

A brown bear is positioned in the center-left of the frame, looking directly at the camera. The background consists of a range of mountains under a hazy sky, with some evergreen trees visible in the lower right. The overall tone is muted and naturalistic.

SAFARI CLUB INTERNATIONAL · WILDLIFE LAW CLE: INAUGURAL SUMMER SERIES

Conservation Law 101+

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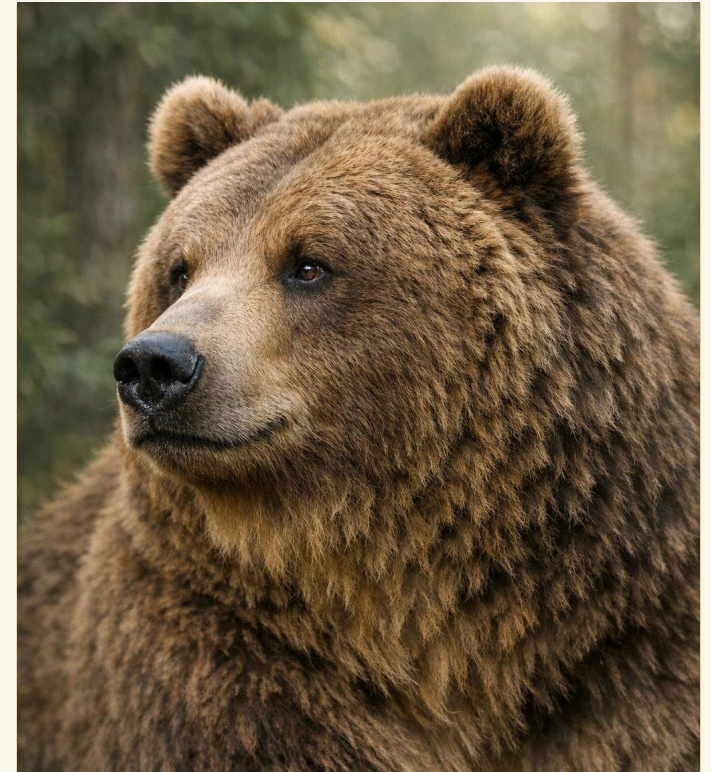
July 20, 2026

Agenda

- 01** **Introduction**
- 02** **North American Model**
- 03** **Federal Land Management**
- 04** **Species Management**
- 05** **2026 Grizzly Bear Rule**
- 06** **Takeaways**

Introduction

- This session runs a little beyond the basics — “101+” — given the number of experienced practitioners joining us.
- We’ll give a 10,000-foot overview of conservation law, then dive into a single issue that brings the concepts to life.
- But we’ll start with the most basic question of all — what is conservation?



What Is Conservation?

“Conservation is the wise use of resources.”

Gifford Pinchot, First Chief of the U.S. Forest Service



Not One Statute, but a Body of Law

Federal

Statutes and regulations enacted by Congress and federal agencies.

State

States are the primary managers of wildlife; they regulate through statutes and regulations.

Common Law

Judge-made doctrine, including the public trust in wildlife.

International

Treaties and cross-border conservation obligations.

So, who is really in charge?

States generally manage the lands, waters, and wildlife within their borders — but federal law steps in depending on federal-land status, protected-species status, and other triggers.

Seven Principles of Wildlife Conservation

A proven system of policy and law to restore and safeguard fish, wildlife, and habitat through sound science and active management — endorsed by the Association of Fish & Wildlife Agencies in Big Sky, Montana (September 2002).

- 1** Wildlife is conserved and held in trust for all citizens.
- 2** Unregulated commerce in dead wildlife is eliminated.
- 3** Wildlife is allocated by democratic rule of law.
- 4** Wildlife may be killed only for a legitimate, non-frivolous purpose.
- 5** Wildlife is an international resource.
- 6** Every person has an equal opportunity to hunt and fish under the law.
- 7** Scientific management is the proper means for wildlife conservation.

A “User Pay, Public Benefit” Model

LICENSES

Hunting and fishing licenses purchased by sportsmen and women.

EXCISE TAXES

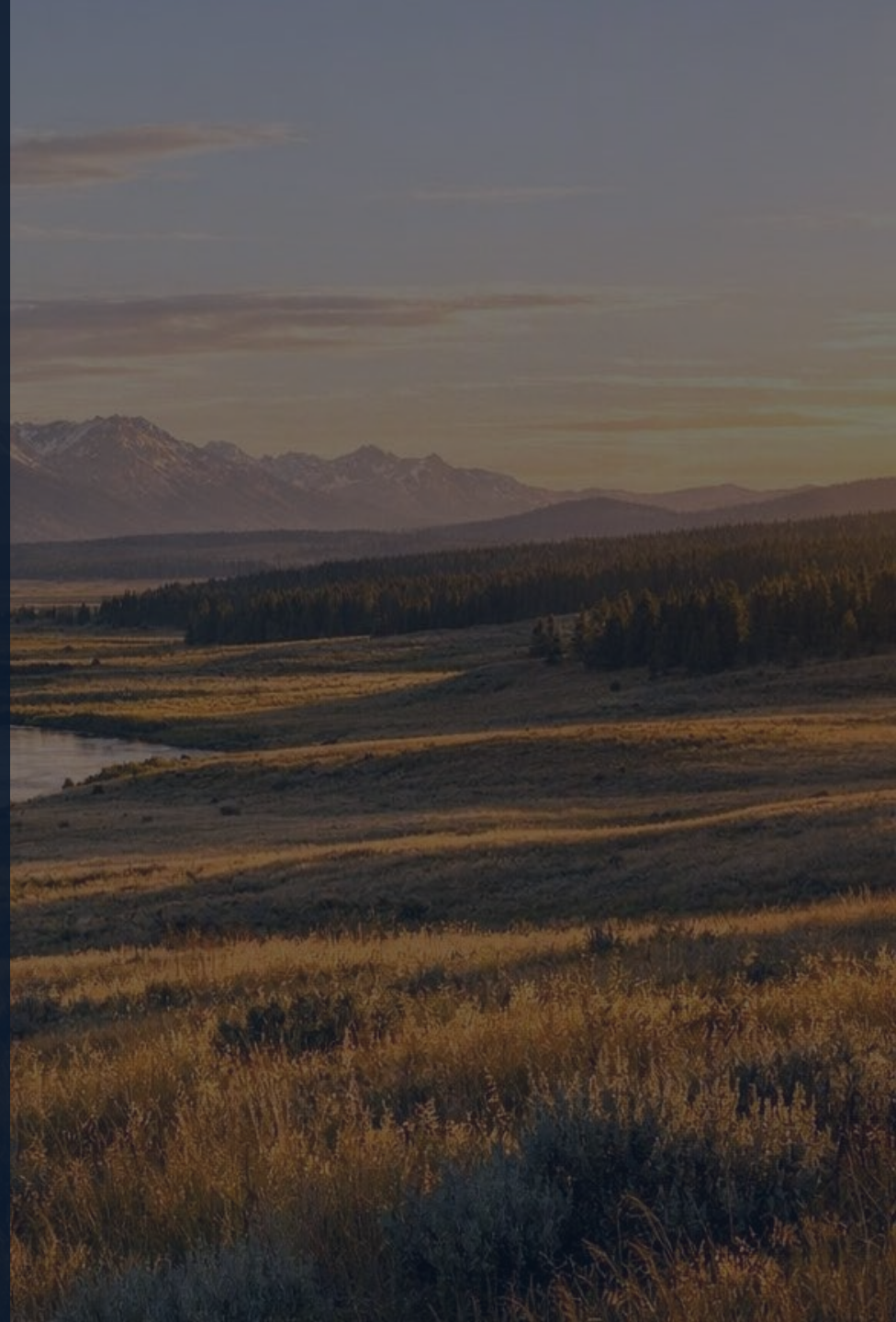
Taxes on hunting gear, firearms, and fishing equipment.

FEDERAL AID

Pittman-Robertson Act (1937) and Dingell-Johnson Act (1950).

These revenues become the basis for most state wildlife-management funding — the users of the resource pay, and the public benefits.

Federal Land Management



One Nation, 640 Million Federal Acres

Roughly 28% of all land in the United States is federally owned. Four agencies steward about 617 million acres of it — each under a distinct statutory mandate balancing preservation, conservation, recreation, and resource development.

~245M acres

**BUREAU OF LAND
MANAGEMENT**

Multiple-use &
sustained-yield

~193M acres

FOREST SERVICE

USDA &
multiple-use forests

~89M acres

**FISH & WILDLIFE
SERVICE**

Wildlife refuges &
Endangered Species Act

~85M acres

NATIONAL PARK SERVICE

Preservation &
recreation

The Wilderness Act of 1964

1964

Wilderness Act

CITATION

16 U.S.C. § 1131 et seq.
Pub. L. 88–577; 78 Stat.
890

ADMINISTERED BY

NPS · USFS · BLM · FWS

Creates the National Wilderness Preservation System to secure “an enduring resource of wilderness.”

Statutory wilderness

Defines wilderness as land “untrammeled by man, where man himself is a visitor who does not remain.”

Congress designates

Only an Act of Congress may add lands to the System, but wilderness study areas are treated as wilderness.

Preservation mandate

Areas remain unimpaired, preserving their wilderness character for future generations.

The 1976 Organic Acts

FLPMA 1976

Federal Land Policy and Management Act

The BLM's organic act

Directs management under multiple-use and sustained-yield principles for present and future generations.

Land-use planning

Mandates inventories, resource management plans, and orderly disposal, exchange, and acquisition.

Withdrawal reform

Codified withdrawal procedures and ended implied executive withdrawal authority.

43 U.S.C. § 1701 et seq. · Pub. L. 94–579 · BLM

NFMA 1976

National Forest Management Act

Forest planning

Requires a land and resource management plan for each national forest, with public participation.

Timber limits

Sets standards on harvest, sales at appraised value, and mandatory reforestation.

Amends the 1974 RPA

Builds on the Renewable Resources Planning Act and the 1960 Multiple-Use Sustained-Yield Act.

16 U.S.C. § 1600 et seq. · Pub. L. 94–588 · USFS

Two More Organic Acts

NPS Organic Act (1916)

Directs the National Park Service to conserve park scenery, natural and historic objects, and wildlife — and to leave them “unimpaired for the enjoyment of future generations.” A preservation-first mandate.

NWRS Administration Act (1966) & Improvement Act (1997)

Establishes wildlife conservation as the dominant, priority mission of the National Wildlife Refuge System, and sets a “compatible use” standard for activities on refuge lands.

Species Management



The ESA: Overview

1973

Signed into law by President Nixon

The primary federal law for protecting species at risk of extinction.

WHAT IT DOES

Lists species as endangered or threatened and extends federal protection, recovery planning, and habitat safeguards.

WHO ADMINISTERS IT

The Fish and Wildlife Service leads for land and freshwater species; NOAA Fisheries leads for marine species.

TWO STATUS LEVELS

Endangered = facing extinction now.

Threatened = likely to become endangered in the foreseeable future.

Key Provisions

§ 4

Listing & Recovery

FWS and NOAA Fisheries list species using the best available science, designate critical habitat, adopt recovery plans, and adopt special rules for threatened listed species.

§ 7

Interagency Consultation

Federal agencies must consult to ensure the actions they fund, authorize, or carry out don't jeopardize listed species or their habitat.

§ 9

Prohibitions

Bars harming, harassing, killing, or capturing endangered listed species — plus their import, export, and interstate trade.

§ 10

Permits & Exceptions

Authorizes incidental take through habitat conservation plans and permits for science or enhancement.



Enforcement & Penalties

Backed by civil and criminal penalties, with citizen-suit provisions that let the public help enforce the Act.

Conservation Impact

50+

years

The FWS credits the ESA with preventing the probable extinction of hundreds of imperiled species.

PROTECTS ECOSYSTEMS

Listing activates habitat protection and recovery planning duties — shifting from ad hoc to coordinated recovery.

ENABLES RECOVERY

Recovery plans align federal, state, Tribal, local, nonprofit, and private partners around measurable goals.

A FRAMEWORK, NOT JUST A RULE

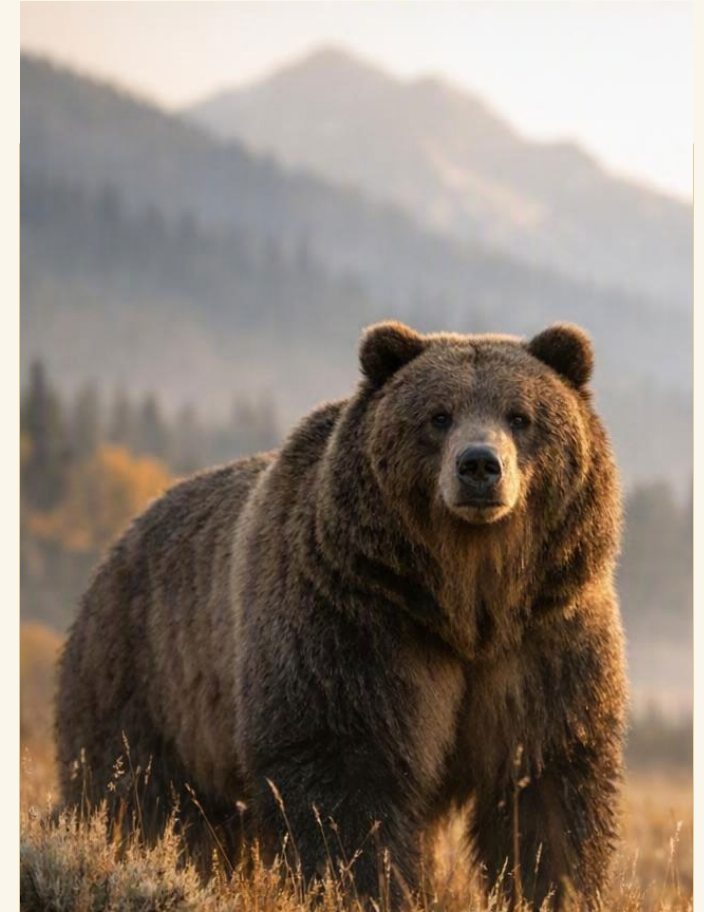
Critical-habitat and consultation requirements focus decisions on the places species need to survive.

Recovered examples: Bald eagle · American alligator · Peregrine falcon · Brown pelican · Oregon chub · Louisiana black bear

Sources: U.S. Fish & Wildlife Service; NOAA Fisheries.

NEPA — The “Hard Look”

- National Environmental Policy Act shapes nearly every major federal action.
- Agencies must take a “hard look” at environmental impacts before undertaking any major federal action significantly affecting the environment.
- That means preparing an Environmental Impact Statement (EIS) or Environmental Assessment (EA) analyzing effects and alternatives — documenting that consideration was given and informing the public.



2026 Grizzly Bear Rule

- Last week, FWS announced a new rule giving Western states greater authority to manage expanding grizzly populations.
- It provides states additional tools and flexibility for long-recovered, expanding populations.
- It uses ESA Section 4(d) authority to adopt regulations “necessary and advisable” for conservation of threatened species—an important first step for proper administration of the ESA.

The Grizzly Bear's Comeback

2×

In the Greater Yellowstone Ecosystem, grizzly numbers have nearly doubled recovery benchmarks and expanded well beyond original recovery zones.

One of North America's great recoveries

Across parts of Idaho, Montana, and Wyoming, populations have not only met recovery objectives but significantly exceeded them.

Success brings new conflict

As populations expand, Northern Rockies communities face more livestock depredation, property damage, public-safety threats, and residential encounters.

States seek timely authority

State wildlife agencies — closest to on-the-ground realities — have repeatedly sought authority to respond effectively and in time.

Take — and Its Key Exceptions

Defense of Life

Deterrence

**Management
Activities**

Incidental Take

Tier 2 — Additional Exceptions

Further exceptions for management actions and incidental take for Federal, State, and Tribal agencies — in geographic areas where populations have achieved demographic objectives under interagency conservation strategies, and where management plans have been adopted and approved in a current Memorandum of Understanding with FWS.

Decades of Grizzly (and Wolf) Litigation

Grizzly protections have been contested case by case in the courts. Three recent suits — over delisting and wolf trapping in Idaho and Montana — now shape how much grizzly “take” is allowed prior to the 2026 rule.

Three cases in focus

Grizzly Delisting (2020)

- 1 A federal court vacated the rule delisting Greater Yellowstone grizzlies, restoring ESA protection; the Ninth Circuit largely affirmed in 2020.

Wolf Trapping in Montana (2024)

- 2 The Ninth Circuit upheld season limits confining trapping to the grizzly denning window; the state later rewrote its rules.

Wolf Trapping in Idaho (2025)

- 3 A federal judge barred trapping and snaring in grizzly habitat outside denning season — a ruling she upheld on reconsideration.



Bitterroot Citizen Task Force v. Montana (2024)

- Challenged Montana’s wolf-trapping regulations and argued they increased the likelihood of grizzlies being incidentally caught in traps and snares—an unlawful “take” under the ESA.
- The case settled along the lines of the judge’s injunction.
- Ultimately, Montana’s Fish and Wildlife Commission moved the trapping season to January 1 to February 15 — a window when grizzlies are still in their dens.

Tension with the proposed rule: take incidental to the lawful trapping of another species would be allowed.

Center for Biological Diversity v. Little (2025)

- Challenged impact of Idaho's Senate Bill 1211, which allowed year-round wolf trapping on private land and expanded trapping across the state.
- Argued that traps and snares set for wolves also catch grizzlies — an unlawful “take” of a threatened species, despite limited evidence of legal lawful take.
- A federal magistrate judge agreed and confined wolf trapping in grizzly recovery zones to the denning season.
- The court upheld the seasonal limits on reconsideration in February 2025, keeping them in place.

Tension with the proposed rule: take incidental to the lawful trapping of another species would be allowed.

Species Management vs. Species Protection

SPECIES MANAGEMENT

Active stewardship

- Intervention: regulated hunting, population control, and adaptive tools
- States as the primary managers
- Balances wildlife with communities, landowners, and economies

SPECIES PROTECTION

Preservation first

- Legal safeguards, prohibitions on take, and habitat protection
- Federal oversight, principally through the ESA
- Prioritizes animal survival, sometimes above human use

The heart of the grizzly debate — and of conservation law itself.

THE THROUGH-LINE

A Constant Tension

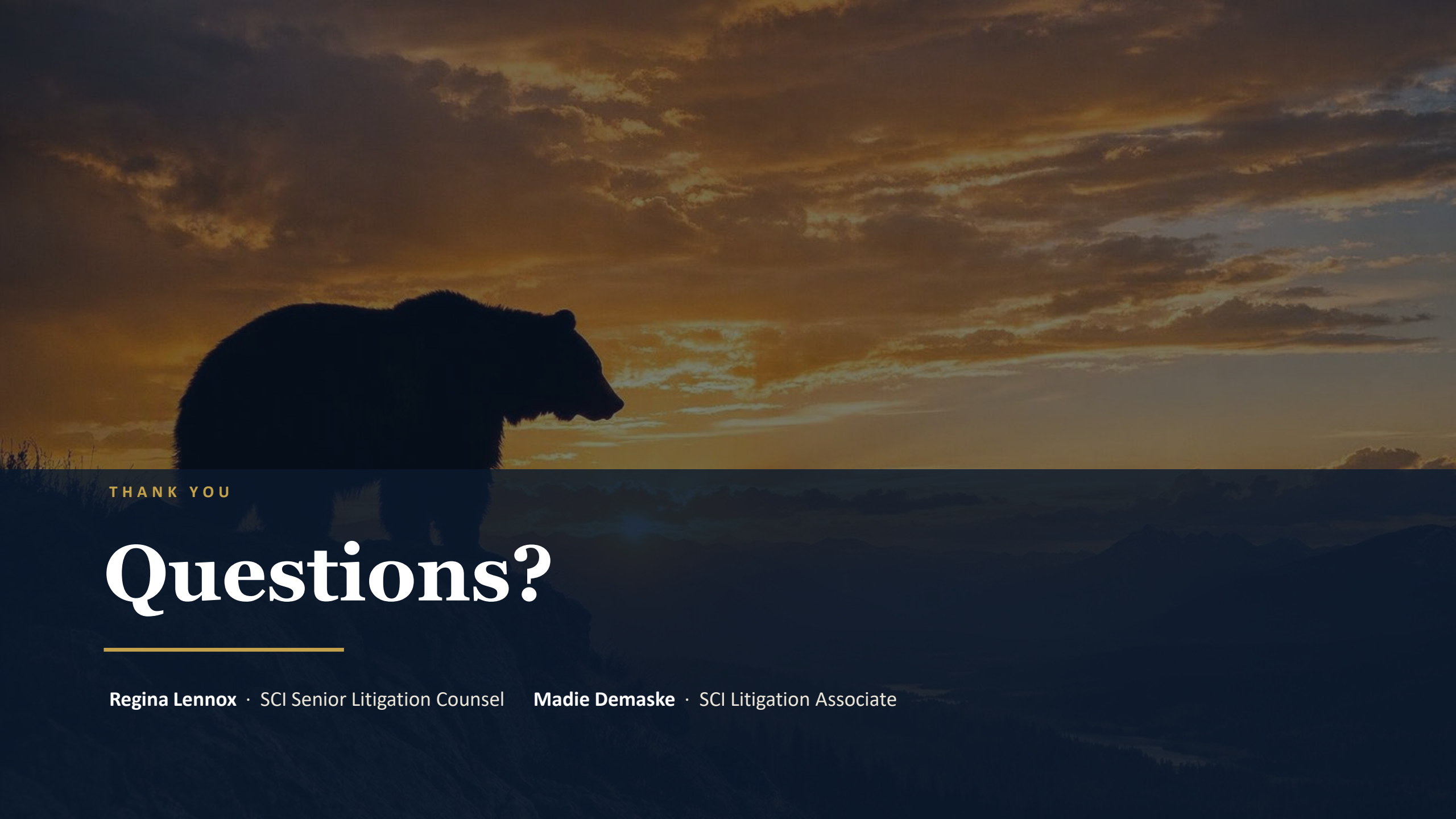
Conservation law lives in the space between using wildlife and protecting it.

Every statute, regulation, and lawsuit in this story reflects the same enduring pull — between management and protection, state authority and federal oversight, human communities and wild populations.



Takeaways

- 1 Conservation means “wise use” — and U.S. law blends use and preservation across federal, state, common, and treaty law.
- 2 The North American Model and “user pay, public benefit” funding underpin active, science-based management.
- 3 Federal land management and species statutes set both the framework and the friction.
- 4 The grizzly bear is at once a recovery success and a live test of balancing management with protection.
- 5 The 2026 proposed grizzly bear 4(d) rule is an important first step — but the litigation shows the tension is far from settled.



THANK YOU

Questions?

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