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Public Comments Processing
Attn: Docket # FWS R6-ES-2016-0042
US Fish and Wildlife
MS: BPHC
5275 Leesburg Pike
Falls Church VA 22041-3803

May 3, 2016

Dear Sirs:

On March 11, 2016, the US Fish and Wildlife published the proposed Yellowstone Grizzly Bear Delisting Order and two other related documents; a draft supplement to the 1993 Grizzly Bear Recovery Plan and a draft Conservation Strategy in the Federal Register.

As county commissioners representing Park County, Wyoming, we believe that our constituents have been and will continue to be uniquely impacted by grizzly bears and the practical and very emotional issues attached to this iconic species. Therefore, pursuant to the request for comments, please consider the following:

Delisting Order:

"The best available scientific and commercial data indicate that the Greater Yellowstone Ecosystem (GYE) population of grizzly bears (*Ursus arctos horribilis*) has recovered and no longer meets the definition of an endangered or threatened species under the Endangered Species Act, as amended (Act). The United States Fish and Wildlife Service (Service) is also proposing to identify the GYE grizzly bear population as a distinct population segment (DPS). The Service also proposed to revise the List of Endangered and Threatened Wildlife, under the authority of the Act, by removing the GYE population. The Service has determined that the GYE grizzly bear population has increased in size and more than tripled its occupied range since being listed as threatened under the Act in 1975 and that threats to the population are sufficiently minimized".

We commissioners **strongly** endorse the proposed Delisting Order and the associated DPS segment identification as the Greater Yellowstone Ecosystem (GYE) grizzly bear is fully recovered, the population has exceeded the recovery criteria for many year and

represents one of the most significant conservation success stories in the history of wildlife conservation. **IT IS TIME TO MOVE FORWARD!**

Draft Supplement to the 1993 Grizzly Bear Recovery Plan:

We understand the Service's desire for the three criterions as detailed in the supplement. We fail to understand, however, the perceived continued need to "manage" for those criteria when "monitoring" would suffice. We are very supportive and confident in each state's ability to manage the bear once delisted. We believe that un-funded mandates will drive up the costs for an extended time period and deplete sportsman's dollars or state resources without biological or scientific need. We would suggest that flexibility of management coupled with a minimum numbers of bears measurement would suffice and support the population size of 500. For instance, the criterion of the number of Fcoy's model averaged (48) or Fcoys in 16 of 18 bear management unit areas (BMU) will limit and unnecessarily restrict future adaptive management especially since the bears are recovered and have expanded their range without such restrictions in the past. Collection of grizzly data should continue but not translate into mandated population segments. Mortality considerations would be continued to insure total populations.

It is our understanding that the mortality limit for "dependent young" is unnecessary, as it is not being measured currently

We support the effort to implement an improved scientific method of estimating population size, as we are aware of Chao2's very conservative measurement bias. We believe that any new population estimator should not be used to re-define what the recovered bear numbers are for future management decisions.
We support the mortality measurement within the demographic measurement area (DMA) as proposed. However, the last line of the first paragraph on page 8 of the supplement that states "grizzly bears will not be persecuted just because they are present there" is certainly unnecessary and at the very least appears to be written to elevate negative emotional responses. Each state will manage the Yellowstone grizzly bear population according to its approved plan as a valuable "trophy game animal". Please remove the statement.

It appears that the overarching criterion and strategy tone is based upon remaining in control into perpetuity. The ESA should be the guiding rule and as such, any perpetuity references in these three documents should be deleted. We are confident that the state's wildlife managers are capable and willing to manage a "conservation reliant species" to remain viable and recovered. Population estimates and corresponding mortality considerations should be the prerogative of the states after delisting especially considering their expertise and the "recovered population" status.

Draft 2016 Conservation Strategy (CS):

Chapter 1-Background:
We agree and support that the CS be evaluated every five years along with public input. We believe that effective management will require adaptive and flexible–oriented

management and support the concept of the Yellowstone Grizzly Bear Coordinating Committee (GYCC) replacing the YES (Yellowstone Ecosystem Subcommittee).

Chapter 2 Population standards:
We iterate our comments as above opposing the need for Fcoy minimums, distribution in management units and mortality of dependent young.

Page 35 indicates that the total population will not drop below "48 females with cubs in two consecutive years" but page 3 of the demographic recovery criteria indicates that "in 3 consecutive years". Please correct.

Figure #3, page 38 depicts the actual number of Fcoy. However, the Fcoy model averaged minimum of 48 as per the criterion for the same time period is not shown and therefore it appears that the current actual is about equal to the minimum criterion. It is strongly suggested that a revised graph be constructed that combines the actual with the Chao2 estimate to show the relationship and trend line for the DMA measurement criterion. Page 21 does acknowledge that the current entire population was 58 but does not discuss the Fcoy in the DMA.

Chapter 3-Habitat standards:
We recognize the problems inherent in attempting to maintain secure habitat at 1998 levels within each BMU or subunit. Since the grizzly bear has expanded its range and increased dramatically in numbers over the past years, why must habitat need to be so stringently managed into the future? Flexibility of management including infrastructure maintenance issues within or between each BMU and subunit should be considered. Furthermore, since the bears have successfully recovered based on current conditions of habitat, a much more effective and understandable standard would be to use "current conditions". This will obviate old mapping and condition issues and infrastructure changes that may date back to 1998. Certainly any changes to date that have been implemented within the parameters of the current forest service plans should be "grand fathered".

The three standards listed on page 6 are all potentially problematic, especially the third bullet point, "with some exceptions for administrative and maintenance needs". Who defines that or decides what qualifies? Page 56 does not discuss those exceptions.

Page 7 identifies four habitat criteria that must be measured and reported by each agency. However, on page 57, only three are discussed in detail. Further discussion is needed to make it clear who assembles the information, when it is due and the recipients.

Please consider a more thorough explanation of the mortality definitions (page 48) for the "annual unknown and unreported ".

The requirement for management agencies to "strive to maintain" a minimum of 25 adult female grizzly bears fitted with collars distributed throughout the ecosystem and "monitored at all times" appears to be very expensive and difficult to continue into

perpetuity. It may also lead to unnecessary litigation or public criticism if not achievable. What happens if it is not achieved? (page 51)

Page 57, last sentence first paragraph: "habitat standards in this document are subject to revision...reviewed and updated as necessary" should be defined. Who will review and update and what is the process?

Page 59, second paragraph "levels of secure habitat and motorized route density are monitored on federal lands outside the PCA to identify and prevent potential habitat threats". Who will define, monitor, decide and pursue amelioration of the threat? What if that process is inconsistent with the current forest service plan?

Page 63, temporary reductions in secure habitat mentions only federal projects. Has any consideration been given to road projects that may be state or county, especially if emergency or large projects may impact more than one BMU are involved?

Page 76, monitoring protocols mention that IGBST will monitor..."as budgetary constraints allow". Certainly all the agencies will face similar circumstances but yet it appears that monitoring the four foods is the only protocol with this caveat. One can make the argument that this protocol is just as important as others. What justification can be used to justify this option and why does it apply only to the IGBST and not other agencies?

Page 76 typo second line: "d".

Page 84 first line indicates that there is little evidence of a relationship between hunter numbers and grizzly bear mortality. The next paragraph indicated that greatest source of mortality is due to interaction with hunters. If the numbers of hunters has been shown as not relevant, why does the State have to collect the number of hunters for this CS? It would seem to be an unnecessary expenditure and effort.

Chapter 4-Management of conflicts:

We did not note any discussion of conflict resolution within Tribal lands.

Page 8 and 92 discuss removal. We do not understand why the limitation as described only allows removal as "may be given to public research institutions or public zoological parks"? Why should the CS limit the flexibility for future decisions or only certain recipients?

Chapter 5-Information & Education:

We are concerned about public comments against hunting, especially the bears that may be more visible due to being around roads, campground structures or being in the city limits of Cody and around our landfills. We would suggest that language be added to the education section that remind people that bears that are constantly frequenting these areas should not be encouraged or rewarded to remain. That segment of the grizzly population

is not the "norm" of what this species should be for their long-term management even though some people want these bears to be visible as they are "revenue bears" for their personal or financial gain.

Chapter 6-Implementation & Evaluation:
As noted above, we support the YGCC, its mission and membership structure.

Page 105, indicating that the Service may initiate a formal status review "3) if the Service determines a petition to re-list from an individual or organization including YGCC, is warranted" appears to invite such petitions. Consideration should be given to identify what would be parameters of "warranted".

General comments:

We noted that there are many references to different groups and committees being responsible for specific reports and tasks. In some cases though, it does not indicate who is responsible for preparation and the timetable for completion.

The YES committee was given the 2015 Annual Report Summary. Please consider updating all tables, graphs etc for the latest information available prior to the final rule making

There are 16 appendices listed in the CS. None are currently available for public review on the listed web site and as such, we are not able to comment on most of them. Please seriously consider whether the public should be able to comment on the final documents, including all of the agreements and appendices that comprise the CS after they are made available.

We have briefly reviewed Appendix C and are concerned that it dictates how future management decisions will be made by virtue of setting new population goals and related mortality limits. (With reference to any new population estimator that may be adopted). In the spirit of designing a decision framework that will allow flexible and adaptive management to be successful in the future, please remove the mandated language.

We as commissioners are always concerned when federal regulations impact private land. We are aware of some parcels of private land that are within the DMA boundary. Therefore, please consider how management and implementation of the CS may adversely impact the landowner and the process for amelioration.

Some of our comments in individual sections may apply to multiple issues. As such, please consider each and every comment to apply to all of the three proposed documents.

We sincerely appreciate this opportunity to comment on this historic Yellowstone grizzly bear delisting effort. If you have any questions or require any further explanation, please contact us.

Signed by the **BOARD OF COUNTY COMMISSIONERS of PARK COUNTY, WYOMING**

Tim A. French, Chairman

Lee Livingston, Vice Chairman

Loren Grosskopf, Commissioner

Bucky Hall, Commissioner

Joseph E. Tilden, Commissioner

cc: Governor Matthew H. Mead
United States Senator Michael Enzi
United States Senator John Barrasso
United States Congressman Cynthia Lummis
WCCA Executive Director Pete Obermueller
YES Committee Chairperson Mary Erickson
Wyoming Game & Fish Chief Game Warden Brian Nesvik