

From: [Robert Aland](#)
To: [Bean, Michael](#)
Subject: GRIZZLY BEARS - REMOVAL OF ESA PROTECTION
Date: Thursday, April 30, 2015 3:16:32 PM
Attachments: [Grizzlies - Camenzind April 2015 Guest Shot.pdf](#)
[Grizzlies - WGFD April 2015 Monitoring News Release.pdf](#)

Dear Mr. Bean:

Attached is a "Guest Shot" entitled "Why grizzlies should stay 'endangered'" from the April 8, 2015, edition of the Jackson Hole News & Guide by Franz Camenzind, a highly-respected member of the environmental community for many years in Jackson, Wyoming.

Also attached is an April 20, 2015, news release by the Wyoming Game & Fish Department ("WGFD") advising that the annual harassment of grizzly bears has begun, or will begin soon, and continue into the fall. The history of WGFD and grizzly bears (see, e.g., the incident reported in the Camenzind Guest Shot) suggests that we should be concerned about WGFD's statement that "monitoring of the grizzly bear population is vital to their ongoing management" and that the Fish & Wildlife Service ("FWS") should monitor the WGFD.

Another point that should be of serious concern to Secretary Jewell, FWS Director Ashe and you. As you know, the public submitted about 194,000 comments with regard to the proposed delisting of the grizzly bears in 2005; an overwhelming 99.31% of those comments opposed delisting. Those public comment were disregarded. The Grizzly Bear Recovery Coordinator ("GBRC"), in a May 2006 internal e-mail, stated: "If this all seems like a lot of comments and issues on our draft [delisting] rule, keep in mind that there is an entire NGO 'industry' devoted to grizzly bears and many of the technical comments were generated by people who were paid to comment and spend a lot of time digging up issues for the comments." That statement is astonishingly arrogant and cynical. Does the GBRC have evidence? I believe, contrary to the GBRC, that the commenters sincerely love the great bears and submitted their comments in good faith, with they hope, obviously unfulfilled, that they would be carefully considered, and that the commenters were not representatives of an "NGO industry."

The question that arises in my mind is whether the great bears have any advocates for continued protection and preservation within the FWS and Department of the Interior to counter the pro-delisting advocacy of the GBRC; his acolytes comprising the membership of the Interagency Grizzly Bear Committee and Interagency Grizzly Bear Study Team; and the wildlife agencies of Idaho, Montana and Wyoming. If not, which seems to be the case from public information available to me, how can the bears get a fair and impartial hearing with regard to their fate?

There can be no doubt, as stated in Mr. Camenzind's Guest Shot, that after delisting the number of grizzly bears in the Greater Yellowstone Area ("GYA") will be reduced through hunting and other means to 500 or even fewer. First, there is no legally enforceable agreement that requires Idaho, Montana and Wyoming to maintain a minimum number of grizzly bears in the GYA. One document signed by federal officials and the 3 states a number of years ago is only a "Memorandum of Understanding"; it does not purport to be a legally enforceable agreement; and it explicitly recognizes that it is "dependent upon funding being available." The 3 states do not even agree in the memorandum

on how long the Final Conservation Strategy ("FCS"), the basic underlying document, will remain in place.

Second, the management plans of the 3 states make it clear that the plans can 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. . . .

Moreover, the Idaho plan contains the following disclaimer:

This plan was modified by the 56th Idaho Legislature, Second Regular Session. As a result of these amendments, certain members of the [Idaho Yellowstone Grizzly Bear Delisting Advisory Team, which prepared the Plan] may no longer support the management direction in this plan.

Idaho's general hostility to grizzly bears is reflected in its plan as follows:

. . . . 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. . . .

The Acting Director of the WGFD confirmed in a January 10, 2003, letter to the GBRC that the states could change their management plans at any time:

[A]ccording to working group discussions during the recent [FCS] development process, any time demographic information that provides a new perspective on how [the GYA grizzly bear] population should be managed becomes available, the agencies that are members of the Yellowstone Grizzly Coordinating Committee . . . should revise management guidance in the [FCS] to reflect that new information. . . . The [FCS] is supposed to be an adaptive document

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 the 2003 letter referred to above:

Use of a population mortality threshold is actually redundant, because a population objective of 500 will be established by adoption of the [FCS] as it is currently worded, and mortality quotas will vary annually to ensure the bear population is maintained at or above the population objective. ***If a mortality threshold has to be included in the [FCS], then it needs to be set at a level which will allow a state to harvest sufficient numbers of bears to stabilize population growth where and when needed.*** And, language in the [FCS] needs to be adequate to allow responsive changes in the mortality threshold as new data becomes available.

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 the 2003 letter the top official of WGFD threw down a gauntlet at the feet of the FWS and made it clear that Wyoming believes that it has a license to kill GYA grizzly bears, despite the FCS 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, even assuming that the FCS becomes funded and is implemented, what can the FWS do about it? The answer: Nothing, except re-listing, which is unrealistic.

The Montana and Wyoming management plans anticipate the possibility of “over-harvesting.”

Please speak with Secretary Jewell and FWS Director Ashe and bring the grizzly bear awful de-listing episode to an end. The great bears were slaughtered to near extinction by humans before they received ESA protection in 1975. Don't we owe a huge debt to the bears – to be repaid by giving them continued protection and preservation indefinitely?

Sincerely,

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