

Responses to concerns raised by environmental groups
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Concern: Post-delisting monitoring and status review triggers

USFWS Response: In general, we are already revising the Conservation Strategy (CS) to include these same criteria to trigger a USFWS status review. While the details of each trigger are still being negotiated, we are addressing the 1st, 2nd, and 4th examples they give¹. Regarding the 3rd suggestion to make a lack of natural connectivity by 2020 a trigger for a status review, this is not biologically necessary. Unlike with wolves, we have always clearly stated that connectivity is beneficial for recovery but not mandatory. Judge Molloy supported this same approach in his ruling on the 2007 delisting rule, stating: "The Service here conducted its analysis regarding grizzly bear translocation in a thoughtful, comprehensive manner that balanced the agency's concerns and goals regarding genetic diversity. ...The Service has provided a reasonable explanation for its conclusions about genetic diversity and population size, and the concerns about long-term genetic diversity do not warrant a continued threatened listing for the Yellowstone DPS." While we do not believe a lack of connectivity should trigger a status review, we continue to work with our partner agencies to enhance the opportunities for grizzlies to move between the Yellowstone and the NCDE, the closest population to Yellowstone. To date, we have confirmation of grizzlies more than half way between these two ecosystems and expect them to be connected within the next 5-10 years. We currently test the DNA of every bear captured and for every dead bear in order to document if there is movement between ecosystems.

Concern: Establish a biologically relevant post-delisting monitoring period

USFWS Response: The Conservation Strategy will be in effect in perpetuity. This was also the case in 2007 when the population was last delisted. We plan to strengthen this by adding this language to the Yellowstone CS: "This Conservation Strategy would remain in effect beyond recovery, delisting, and the five year monitoring period required by the ESA as grizzly bears will always be a 'conservation-reliant' species. The need to coordinate management of the population across multiple land ownerships and jurisdictions will remain from now on."

¹ The 4 demands for triggers:

- 1) Failure to meet one or more of the **population standards, habitat standards, or monitoring protocols and commitments** (as described in Chapters 2-4 of the Conservation Strategy and associated approved state plans);
- 2) Monitoring demonstrates evidence of a **negative population trajectory**;
- 3) Failure to demonstrate, by 2020 and at each 7-year monitoring period thereafter, **natural connectivity** between the GYE grizzly bear population and other regional populations;
- 4) Any **change in state law, policy or management** that would potentially increase the threat to the grizzly bear population.

Concern: Habitat protection - Expanded food storage orders on Federal lands

USFWS Response: We agree that food storage orders should exist in all suitable habitat. ~~few places they didn't already exist at the time of the 2007 delisting rule- We have begun discussions regarding this issue with the USFS.~~

Concern: An Adaptable Demographic Monitoring Area

USFWS Response: The DMA can be modified if the best available science indicates the need to. It represents the area where we estimate population size and count mortalities under the mortality limits. The DMA is not intended to include all grizzly bears in the ecosystem and it does not. It is designed to include all bears in the area where grizzly bear habitat exists to support a healthy population. What biological triggers would they suggest be used to change the DMA?

Concern: Expanded habitat standard application to the entire DMA

USFWS Response: The area that habitat standards apply is the PCA. The existing management inside the PCA has been sufficient to recover the population biologically and the bears have doubled their range from 9,200 sq. mi. in 1981 to over 19,000 sq. mi. and tripled their numbers. Grizzly bears have reoccupied almost all of the DCA under the existing management direction in these areas. There is no biological reason to have the PCA-area habitat standards applied to all lands in the DMA for recovery to be maintained. It is important to realize that 76% of the area outside the PCA and inside the DMA is managed by the USFS. Of these USFS lands, 79% is already Designated Wilderness Area (2625 sq. mi.), Wilderness Study Area (273 sq. mi.), or Inventoried Roadless Area (2386 sq. mi.). These designations provide regulatory mechanisms above and beyond the ESA and the Conservation Strategy to protect grizzly habitat from increases in motorized use, road development, oil and gas development, livestock allotments, and/or timber harvest.

Concern: Identification of “appropriate indicators” of habitat quality and food source availability should be identified and built into post-delisting monitoring plans.

USFWS Response: We believe the most “appropriate indicator” of habitat quality and food resource availability is the distribution and body condition of grizzly bears in the ecosystem. Currently grizzlies occupy more than 19,000 sq. mi. of habitat in the Yellowstone ecosystem and their body condition and reproductive output is excellent. In 2013 there were 58 different females with cubs counted in the ecosystem, which is the highest number every counted. While a relationship between whitebark pine seed availability and increased mortality risk exists, the Study Team has never been able to document a similar relationship between any other individual foods or measures of habitat quality. Extensive research has demonstrated that secure habitat and other human activities are the indicators most predictive of grizzly bear mortality risk. We monitor these impacts of human activities through the 1998 baseline values. Then, we let the “bears tell us” if habitat quality is sufficient by directly monitoring cub production

and distribution; and bear body condition, fat level, and diet through BIA and stable isotope analyses. These are the indicators currently in use to carefully monitor habitat quality and food resource availability in the Yellowstone ecosystem and reported annually in the IGBST annual reports.

Concern: Inclusion of Linkage Zones in the DMA to help ensure grizzly bear use of such zones is monitored.

USFWS Response: We see no need for this since the purpose of the DMA is to monitor population size in the Yellowstone ecosystem. DMA monitoring involves aerial flight surveys of the area to look for females with cubs. We do not expect females with cubs in the linkage areas between the ecosystems since females disperse very slowly. Connectivity between the ecosystems is most likely with the movement of males, not females. We currently monitor all reports of grizzly bears in the areas between the ecosystems using automatic cameras placed at any locations where bears are reported, as well as placement of barbed wire hair traps with DNA analyses of any hair collected at these sites. So, these areas are already being monitored. While we do not think additional habitat protections in linkage areas are necessary, we do believe our legal defensibility would be improved if the States of Montana and Idaho agreed to not have a grizzly bear hunting season in areas between the GYA and other recovery ecosystems. This would allow maximum management flexibility for conflict bears in these areas outside the DMA while ensuring discretionary hunting does not preclude connectivity. We would ask that the Director consistently carry this message to these state wildlife agencies.

Concern: No Reliance on Human-Assisted Translocation

USFWS Response: There are no plans to translocate grizzly bears into the Yellowstone ecosystem and no biological need to do so at this time. While some people may have philosophical objections with translocation instead of natural connectivity, it is completely biologically defensible and legally supported (see response above to “Establish Sufficient Status Review Triggers”). Many wildlife species including grizzly bears have been and continue to be translocated for various conservation purposes. The possibility of translocating 1-2 bears once every 10 years if there was no natural movement documented is a conservative, preventative measure that we know will maintain current levels of genetic diversity. The current levels of genetic diversity are not a threat to grizzly bears in the Yellowstone ecosystem and translocation will not be used unless it is.

Concern: FUNDING CONTINUED GRIZZLY BEAR CONSERVATION; Commitment to Assisting States with Funding

USFWS Response: We agree and, as was done in the previous attempt to delist, the USFWS is committed to continue to help fund partner agencies as much as possible after delisting subject to budgets.

Concern: Partnership with the Conservation Community

USFWS Response: Sounds good.

Concern: Assurance that the IGBC and its Subcommittees Will Remain Viable

USFWS Response: The Conservation Strategy formally creates this very framework, with ongoing oversight and coordination by the Yellowstone Grizzly Coordinating Committee. There is a demonstrated history of implementation of this structure under both listed and delisted status. Coordination occurs not just among the 3 states but also with Tribal, Federal, and county partners. While the IGBC will also continue operating, it is not within its authority or scope to oversee delisted grizzly bear populations.

Concern: COMMITMENT TO GRIZZLY BEAR RECOVERY BEYOND THE GYE

The exact wording in this letter is:

“Delisting the GYE DPS could jeopardize recovery of the bear in the above-mentioned portions of its range by creating a “non-DPS remnant” listed entity. This concern is not merely hypothetical. In 2013, the Service concluded that the original listing of the gray wolf in the lower 48 States was invalidated by the designations of the Northern Rocky Mountain and Western Great Lakes DPS units. If the same scenario occurs with the delisting of the grizzly bear GYE DPS, as well as the Northern Continental Divide Ecosystem (“NCDE”) DPS, it is possible that the validity of the bear’s protected status in the Cabinet-Yaak, Selkirk, North Cascades, Selway-Bitterroot and San Juan mountains would be put in doubt—as would the species’ recovery.”