

From: Robert Aland
To: [Bean, Michael](mailto:Bean_Michael@fws.gov); dan_ashe@fws.gov; Michael_Thabault@fws.gov; Bridget_Fahey@fws.gov
Cc: Chris_Servheen@fws.gov
Subject: GRIZZLY BEARS - PROTECTION & OTHER MATTERS
Date: Thursday, May 28, 2015 11:18:40 AM

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

Last week a friend took the attached beautiful photo in Jackson Hole of a mama grizzly bear and her three kids. Anyone who questions whether we need to protect and preserve these great bears only needs to look at this photo. A photo, in this case, is truly worth a zillion (or more) words. It is incomprehensible to me that anyone, especially one who works at a federal agency on behalf of the American public, would seek to reinstate the slaughter that took place before the bears were given ESA protection in 1975. The overriding desire of Idaho, Montana and Wyoming wildlife agencies to re-establish the slaughter of the great bears and to reduce their number in the GYA to 500 or fewer is clearly stated in their post-ESA management plans.

This is a matter of **fundamental human values** – respect for all things living, compassion, trust, goodwill – even before application of the 5 statutory ESA factors, which, as you no doubt know, can be (and are) applied with “flexibility” to achieve a pre-ordained result. There has been no recovery of these great bears; and the misinformation (and new counting methodology) being provided by the Coordinator and his acolytes on the committees and within the FWS cannot change that fact.

Also as you no doubt know, in 2005, when the last proposed delisting occurred, **99.3%** of about 200,000 public commenters, including about 90% of public commenters from Idaho, Montana and Wyoming, **opposed** delisting. In a brief filed in the litigation that ensued, FWS took the position that public comments under the APA are “not a vote count.” In other words, your agency arrogantly proclaimed “the public be damned.”

This arrogance again manifested itself on May 21, 2015, when the FWS issued a proposed new requirement, which must be satisfied by any person or organization submitting a petition to add a species to the ESA protection list, that the petitioner “must certify that a copy of the [listing] petition was provided to the State agency(ies) responsible for the management and conservation of fish, plant, or wildlife resources in each State where the species occurs at least 30 days prior to submission to the [FWS]. . . . If the State agency(ies) provided data or written comments regarding the accuracy or completeness of the petition, those data or comments must be labeled as such, appended to the petition, and submitted with the petition. . . .”

This is an incredible proposal. State wildlife agencies, in most cases, act as official hunting organizations, and their failures to preserve and protect the species for which a petition is being filed is the very reason any filing for ESA protection is needed. For example, check out the Wyoming Game & Fish Department website, to confirm my conclusion. In the grizzly bear litigation the Idaho, Montana and Wyoming wildlife agencies **intervened on the side of the FWS** in order to support removal of the bears’ ESA protection. These state agencies would never support a listing petition, which, of course, is the reason why the FWS made the proposal. The FWS is well aware of the strong anti-listing bias of state wildlife agencies. The proposal is analogous to requesting the fox to support added protection for the chicken house.

The FWS’s (and other agencies’) arrogance has recently been on display (a) as a result of the Coordinator’s refusal to consult with over 30 Native American tribes that oppose delisting of grizzly bears and (b) at the recent grizzly bear meeting in Cody when Tribal Historic Preservation

Officer James Walks Along was forced, possibly physically, to abandon an address that he was prepared to give to those in attendance. How is it possible that federal and state agencies at this point in time treat Native Americans with such contempt? Is anyone being held truly accountable? That contemptuous conduct must be rectified immediately.

It is obvious that there is no senior advocate within the Department of the Interior and the FWS for wildlife, which cannot speak for itself. There might be some lower level persons within the FWS who do care about preservation and protection of grizzly bears and other wildlife, but clearly they are afraid to speak their minds for fear of losing their jobs. (Go back and re-read Interior Inspector General's report regard of the misconduct of Julie MacDonald.) It is imperative that the FWS appoint **an independent office, possibly called the "Wildlife Advocate Service," to speak for wildlife (and the American public).** The office should be patterned after the independent Taxpayer Advocate Service within the U. S. Internal Revenue Service. The Taxpayer Advocate Service was deemed necessary to protect taxpayers from abusive and erroneous conduct; a Wildlife Advocate Service is necessary to protect wildlife from abusive and erroneous conduct.

The time is long overdue for the Secretary, Assistant Secretary, Deputy Assistant Secretary and Director straighten their backbones and stand up unequivocally and publicly: Accept the result of the 4-year litigation that ended in 2011; stop the Coordinator's and the FWS's Captain Ahab-like pursuit of the great bears; terminate the grizzly bear project; close the Coordinator's office; and move on with the FWS's limited resources to other priority matters.

Sincerely,

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