

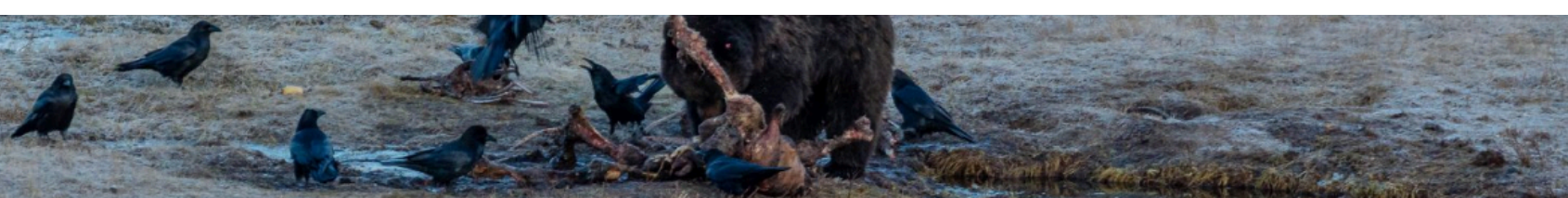


## BEARS

## How grizzly bear poachers are getting away with it

*Investigation finds that Department of Justice rarely prosecutes grizzly bear killers under the Endangered Species Act.*

**Ryan Devereaux and Jimmy Tobias**  
**December 20, 2023**



It was hunting season in Wyoming's Shoshone National Forest, and the marine sniper was alone on a backcountry trail more than an hour's hike from his vehicle. He carried a camouflage Remington rifle and was in sight of an elk herd when a grizzly bear emerged from the brush. In a series of audio and video recordings from that autumn day in 2015, he narrated what happened next:

*"I just got attacked by a grizzly."*

*"I fucking laid into him."*

*“I don’t want a big bear like that where I hunt.”*

*“I’m smoking him.”*

*“This is destiny. That bear attacked the wrong man.”*

Finally, after tracking down the federally protected grizzly he had shot, seeing blood along the way, he said, “Looks like I found a dead bear.”

Kneeling over the dead grizzly with his rifle in hand, the man took selfies and recorded a narration of his wilderness adventure. The bear’s coat was splattered in blood. The marine cut off one of its claws then continued his hunt, spending two more nights in the woods.

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It wasn’t until he completed his hunt several days later that he reported the bear’s death, as required by federal law. By then, investigators were already on the case, alerted to the grizzly’s killing by an anonymous tipster who had encountered the marine during his trip. The marine kept the bear claw as a souvenir, the tipster told investigators, according to [their report](#).

The marine, on reserve duty at the time, told U.S. Fish and Wildlife Service agents that the bear charged him. The killing was in self-defense, he said. He was “happy for the experience and thought it was pretty cool.” After killing the

bear, the marine admitted, he went on to kill an elk that he did not tag, ignoring his legal obligation to register the kill with state officials who issue a set number of hunting licenses each year. His plan, he told investigators, was to illegally use his tag for a future hunt.

The marine, whose name is redacted in the report, had a history of legal infractions, the agents soon discovered, including a warning from a Wyoming wildlife law enforcement officer for harming or killing a kit fox. They seized his recording devices. Besides photos of the dead bear and elk, they found pictures of a bald eagle carcass. The marine claimed he had nothing to do with the bird's death.

Killing an endangered or threatened species in self-defense is not a crime. Cutting off a grizzly's claw for a souvenir, however, is a clear violation of the Endangered Species Act, or ESA, and associated regulations. In their incident report, the feds determined that the marine had likely violated a slew of federal and state laws.

The hunter was found guilty of wasting an elk under a Wyoming state law and ordered to pay a \$640 fine. A federal prosecutor, however, [declined to bring charges](#) under the ESA. The marine faced no consequences for desecrating a protected grizzly bear.





*Photographs from the Aldrich Creek Grizzly report of investigation show a deceased adult male grizzly bear with one missing claw on its right front paw on Oct. 8, 2015.*

***Obtained by The Intercept***

## **A failure to protect**

Steve Stoinski was one of two Fish and Wildlife Service agents who interviewed the marine. Based out of Lander, Wyoming, Stoinski had spent much of his adult life investigating wildlife crimes in the Western United States before retiring in 2020. He remembers the case well — especially the marine's shifting version of events.

“Parts of his story were just too hard to believe,” Stoinski recalled in an interview with *The Intercept*. “One minute he’s underneath it, shooting it. The other minute, he’s not being touched by it and firing a shot two feet away but couldn’t hit it.” Still, the Justice Department’s decision not to prosecute was no surprise. Stoinski knew he and his partner were facing an uphill battle. The dismemberment of the bear was apparently not compelling enough for the U.S. attorney’s office to take the case. And with no direct witnesses and a victim that couldn’t speak even if it were alive, it would be next to impossible to disprove the claims of self-defense.

“You can’t charge people what you think they should be charged with,” Stoinski said. “You can only charge them with what you can really prove beyond a reasonable doubt.”

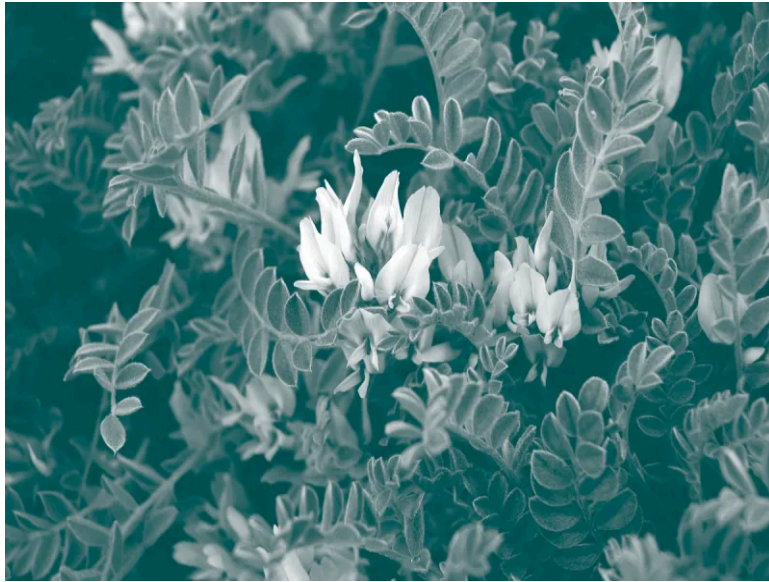
The marine’s case is hardly an anomaly. Despite the Endangered Species Act’s fearsome reputation as a powerful tool for securing environmental protection, an *Intercept* investigation drawn from nearly 4,000 pages of Fish and Wildlife Service case files reveals that when it comes to grizzly bears, federal prosecutors rarely bring criminal charges under the landmark law. (The accounts of grizzly bear killings in this article are drawn from those case files, which *The Intercept* obtained under the Freedom of Information Act.)

The Endangered Species Act turns 50 years old this year amid a growing global crisis of biodiversity loss and increasing attacks by right-wing lawmakers who see predator control as a front in the battle over states’ rights. In theory, a law that the Supreme Court has called “the most comprehensive legislation for the preservation of endangered species enacted by any nation” would serve as a critical bulwark against further ecological damage. Under Section 9 of the statute, Congress declared it illegal to kill, harm, harass, or otherwise “take” protected species; prohibited the transport or possession of such animals or their body parts; and established civil and criminal penalties for violators, including imprisonment of up to a year. Investigations into suspected ESA crimes fall to special agents of the Fish and Wildlife Service, which sits within the Department of Interior. The investigators hand their files off to Justice Department prosecutors, who make the final call on whether to bring a case.

The factors that shape those decisions, however, reveal the limits of the country’s most famous conservation law. From 2015 through 2022, according to the records reviewed by *The Intercept*, the Fish and Wildlife Service completed 118 investigations for violations of the ESA stemming from the killing or harming of grizzly bears in their primary range in



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makes grizzlies a revealing barometer: If the ESA is failing to protect even them, what hope is there for the many imperiled species that don't have a well-funded army of human defenders?

A Fish and Wildlife Service spokesperson, in response to a series of questions from *The Intercept*, said the agency “prioritizes the investigation of take of ESA-protected species domestically and abroad,” including grizzly bears, and “works effectively and efficiently with state partners across the country.” (The Department of Justice did not respond to a request for comment.)

the Lower 48: Montana, Idaho, and Wyoming.

Fourteen involved bears preying on livestock, while 74 others involved claims of self-defense, most stemming from hunters encountering bears in their habitats. Many of the cases contain evidence to support such claims. At least a dozen, however, show clear and, in some cases, flagrant ESA violations — from hunters admitting to stalking grizzlies before killing them, to dismembering animals for trophies, to describing efforts to cover up their kills. And yet only five of the cases led to criminal penalties under the ESA, and only two led to a prison sentence, one of which was overturned on appeal.

Grizzly bears were added to the endangered species list in 1975 and are currently considered a threatened species. An iconic symbol of American wilderness and a conservation success story, the bears are beloved by millions of people around the world. That adoration







*Two surviving male grizzly bear cubs after their mother was shot by a hunter who said he mistakenly identified the mother grizzly as a black bear and shot her. Steve Stoinski, right, transported the cubs to a zoo in Nebraska to prevent them from being euthanized on August 17, 2017.*

***Courtesy of Steve Stoinski***

In his corner of Wyoming, Stoinski said, the story of the grizzly bear over the half-century since the ESA's passage shows how the law's lofty goals continue to clash with ingrained cultural beliefs. "It's a rural area — lots of ranching influence, that Western cowboy mentality, if it isn't in the greatest interest of cattle, then it needs to be removed from the landscape," he said. "That generally seems to be the way some people operate — shoot these bears, shovel, and shut up about it."

The experiences of seasoned federal agents like Stoinski raise serious questions about the nation's commitment and ability to uphold the ESA. In the case of the grizzly bear, the data and associated case reports obtained by *The Intercept* show a federal government that has failed to robustly enforce the historic statute despite evidence that it is being flouted on the ground. The upshot is diminished security for grizzly bears, current and former federal officials say, a downstream consequence of the Fish and Wildlife Service losing its way — chasing headlining-making cases that span the globe while letting its domestic operations wither.

"They're stuck spinning their wheels, trying to spend most of their time on these international smuggling cases, when they have so many incredible cases in their backyard that are just considered 'game warden' cases," said one Interior

Department official. The official, who requested anonymity to speak candidly, said that this dynamic has huge implications for the grizzly bear: “They might as well be delisted right now with how we’re acting.”

## No deterrence

Over the course of more than three years, starting in 2015, Stoinski led a probe into another grizzly killing in the Shoshone National Forest. His investigation of the so-called Barber Point grizzly (a reference to the 4-year-old sow’s kill site) culminated in a nearly 300-page case file — and one of the only ESA convictions in the records reviewed by *The Intercept*.

At points, Stoinski’s report reads like a dark episode of the popular *Yellowstone* TV show, with confidential informants passing on word of incriminating barroom boasts and a pair of offenders making every attempt to bury evidence of their crimes — sometimes literally.

A week after a pair of motorists discovered the dead bear on the side of the road, Stoinski made a critical break in the investigation: A source turned in an audio recording surreptitiously obtained at a bar 30 miles south of the kill site.

In the recording, a man boasted of killing the bear, which was well known to locals and not considered a problem animal. He described how he and a friend encountered the bear twice — harassing and throwing rocks at her on the first occasion, then killing her on the second. “I don’t give a fuck. I would have been in jail by now if they would have found out about it,” the man said as he pulled up photos and videos to show other bar patrons. “There are so many of those cock suckers around here, I don’t give a fuck anymore. Fuck them!”

The recording led Stoinski to two residents of Dubois, Wyoming: 27-year-old Kelly J. Grove, the man on the tape, and 25-year-old Matthew John Brooks.

When Stoinski first interviewed Grove, he denied having anything to do with the grizzly’s killing. “As much as I would have fucking loved to, I didn’t shoot that fucking bear,” Grove said — though he applauded whoever did: “They should

be given a gold medal.”

Stoinski continued to pursue the case, interviewing witnesses and collecting evidence. In the summer of 2018, Grove and Brooks [pleaded guilty](#) to violating the ESA. In their plea agreement interviews, the duo said they decided to kill the bear to improve the poor hunting season they’d been having. Late one night, they staked out the site where they had seen the bear guarding an elk carcass. To prevent GPS tracking, the men turned off their cellphones and stuffed them in the console of the vehicle. When the bear emerged, they stepped out in the dark, each armed with a rifle. Brooks fired. The bear wheeled and headed back for the trees, where it let out a dying moan. The two men left the scene, but not before dusting the tracks left by their vehicle. Weeks later, they made a midnight journey to a remote creek where they buried Brooks’s rifle and the paperwork associated with the weapon.

When asked why they killed the grizzly, he responded, “Because we hate bears up there.”

Brooks admitted to prosecutors that he pulled the trigger and said it was the most irresponsible period of his life. Grove was less contrite. When asked why they killed the grizzly, he responded, “Because we hate bears up there.” He added, “I thought it was great! Another dead bear!”

A federal judge ordered them to pay thousands of dollars in restitution, temporarily revoked their hunting privileges, and placed them on unsupervised probation for five years.

If the intent of ESA prosecutions is to deter future violations of wildlife laws, it didn’t work on Grove. Just a few months after his sentencing, he was [convicted](#) on charges related to deer and elk poaching under Wyoming state law. The federal judge in the Barber Point case then revoked his probation and sentenced him to six months in prison — half the maximum sentence allowable under the ESA. (Grove declined to comment for this story. Brooks did not respond to a request for comment.)

Like the handful of other convictions, the Barber Point case broke from the typical trajectory of grizzly investigations in the West. As the Fish and Wildlife records reveal, most cases die the moment that a human — typically a hunter



creeping around bear habitat at dawn or dusk — describes their fear during a bear encounter.

Making ESA cases more difficult still is a long-standing Justice Department policy requiring the government to prove that a suspect knew they were killing an endangered or threatened species when they did the deed. Known as the McKittrick policy — named after a Montana poacher who was convicted under the ESA for killing a Yellowstone wolf — the rule was established in 1999 as the result of a winding legal fight that made it all the way to the Supreme Court. Among conservationists and wildlife investigators, it is derisively known as the “[I thought it was a coyote](#)” rule. When it comes to bears, if a hunter kills a grizzly but claims they thought it was a black bear, for example, the case is often dead on arrival.



*A cinnamon colored black bear near Soda Butte Creek in Yellowstone National Park in May 2015.*

***Neal Herbert/NPS***

In 2013, two environmental groups [sued](#) the Justice Department over the policy, arguing that it was fueling the unlawful killing of Mexican wolves. The 9th Circuit Court of Appeals ultimately dismissed the claim because the plaintiffs were not able to cite “any specific instance where the DOJ has declined to prosecute a wolf killing because of the McKittrick policy.”

When it comes to grizzlies, however, federal prosecutors declined to take on at least 18 cases under the ESA from 2015 to 2022 based on such claims of mistaken identity, according to the documents obtained by *The Intercept*.

In one of the most explicit examples, a rancher living near Big Timber, Montana, buried three bullets in a grizzly bear that had wandered onto his property in 2016. He told law enforcement officials that he went out to investigate a disruption in a cattle enclosure on his property in the early morning and encountered a bear. It was dark out, and he said he didn't know what kind of bear it was, but he shot at it first when it started moving toward him and again when it began approaching his girlfriend. He only realized it was a grizzly, he said, after the bear bled out on the property.

Fish and Wildlife Service investigators later discovered several discrepancies in the rancher's story and concluded that he "shot the grizzly bear in defense of his cattle and not necessarily in defense of his life." The prosecutor who reviewed the case agreed that the rancher's account was "implausible," "inconsistent," and "suspect in numerous respects." Nevertheless, the Justice Department declined to bring charges. The reason was clear. "The primary difficulty we would encounter," the prosecutor explained in [an email](#), "is proving that [the rancher] knew he was shooting a grizzly bear."

The difficulty of ESA enforcement also stems in part from the nature of the law itself. Despite its hefty maximum fine of \$100,000 and potential year in prison, conviction under the ESA is a federal misdemeanor. The same Justice Department attorneys tasked with bringing such cases are responsible for enforcing every other federal crime. While a Fish and Wildlife agent's most important investigations might fall under the ESA, a prosecutor's priorities are different. Given their finite resources, public demand, and the potential for career advancement, government attorneys are structurally incentivized to chase felonies involving human victims over misdemeanors involving animals.

"Their priorities are felony prosecutions," Stoinski said. "So when we show up and we say, 'Yeah, we've got this misdemeanor whooping crane case,' they hear misdemeanor, it's almost like a switch, because they don't have the time or resources."





*A grizzly crosses a road near LeHardy Rapids in Yellowstone National Park.*

***Eric Johnston/NPS***

## **Alternative methods**

Given the hurdles federal agents must overcome to bring an ESA case, they've found other means to seek justice for poached grizzlies. Sometimes, that means assisting in cases that will be taken up by state, rather than federal, prosecutors.

In 2021, for instance, Fish and Wildlife investigators teamed up with Idaho game wardens after a bullet-riddled mother grizzly was found in a river on the western edge of Yellowstone National Park. It was the [third such killing](#) in just seven months. The public demanded answers. While regional nonprofits pulled together a \$40,000 reward for information leading to the killer — or killers — local and federal officials went to work. They collected nearly 50 bullet casings from the scene and obtained a warrant allowing them to zero in on phone activity in the area. The warrant paid off. Phone data led investigators to a man who had traveled to and from the scene, repeatedly visited the Idaho Fish and Game department's online ad seeking information on the bear's killer, and attempted to sell 1,000 rounds of ammunition — the same kind found at the scene of the crime — weeks after the shooting. The man told state police that his father had joined him in killing the bear; they were [arrested and pleaded guilty](#) to state charges.

Whether such state-federal collaboration will continue across the West is an open question. In 2021, the Fish and Wildlife Service [circulated an internal briefing](#) saying that its state counterpart in Montana would no longer investigate grizzly kills without a federal agent present.

Federal agents facing challenging ESA cases often turn to the Lacey Act, a law passed in 1900 prohibiting the transportation of illegally killed wildlife that includes felony penalties. The files reviewed by *The Intercept* describe one such case in Montana, in 2017, in which a man turned up at a hunting camp bragging of shooting a grizzly and rolling it off a cliff. He was said to be “smiling” and “looked proud” as he showed off photos and video of the bear, investigators wrote. “In one video the bear was still breathing,” agents noted, adding that the man “did not mention anything about self-defense while he was showing everyone pictures and video.”

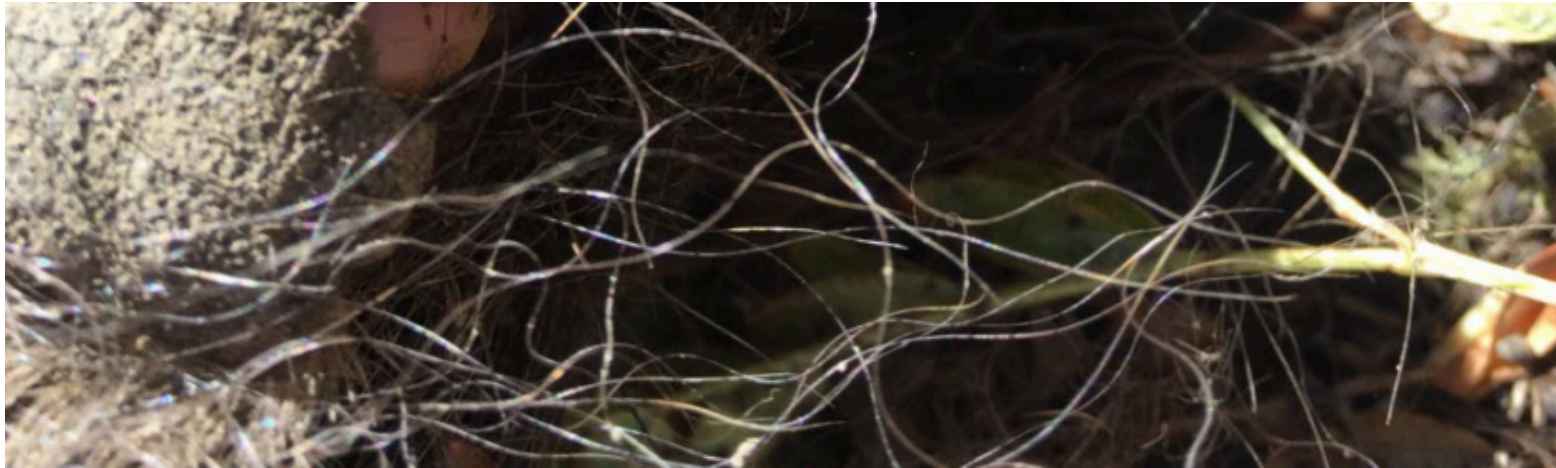
Investigators ultimately discovered that the bear's front claws had been removed with a knife. An autopsy revealed that a bullet had obliterated the bear's spine, paralyzing it — likely explaining why the shooter could take smiling selfies while the animal was still alive. Investigators soon identified the killer as a 35-year-old man from Marion, Montana. In an interview with the feds, the man claimed the bear charged him. He acknowledged ignoring his legal obligation to report the incident and admitted his attempted cover-up. “I rolled the dice on whether I'd ever see you guys or not, and obviously it didn't pay off,” he said. When asked why he dismembered the bear, the man cited his “straight up hatred for these things.”

“I basically said, ‘Hey, fuck you.’ And I cut his claws off,” he said. “I wanted to keep them as a memento.”









*Investigators in a grizzly bear poaching case show the dead bear's removed claws after it was shot and rolled off a cliff on Sept. 22, 2017 in Montana.*

***Obtained by The Intercept***

Facing a challenging self-defense claim under the ESA, federal agents instead pursued a Lacey Act charge for stealing the bear's claws. The man was convicted, placed on probation for three years, and ordered to pay \$5,000 in restitution.

The case files reviewed by *The Intercept* account for only a portion of the total grizzly killings in the Northern Rockies between 2015 and 2022 — they are the ones the authorities know about. Chris Servheen, the president and board chair of the Montana Wildlife Federation, said that while the Fish and Wildlife Service's case count of 118 is “a big number,” the death toll is undoubtedly higher.

“Illegal kills are certainly happening out there across the landscape,” Servheen told *The Intercept*. “The implications are serious because they're ongoing.”

For nearly three decades, Servheen was the top Fish and Wildlife Service biologist responsible for grizzly recovery in the Lower 48. Having seen the application of the ESA in grizzly cases up close, he believes federal agents do their best with what are often difficult crimes to solve — taking place in remote locations, among distrustful communities, with victims that cannot speak — but in the vast reaches of the West, there's only so much they can do.

At the time of his 2016 retirement, Servheen was a prominent supporter of turning grizzly bear management over to the states. In 2021, a wave of Republican-sponsored, anti-predator legislation — rooted, as he sees it, not in science but in politics — [changed his mind](#). He's been fighting for the grizzly's continued federal protection ever since.

“If the grizzly was ever delisted, I worry that the illegal kills would increase,” he said. The state's posture would send a message. “There's going to be a certain category of the public that would feel that it's easier now, it's more relaxed now, I can just kill 'em,” Servheen said. “The feds aren't involved.”





*A grizzly bear and cub in Yellowstone.*

*Frank van Manen / USGS*

## **“Animal prejudice”**

In some pockets of the West, biologists and wildlife officials say, an old anti-predator adage still reigns: shoot, shovel and shut up.

Anti-predator hate is bound up in a long, complicated relationship going back to the beginning of westward expansion. In the early days of the nation's founding, predators were a problem to be eradicated, mostly with guns and poison. As cultural attitudes toward ecology, wildlife, and conservation shifted over the course of a century, predators' standing in the eyes of millions of Americans did too. Those shifts in thinking were foundational to the passage of the ESA, while also becoming a central conservative talking point in the West — symbolic of a country disowning its heritage and traditions to serve the interests of a coastal liberal elite, and of the federal government's tyrannical disregard for states' rights. The animals that most symbolized that shift — wolves, grizzlies and the like — thus became avatars for a particular political class. Stoinski calls it “animal prejudice”: when frustrations over human politics are grafted onto animals. It came with the territory. Sometimes, he even heard it from his colleagues working in state agencies.

“Those animals die without a sound and the only voice they had was ours,” Stoinski said. “I was happy to champion grizzlies, even against the opposition of some of my state counterparts who are not fans of protecting them anymore.”

## **“Those animals die without a sound and the only voice they had was ours.”**

Stoinski, articulating a complaint echoed by every current and former federal wildlife official that spoke to *The Intercept*, argued that the near-total absence of grizzly killing prosecutions speaks to a larger, more fundamental problem for the future of conservation: a multidecade failure on the part of Fish and Wildlife Service leaders in Washington to grow and adapt their agency in the face of difficult political, cultural and environmental circumstances.

While major conservation initiatives have rescued grizzlies from extinction, their continued recovery hinges on human tolerance. In the nearly five decades since the bears became a protected species, human presence in grizzly habitat, clamoring by conservative lawmakers for the feds to relinquish management to the states, and the number of unsolved grizzly killing cases have all grown. At the same time, the number of federal agents conducting investigations on the ground — never more than 250 — has stayed the same.

“The only day I knew that we were close to 250 was the day I graduated the academy” in 1998, Stoinski said. “We had 248.”

“We never got that close in the next 25 years of my career,” he continued. “We were losing people as fast as we could hire them. On a good day, we probably had 200, and I did the math — 49 of those people were supervisors or managers of some sort, not even carrying a caseload anymore.”

When Stoinski arrived in Lander — having cut his teeth in Colorado, Alaska and Wisconsin — he was one of two agents responsible for running down every grizzly poaching case in Wyoming, he said. The Justice Department had four assistant U.S. attorneys in the local office, focused mostly on the nearby Wind River Indian Reservation, and one prosecutor handling the wildlife docket for the entire state.

At first, Stoinski said, things were manageable. The prosecutor was motivated, and they got along well, but then a job opened up at a judge’s office and he left. A second prosecutor soon followed. Neither post was refilled. In Stoinski’s final years on the job, there were just two prosecutors in Lander responsible for everything the feds brought in: Homeland Security human trafficking cases, FBI agents investigating missing and murdered Indigenous women, Drug Enforcement Administration drug war operations, and finally, the Fish and Wildlife cop looking into dead bears.

According to the Fish and Wildlife Service, the agency has two special agents in Idaho, two in Wyoming, and three in Montana — a total of seven agents covering more than 328,000 square miles, much of it rugged backcountry wilderness.

“I was one agent doing 18 different cases at one time,” Stoinski recalled. “I don’t know how detectives do it in cities — if you got like 10 homicides, does one guy do all the homicides himself, or do they got a team of people? Usually, I’m just an army of one, coordinating with state people to help.”

As the Justice Department presence contracted, Stoinski’s responsibilities expanded. “The last two years of my career we were so short-handed, I was covering southern Wyoming, western Colorado, and all of Utah,” he said. “By myself



for two years.” Stoinski had wanted to be a game warden as far back as he could remember. While he still believed in his mission, making a meaningful impact felt impossible. “I was just fried,” he said. “I couldn’t get big picture things done. I was just fighting brush fires.”



*A bear cub lies dead in the rocks after being hit by a vehicle on Oct. 13, 2019. The cub was an offspring of grizzly 863 and had been fed illegally along the busy mountain Highway 26 at Togowtee Pass in Wyoming.*

## Rivers of resentment

David J. Mattson and his wife Louisa Willcox live in southwest Montana, where bears venturing out from the protected confines of Yellowstone National Park run into an increasingly human-inhabited patchwork of public and private lands. The couple has made grizzly recovery their life's work, with Willcox a full-time conservation advocate and Mattson one of the country's leading scientific experts on grizzly habitat use.

The pair sees the “dead bear problem” — their term for the absence of accountability in grizzly killings — as a product of factors in both the ecosystem and the institutions of wildlife management, which are exacerbated by culture war politics.

In recent years, grizzlies have experienced reduced access to key food sources, Mattson explained. With declining populations of cutthroat trout, for example, the bears have increased their predation on ungulates, like elk, which they find by zeroing in on the areas where humans hunt and seeking out the animals they kill. Grizzlies have also descended from the remote high elevations where critical white bark pine populations have dwindled into areas where they can prey on livestock instead. In both cases, Mattson argues, bears are pursuing “anthropogenic meat” — that is, meat with a connection to humans — which can have deadly consequences.

“There are now two causes that account for probably 30-plus percent of the known and probable mortalities, and that's conflicts over livestock — depredation — and encounters with big-game hunters,” Mattson told *The Intercept*. “It's all plausibly linked to the demise of foods that kept bears out of harm's way.”

As the bears' diets have shifted, legal battles over their protected status have led many in the West — especially conservative lawmakers — to argue that grizzlies as a population are recovered and that the only thing keeping them under federal management are out-of-state environmentalists and well-funded nongovernmental organizations.



Whether grizzlies are truly recovered is a complicated question. The top scientific body tracking grizzly populations in the U.S., the Interagency Grizzly Bear Study Team, where Mattson served as lead investigator from 1983 to 1993, [tracks](#) four fragmented populations of grizzlies in the Lower 48. Altogether, the four populations contain about 2,000 individual bears — up from the brink of extinction 50 years ago, but down from the estimated 50,000 bears that roamed the continent when settlers first marched West two centuries ago. Mortality records [compiled by](#) the team, meanwhile, show 456 known and probable grizzly bear deaths between 2015 and 2022 in the Greater Yellowstone region alone, with causes ranging from illegal killings, self-defense killings, and vehicle strikes to natural deaths and the killing of problem bears by government officials.

Numbers like that make fulfillment of the ESA's ultimate aim — full recovery of imperiled species to their historic home range — difficult to imagine. “In terms of just looking at the science, to ensure long-term population viability in meaningful terms, you’re talking about ensuring that bears are going to be around almost certainly for 400 years,” Mattson said. That would require breeding between contiguous grizzly populations of as many as 2,500 to 9,000 bears. “We’re not even close to that in any of the populations we have,” Mattson argued. “Not even close.”

Population numbers are just one variable that goes into the federal government's decision to keep an animal listed. States seeking to manage an animal population on their own must also show that they have a responsible regulatory structure in place to ensure continued recovery. It is on that point that Mattson and Willcox are most concerned.

#### RELATED



#### **In the Northern Rockies, grizzly bears are on the move**

In February, the Fish and Wildlife Service [said](#) that it would spend 12 months reviewing petitions from Montana, Wyoming, and Idaho calling for the delisting of grizzlies under the ESA. Should the states prevail, it would open the door to legalized hunting seasons across the Northern Rockies.

The petitions are part of a wave of ESA-related, predator-centered GOP action in the West. Republicans are not only demanding that the Fish and Wildlife Service delist grizzlies through the ESA administrative process, but also backing federal legislation that would circumvent the scientific deliberation required under the ESA altogether and delist gray wolves nationwide — Colorado Rep. Lauren Boebert’s “[Trust the Science Act](#).”

While state and federal authority has long been contested, the balance of power has recently shifted. All three Northern Rockies states are now led by Republican governors backed by Republican legislatures who argue that the ESA has for too long served as a Trojan horse for paternalistic liberal intervention in the West. Now in the political driver’s seat, they are passing measures to slash the populations of large predators throughout the region, from wolves to mountain lions. Should grizzlies lose federal protection, conservationists fear the bear would be next. “Management of grizzly bears under the auspices of the Endangered Species Act has become so symbolically identified and tangled with the culture wars,” Mattson said, “that there’s just this manifest displacement of resentments onto bears.”

In the 1980s, Willcox recalled, the federal government understood that grizzly bear extinction was a real possibility. Given the stakes, federal authorities were willing to confront illegal grizzly killing, despite the social and cultural costs involved.

“That kind of stuff doesn’t happen now,” Willcox said. “And that’s because the fear, the concern, about potential extinction is gone.” In its place, she argued, is an anger that’s been bubbling for years: “Now you’ve got that river of resentment flowing into the river of resentment that’s the ultra-right crowd, increasing the decibel level of the anti-bear movement.”

**“Now you’ve got that river of resentment flowing into the river of resentment that’s the ultra-right crowd, increasing the decibel level of the anti-bear movement.”**

### **Ambitions abroad, neglect at home**

It’s true, says Doug McKenna, a retired Fish and Wildlife investigator: Agents working grizzly killing cases face serious challenges — but they aren’t insurmountable. An experienced investigator can navigate the hurdles, provided they have two things: local connections and support at headquarters. And there was a time, he said, when agents on the ground had both.

McKenna grew up in Montana, went to college there, and became a state game warden in the 1980s, shortly after grizzly bears were added to the endangered species list. He was then recruited to join the feds and spent the next two-and-a-half decades working Fish and Wildlife cases from the Northern Rockies to the desert southwest before retiring in 2012.

In his more than 30 years of wildlife law enforcement, McKenna observed a steady, disturbing turn by Fish and Wildlife Service leadership away from domestic wildlife enforcement and toward flashy cases with international ties.

When McKenna became a federal agent in the late 1980s, the Fish and Wildlife Service was placing agents in remote, one-person stations across the region. McKenna spent a decade working out of one such outpost in New Mexico. He would ride deep into the Gila Wilderness on horseback, searching for poachers along the New Mexico–Arizona

borderline. “I knew all the locals,” he said. Those bonds were critical. “You have to have the locals and the state game wardens on your side,” he said. “They’re generally in the know about the different suspects and places people frequent.”

The method worked well, but around 2010, McKenna noticed a change. Agents were being called back from their posts — in Victorville, Flagstaff, Yuma, and elsewhere — and told to report to cities across the West.

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“The powers that be, they came in and they wanted to centralize everything,” he said. “That’s kind of an FBI concept, and it doesn’t work in wildlife enforcement.”

The Fish and Wildlife Service defended the evolution of enforcement and investigative strategies in recent years. “The methods used by state and federal enforcement to obtain and investigate allegations of illegal take have changed and developed over time but are generally considered to be an improvement over strictly employing backcountry patrols,” a spokesperson for the agency said in an email. “The advent of cell phone, GPS and satellite technology — as well as the availability of aircraft to reach remote areas — has increased the speed with which reports of take are received and can be acted upon.”

The desire McKenna sensed among leadership — to reshape the agency in the image of its more high-profile counterparts, projecting a modernized institution with a global reach — was real. And it wasn’t going away.

In 2013, during a visit to Tanzania, President Barack Obama announced an [executive order](#) establishing a new task force of 17 federal departments and agencies to train law enforcement personnel and park rangers across Africa. The Fish and Wildlife Service’s law enforcement agents would play a key role in the [\\$10 million](#) global initiative. The agency’s attaché program, a first-of-its-kind State Department-backed initiative unveiled in 2014, further propelled the international shift.

Washington's new embrace of international wildlife enforcement claimed its first high-profile win in Operation Crash, a sprawling effort that bundled multiple investigations targeting the illicit trafficking of rhino horns under the same umbrella. The first arrests came in 2012 and snowballed from there. The operation soon became the largest Fish and Wildlife Service investigation in history, pulling in more than half of the agency's special agents and involving its every office in the country.

By 2017, the Justice Department [claimed](#) Operation Crash had led to nearly 50 convictions and the recovery of roughly \$7.8 million. That same year, Edward Grace, who designed and headed the investigation, was appointed assistant director of the Office of Law Enforcement at Fish and Wildlife Service, where he remains today.

It was a [career-making](#) case for Grace and an era-defining moment for the agency. In [a 2018 interview](#), Grace likened his agents' casework to that of the FBI, the Drug Enforcement Administration, or the Department of Homeland Security's Homeland Security Investigations wing. "We use informants, we use undercover operatives, we use the same investigative techniques you'll see in the investigation of another commodity," he said. "Instead of having cocaine as a commodity, you have rhino horns."

None of the current or former officials who spoke to *The Intercept* questioned the importance of targeting the illicit, international wildlife trade. What they did take issue with was seeing their agency pluck personnel from a small pool of stateside investigators and then leave those positions unfilled — as though the United States, having somehow transcended its struggles with poaching and wildlife conflict management, now had agents to spare.

"I trained game rangers, and I did investigations," McKenna said of the attaché program. The work was "fine and dandy," he said. "But I think the priority needs to be the domestic wildlife, especially the threatened or endangered species, because that's ours."

# **“I think the priority needs to be the domestic wildlife, especially the threatened or endangered species, because that’s ours.”**

The Interior Department official who spoke to *The Intercept* said the same. “They’re pushing so hard for agents to work these cases with criminal networks and international smuggling rings, which are great, but the agency doesn’t have the capability to do it like [Homeland Security Investigations] does,” said the official. For animals like grizzly bears, the official argued, there’s now an absence of proactive deterrence in the field: “People go out and they know there’s no one out there looking.”

Another former Fish and Wildlife Service official, Ed Newcomer, served 20 years with the agency before retiring in 2022. Rising through the ranks in Southern California, he became an expert in international wildlife trafficking and was appointed the agency’s attaché for southern Africa in 2015.

The problem went deeper than his former employer simply deprioritizing its domestic mandate in favor of a foreign one, Newcomer argued. It was a failure on the part of the service’s leadership to keep up with times and, specifically, to push Congress for the resources the agency needs to address domestic wildlife crimes with the same urgency that it now does abroad.

“Nobody is doing any long-term strategic thinking in the leadership at the Office of Law Enforcement,” Newcomer said. “We have not expanded our agent force, at all, since 1983. Forty years. We have not asked Congress to expand our agent force, despite the fact that we have taken on a hugely new and much different mission.” While the FBI, Department of Homeland Security, and Drug Enforcement Administration have national programs to draw new recruits to their mission, he added, “we have a very half-assed one. It’s in name only.”





*Grizzly bears take turns eating a bison carcass in Yellowstone National Park.*

**Jacob W. Frank/National Park Service**

## A fading flame

Despite progress in recent decades, the grizzly bear still walks a delicate line in the West. While the crush of human development shrinks habitat, the animals are continually run down on highways and gunned down in fields and forests. Meanwhile, frustrations in local communities — the kind that can lead to bears being poached — continue to fester.

Recently, Stoinski bumped into one of his old tribal counterparts at a local store in Lander. The game warden was frustrated. There were more and more grizzlies on the reservation and no support from the Fish and Wildlife Service to be found. For Stoinski, it was a testament to the regrettable reality of his final years as a federal agent. “We’re neglecting our state counterparts who need help. We’re neglecting our tribal counterparts,” he said. “They’re pulling



people off to do these international things. Guys are sitting in their offices now looking on the internet for someone trafficking in some wildlife commodity, instead of being on the ground where the bears and the wolves and the eagles and all the other critters are living.”

“It’s just a huge disservice,” Stoinski said of the agency’s priorities. “I am concerned that the Fish and Wildlife Service is going to work itself into irrelevancy because they’re not getting enough done.”

**“I am concerned that the Fish and Wildlife Service is going to work itself into irrelevancy because they’re not getting enough done.”**

Hanging up his badge didn’t come easy for Stoinski. The veteran investigator had hoped to leave the state of conservation better than he found it. “You want to pass that torch to somebody,” he said. “You want to see them carry it, and you hope you’re leaving it in good hands.” He isn’t sure he did. “I think that’s the biggest regret I have about retiring — am I leaving it in better hands than I got it in?” he said. “I feel like the answer has become no.”

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