The plan authorizes the ranchers to graze 8,772 cow-calf pairs and yearlings and 47 horses on 107,643 acres of Bridger-Teton National Forest public lands. The site also is home to grizzlies, protected by the Endangered Species Act, and wildlife managers have killed 35 grizzlies between 1999 and 2019 because of conflicts with cattle producers, the appeal states.

Who said what

Western Watersheds Project, Alliance for the Wild Rockies, Yellowstone to Uintas Connection, Center for Biological Diversity and Sierra Club asked the appeals court to reverse Freudenthal's affirmation of the Forest Service's decision and the "incidental take" of 72 grizzlies. She found that the agency's environmental review and biological assessments of the U.S. Fish and Wildlife Service were "supported by substantial evidence" and dismissed the group's original suit.

The appeal repeats arguments made in the original pleading, including that the Forest Service approved the grazing plan even though it did not meet the agency's own standards for range conditions that support a host of wildlife from migratory birds to sensitive amphibians.

"The livestock industry should be required to coexist with **grizzly bears** if they want to graze private cattle on public lands," Jonathan Ratner, Wyoming director for Western Watersheds Project, said in a statement. "It is absurd to kill wildlife protected under the Endangered Species Act for livestock that graze on public lands basically for free."

Why it matters

Sublette County ranchers say the challenge could violate their rights, run them out of business and lead to a host of negative environmental impacts. Ranchers' operations would be so disrupted if grizzlies are not killed that some could fail, leading to a cascade of environmental and social disruption, including subdivision of open space that would interrupt Wyoming's iconic wildlife migrations, they contend.

Conservation groups are wary about the health of the Yellowstone Ecosystem grizzly population, considered "threatened" under the ESA. Among other things, the species is isolated from other grizzly populations, raising worries about its genetic health.

The grazing plan improperly imposes no limits on the killing of female grizzlies, a key component of the population, the appeal says. Other wildlife is short-changed by the grazing, the groups contend, in part because the plan does not require ranchers to leave sufficient forage to address the needs of wild animals.

Stock growers contend that the ecosystem grizzly population is robust, healthy and an example of an ESA success. More than 700 grizzlies occupy the core of the ecosystem where wildlife managers estimate their population annually.

History

The annual 58-mile Green River Drift cattle drive is the only "traditional cultural property" associated with ranching that's on the National Register of Historic Places, ranchers say.

Predation by **grizzly bears** takes an intolerable toll on stock, ranchers contend, even though Wyoming Game and Fish compensates ranchers for verified grizzly killings, and pays an additional amount for cattle deemed lost but unrecovered.

The calf mortality rate was around 2% in the early 1990s, Albert Sommers, head of the Upper Green River Grazing Association, wrote in a declaration that's part of the court record. "More recently, some Association members have lost an average of 14% of their calves to depredation in a single grazing season," the declaration reads.

What's next

The conservation groups want the appeals court, which covers Oklahoma, Kansas, New Mexico, Colorado, Wyoming and Utah, plus those parts of the Yellowstone National Park in Montana and Idaho, to listen to oral arguments and then to reverse Freudenthal's decision.

The appeals court should find that the Forest Service's actions violated federal environmental and planning laws, the appeal states, and should send the matter back to the Bridger-Teton so managers can "cure their statutory violations."