

**Bulleted summary of peer review and public comments, organized into issues that need assistance from State Agencies who are part of YES**

- Hunting in the national parks/national forests
  - Create a buffer of no hunting around national parks or focus hunting away from NPS boundaries
  - No hunting on state and private inholdings within GTNP. The NPS is currently being litigated on its 2014 decision to allow this. The Service failed to assess the impacts hunting on inholdings in the rule.
  - There should be no hunting in the JDR. A grizzly bear hunt within the JDR would have a negative impact on public safety and public use and enjoyment. Pub. L. 92-404, Sect 3(b)
  - Because the public lands belong to the public, public should have a say in how grizzly bears that originate from public lands are managed. Hunters are the minority.
  - Grizzly bear hunting in GTNP must be prohibited
- Hunting and connectivity areas
  - Should consider precluding hunting of bears living in suboptimal habitat outside of the DMA in areas of connectivity.
  - There should be no hunting in the connectivity areas (e.g., the Gravelly Mountains, the Centennial Range, the Tobacco Root Mountains, the Highland Mountains, etc.)
- Hunting should occur in conflict areas, like the Upper Green, to potentially address individual bears
- No hunting should be allowed at food aggregate sites (i.e., moth sites and a 10 mile buffer anywhere in the DPS) as these would be “easy killing fields for trophy hunters to wipe out large numbers of bears at one time and place” (Wild Earth Guardians)
- There is no provision for the NPS in the allocation of ‘discretionary’ mortality. The NPS should be allocated their fraction for foreseeable mortality under NPS jurisdictions.
- **ISSUE:** Concerns about mistaken identity kills
  - States should prohibit black bear hunting within the DMA, or at the very least the PCA, to reduce mistaken identity kills of grizzly bears.
  - Idaho and WY should have a mandatory bear ID test for hunters to reduce mistake id mortalities
- **ISSUE:** Concerns about mortality from trapping intended for other game (bear as incidental take)

**Commented [JB1]:** FR response. Addressed with Steering committee. States HELP

**Commented [JB2]:** FR response. Already discussed in SR.  
Moth sites...States help respond.

**Commented [JB3]:** FR Response. Need a draft response. Not NPS mission, Brian can help.

**Commented [JB4]:** YES SC –State assistance in response. FR response Likely NOT YES SC ISSUE.

- A ban on trapping should be a requirement prior to delisting. Even if trapping is banned for grizzly bears, without ESA protection trapping of other animals could be allowed without Section 9 liability for injury and death of grizzly bears as incidental take.
  - State plans do not require that grizzly bears being caught in traps (as a non-target animal) be reported to the fish and game departments
  - Trapping is allowed in Wyoming and the rule does not address non-target trapping incidents of bears and how this will be managed. (i.e., incidence of cub caught in a trap near Cody in October 2015 leading to agitated sow nearby). All trapping should be banned within the PCA and the DMA (trapping of any animal).
- Commented [JB5]: FR Response. Assistance from States
- **ISSUE:** Selling of grizzly bear parts not addressed in the proposed rule, how common is trafficking in the US?
    - The state legislation needs to pass appropriate laws to make it illegal to sell bear parts, the rule needs to discuss the current state laws or lack thereof
- Commented [JB6]: FR Response. Assistance from States
- **ISSUE:** Concerns about use and development in secure habitat (inside the PCA):
    - Projects inside the PCA should not be allowed that temporarily change the amount of secure habitat.
    - Reconsider allowing recurring low-level helicopter flights and temporary road construction during denning season.
    - Misconception that hunting will not be allowed in secure habitat (i.e., inside the PCA) (Habitat cannot be considered secure if hunting is allowed?)
- Commented [JB7]: FR Response/tie in CS. Tied to hunting issue above for States. Help from States...likely discuss in FR. How can it be secure if we hunt.....what it is and ist not. Secure links to habitat
- **ISSUE:** Concerns with adequacy of our discussion of habitat connectivity:
    - Additional details of the state management plans (mainly Montana) to facilitate connectivity should be discussed.
    - Wyoming and Idaho plans state/strongly indicate that they will prevent the GYE grizzly bear from re-occupying its historic range.
    - State plans need to manage for connectivity and not towards a minimum population level as they currently do
    - The state management plans will actively discourage grizzly bears outside the DMA
- Commented [JB8]: YES SC state help to respond
- Commented [JB9]: YES SC State help us respond.

#### Chapter 4: Management and Monitoring of Grizzly Bear-Human Conflicts

- **ISSUE:** Concerns about adequacy and effectiveness of management of human-bear conflict (and the subsequent removal of problem bears)
    - The nuisance bear standards should be applied throughout the DMA... within the entire GYE DPS
    - **ISSUE:** Concerns about adequacy of state management plans and their ability to appropriately manage grizzlies
      - Critical
- Commented [JB10]: Assistance on Responding. STATES help.

- Montana and Idaho do not plan on revising their existing, inadequate grizzly bear management plans
- The three states “have shown little if any ability to be in agreement when it comes to managing wolves or other species”. “I see grizzly bear management from these states no different. There needs to be uniformity, consistency, and communication among these three states to prevent elimination of the bear from certain landscapes.”
- Concern that the states will be swayed by political pressure in their management plans as they must go in front of state legislatures for approval, disapproval, or amendments
- State management “will relegate the bear’s importance to only a few special interest stakeholders” (Cougar Fund)
- Complications of multiple state management: “allocation among states and tribes, feasibility of enforcement, prevention of exceedance of limits (including gender limits), and subsequent implementation of mitigation (reducing discretionary mortality) in a following year”
- At least 2 of the states have “clearly demonstrated non-precautionary management of large carnivores, as exemplified by unsustainable harvest levels of the NRM gray wolf (Creel and Rotella 2010; Ausband et al. 2015).”
- WGFD has not identified all threats grizzlies will face outside of the NP boundaries.
- Who will be the watchdog for the State fish and game departments if grizzly bear management falls to them?
- What measures have been put into place to ensure that grizzlies within the DMA but outside the PCA will be managed in a consistent method between the three states ensuring that nuisance bears do not exceed mortality thresholds, Criteria 1-3 are met, and facilitates genetic connectivity?
- The states do not establish population targets and associated specific harvest criteria but rather a minimum population size leading to concern that the states will overharvest and a lag in management response could drive the population below the desired minimum.
- “The ESA represents the conscience of the broader public when it comes to grizzly bears and other imperiled species. By contrast, our state wildlife management agencies in the Northern Rockies represent the views of a politically influential minority whose interests focus on extractive uses of the natural world.” Willcox 2016
- The Conservation Strategy needs to be clearer on how states are coordinating with each other

**Commented [JB11]:** FR responsive. YES SC? States? Need to add specifics of State Mgmt Will need help from states to add information to Chapter. 7.

## Conservation Strategy Appendices

- Appendix I – no basis for the statement that humans will be safer because bears will avoid people after hunting is allowed. “Likening grizzly bear behavior to herd animals (elk in Yellowstone) is absurd.” (Debra Patla) If this were true would bears be driven from important back country food sites as a result of hunting? Will bears that have adverse experiences with hunters become more aggressive?

Commented [JB12]: YES States. From their writeup. Help in responding.

## MOA

- Refers to the 2007 Conservation Strategy rather than the 2016
- No mechanism by which excessive non-discretionary mortality moderates discretionary mortality nor is there mention of undocumented/unreported mortality (i.e. total mortality estimate). Need to include the example from the PR.
- The maintenance of a minimum population size of 500 bears in the GYE should specify inside the DMA
- Should be clear that the population will not be managed down to a minimum population size of 500, that this is not a population goal.
- The MOA and state plans need to clearly state how a new estimator will be calibrated as directed in Appendix C and undergo public review.
- Is focused on maintaining a minimum number of grizzly bears in the DMA and does not adequately address genetic concerns or connectivity. “Viability” is not the same as genetic quality.
- Does not recognize the loss of genetic material without immigrants or transplants or commit to provide for natural immigration or transplants.
- Does not address the impacts of hunting on population generation interval.
- Misuses Miller and Waits (2003)
- The NPS must be invited/formally consulted to participate in the annual meeting to review population monitoring data
- “The parties may agree to adjust the allocation of discretionary mortality based on management objectives and spatial and temporal circumstances”. The states should not be allowed to move around the percentage of mortality allowed annually as this could lead to population sinks.
- Is inconsistent with the rule, must say that hunting will be suspended within the DMA if mortality limits are reached and not within one state or hunting unit.
- Says background mortality will be used from the previous year to calculate hunting whereas the rule says most recent 4-year period, only using 1 year could have a significant negative impact if it was below average.
- No commitment to maintain a specific number of radio-collared females or other data collection addressed in the rule and CS. States alone cannot manage all of the data collection and analysis.

Commented [JB13]: FR response –assistance from State to respond. .