

## **Grizzly bear delisting public comment issue and response drafts – Wyoming**

**Issue 26.5:** Commenters expressed concerns that we either did not have or did not share effective plans for facilitating connectivity between the six grizzly bear recovery zones in the lower 48 states (especially in the preamble of the proposed rule). Commenters and peer reviewers both expressed concerns that management plans and regulations will discourage movement of grizzly bears and prevent necessary connectivity, including that:...(5) Idaho's and Wyoming's state plans do not discuss connectivity at all or will actively prevent the successful recolonization of unoccupied historic range because of potential for conflict...

### **Response 26.5:**

**Issue 66.8:** Many commenters expressed concerns about the adequacy of Wyoming's regulatory mechanisms and management plan. First, commenters opined that the process Wyoming used to draft its regulations (Chapter 67) invalidated them as binding regulatory mechanisms and disqualified them for consideration in our Factor D analysis, because: (1) Wyoming did not allow for enough public comment and did not provide adequate notice of the adoption of the management plan and MOA, currently the subject of Wyoming Administrative Procedure Act litigation; and (2) Wyoming has not yet finalized its management framework. Second, commenters expressed concerns about the Wyoming Game and Fish Commission, claiming that the Commission has a history of disregarding legally set population targets and quotas (e.g., in management of bison and elk), that the Commission has previously promoted rules harmful to grizzly bears, and that the Commissioners are unqualified to set management objectives since they are political appointees and not staff biologists.

Third, many commenters took issue with the content of Wyoming's regulatory mechanisms and suggested that these concerns must be addressed or allayed prior to delisting. These concerns included: (1) the potential of Wyoming allowing people to take grizzly bears without a license and without limit (if grizzly bears are regarded as a "predator"); (2) that Wyoming could violate Recovery Criterion 2 if it does not close hunting in any GBMU if hunters take a female bear; (3) that Wyoming's regulations only monitor and count mortality

within the DMA and that hunting would only cease if mortality limits are exceeded within the DMA (and not if they are exceeded outside the DMA); (4) that Wyoming's Chapter 67 regulations give the Wyoming Game and Fish Commission the responsibility of monitoring the bear population and making determinations about the bears' genetic health, tasks the commenter claimed should be reserved for IGBST; (5) that Wyoming's regulations inadequately protected females; (6) that Wyoming needs to provide additional detail on what it would consider violations of its grizzly bear management regulations and how it would investigate, prosecute, and penalize violators; and (7) that Wyoming's regulations did not contain all five of the regulatory elements we deemed requisite for adequacy in our proposed rule. One commenter suggested Wyoming's regulations include a "once-in-a-lifetime limitation for grizzly bear hunting consistent with § 23-1-703."

Fourth, commenters also worried about the content of Wyoming's management plan, including: (1) that the mortality limit table does not match the table in the MOA or the proposed rule; (2) that the plan does not commit to the MOA, the Conservation Strategy, or participation in the IGBST review process; (3) that Wyoming's plan allows the take of females with cubs and will promote the reduction of bear populations until there are only 48 females; (4) that the hunting fees outlined in the plan are too low; (5) that Wyoming must define the term "human habituated" to ensure that only those bears posing a safety risk (and not merely bears close to human development) will be contenders for removal; (6) that Wyoming's plan needs to more explicitly describe how they would deal with orphaned cubs (potentially outlining plans for a "Bear Recovery Center" to rehabilitate orphaned cubs; (7) that Wyoming's plan does not contain adequate protections from hunters for bears feasting on moth sites; and (8) that the Service would be taking a leap of faith unless any season planning in Wyoming involves public participation and collaboration with other states.

**Response 66.8:**