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Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife

Comment On: FWS-R6-ES-2016-0042-0001

Endangered and Threatened Wildlife and Plants: Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife

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Organization: Wyoming Governor's Office

Government Agency Type: State

Government Agency: Wyoming Governor's Office

General Comment

See attached file(s)

Attachments

20160502 VF Comment Letter on Proposed Grizzly Bear Delisting Rule MHMTs

Office of the Governor

May 10, 2016

Public Comments Processing
Attn: Docket No. FWS-R6-ES-2016-0042
US Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041-3803

To Whom it May Concern:

Thank you for the opportunity to comment on Proposed Rule FWS-R6-ES-2016-0042 (“Proposed Rule”) to remove the Greater Yellowstone Ecosystem (“GYE”) grizzly bear population from the federal endangered and threatened wildlife list.

I support the United States Fish and Wildlife Service (“FWS”) determination that the GYE population of grizzly bears is a Distinct Population Segment. When listed in 1975, biologists estimated that as few as 136 bears remained in the GYE. Now more than 700 bears live in the GYE. Grizzly bear recovery in the GYE is a conservation success story.

For more than 40 years, Wyoming has worked with federal, state, local, and tribal partners to recover grizzly bears to the point where they no longer require the protections of the Endangered Species Act (“ESA”). Since 1975, Wyoming has spent more than \$40 million on grizzly bear management. Wyoming remains committed to robust grizzly bears population and ensuring they never warrant protection under the ESA again.

I provide the following specific comments on the Draft Delisting Rule.

A. The delisting rule should not use “indefinitely” or “in perpetuity” to describe application of Conservation Strategy post-delisting

The Proposed Rule correctly notes that the Grizzly Bear Conservation Strategy is “the management plan that institutionalizes the successful program that resulted in the recovery of the GYE population[,]” and that it “will guide post delisting management, just as it has guided management in the GYE since 2007.” Fed. Reg. at 13188. Wyoming is committed to operating under the 2016 Conservation Strategy. The Proposed Rule goes too far when it states that Conservation Strategy will remain in effect “indefinitely” or “in perpetuity.” Fed. Reg. at 13188 (using “indefinitely”); Id. at 13204, 13209, 13211, 13223 (using “in perpetuity”).

Further, perpetual post-delisting monitoring is unprecedented in the context of the ESA. Therefore, I suggest removing any references to “in perpetuity,” “perpetually,” or “indefinitely”

in the final delisting rule. I ask you to consider using language found at Fed. Reg. at 13233, “[t]he 2016 Conservation Strategy will remain in effect beyond the 5-year monitoring period required by the Act[.]”

B. Improper to equate reaching carrying capacity with recovery

The Proposed Rule improperly equates grizzly bears approaching carrying capacity with recovery by stating, “[t]he fact that the population inside the DMA has stabilized due to density-dependent effects is strong support that, at this population size, the population has achieved recovery within the DMA.” Fed. Reg. at 13201. The FWS adopted a Grizzly Bear Recovery Plan to articulate what metrics must be met before the FWS would consider the bears recovered for purposes of delisting. Those recovery metrics do not include approaching carrying capacity as a condition of recovery.

Carrying capacity should not be a basis for delisting any species. I am comfortable with language in the Proposed Rule that it appears grizzly bears are approaching carrying capacity in the GYE under current conditions, but ask the FWS to remove any link to recovery based upon this assessment.

C. Explanation of mortality allocation unnecessary

Table 3 on Fed. Reg. 13203 sets forth the total annual mortality limits for independent male and female grizzly bears based upon population. Below that table, FWS attempts to explain the distribution of mortality among all sources of mortality. The example provided is confusing,¹ prescriptive and has unnecessary focus on hunting. Wyoming has not decided whether it will allow limited grizzly bear hunting post-delisting. If it does, Wyoming will manage hunting within the mortality thresholds established in Table 3. I ask that the paragraph be removed beginning with “[t]here are mortalities that occur...” through the sentence, “[t]hese examples serve to explain the process...”

D. Clarify comment on grizzly bear trapping

The Proposed Rule states, “...we do not expect grizzly bear trapping to occur due to public safety considerations and the precedent that there has never been public grizzly bear trapping in the modern era.” Fed. Reg. 13201. Lack of bear trapping is not a foundation for grizzly bear delisting and this should be made clear.

E. General Comments/Corrections

1. Table 2 in Fed. Reg. at 13202 gives population estimates from 2002-2014 using a 95% confidence interval. Bullet 2 of Table 2 states, 95% CI=600-757. Bullet 3 of Table 2 states, 95% CI=600-747. The correct number is 747, FWS should change bullet 2 accordingly.

¹ For example, “discretionary hunting mortality” and “discretionary mortality” are used interchangeably, though one is a sub-set of the other. Fed. Reg. at 13203.

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2. FR 13206 includes the following language: "Through its enabling legislation, the National Park Service authorized an elk reduction program in both Grand Teton National Park and the John D Rockefeller Memorial Parkway. Elk hunters are required to carry bear spray in an accessible location, thus reducing the potential for an encounter that results in grizzly bear mortality." The elk reduction program and bear spray requirement only apply to Grand Teton National Park. The John D Rockefeller Memorial Parkway is not a National Park. This paragraph should be corrected to reflect these facts.

If you have any questions, please contact my Policy Advisor, David Willms at david.willms@wyo.gov or 307-777-8094.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew H. Mead", with a long horizontal flourish extending to the right.

Matthew H. Mead
Governor

MHM:ts