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**Cc:** [Chris\\_Servheen@fws.gov](mailto:Chris_Servheen@fws.gov)  
**Subject:** GRIZZLY BEARS - GREATER YELLOWSTONE AREA - POPULATION ESTIMATES  
**Date:** Friday, May 08, 2015 1:48:28 PM  
**Attachments:** [Grizzlies - May 2015 Cody Enterprise Article.pdf](#)  
[Grizzlies - May 2015 Montana Public Radio Article.pdf](#)  
[Grizzlies - Mead 5-24-12 LT Salazar.pdf](#)  
[Grizzlies - Salazar 7-19-12 LT Mead.pdf](#)

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

Attached are two articles from earlier this week with regard to the above subject: (1) Cody Enterprise article entitled "Grizzly numbers increase: Slow go removing bears from endangered species list" and (2) Montana Public Radio article entitled "Yellowstone Grizzlies Are Recovered Says Grizzly Recovery Coordinator."

You will see in (1) that the estimated number of grizzly bears in the "habitat range" (same as the GYA?) was 757, a number that was provided, according to my understanding after inquiry, by a representative of the Wyoming Game & Fish Department at the meeting last week in Cody. However, in (2) you will see that the estimated number was increased by 32% - 59% to a "healthy and robust" 1,000 – 1,200 by the Grizzly Bear Recovery Coordinator, who, again according to my understanding, was also present at the Cody meeting.

Irrespective of whether the geographical context of these disparate numbers was the same or different, there can be no doubt that **both numbers were substantially inflated** as part of the ongoing campaign by the Coordinator and the various committees and state wildlife agencies since 2011, when FWS lost its appeal in the *Greater Yellowstone* case in the 9th Circuit Court of Appeals, to establish a framework for the next de-listing effort in which all legal issues encountered in *Greater Yellowstone* are purportedly resolved.

This particular aspect of the litigation-oriented campaign focuses on the number of bears in order to establish "recovery." Another campaign aspect focuses on eliminating the importance of the loss of whitebark pine nuts, a crucial food source for the bears, on the ground that the bears will easily adapt to alternate, equally nutritious food sources. There are other aspects of the campaign. FWS presumably contemplates issuing the next de-listing proposal when the campaign, in its view, has been completed.

The formal aspect of FWS's campaign to inflate the number of grizzly bears in the GYA began with the publication of the "Draft Revised Supplement: Revised Demographic Recovery Criteria for the Yellowstone Ecosystem" to the Grizzly Bear Recovery Plan as approved by Noreen E. Walsh, Regional Director, FWS, on February 19, 2013, which was announced as available to the public in the Federal Register on March 22, 2013 (78 Fed. Reg. 17708). It is well known that the only method to determine the correct number of GYA grizzly bears is to perform an actual count, but that is not practical for a number of reasons. FWS, therefore, without fear of contradiction by a real count, was left free to adopt a new methodology that merely substituted one abstract and unreliable counting methodology for another for the purpose of supporting an inflated number.

For those of us who are old enough to remember, the promulgation of the new counting methodology in 2013 was reminiscent of the Tonight Show's "Great Carnack" routine when Ed McMahon first gave the answer and Johnny Carson then asked the question. Similarly, FWS first determined the answer (i.e., the population number that it wanted to support its next de-listing proposal); it then formulated the question to support that answer (i.e., the new counting method).

The population inflation and other litigation-oriented misinformation provided to the American public during the stretch run to the new de-listing proposal must stop.

In a perverse way the population numbers might not matter other than for de-listing purposes. The management plans of Idaho, Montana and Wyoming clearly authorize post-ESA trophy hunting of grizzly bears, and those plans, and statements by officials of these states, leave no doubt that the GYA grizzly population, after de-listing, will be reduced to 500 or even fewer (because there is no accurate counting method for verification purposes), especially taking into account official "takes" of the type recently authorized for the Upper Green due to cattle grazing activities and Grand Teton National Park during the annual "elk reduction programs."

Renewed slaughter of the great bears is on the horizon. Clearly re-listing will not be a realistic possibility, since FWS will face tremendous internal pressure and pressure from the states not to re-list.

The general hostility of Idaho, Montana and Wyoming to grizzly bears is well-documented. First, there is no legally enforceable agreement that requires Idaho, Montana and Wyoming to maintain a minimum number of grizzly bears in the GYA. I believe that these 3 states have never even agreed on how long the Final Conservation Strategy, the basic underlying de-listing document, will remain in place.

Second, the management plans of the 3 states make it clear that the plans can, and probably will, be changed at any time in the states' sole discretion. The Wyoming plan states: "The [WGFD] strongly maintains it is the appropriate agency to assume management of the grizzly bear once it is delisted and it is a role the agency wants to assume. This management plan will remain in effect until changes (i.e., better population and nuisance techniques or localized input) warrant modification of the plan." A comparable provision is contained in the Idaho management plan: "Future management must be adaptive and responsive over time. As new data and knowledge of various biological and sociological factors are attained, management programs and frameworks will be adjusted and monitored as to their effect. . . . " Idaho's plan further states:

. . . . Grizzly bears will ***not be tolerated*** in areas with high human activity and/or development. Bears that are trapped and relocated will be relocated only into the PCA, other grizzly bear occupied areas in Idaho, or acceptable areas outside the state. There will be no relocations into unoccupied areas in Idaho. In areas with high potential for human/grizzly bear conflicts, a variety of management options are available, ***including management for lower numbers of bears***. (Emphasis added.)

Montana's management plan contains similar language with regard to future changes:

The programs recommended in this document should not result in any irreversible or irretrievable commitment of resources with few exceptions. If expansion of bears proves untenable in some areas, [Montana Fish, Wildlife & Parks] has demonstrated the ability to remove bears. Likewise, habitat programs, access management, and so on can all be reversed or revised if needed. . . .

Third, the 3 states can be expected to give little respect to the minimum population objective of 500 bears set forth in the FCS and to treat the mortality limits with

disdain. For example, WGFD's Acting Director stated in a 2003 letter to the Coordinator:

It is our understanding the working group agreed with the concept that bears taken from the population in areas designated as ***socially unacceptable*** for bear occupancy would not apply towards the mortality threshold. This language was changed in the draft to apply only to those areas outside the outer boundary Wyoming established for potential occupancy. It should be clearly articulated that there may be some areas within the outer boundary of the area the states designated for grizzly bear occupancy where they will want to ***manage bears for low densities for legitimate reasons***, including resolution or minimization of human/bear conflicts and sustaining social acceptance of their presence. ***Management for low grizzly bear densities in certain areas will require elevated levels of human-caused mortality by whatever methods the states choose to use. This could cause the thresholds to be exceeded every year . . . .***

Management for low grizzly bear densities in certain areas to promote social acceptance of their presence in those areas requires the states to develop a legitimate process to determine which areas may be designated as socially unacceptable, ***and we intend to do that.*** (Emphasis added.)

In that 2003 letter the top official of WGFD threw down a gauntlet at the Coordinator's feet and made it clear that Wyoming believes that it has a license to kill GYA grizzly bears, despite the mortality limits, if they are "socially unacceptable" or there are other "legitimate reasons." When is a bear "socially unacceptable," and who makes that decision? What are the other "legitimate reasons" for killing a bear, and who decides? If Wyoming acts contrary to the mortality limits in the FCS, what can FWS do about it? The answer: Nothing, except re-listing, which, as stated above, is unrealistic.

The new effort to remove the GYA grizzly bears' ESA protection has been thoroughly contaminated by:

- The litigation-oriented, rather than science-oriented, campaign that has taken place since 2011;
- The misinformation provided to the American public with regard to GYA grizzly bear population and otherwise; and
- The improper pressure with regard to delisting the bears successfully exerted by politicians and other officials (see, for example, the letter dated May 24, 2012, from Wyoming Governor Matthew Mead to Secretary of the Interior Ken Salazar and the July 19, 2012, letter from Secretary Salazar to Governor Mead; copies of both letters attached) . **Note:** By letter dated December 18, 2012, to Secretary Salazar, with copies to Governor Mead and the Coordinator, I provided evidence, based on documents received from WGFD under the Wyoming Public Records Act, that "the average annual cost to Wyoming for grizzly bear management" was \$1,248,413 rather than \$2,000,000 and, therefore, that Governor Mead had inflated the number by \$751,587 or 60%. I did not receive responses from Secretary Salazar, Governor Mead or the Coordinator.

The Department of the Interior and its FWS, not blessed by Congress with excess funding, should accept the result of the litigation that culminated in 2011; call off their Captain Ahab-like pursuit of the great bears; close the Office of the Coordinator; and move on to other pressing matters on their agendas.

Sincerely,

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