

From: [Robert Aland](#)
To: [Michael Bean](#)
Subject: Re: GRIZZLY BEARS - YOUR "THANK YOU" E-MAILS
Date: Tuesday, September 22, 2015 3:19:19 PM

Mr. Bean:

I appreciate your prompt response.

Will FWS (1) take into account overwhelming public sentiment that undoubtedly will be expressed under the APA (99.3% of 200,000 public comments opposed in 2005), even if not technically "scientific," (2) reject political pressure such as that exerted by Governor Mead in his May 2012 letter to Secretary Salazar and Governors Bullock, Mead and Otter in their meetings with Director Ashe and (3) take into account the enormous cost to DOI and FWS in terms of human and financial resources?

Sincerely,

Robert Aland

From: Michael Bean <michael_bean@ios.doi.gov>
Date: Tuesday, September 22, 2015 at 1:56 PM
To: Robert H Aland <rhaland@comcast.net>
Subject: Re: GRIZZLY BEARS - YOUR "THANK YOU" E-MAILS

Mr. Aland. Thank you for your most recent email. I read your emails and appreciate your input. Any decision about the listing status of the bear is required by law to be based solely on science. The Service will take into consideration all the scientific information that it must.

Sent from my iPhone

On Sep 22, 2015, at 11:43 AM, Robert Aland <rhaland@comcast.net> wrote:

Dear Mr. Bean:

I appreciate receiving your "Thank you" e-mail below, as well as the others I have previously received from you, if those words mean that you are sincerely telling me that my e-mails are appreciated by FWS and are being taken into account in the current de-listing process for Greater Yellowstone Area (GYA), and possibly NCDE, grizzly bears.

I think you will agree that any person with a heart and soul will be rendered speechless by the horrifying video (link below) of the assassination (for lack of a better word) of one great bear. It would be unconscionable to subject the GYA and NCDE grizzly bears to the same fate.

The Grizzly Bear Recovery Coordinator and others at FWS who favor de-listing might say: "That fate does not await the GYA and NCDE bears." But it does. There can

be no doubt. FWS cannot prevent it. The contemplated post-de-listing reduction of the GYA grizzly bear population to 500 or fewer mentioned by the Idaho wildlife official below is not new; that limitation has a cornerstone of the Idaho, Montana and Wyoming management plans and has frequently been mentioned by other wildlife officials over the years. (See my 5/8/15 & 8/3/15 e-mails) If the Coordinator correctly stated that there are 1,000 – 1,200 bears in the GYA (see attachment to my 5/8/15 e-mail), **over 50%** of the bears will have to be slaughtered after de-listing.

Grizzly bears are at the top of the predator chain wherever they exist; “hunters” and outfitters cannot wait for the opportunity to kill them as trophies. There will be many horrifying videos after the great bears are de-listed. (By way of example, have you seen how cougars are slaughtered in Wyoming by “hunters” chasing them on ATVs or horses with packs of dogs with electronic collars and electronic tracking devices and then shooting them out of trees? I will be pleased upon request to provide you with a CD showing the entire chase/kill process? After watching the CD, you might even agree with me that the exhausted cougar, having sought refuge in a tree but facing a “hunter” at the base of the tree ready to pull the trigger, can cry.)

Turning to a matter of pure resource allocation within FWS, including the Coordinator's office:

- The grizzly bear de-listing process began in 2003 (in fact, probably long before);
- The proposed de-listing rule was issued in 2005;
- The final de-listing rule was issued in 2007;
- Litigation commenced in 2007 and was finally resolved at the end of 2011;
- The de-listing process resumed in 2012 with the exchange of letters at the political level between Governor Mead and Secretary Salazar (the Coordinator participated in the preparation of Secretary Salazar's letter.);
- FWS and the Coordinator have been working on the next de-listing effort to the present day;
- A proposed de-listing rule will be issued at some point in the (probably near) future;
- Public comments will be filed (and presumably rejected summarily, as before);
- A final de-listing rule will be issued;
- 60-day notices will be filed by prospective litigants; and
- Litigation will be commenced and will continue for at least 4 years (by the measure of the prior litigation).

In summary, at least 8 years (and probably many more) were spent on FWS's prior de-listing effort (2003 – 2011); another 4 years have been spent on FWS's next de-listing effort (2011 – 2015); and another 6 or more years will be spent on the de-listing effort, including litigation, in the future. **Thus, a total of at least 18 years, and probably many more, have been, and will be, spent by FWS and the Coordinator on de-listing – all to no avail.** The human and financial resources already spent and to be spent over those 18 or more years are so massive that they cannot be quantified. This is why in previous communications I have analogized FWS's and the Coordinator's pursuit of the great bears to Captain Ahab's pursuit of the great whale.

There is no conceivable reason – other than politics and the Coordinator's legacy – for this enormous waste of human and financial resources. I am confident that there is no de-listing precedent within DOI and FWS for this level of expenditure of human and financial resources. Is there any accountability on the part

of DOI , FWS and the Coordinator for such an enormous waste – especially in the current economic climate when federal appropriations are tight across the board?

FWS and the Coordinator fought the battle in the courts and lost; they should accept the result and move on as non-government litigants do based on respect for the law and considerations of human and financial resources. Instead, based upon communications I have read, they continue the fight, unencumbered by considerations of human and financial resources, based not on science but rather on overcoming legal obstacles that the courts erected in the last litigation.

Again, I hope and trust that your “Thank you” indicates that you and others at DOI and FWS are taking into consideration the matters that I have been raising. ***It is no exaggeration to say that the de-listing decision is all about life or death for the great bears.***

Sincerely,

Robert Aland
Winnetka, IL

From: Michael Bean <michael_bean@ios.doi.gov>

Date: Monday, September 21, 2015 at 5:31 PM

To: Robert H Aland <rhaland@comcast.net>

Subject: Re: GRIZZLY BEARS - AND CECIL THE (FORMER) AFRICAN LION

Thank you

Sent from my iPhone

On Sep 19, 2015, at 3:50 PM, Robert Aland <rhaland@comcast.net> wrote:

Dear Messrs. Bean, Ashe and Thabault and Ms. Fahey:

1. **Horrible Grizzly Bear Killing Video.** You must look at the following video of the killing of a spectacular grizzly bear for fun (listen to the celebration and laughter as the bear is suffering and dying). The video is horrible. How humans can treat wildlife in this manner is beyond my comprehension; and yet you, representatives of the all Americans, are preparing to subject Yellowstone Area (and possibly Glacier Area) grizzly bears to the same fate. “Hunters” and outfitters are salivating over the prospect of turning guns on grizzlies in ID, MT and WY. Is the role of the US Fish & Wildlife “Service” and the Grizzly Bear “Recovery Coordinator” to provide over that slaughter?

<http://www.theglobeandmail.com/news/british-columbia/i-challenge-bcs-premier-to-watch-this-grizzly-bear-video/article26344883/>

2. **Anti-Delisting Report & Peer Review.** (A) Read the article below from the 9/16/15 edition of the *Jackson Hole (WY) News & Guide* with regard to a recent report prepared by the Ohio State University School of Environment and Natural Resources with regard to the opposition of a substantial majority of experts to delisting grizzly bears. Not only does the report disclose strong scientific opposition to delisting but also the report gives the Grizzly Bear Recovery Coordinator a good source for the selection of peer reviewers for the upcoming grizzly bear delisting pursuant to the *1994 FWS Peer Review Policy*, the *2004 OMB Peer Review Policy* and the *FWS Peer Review Approach for Listings, Critical Habitat Designations, Delistings, 5-Year Reviews and Recovery Planning*.

(B) You will recall that the Coordinator selected 8 peer reviewers for the 2007 delisting. Six of the reviewers had no peer review qualifications for that special task because they were not US residents and, as reflected in the qualification sections of their written reports, had no special expertise with regard to Yellowstone Area bears (Genovesi – Italy; Huber – Croatia; Swenson – Norway; Herrero, McLellan and Stenhouse – Canada); and 2 were not independent (Clark and Van Manen, both USGS employees). All obviously were selected because they would reach the result desired by FWS and the Coordinator, which contravened the requirements and spirit of the 1994 FWS and 2004 OMB Policies and the FWS Approach. The OSU report gives the Coordinator a second chance to select independent peer reviewers.

3. **Ashe Contamination of Grizzly Delisting Process.** In my 7/17/15 e-mail, I stated that Director Ashe has contaminated the delisting process by (A) meeting – necessarily for political rather than scientific reasons – with Governors Bullock, Otter and Mead and members of their staffs on 12/7/14 with regard to the delisting of the bears and (B) describing grizzly bears in an internal e-mail early in 2015 as “troublesome.” I have since learned that Director Ashe’s meetings with the governors and/or their staffs did not end on 12/7/14; there were follow-up meetings in person and/or by telephone. For example, a 2/19/15 memo from to Governor Otter from a member of his staff states: “You will be calling into a meeting with Governors Bullock and Mead and Fish and Wildlife Director Dan Ashe. . . . This meeting is a follow up to our conversation at the WGA meeting in Las Vegas in December. Since that meeting Virgil [Moore] and other Fish and Game Directors have met with [FWS] about delisting. Virgil is comfortable with managing grizzlies under the standard of ‘stable or increasing’ for 500 bears. . . .” The politically-motivated meetings alone requires FWS to drop the current delisting effort.

4. **Administrative Record.** The video (see #1), OSU report (see #2) and all documents, both hard copy and electronic, relating to the various meetings involving Director Ashe and the governors and/or their staffs must be included in the AR being prepared by the Coordinator as evidence that FWS considered in reaching its decision to delist the great

bears.

Sincerely,

Robert H. Aland
Winnetka, IL

Jackson Hole (WY) News & Guide – 9/16/15

Survey: Experts favor federal griz protection

Perceived threats are far-ranging, master's student candidate finds.

By Mike Koshmrl

As the U.S. Fish and Wildlife Service eyes the end of federal protection for the ecosystem's grizzly bears, an academic study finds that bear experts would prefer that the protections stay in place.

An Ohio State University master's student, Harmony Szarek, found in her thesis that nearly two in three grizzly bear experts familiar with the Greater Yellowstone Ecosystem's population recommend that the region's bears either maintain their current "threatened" status or be elevated to a more protected "endangered" level under the Endangered Species Act.

"Of those experts who felt qualified to respond to the item about the appropriate Endangered Species Act listing status for the Greater Yellowstone Ecosystem grizzly," Szarek wrote, "a clear majority indicated that bears should remain listed under the Endangered Species Act.

"Currently, there appears to be political pressure to delist this population segment," she wrote. "However, responses here indicate that a majority of experts believe delisting would be an incorrect decision, or at the least a violation of the precautionary principle."

The grizzly experts' views on the bears' Endangered Species Act status came as a "shock," Ohio State University social science professor Jeremy Bruskotter said.

"We weren't anticipating that at all," said Bruskotter, Szarek's advisor and the study's lead investigator. "We anticipated that at the most it would be a 50-50 split.

"Initially when we saw the data, we thought, 'This can be explained,'" Bruskotter said. "We thought that's probably the people who are least familiar with the situation."

But that wasn't the case. There was "really no variation" in listing views between those who worked closely with Greater Yellowstone grizzlies and those unfamiliar with the population, Bruskotter said.

"The listing status judgment was the same whether or not they had specific knowledge ... or whether they really had no knowledge at all that was specific to that population," he said.

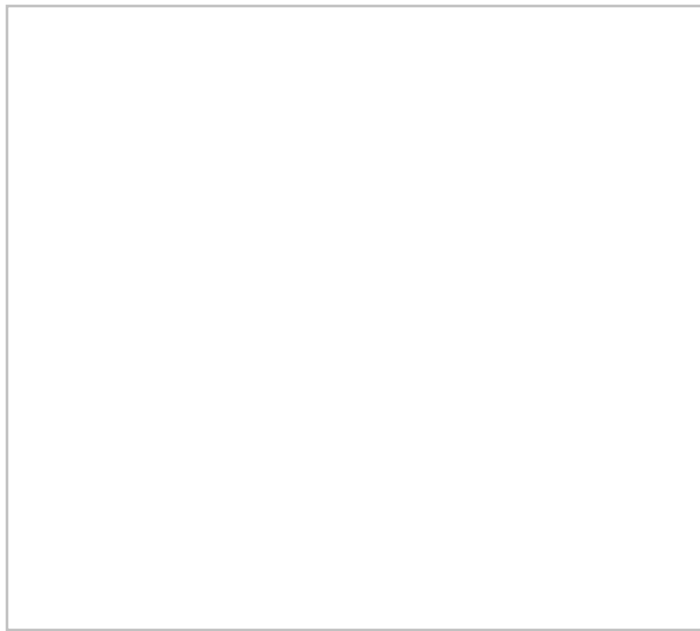
Szarek, a student in Ohio State's graduate program in environment and natural resources, also sought to determine how heuristics — decision-making shortcuts — influenced experts' recommendations for the ecosystem's grizzlies. Professor Eric Toman also contributed to and advised on the research.

The title of the thesis, which Szarek defended in April, is a mouthful: "Subjectivity in expert decision making: Risk assessment, acceptability, and cognitive heuristics affecting Endangered Species Act listing judgments for the Greater Yellowstone Ecosystem grizzly bear." To gather all the opinions, Szarek first pooled names of researchers who had co-authored or authored academic articles about grizzlies or brown bears over a recent 10-year period. She added 90 members of the Interagency Grizzly Bear Committee and came up with a total of 1,430 "grizzly bear experts."

Those whose email address could be found were contacted, and nearly 600 of the messages sent out were opened. Two hundred and thirty-four people took the survey, providing the data for the analysis.

Of the survey participants, 90 percent reported experience in academia, 58 percent had worked for a government agency and 15 percent had worked for a nonprofit organization. Just shy of half of the pool of experts either reported direct experience working with Yellowstone region grizzlies or had research experience working with grizzly bears and were familiar with the ecosystem's population.

The survey also included a "threats assessment" that gauged the experts' views on seven factors that could endanger the ecosystem's grizzlies, last estimated to number 757 animals.



The threats were the same considered by Fish and Wildlife the last time delisting was pursued, and among others included genetic isolation, declines in food resources and low reproduction rates. Habitat loss, habitat modification and human-caused grizzly mortality were judged to be the most significant threats.

But perceptions of threats were largely all over the place, Bruskotter said. That was particularly the case with those most familiar with Greater Yellowstone grizzlies.

“What we found is that for four of the seven threat factors, the group with the most variability was the group with the most expertise,” Bruskotter said. “Meaning there was more disagreement with the group that had the most direct knowledge of Greater Yellowstone Ecosystem grizzly bears than there was within the other groups.

“What we’re seeing here is really the opposite of consensus,” he said.

The study’s exploration of the role of heuristics might help explain why federal wildlife managers are moving toward delisting the population at a time when the typical expert individually is not ready to make that move.

“The tentative conclusion would be that values and professional norms end up being more important than the assessments of threats,” Bruskotter said, emphasizing that the work is not yet peer-reviewed.

That’s not how the Endangered Species Act is supposed to work, he said.

“The Endangered Species Act tells agencies that they need to make the decision solely on the best-available science,” Bruskotter said. “But when agencies make that decision it’s really a combination of the threat and the tolerance for that threat. And the risk tolerance is a completely normative decision. It’s not a scientific judgment at all.”

That, he said, is the “flaw” in the Endangered Species Act that “gave us the opportunity to run this kind of investigation.”

Contact Mike Koshmrl at 732-7067 or
environmental@jhnewsandguide.com.