

QUESTIONS AND ANSWERS
PROPOSAL TO DELIST THE YELLOWSTONE ECOSYSTEM POPULATION
OF GRIZZLY BEARS

Q1. Why is the Service proposing to remove grizzlies in the Greater Yellowstone Area (GYA) from the Endangered Species list, and what does this mean?

Robust population growth, intensive scientific research, State and Federal cooperation to manage mortality and habitat, widespread public support for grizzly bear recovery, and the development of adequate regulatory mechanisms has brought the Yellowstone grizzly bear population to the point where a change in status is appropriate.

Delisting the Yellowstone grizzly bear population means that rather than being protected by provisions in the Endangered Species Act (ESA), the population will be protected through other regulatory mechanisms, including an interagency Conservation Strategy, NPS management plans, USDA-FS management plan amendments, state grizzly bear management plans, and more than 70 State and Federal laws, statutes, and regulations already in place. The population will be managed by the states of Wyoming, Montana, and Idaho and the National Park Service (NPS) and USDA-Forest Service (USDA-FS).

Q2. How will delisting the Yellowstone grizzly bear population affect the status of other grizzly bear populations in the lower 48 states?

This proposed action will not affect the status of other grizzly bear populations in the lower 48 states. They will retain their threatened status under the ESA and continue to be afforded the management protections associated with that status.

Q3. Will the Conservation Strategy of maintaining a population of least 500 bears ensure a genetically viable population?

Recent scientific studies (Miller and Waits 2003) indicate that the population is not threatened by genetic inbreeding problems and that viability of the Yellowstone population will not be affected by genetic factors in the foreseeable future. If genetic diversity does decrease in the future, Montana Fish, Wildlife, and Parks will transplant 1-2 bears every 10 years into the GYA population. This will effectively combat any negative effects genetic isolation may have on the Yellowstone population.

Q4. Will genetic characteristics of Yellowstone grizzly bears be monitored after delisting?

Yes. Genetic material from mortalities and bears trapped for research will be collected and analyzed. Genetic diversity will be compared to levels that existed in 2000. Although the

Yellowstone population has been isolated from other grizzly bear populations for some time, genetic diversity of the population has not been reduced over the last century. If genetic diversity does decrease below current levels, Montana Department of Fish, Wildlife, and Parks will transplant 1-2 bears to increase Yellowstone's genetic diversity. In addition, we will monitor to see if any Northern Continental Divide Ecosystem (NCDE) bears get to Yellowstone by looking for genetic material from this area in samples collected in Yellowstone.

Q5. Will there be oil and gas development inside the Primary Conservation Area (PCA)?

Although 3 percent of Forest Service lands inside the PCA are open to surface occupancy for oil and gas development, standards agreed to by State and Federal agencies in the Conservation Strategy for secure habitat and developed sites do not allow for any increase in road densities or number of developed sites. This will preclude any development from occurring in these areas unless some existing use on public lands in the same habitat subunit is first eliminated. What little existing uses and developments that occur within the PCA are almost all recreation-related (campgrounds or trailheads) or management-related (USDA-FS ranger stations). Oil and gas development is unlikely to take precedence over retaining such sites and facilities in the same subunit.

Q6. How much oil and gas development outside the PCA will occur once grizzly bears are delisted?

Less than 19 percent (1,240 sq. mi.) of suitable habitat outside the PCA on USDA-FS land is open for surface occupancy for oil and gas development. The primary impacts to grizzly bears associated with oil and gas development are increases in road densities and site disturbance, with subsequent increases in human access, grizzly bear/human encounters, and human-caused grizzly bear mortalities. Only a small portion of this total land area will contain active projects at any given time, if at all.

Q7. What will the Forest Service do to evaluate and mitigate the impacts of oil and gas development outside the PCA?

The USDA-FS classifies the grizzly bear as a "sensitive species," which means that any action that could potentially negatively affect grizzly bears will require a biological assessment and public involvement in any decisions. This assessment evaluates the potential impacts to grizzly bears and describes mitigation requirements to address any impacts.

Q8. Will grizzly bear delisting in the GYA affect current public land uses such as timber harvest?

In suitable grizzly bear habitat outside the PCA, restrictions on human activities are somewhat reduced. However, USDA-FS, BLM, and State wildlife agencies will continue to carefully manage the habitat, monitor bear/human conflicts in these areas, and respond with management as necessary to reduce conflicts to account for the complex needs of both grizzly bears and humans.

Q9. Who will be responsible for managing Yellowstone grizzly bears after delisting?

The population will be managed by the states of Wyoming, Montana, and Idaho and the NPS and USDA-FS and protected through other regulatory mechanisms including the Conservation Strategy, NPS management plans, USDA-FS management plan amendments, State grizzly bear management plans, and more than 70 State and Federal laws, statutes, and regulations already in place.

Q10. Can people shoot grizzly bears that are threatening livestock after delisting?

No. Because all three states plan to classify grizzlies in the GYA as game animals, state laws make it illegal for citizens to shoot or injure grizzlies, unless they are threatening human lives. All such mortalities count against the mortality limits set in the Conservation Strategy so these mortalities will be strictly controlled in order to stay below the mortality limits. Outside of the national parks, grizzly bear/livestock conflicts will be addressed by State wildlife managers under procedures outlined in the Conservation Strategy.

Q11. Will there be a hunting season for grizzly bears?

It is possible that the States of Wyoming, Idaho, and Montana will create a limited hunting season for grizzly bears in the GYA. Such a hunting season would occur only after the best available scientific data indicated that the Yellowstone grizzly bear population can sustain a pre-determined level of take and all mortalities from hunting would be counted against the mortality limits. Hunting of females with cubs would not be allowed. Because hunting mortalities must remain within the overall limits of sustainable mortality as agreed to by the States, hunting will never threaten the Yellowstone grizzly population.

Q12. Will poachers be prosecuted after delisting?

Yes. Because all three affected States (Montana, Idaho, and Wyoming) will classify the grizzly bear as a game species if delisting occurs, it will be illegal to kill a grizzly bear without first obtaining a proper license. The States will prosecute anyone caught poaching a grizzly bear just as they would for any other game species (elk, black bear, cougar, etc.). Today, although grizzly bears are still listed, the majority of prosecutions for illegal grizzly killing are under State laws and regulations.

Q13. Will mortalities increase if grizzly bears are no longer protected by the Endangered Species Act?

Because of revised methods for establishing sustainable mortality limits, careful monitoring of all sources of mortality, and cooperation between Federal and State agencies, a significant increase in grizzly bear mortalities after delisting is not expected. If such an increase does occur, the conservation strategy allows resource managers to adjust management protocols.

Q14. Will nuisance bear mortalities be counted and monitored?

Absolutely. Monitoring of nuisance bear mortalities is a fundamental component of total mortality management. Mortalities from all sources, including management actions, will be applied against the total sustainable mortality limits.

Q15. Who will be responsible for managing problem bears?

Inside Yellowstone and Grand Teton National Parks, problem grizzly bears will be handled by NPS biologists. Outside of the National Parks, problem bears will be managed by State wildlife agencies.

Q16. How will decisions about problem bears be made?

The Conservation Strategy and State plans describe protocols and guidelines for defining problem bears and making decisions about what management actions should be taken. Consultation among State wildlife agencies and Park Service biologists or Forest Service personnel will occur before decisions are made.

Q17. How will federal and state agencies work to minimize the number of grizzly bear/human conflicts?

Through continued information and education (IE) programs, the IE working group, which consists of personnel from the affected national forests, Grand Teton and Yellowstone National Parks, the BLM, State wildlife agencies, and the Interagency Grizzly Bear Committee, will work to reduce the human causes of most grizzly bear/human conflicts. In addition, the six affected national forests will amend their forest management plans to include food storage orders in all suitable grizzly bear habitat and voluntary retirement of livestock allotments with recurring conflicts. There are also numerous non-government organizations such as the National Wildlife Federation, Defenders of Wildlife, and the Sierra Club that work in the Yellowstone area to educate and inform people about how to coexist with grizzly bears. The Interagency Grizzly Bear Study Team (IGBST) will annually compile, review, and spatially analyze grizzly bear/human conflicts and mortalities to look for trends and patterns so that IE programs can be more effective.

Q18. Will linkage zone management continue once Yellowstone grizzly bears are delisted?

Yes. Efforts will continue to maintain movement opportunities between Yellowstone grizzly bears and grizzly populations to the north.

Q19. Does the bears' current status as a threatened species prevent subdivision construction or other private land development from occurring?

Federal agencies that undertake, fund or permit activities that may affect a listed species are required to consult with the Service to ensure such actions do not jeopardize the continued existence of the species. In the absence of any Federal involvement, the protections afforded by the Endangered Species Act do not affect development on private lands.

Q20. How will private land development be limited after delisting?

There are no Federal statutory limits to private land development. Private land development is regulated by counties and state regulations. There are no specific private land development regulations associated with grizzly bears. All mortalities and conflicts on private lands will be reported and addressed annually by the committee of agencies implementing the conservation strategy and management plans.

Q21. Will the Interagency Grizzly Bear Study Team continue operating after delisting? Will their Annual Reports continue to be made available to the public?

Yes. The IGBST will continue to be the primary entity responsible for data collection and analysis pertaining to Yellowstone area grizzly bears. The IGBST will be responsible for preparing scientific reports on any deviations from the population and habitat standards in the conservation strategy and presenting these reports and recommendations to the managers to fix the problem.

Q22. What steps are being taken to assure the protection of grizzly bear habitat upon delisting?

The Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area includes habitat standards that ensure protection of sufficient habitat to support a viable grizzly bear population in the foreseeable future. These habitat standards will be implemented by Yellowstone and Grand Teton National Parks, the six affected national forests, and the BLM. The overall goal for habitat management within the 9,200 square mile primary conservation area (former recovery zone) is to maintain or improve habitat conditions as of 1998. This means that road densities, the number of developed sites, livestock allotments, and total amounts of secure habitat will be maintained at or improved upon conditions present in 1998. In addition, several other habitat parameters will be monitored which include such things as distribution and abundance of major natural foods (army cutworm moths, winter-killed ungulate carcasses, cutthroat trout, and whitebark pine seeds).

Q23. Why and how was 1998 chosen as the habitat baseline?

The relationship between bears and habitat is extremely complex and difficult to quantify. Recognizing that grizzly bears are opportunistic omnivores and that a landscape's ability to support grizzly bears is a function of overall habitat productivity, the distribution and abundance of major food sources, the levels and type of human activities, grizzly bear social systems, bear densities and working with a random factor, there is no known way to deductively calculate minimum habitat values. The Service instead inductively selected 1998 levels because it was known that these habitat values had adequately supported an increasing (4-7% per year) Yellowstone grizzly bear population throughout the 1990s and that levels of secure habitat and the number and capacity of developed sites had changed little from 1988 to 1998.

Q24. What habitat issues will be monitored after delisting?

Several habitat parameters will be monitored after delisting. These include: 1) the amount of secure habitat in each bear management unit; 2) road densities; 3) the number and type of developed sites; 4) the number and capacity of livestock allotments; 5) habitat effectiveness values, as calculated by the Cumulative Effects Model; 6) the abundance of winter-killed ungulates; 7) the abundance of cutthroat trout and non-native lake trout; 8) whitebark pine cone production, presence of whitepine blister rust fungus, presence of mountain pine beetles, and presence of mature whitebark pines that may be genetically resistant to blister rust; and 9) grizzly bear use of army cutworm moths.

Q25. How will off-road vehicle use be managed inside the PCA?

All trails that allow Off Road Vehicles (ORV) use are included in calculations of total road densities. These areas are not considered secure habitat. Habitat standards in the Conservation Strategy require no net increase in off road vehicle trails inside the PCA.

Q26. Are there threats to major natural foods that could affect Yellowstone grizzly bears?

Currently, both whitebark pine and Yellowstone cutthroat trout are facing threats that could affect their abundance and distribution. The most severe threats to whitebark pine include whitepine blister rust fungus and human alteration of natural fire regimes, which makes stands of whitebark pine more susceptible to infestations of native mountain pine beetles while also decreasing natural whitebark pine regeneration.

A general decline in the Yellowstone cutthroat trout population in Yellowstone Lake has been evident in recent decades, probably due to the combined effects of lake trout predation, whirling disease, and the negative effects of drought on cutthroat trout reproduction. There has been an accompanying decrease in grizzly bear fishing activity on streams that flow into the lake. Yellowstone cutthroat trout also inhabit numerous other waters, mainly in Wyoming, Idaho, and Montana, and a Service status assessment of the Yellowstone cutthroat trout is currently in progress.

The decline in cutthroat trout does not have a significant effect on the grizzly bear population because less than 10 percent of the Yellowstone grizzly bears eat cutthroat trout, and those that do use this resource for only a few weeks each year, and adult grizzlies that fish in spawning streams only consume, on average, between 8 and 55 trout per year. Further, adult females, which are the most important determinants of population growth rates, generally depend on this food to a much lesser extent than adult males as most of the bears that eat fish are males.

In general, grizzly bears are notoriously resourceful omnivores that will make behavioral adaptations regarding food acquisition. Diets of grizzly bears vary among individuals and years, reflecting their flexibility in finding adequate food resources as necessary. Mattson et al. (1991) hypothesized that grizzly bears routinely sample new foods in small quantities so that they have alternative options in years when preferred foods are scarce. In other areas such as the NCDE Recovery Zone, where grizzly bears historically relied heavily on whitebark pine seeds, the population has continued to increase and thrive since the 1980s despite severe declines in whitebark pine communities in the last 50 years. Also, grizzly bear use of cutthroat trout has varied dramatically in the last three decades, most likely corresponding to fluctuations in the trout population, but the Yellowstone grizzly bear population continues to increase and expand.

Q27. What population parameters will be monitored?

The overall population goal set forth in the Conservation Strategy is to maintain the Yellowstone grizzly bear population at or above 500 animals. The IGBST will continue to monitor the number of females with cubs and their distribution within the Greater Yellowstone Area, survival rates for all sex and age classes, all sources of mortality, cub production, distribution, and movements. This information will be used to calculate the total population estimate and exactly how much mortality the bear population can withstand. The total population estimate will also be used to calculate the total allowable sustainable mortality the population can incur. The Study Team will monitor grizzly bear mortalities from all sources, including human-caused deaths, natural deaths, and undetermined causes to confirm that sustainable mortality limits are not exceeded. In their annual reports, the Study Team will analyze the spatial distribution of both mortalities and grizzly bear/human conflicts.

Q28. What is adaptive management as called for in the Conservation Strategy?

Adaptive management is a flexible management strategy in which managers monitor the results of management practices and habitat and population data and respond as necessary with management changes to ensure that conservation goals are achieved.

Q29. Can the standards in the Conservation Strategy be modified?

Yes, but only by using the best available science and involving the public in the decision-making process. This can be done by the Yellowstone Grizzly Bear Coordinating Committee as a whole, not by individual agencies.

Q30. What is a Biology and Monitoring Review and what triggers it?

A Biology and Monitoring Review examines habitat management, population management, or monitoring efforts of participating agencies with an objective of identifying the source or cause of failing to meet a habitat or demographic goal. The Study Team will conduct the Biology and Monitoring Review and provide a report and management recommendations to the management committee to address the deviation. The Review will be completed and made available to the public within six months of initiation.

Q31. What is a status review and what triggers it?

A status review is triggered by a petition to relist if the Service finds that the petition presents substantial data indicating that the Yellowstone grizzly bear population may be threatened by any of the five factors required for listing, as described in section 4(a)(1) of the Endangered Species Act. Petitions may be submitted by citizens, organizations, government agencies, or the Yellowstone Grizzly Bear Coordinating Committee (currently known as the Yellowstone Ecosystem Subcommittee), or can be initiated by the Fish and Wildlife Service itself. The Service conducts the status review which examines factors affecting the population and then determines if relisting is warranted, warranted but precluded by higher priority actions, or not warranted.

Q32. What circumstances could require relisting grizzly bears under the ESA?

The Strategy signatories have agreed that if there are deviations from any population goal or habitat standard, the Study Team will carry out a Biology and Monitoring Review. The Yellowstone Grizzly Bear Coordinating Committee will respond to the Review with actions to address deviations from habitat standards or, if the desired population and habitat standards specified in the Strategy cannot be met, then the Coordinating Committee will request or petition the Service for relisting. The Coordinating Committee possesses the resources, data, and experience to provide the Service with a strong argument for a petition. Once a petition is received, the Service will determine if the petition presents substantial information. If so, the Service conducts a full status review to determine if relisting is warranted, warranted but precluded by higher priority actions, or not warranted. The Service can also consider emergency listing, as per section 4(b)(7) of the ESA, if the threat were severe and immediate. Such an emergency relisting would be effective the day the proposed regulation is published in the Federal Register and would be effective for 240 days. During this time, a conventional rule regarding the listing of a species based on the five factors of section 4(a)(1) could be drafted and take effect after the 240-day limit on the emergency relisting has expired.

Q33. How long will the Conservation Strategy remain in effect?

The Conservation Strategy is the ongoing management document once delisting takes place. It does not have a time limit and continues in place as coordinated management and specific standards for population and habitat need to be in place.

Q34. Will there be public meetings of management agencies post-delisting?

Yes. The Coordinating Committee, which will consist of representatives from the affected National Parks, National Forests, the BLM, the USGS Biological Resources Division, the three state wildlife agencies, the Shoshone-Bannock and Eastern Shoshone Tribes, and counties in Wyoming, Montana, and Idaho, will meet at least two times a year. Public notification of these meetings will be given and meetings will be open to the public.

Q35. Will the Conservation Strategy and management under the Conservation Strategy be implemented if Yellowstone grizzly bears are not delisted?

No. The implementation of the conservation strategy and all the commitments of agencies to monitoring, population standards, and habitat standards as well as all other actions in the strategy is linked to the publication of the final rule delisting the Yellowstone area grizzly population. If the grizzly is not delisted, the conservation strategy will not take effect and all agency commitments to implement details of the strategy are null and void.

Q36. How will the new Forest Service planning regulations affect Yellowstone grizzly bears?

The Service has received written assurance from the Forest Service that, although the term “standard” will no longer be used when the affected national forests revise their forest plans, the on-the-ground effect will be the same and that any new forest plan revisions under the new planning regulations will not change the habitat standards adopted in the forest plan amendments.