



IDAHO DEPARTMENT OF FISH AND GAME

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Brad Little / Governor
Ed Schriever / Director

June 1, 2020

Hilary Cooley
Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service

Hilary,

Re: FWS-R6-ES-2019-N144, Status Review of Grizzly Bear in 48 Conterminous States,
second Installment of IDFG comments

These comments for the above-referenced status review are the second installment of comments from the Idaho Department of Fish and Game (IDFG). The first installment was sent by the Idaho Governor's Office of Species Conservation on April 23, 2020. As discussed previously, the status review of grizzly bear is important to the State of Idaho; however, IDFG has prioritized human health and safety and resource protection during the ongoing pandemic and is providing comments to the status review as circumstances permit. Another installment of comments will be forthcoming shortly.

The U.S. Fish and Wildlife Service (FWS) completed the last status review for this listed entity in 2011. IDFG's comments relate not only to new information since the 2011 status review, but also to information presented in and preceding the 2011 review that warrant additional review or correction.

IDFG and agencies in its sister states have managed and monitored grizzly bears from the Greater Yellowstone Area to the U.S. - Canada border for several decades now. Grizzly bears in Idaho, Montana, and Wyoming have increased in number and expanded in range. Grizzly bear density approaches or exceeds carrying capacities in the large core habitats of the FWS-designated Primary Conservation Areas and Demographic Monitoring Areas for Greater Yellowstone and Northern Continental Divide (NCDE), and grizzly bears continue to disperse from these areas. Grizzly bears also disperse from and move among the NCDE and Selkirk, Cabinet, Yaak and Purcell Mountains along the U.S. – Canada border. State and federal agencies have conducted scientific studies that continue to reaffirm grizzly bears' diet plasticity, and individual and population resourcefulness in obtaining sufficient food with fluctuations in available resources. *E.g.*, IGBST 2013. While more grizzlies in more places have corresponded to some increases in the number of individual mortalities, grizzly bear survival and other demographics in the U.S. Northern Rockies remain strong.

IDFG is a longstanding member of the Interagency Grizzly Bear Committee (IGBC) and Interagency Grizzly Bear Study Team (IGBST). IDFG has long supported various community conservation measures and public education efforts, participating in numerous public forums.

Keeping Idaho's Wildlife Heritage

FWS' review should reflect this longstanding commitment by considering robust state regulatory mechanisms and grizzly bear conservation measures.

IDFG remains committed to grizzly bear conservation. Nevertheless, continuing Endangered Species Act (ESA) protections where they are not needed is counter to the ESA and to conservation of healthy grizzly bear populations. In addition, procedural burdens imposed for a healthy subspecies, particularly one with high human conflict potential, are vastly disproportionate to conservation benefits that could better serve other species needing more protections and conservation resources.

Available information supports delisting of the listed entity, which is not a taxonomic species, subspecies, or distinct population segment. Available information supports delisting of the listed entity. The grizzly bear subspecies is clearly not in danger of extinction, and is not likely to become endangered within the foreseeable future throughout a significant portion of its range. Core populations in the U.S. Northern Rockies are restored and expanding such that they do not require ESA protections, including grizzly bears in the Greater Yellowstone Ecosystem, and border populations (from the Selkirk Mountains eastward across the Northern Continental Divide). ESA protections are not needed in the listed entity in light of existing regulatory mechanisms and supplementing conservation measures. Additional reoccupation of grizzly bear historic range in Idaho and elsewhere may occur where appropriate habitat exists, but the ESA does not require re-occupation of all suitable habitat in historic range for delisting.

A key focus of IDFG's comments will be scientific and legal information related to "significance" as it applies to FWS' Distinct Population Segment (DPS) and Significant Portion of Range (SPR) Policies.

For example, although state wildlife agencies may consider management actions for a small group of grizzly bears as appropriate for state conservation objectives, the presence or absence of that group may not be "significant" for ESA purposes relative to identifying a DPS or assessing status relative to a species' current range. IDFG has come to realize grizzly bear information from IGBC and its member agencies (including IDFG) has contributed to confusion in assessing "significance" in the ESA-context.

IDFG will also some comments to ensure continuity of the historic record, given an apparent loss of institutional knowledge regarding designation of management zones, regulated hunting, translocation, and other management practices.

Taxa, Current and Historic Range.

IDFG notes that the ESA's definition of the term "species" and its application for purposes of assessing ESA status inherently creates confusion for scientists and the general public. The definition is expansive and refers not only to the scientific use of the term "species" as it is used in taxonomic classification; the definition of "species" also includes "subspecies," and, for vertebrates, "distinct population segments." 16 U.S.C. §1532 (16).

The Act defines the term "endangered species" to mean any species which is in danger of extinction throughout all or a significant portion of its range and the term "threatened species" to mean any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. 16 U.S.C. §1532(6) and (20).

The listed entity under review is grizzly bear (*Ursus arctos horribilis*) in the 48 conterminous states of the United States, listed as a threatened species under the Act (40 FR 31734, July 28, 1975) (replacing a prior designation under the Endangered Species Preservation Act in 1967).

This listed entity is indisputably not a taxonomic species or subspecies. As of the 1975 listing, grizzly bears had been extirpated from much of their historical range in the conterminous United States, yet large populations remained in the vast geographic area of western Canada and Alaska. This listing of grizzly bear in the “lower -48” predated the November 1978 amendments to the ESA, which revised the definition of “species” to include distinct population segments of vertebrate fish or wildlife. This listing likewise pre-dated FWS’ 1996 DPS Policy. The listed entity is not based on a formal DPS analysis and is not a designated DPS.

Species Taxon: brown bear

Bears in the lower-48 listed entity belong to the taxonomic species brown bear (*Ursus arctos*). In its February 2016 assessment, the International Union for Conservation of Nature categorized *U. arctos* as a species of least concern by the IUCN, given its stable population and widespread range across three continents.

Globally the population remains large, and is not significantly declining and may be increasing in some areas. There are many small, isolated subpopulations that are in jeopardy of extirpation, but others, under more protection and management, are expanding. (IUCN 2017)

Loss of historic range has not affected the remaining brown bear populations such that brown bear are in danger of extinction, or likely to become so in the foreseeable future. The current geographic range, population size, and status of this species is large enough for resilience to environmental catastrophes or random variations in environmental conditions.

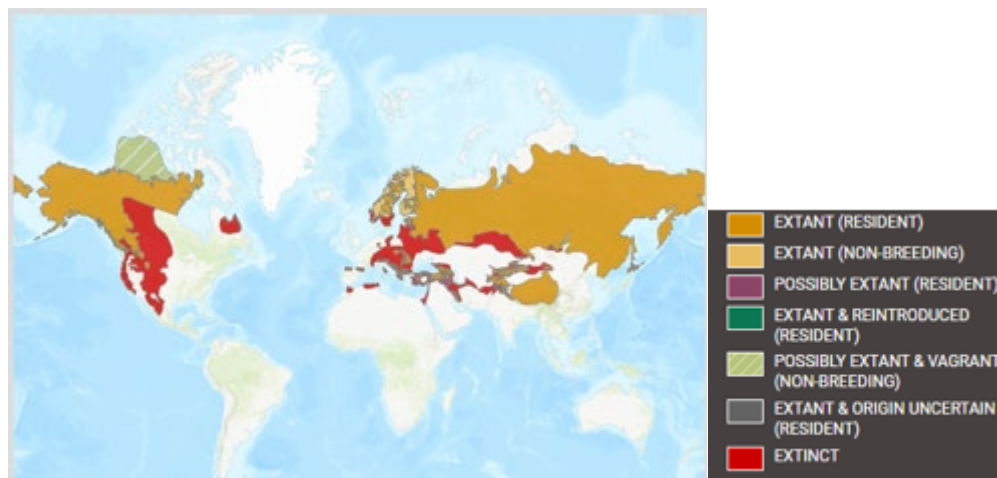


Figure 1. Global distribution of Brown bear, *Ursus arctos*. From IUCN and IBA 2017. Version 2019-3.

Subspecies Taxon: grizzly bear

Brown bears in the lower-48 listed entity belong to the taxonomic subspecies grizzly bear (*U.*

arctos horribilis). Grizzly bears' current range is roughly 50% of its historic range prior to European settlement, with extirpation from Mexico, Quebec, Labrador, and much of the western conterminous United States. However, grizzly bear's current range still occupies more than 1,770,000 (1.7 million) square miles of North America. *See* Figs. 2, 4, 6 and Jonkel 1987 (referencing 4,601,000 km², with apparent net range increase since 1987).

A combined population estimate for North America is approximately 55,000 grizzly bears. *E.g.*, COSEWIC 2012; ADFG 2019. Alaska estimates its population at greater than 30,000 grizzly bears. ADFG 2019. British Columbia has an estimated population of greater than 15,000 bears. *E.g.*, Proctor 2020.

The grizzly bear subspecies continues to have large, contiguous, and robust populations in Alaska and western Canada, extending into the northern Rocky Mountains of the United States, with the southern end of current range in the Greater Yellowstone area. *E.g.*, ADFG 2019, COSEWIC 2012, FWS 2017 (GYE delisting rule). Grizzly bears in Canada have apparently expanded their range in the far north and eastward, including the Northwest Territories, Nunavut, northern Saskatchewan, and tundra regions of Manitoba. COSEWIC 2012. Grizzly bears are considered functionally extirpated from the North Cascades Ecosystem. USDOI 2017.

Loss of historic range, related to human settlement, has not compromised remaining grizzly bear populations to the point of endangering or threatening the subspecies. Although areas on the periphery of range in British Columbia are at risk of extirpation, these do not constitute a significant portion of range for the subspecies such that it is in danger of extinction, or likely to become so in the foreseeable future.

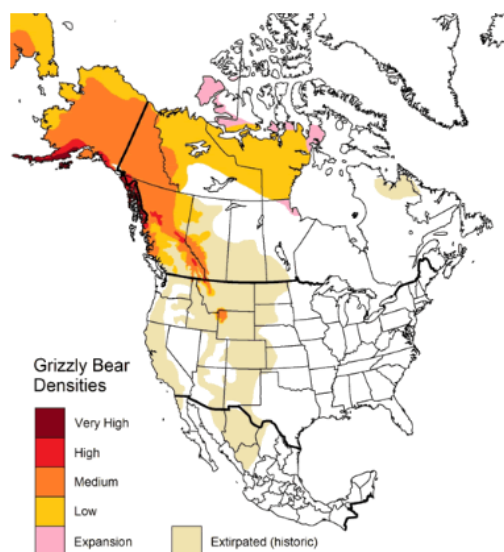


Figure 2. Approximate boundaries of the historic (*i.e.*, 19th century) and distribution as of 2012 for the Grizzly Bear with contours of relative density. (COSEWIC 2012). *Note range for Idaho, Montana, Wyoming and Idaho has continued to expand since 2012 and is larger than depicted; see Figure 3.*

Lower 48 Listed Entity

This is one of several early ESA listings in which FWS delimited the geographic scope of listings on a sweeping scale as an approach of convenience based on the international boundaries for the “lower 48” states. It is clear that these broad “lower-48” listings were not indications of historic or current range and were not indications of the appropriate geographic scope for purposes of assessing ESA recovery or delisting criteria.

The 1975 listing included a sizable area with at most vagrant historic occurrences of grizzly bears (including the Eastern United States, hot deserts of the western United States and some coastal forests). COSEWIC 2012. At the time of the listing in 1975, FWS identified the current range of lower-48 grizzly bears as isolated regions in Montana, Idaho, and Wyoming. 40 Fed. Reg. 31,734 (1975).

The 1975 listing pre-dated both FWS’ 1996 DPS Policy and 2014 SPR Policy.

For scientific transparency and public understanding, as well as for appropriate application of the DPS and SPR policies, FWS’ review of the listed entity should present a foundation of general information, including descriptions of historic and current range for the species and subspecies-level taxa. Such presentation—by map and quantified area (e.g., square miles)—provides important context for status evaluation, including the evaluation of discreteness and significance of a population relative to the given taxon (*i.e.*, brown bear species or grizzly bear subspecies).

Transboundary (U.S. Canada) Population Information

In particular, FWS should present transboundary information in a manner more useful in assessing application of the DPS and SPR policies. It has become clear that FWS’ and IGBC’s continued graphic representations for the listed entity truncated at the Canada border and references to “ecosystems” or to “isolated populations” are sources of significant misunderstanding as to the relationship of grizzly bears in these areas to one another and the subspecies taxon as a whole. Such misunderstanding is heightened when only one such recovery “ecosystem” (the Selkirk) is depicted stretched 50% into Canada, when adjacent areas, whose bears are just as connected across the international boundary, are not.

FWS delineated the Selkirk Ecosystem in the 1993 Recovery Plan across the international boundary (*i.e.*, outside the listed entity) because the portion of the Selkirk Mountains in the lower 48- area would otherwise clearly never be capable of supporting even 100 bears. Continuation of delineating a recovery area straddling a listed and unlisted geographic area does not make sense in the ESA context, and FWS should adjust its assessment of status of the listed entity and recovery accordingly.

FWS also continues to depict a gap along the Kootenai River valley in representing the Selkirk and Cabinet-Yaak “Ecosystems,” even with recognition of range expansion and regular occurrence of grizzly bear presence in the valley both north and south of the border. (FWS 2018, 2019). Comparable habitat/low occupancy areas of a few miles’ distance are not so depicted within other occupied grizzly range (see Figure 6). Such delineations may be appropriate when delineating suitable habitat and demographic monitoring areas, but FWS should apply them consistently in assessing status, range, and potential DPSs for grizzly bear.

A review of the longstanding representation of the recovery “ecosystems,” (Figure 3) transboundary studies (Fig. 4-5) and the current range in the conterminous U.S. illustrates obvious benefits for evaluating DPS policy application for the U.S.-Canada border more consistently and with appropriate consideration for the significance to the larger scale for the subspecies taxon.

It is also important the FWS integrate the information that is presented separately in monitoring reports and occupancy information for the Selkirk, Cabinet-Yaak, and Northern Continental Divide “Ecosystems.” See Figs. 7-8. When the data and information in these reports are viewed as a whole, it is clear that bears in these areas are part of a contiguous transboundary population.

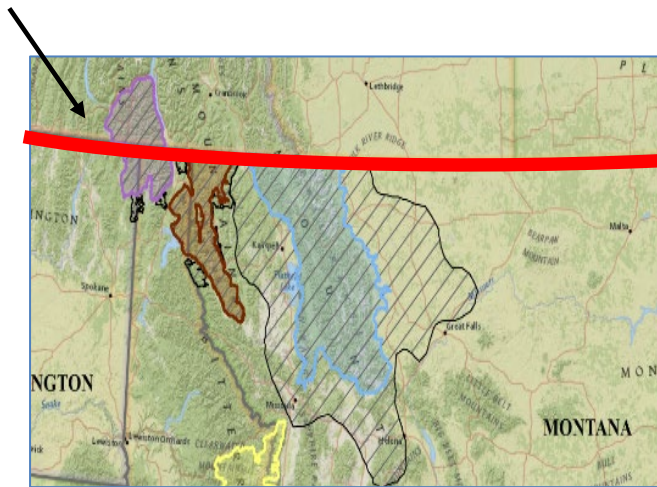


Figure 3. Adapted from FWS 2018 Map of recovery zones and distribution (FWS 2018). Arrow denotes portion of FWS-designated Recovery Area outside of listed entity, with red-line denoting Canada-U.S. border.

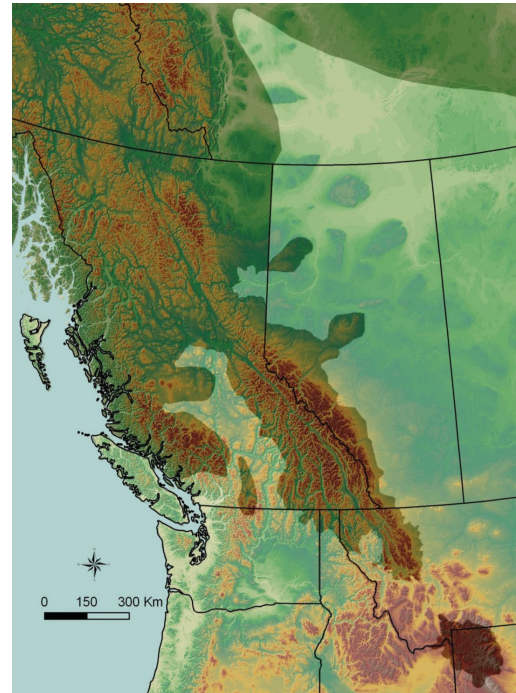


Figure 4. Map of grizzly bear distribution northward from Yellowstone northward across the Canada border continuing toward Alaska (Proctor *et al.* 2012).

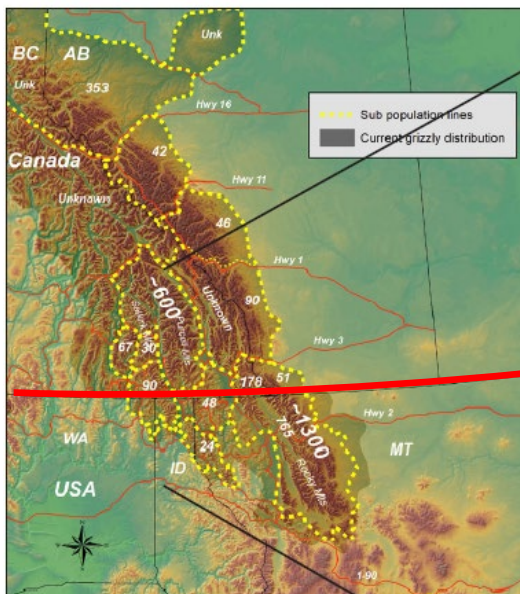


Figure 5. Adapted from Proctor 2018 map of subpopulations including estimated number of individuals in transborder area. U.S. Canada border denoted by east-west red line.

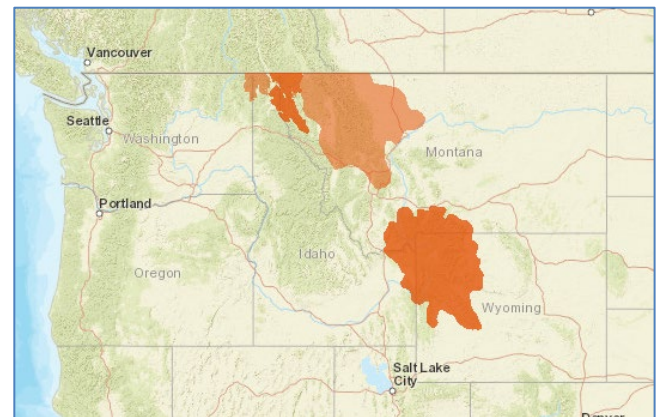


Figure 6. FWS GIS Information of Current Range of Grizzly Bear in the lower-48 states. (FWS ECOS 2020).

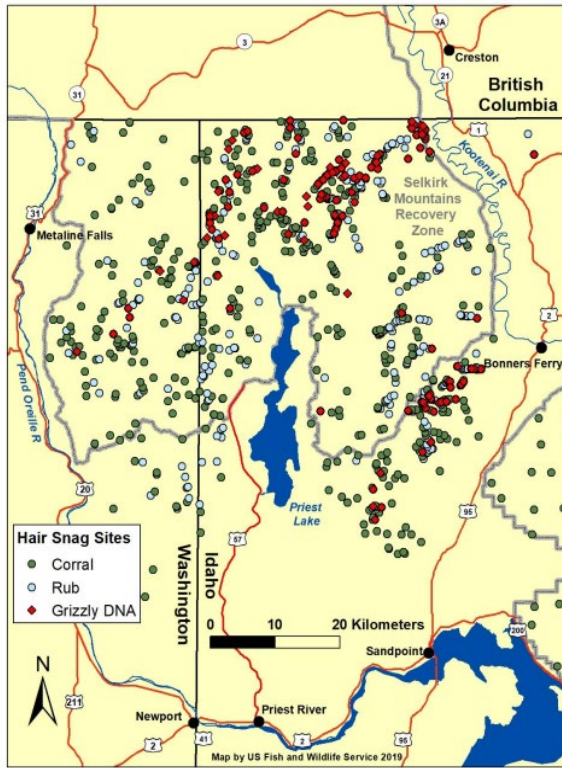


Fig. 7. FWS Monitoring Report Data for Selkirk Ecosystem (Bonners Ferry to east side)

Note: 20 km scale = 12 miles

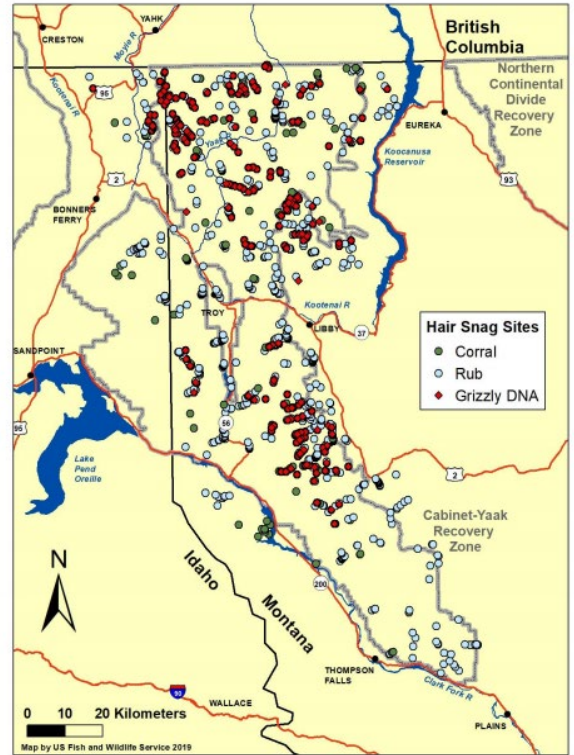


Fig. 8. FWS Monitoring Report Data for Cabinet-Yaak Ecosystem (Bonners Ferry to west side)

Note: 20 km scale = 12 miles

Application of the 1996 Distinct Population Segment Policy

In accordance with FWS' *Policy Regarding the Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act*, FWS must consider the appropriate application of the policy during its 5-year reviews of the status of listed species (or, in this instance, a listed entity). 1996 DPS policy; 61 FR 4725.

The purpose of the DPS policy was to support FWS' ability to address local issues (without the need to list, recover, and consult range-wide) and result in a more effective program. The DPS Policy recognized that the ESA "is not intended to establish a comprehensive biodiversity conservation program...." 61 Fed. Reg. 4725.

Analysis under the DPS policy considers three elements: (1) discreteness of the population segment in relation to the remainder of the taxon to which it belongs; (2) the significance of the population segment to the taxon it belongs; and (3) the conservation status of the population segment in relation to the ESA's standards for listing 61 Fed. Reg. 4725, FWS 1996).

FWS should avoid the cursory, muddled analysis of the DPS policy made in its 2011 review regarding the continued appropriateness of the lower-48 as the geographic area for the listed entity. The lower-48 listed entity pre-dated the 1996 DPS policy and is itself not a designated DPS. The lower-48 listing is not a *taxon* (a species or subspecies), and it was not a designated DPS. FWS should evaluate relationships of grizzly bears in the listed entity for purposes of applying the DPS policy based on the grizzly bear subspecies taxon and the taxon's historic range. 61 Fed. Reg. 4725.

FWS may consider a population segment of a vertebrate species as discrete if it satisfies either one of the following conditions: (1) it is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors; or (2) it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act. 61 F3d. Reg. 4725.

If a population is found to be discrete, it is evaluated for significance under the DPS policy on the basis of its importance to the taxon to which it belongs. This consideration may include, but is not limited to, the following: (1) persistence of the discrete population segment in an ecological setting unusual or unique to the taxon; (2) evidence that loss of the discrete population segment would result in a significant gap in the range of the taxon; (3) evidence that the population represents the only surviving natural occurrence of the taxon that may be more abundant elsewhere as an introduced population outside of its historical range; or (4) evidence that the population differs markedly from other populations of the species in its genetic characteristics. 61 Fed. Reg. 4725.

If a population segment is both discrete and significant (*i.e.*, it qualifies as a potential DPS), its evaluation for a listed (endangered or threatened) or non-listed status is based on the ESA's definitions of those terms and a review of the factors listed in section 4(a) of the Act. According to FWS' DPS policy, it may be appropriate to assign different classifications to different DPSs of the same taxon.

Discreteness: Marked Separation

Based on best available science, the only grizzly bears within the conterminous United States that merit consideration for discreteness as “markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors” are grizzly bears in the FWS-designated Greater Yellowstone Ecosystem (GYE).

Grizzly bears in the GYE comprise the southernmost extent of the subspecies’ current range, and have been separate from the transboundary population that extends continuously from the States of Montana, Idaho, and Washington northward through western Canada to Alaska.

In 2007 and again in 2017, FWS designated grizzly bears in the GYE as a DPS in conjunction with delisting. 82 Fed. Reg. 30,517-8 (FWS 2017). As noted in the 2017 delisting rule, the DPS policy only requires that populations be “markedly” separated and does not require “complete separation.” The rationale provided in the 2017 delisting rule as to discreteness of the GYE grizzly remains applicable.

Monitoring and genetic information indicates that grizzly bear in the transboundary mountains of the Selkirks, Purcells, Cabinets, Yaak (Yahk), and the mountains of the “Northern” Continental Divide are not markedly separate from other populations. (FWS Annual Monitoring Reports). These grizzly bears are part of a metapopulation straddling the international U.S. – Canada border. (Proctor 2018, referring to “subpopulations”). *E.g.*, Figs. 4-5.

Discreteness: International Boundary

Under the DPS policy, a DPS may be delimited using international boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist *that are significant in light of section 4(a)(1)(D) of the Act*. (1996 DPS policy)(Emphasis added).

As to control of exploitation, British Columbia and Alberta have no recreational hunting seasons for grizzly bear, as of 2017 and 2006 respectively. Canada’s First Nations may still hunt grizzly bears under aboriginal rights, but some First Nations along the British Columbia & Alberta border with the U.S. prohibit grizzly bear hunting. Even where regulated hunting might be allowed by states or provinces in the future, there is not an indication that such would present transboundary differences significant for purposes of the ESA in light of regulatory mechanisms applicable to provincial, state, or aboriginal/tribal hunting of grizzly bear. *E.g.*, FWS 2017 (discussing state-regulated hunting in GYE DPS delisting rule); Alberta 2019; British Columbia 2019. Alaska has regulated hunting of its robust grizzly bear populations. ADFG 2019.

As to management of habitat, as well as regulatory mechanisms, road density/motorized access has potential to affect grizzly bear habitat security and human-caused mortality (with varying levels of impact based on general public use roads, restricted use roads and habitat quality). (Proctor 2020). Road density/motorized access is managed more actively in occupied grizzly bear habitat in the continental U.S. (Montana, Idaho, Wyoming, and northeastern Washington) than in adjacent Canada. The U.S. Forest Service and National Park Service manage most

occupied core grizzly bear habitat south of the Canada border and these agencies apply road density standards and regulate access. States have also incorporated motorized access controls on their smaller ownership of endowment lands occupied by grizzly bears. British Columbia appears to have minimal access controls for managing access and road density outside of several protected areas on provincial crown lands.

As to conservation status, grizzly bear populations in the U.S. Northern Rockies and Greater Yellowstone (Wyoming, Montana, Idaho, and northeastern Washington) number over 1,500. Primary conservation areas for the NCDE and GYE approach or exceed carrying capacity, and grizzly bear range has expanded well beyond these areas. The U.S. Geological Survey presents an animation on its website of Greater Yellowstone grizzly bear range expansion from 1990-2018: <https://www.usgs.gov/media/images/animated-image-showing-grizzly-bear-range-expansion-gye-1990-2018>. Elsewhere in the United States, Alaska continues to have well-distributed, robust grizzly bear populations.

Western Canada continues to contain suitable habitat and robust populations. Grizzly bears have declined to low numbers along the southwest British Columbia border (Coast/Cascades), and grizzly bears appear extirpated from the contiguous U.S. portion of the Cascades (designated as the North Cascades Ecosystem).

The U.S. Canada border may be appropriate for designating a DPS for the Northern Rockies portion of the United States, if the additional regulatory mechanisms in the United States for control of roads/motorized access or conservation status are significant differences from those in Canada in light of section 4(a)(1)(D) of the Act. However, a separate DPS designation would be unnecessary if FWS were to determine that grizzly bears in the lower-48 no longer warrant listing.

Significance: Persistence in an Ecological Setting Unique/Unusual to the Taxon:

The grizzly bear subspecies currently occupies over 1.7 million square miles. It is a habitat generalist, occurring from sea level to high elevation alpine environments. *E.g.*, COSEWIC 2012. The subspecies occupies habitats as diverse as temperate coastal rain forests, alpine tundra, mountain slopes, upland boreal forest, taiga, valley bottoms, and dry grasslands. It has demonstrated diet plasticity involving a large variety of carrion, plants, seeds, berries, tubers, insects, fish, and mammals (ranging from ungulates to rodents, and including other bears). *E.g.*, IGBST 2013, COSEWIC 2012.

The appropriate DPS inquiry is whether any ecological setting under review is unusual or unique for grizzly bear such that persistence of a discrete population is significant to the grizzly bear taxon. Given the grizzly bear's range of habitats and plasticity of its omnivorous diet, there do not appear to be any particular variations among diet or habitat use in the listed entity making any particular population more ecologically or biologically important. *Compare* FWS analysis of bald eagles in the Sonora desert, Fed. Reg. 25,806-8 ("the combination of a highly adaptable species persisting in a varied habitat base leads us to conclude that the particular variations displayed in the Sonoran Desert Area population do not make that population more ecologically or biologically important"). Grizzly bear do not appear to present the circumstance of a species

limited primarily to one setting such that persistence in another, different setting might by itself be significant to the species as a whole, and loss of the species in that unique setting could make it more vulnerable to catastrophic events. See, e.g., 77 Fed.Reg. 25806.

Significance: Marked difference from other Species in Genetic Characteristics

Grizzly bears in the listed entity do not represent marked difference of genetics between populations in the listed entity and others in the subspecies taxon.

Miller and Waits (2003) concluded that gene flow between the GYA and the closest remaining population was limited prior to the arrival of European settlers but could only speculate as to the reasons behind this historical separation. Although there may be variation in heterozygosity scores among local grizzly bear populations in the listed entity, these have not translated into marked biological, physiological, morphological, or behavioral differences.

Significance: Loss Would Result in Significant Gap in Taxon Range

The appropriate DPS inquiry is whether the loss of the population would result in a significant gap in the representation, resiliency, and redundancy of the subspecies taxon. Notably, this is not an analysis of significance to grizzly bear in the United States as a whole or in the lower-48; it is analysis of significance to the subspecies taxon. For example, grizzly bear within the listed entity represent no difference in the longitudinal range of the subspecies taxon. The subspecies' current range remains substantial in size and varied in habitat north of Canada's border with the lower 48 states.

For purposes of representation or redundancy, it is reasonable to consider a population size of evolutionary significance to the grizzly bear taxon, in which case its suitable habitat area should be capable of supporting a minimum population from the perspective of genetics. *Compare* FWS minimum population recovery criterion established for the Greater Yellowstone population at 500 bears for short-term genetic fitness (applying information from Miller and Waits 2003). FWS 2017.

FWS' 2011 status review and other more recent discussions regarding peripheral populations appear to misunderstand or misstate their potential value or lack thereof. Notably, the Lesica reference (1995) cited in the 2011 status review questioned the protection of peripheral populations of widespread species linked to political boundaries, "Is it wise to spend limited conservation resources on protecting populations of a species that happens to be rare within a politically defined geographical area but that is globally secure?" Lesica 1995.

Lesica described how peripheral populations do not inherently have significant conservation value:

Populations that have become isolated due to relatively recent range contractions or peripheral populations close enough to central populations that gene flow precludes genetic differentiation are not likely to be distinct. Thus, it is important to evaluate the conservation value of peripheral populations before expending resources on their protection. (Lesica 1995).

For peripheral populations that are genetically distinct, their potential evolutionary benefit comes from connectivity and gene flow remaining low, and not from being highly connected such that the larger population genetics swamp local adaptation. (Lesica 1995). Populations that show genetic signatures of long-term isolation and demographic stability likely are composed of individuals well-adapted to local conditions. Evolutionary considerations point to the importance of populations with low connectivity and long-term persistence in isolation. (McDonald 2017).

The Kodiak brown bear subspecies presents such a peripheral isolate, as may grizzly bears in the Greater Yellowstone Ecosystem.

The current range of the taxon is approximately 50% of historic range, with a considerable loss of southern range. Various IGBC and other agency documents (including the 2011 status review) refer to loss of 98% of historic range, often without proper context that this figure applies only to the range in the lower 48, and not to the subspecies taxon's range.

The subspecies taxon's current range and size remains robust, well over 1,700,000 square miles with a population of more than 50,000 individuals. Given this size and range, along with the taxon's nature as a habitat generalist with demonstrated diet plasticity, areas hosting small numbers of bears indistinguishable from core populations are not significant in terms of potential taxonomic gaps, whether for resiliency, redundancy, or representation.

The current range in the listed entity represents a latitudinal extension of historic range southward through the Northern Rockies to the adjoining GYE (roughly 500 miles), and may be appropriate for consideration as a single DPS or two adjacent DPSs.

From an ESA standpoint, the small numbers of bears occupying the small geographic extensions of the Selkirk, Cabinet, Yaak, or Purcell mountains in the United States do not individually or collectively constitute populations of significance separate from those in the contiguous Northern Continental Divide population.

The Selway-Bitterroot, North Cascades Recovery Areas, and other currently unoccupied areas of historic range also do not represent geographic areas whose loss would constitute a significant gap in the taxon. While consideration of restoring populations in national parks, designated wilderness, or other landscapes may be appropriate based on other federal, state, or tribal policy reasons, they are not significant from a DPS policy standpoint.

Potential DPSs

As stated above, the grizzly bear subspecies is clearly not in danger of extinction, and is not likely to become endangered within the foreseeable future throughout a significant portion of its range. With restoration and expansion of core populations in the U.S. Northern Rockies (Greater Yellowstone and border populations from the Selkirk Mountains to the east across the Northern Continental Divide), delisting of grizzly bear in the 48 conterminous states is warranted.

However, should FWS determine designation of DPSs is appropriate for revision of the listed entity, the DPS policy has potential application for designating and delisting grizzly bears in the

U.S. Northern Rockies, including the Greater Yellowstone population and border populations, whether individually or collectively.

Although FWS previously identified the Selkirk and Cabinet-Yaak populations as warranted but precluded for uplisting as individual DPSs, best available science and proper application of the DPS policy indicates such status is inappropriate. Grizzly bear in the Selkirk and Cabinet-Yaak portion of the listed entity are not individually or collectively discrete from other grizzly bear populations or significant from an ESA-standpoint. Grizzly bears occupy these Selkirk, Cabinet, and Yaak (Yahk) Mountains, as well as the Purcell Mountains and valley areas lying in between. When viewed at an appropriate subspecies or DPS level under the ESA, these geographic areas, as well as the Selway-Bitterroot 10j nonessential experimental population area, are part of larger robust populations that do not warrant ESA protections.

Recommendations and Reference List

An integrated list of recommendations and references will accompany Idaho's final installment of comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Boudreau". The signature is fluid and cursive, with the first name "Toby" and last name "Boudreau" clearly distinguishable.

Toby Boudreau
Bureau Chief, Wildlife