

May 9, 2016

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

Dear Sir or Madam,

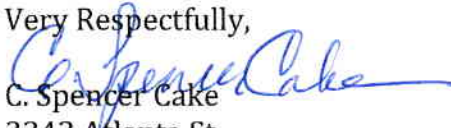
The purpose of this correspondence is to provide comments on:

(1) Docket No. FWS-R6-ES-2016-0042, Endangered and Threatened Wildlife and Plants: Removing the Greater Yellowstone Ecosystem (GYE) Population of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife (Atch1); and

(2) Draft 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem (Atch2)

It is my hope that the Director, U. S. Fish and Wildlife Service, Mr. Dan Ashe, and other senior decision-makers, will consider my comments and proposed solutions as they contemplate de-listing the Grizzly Bear in the Greater Yellowstone Ecosystem.

Very Respectfully,

  
C. Spencer Cake  
3242 Atlanta St.  
Fairfax, VA. 22030

Attachments:

1. Section I - Comments on "Federal Register- Unified Agenda 1018-BA41, Endangered and Threatened Wildlife and Plants; Removing the Grizzly Bear in the Greater Yellowstone Area From the List of Endangered and Threatened Wildlife."
2. Section II - Comments on "Draft 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem"
3. Grizzly Bear Mortality Matrix (2009-2016)

**Section I. This section provides comments on “Federal Register- Unified Agenda 1018-BA41, Endangered and Threatened Wildlife and Plants; Removing the Grizzly Bear in the Greater Yellowstone Area From the List of Endangered and Threatened Wildlife.”**

**I. Executive Summary states:**

- *“If we finalize this proposal to identify the GYE DPS and remove that DPS from the List of Endangered and Threatened Wildlife, there would be no change to the threatened status of the remaining grizzly bears in the lower 48 States, which would remain protected by the Act.”*
- *“While there is no distinct boundary to the GYE, it is generally defined as those lands surrounding Yellowstone National Park with elevations greater than 1,500 meters (m) (4,900 feet (ft)).”*

**Comment.** Without clearly defining the GYE distinct boundary, there is **no** Act protection for Grizzlies in adjacent areas because boundaries will be stretched to the limit. Clearly define and mark GYE boundaries.

**II. Supplemental Information - Habitat Management states:**

- *“The primary factor affecting grizzly bears at both the individual and population level is excessive human-caused mortality. Regulating human-caused mortality through habitat management is an effective approach, as evidenced by increasing grizzly bear populations in the lower 48 States where motorized access standards exist (e.g., GYE and Northern Continental Divide Ecosystem).”*

**Comment.** Regulating human-caused mortality through habitat management is not the total solution to the larger problem of humans killing Grizzly Bears, although, it is part of the solution. Regulating human behavior, enforcing Federal and State laws, eliminating hunting in densely populated Grizzly areas, and changing the mindset of livestock owners to accept losses, are all critical components to reaching an optimal solution. In spite of financial reimbursement for losses, many still find reasons to eliminate the grizzly, rather than co-exist with them.

**III. Recovery Planning and Implementation - Population and Demographic Recovery Criteria states:**

- *“In March 2013, we proposed to change two of the recovery criteria for the Yellowstone Ecosystem in the Grizzly Bear Recovery Plan. Changes were proposed for the demographic goal of maintaining a minimum population of 500 animals and at least 48 females with cubs, and to eliminate this criterion’s dependence on a specific counting method. The criteria warrant revision because: the population has basically stabilized*

*inside the DMA since 2002, with an average population size between 2002-2014 of 674 using the model-averaged Chao2 population estimation method (95% Confidence Interval (CI) = 600-747). This stabilization is evidence that the population is close to its carrying capacity as evidenced by density dependent regulation occurring inside the DMA (van Manen et al. 2015, entire)."*

**Comment.** Scientific methods employed to estimate population size (i.e., 674) are impressive, and most likely, accurate. However, with Idaho, Montana, and Wyoming preparing Grizzly Bear hunting regulations for post-Grizzly de-listing, the States may envision an immediate surplus of 274 Grizzlies above your minimum population goal of 500 animals. The Fish and Wildlife Service must make it clear that de-listing does not mean an immediate surplus of 274 Grizzlies for hunting. U.S Fish and Wildlife Service should support stability of the current population in the GYE.

#### **IV. The Conservation Strategy states:**

- *"This means that for grizzly bears in the GYE to remain recovered there will always need to be careful and cautious management of mortalities and habitat."*

**Comment .** The current mechanism for managing grizzly bear *mortalities* is broken. *Mortalities* are unnecessarily high. They can, however, be reduced by changing the attitudes and behavior of people living in these areas (e.g., cattlemen, sheep herders, hunters, malicious killers, and Fish & Game managers). All too frequently, grizzlies are removed for minor human inconveniences and infractions (i.e., property damage).

#### **V. Past Practice and History of Using DPSs states:**

- *In the 1993 Grizzly Bear Recovery Plan, the Service identifies six grizzly bear Recovery Zones and unique demographic recovery criteria for each one. One of these zones (i.e., the Bitterroot Recovery Zone) now has status under section 10(j) of the Act, which authorizes the Service to release an experimental population of grizzly bears in that Recovery Zone.*

**Comment .** The Bitterroot Mountain Range offers excellent habitat for the Grizzly Bear. It is highly encouraging to see the U.S. Fish & Wildlife Service establish this zone. Based on the Service's plan to release an experimental population of grizzly bears in that zone, this is an excellent opportunity to relocate bears that would otherwise be euthanized. I strongly recommend the States of Idaho, Montana, and Wyoming develop plans for grizzly bear relocation into the Bitterroot Recovery Zone. The Plan should be available prior to any de-listing and used as a real-time field guide for re-locating grizzlies in need of a new home. This would preclude removal the bear's removal from the population.

**VI. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range states:**

- *“The mandatory restriction on creating new livestock allotments and the voluntary phasing out of livestock allotments with recurring conflicts further ensure that the PCA will continue to function as source habitat. Because there will continue to be no net increase in cattle or sheep allotments allowed on public lands inside the PCA, we do not expect that livestock allotments inside the PCA will constitute a threat to the GYE grizzly bear DPS now, or in the future.”*

**Comment.** Although restricting creation of new livestock allotments and voluntary phasing out of allotments with recurring conflicts, are steps in the right direction, grizzly mortality rates are still too high. Livestock allotments remain a threat to the GYE grizzly bears in the PCA, both now, and in the future.

**VII. Factor A - The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range states:**

- *“Although conflicts with livestock have the potential to result in mortality for grizzly bears, the draft 2016 Conservation Strategy’s specific total mortality limits will preclude population-level impacts. The draft 2016 Conservation Strategy directs the IGBST to monitor and spatially map all grizzly bear mortalities (both inside and outside the PCA), causes of death, the source of the problem, and alter management to maintain a recovered population and prevent the need to relist the population under the Act (U.S. Fish and Wildlife Service 2016, chapter 2).”*

**Comment.** Fifty-two (52) grizzlies were removed from the GYE population for conflicts with livestock from 2009-2016. U.S. Geological Survey reports bear mortalities, causes of death, and sources of the problem. Management was involved in each case, but was unable to resolve them w/o terminating the bear. Although the 2016 Conservation Strategy proposes to “alter management to maintain a recovered population”, if the same personnel and thought processes persist, it is unclear how management actions will be “altered.” Managers must be re-educated prior to de-listing, to ensure current populations are sustained; not for fear of potentially relisting under the Act.

**VIII. Factor B - Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.**

**A. Factor B states:**

- *This proposed rule is based on these anticipated changes to Wyoming, Montana, and Idaho State laws and regulations necessary to implement mortality management inside the GYE DMA described in this section and in tables 1, 2, and 3. It is our expectation that these adequate*

*regulatory mechanisms as described above will be finalized prior to the publication of any final rule resulting from this proposal.*

**Comment .** Remove: *“It is our expectation that”*, and replace with *“These adequate regulatory mechanisms as described above will be finalized prior to the publication of any final rule resulting from this proposal.”*

**B. Factor B states:**

- *It classifies Grizzly Bears as a game species in GYE DPS boundaries and outside National Parks and the Wind River Indian Reservation.*

**Comment .** This creates an environment where any bear traveling in these boundaries to hibernate, forage, or migrate will be exposed to hunters. Famous bears (i.e., Bear 399) known by millions around the world, will be in danger since she possibly dens outside PCA boundaries. There is no justification for exposing these national treasures to mortality for the sake of economic gain or a hunter's trophy. I oppose designating Grizzlies as a game species.

**C. Factor B states:**

- *It introduces a limited, controlled, hunt into the DPS.*

**Comment .** The only benefit to limited, controlled, hunting in the DPS would be to provide special treatment to outfitters and/or friends of Fish and Wildlife Department personnel. These hunts are never open to the Public or non-resident hunters. Normal licensing and hunting procedures should be followed. Limited and controlled hunts should not be permitted.

**D. Factor B states:**

- *It evaluates legal grizzly bear hunting for commercial and recreational purposes in the GYE, if this population were no longer protected from this type of take by the Act.*

**Comment 1.** The driving force for de-listing the Grizzly Bear in the GYE is population control. Commercial exploitation should not be a factor.

**Comment 2.** Killing a Grizzly Bear for recreational purposes is a sad commentary on human behavior. Recommend removing the above language (i.e., 8. C.) from the Strategy.

**E. Factor B states:**

- *“In addition, the Service may initiate a status review with possible emergency relisting act if: (1) There are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics of population or habitat management detailed in this proposed rule and significantly increase the threat to the*

*population; or (2) the population falls below 500 in any year using the model-averaged Chao2 method or counts of females with cubs fall below 48 for 3 consecutive years; or (3) independent female total mortality limits as per tables 1, 2, and 3, above, are exceeded for 3 consecutive years and the population is fewer than 600; or (4) fewer than 16 of 18 bear management units are occupied by females with young for 3 consecutive 6-year sums of observations."*

**Comment .** Change the word "may" in this section to "will." As worded, there appears to be no real conviction to reinforcement by the U.S. Fish and Wildlife Service.

**F. Factor B states:**

- *"We consider the regulatory commitment outlined in this section by State and Federal agencies to reasonably ensure conservation of the GYE grizzly bear DPS. Because of these detailed State and Federal regulatory commitments, we conclude that commercial and recreational hunting will not constitute a substantial threat to the GYE grizzly bear DPS now, or in the future."*

**Comment.** The above paragraph concludes these activities will not pose a "substantial threat" to the GYE grizzly bear DPS now, or in the future. Recommend deleting the following: ***"Because of these detailed State and Federal regulatory commitments, we conclude that commercial and recreational hunting will not constitute a substantial threat to the GYE grizzly bear DPS now, or in the future,"*** because the sentence justifies and promotes commercial and recreational hunting without evidence to back-up the statement.

**IX. Factor C - Disease or Predation.**

**A. Factor C states:**

- *"Information and education programs, with a long record of implementation, continue under the draft 2016 Conservation Strategy after delisting, and helped minimize the potential threat of poaching. More specifically, these programs address illegal killing by working to change human values, perceptions, and beliefs about grizzly bears and Federal regulation of public lands."*

**Comment .** Information programs have been effective in creating Public awareness, but not in altering **hunter behavior**. (i.e., bear identification training) has proven in-effective, as evidenced by the loss of 11 grizzlies from 2009-2015.

**B. Factor C states:**

- *"Mistaken identification of grizzly bears by black bear hunters is a manageable source of mortality." From 2002 to 2014, there were 34 accidental mortalities and 23 mortalities*

*associated with mistaken identification (totaling 18 percent of known mortality for this time period).*

**Comment.** The above fact is either a reflection on quality of education received by the hunter; inability of the hunter to determine the difference between a Black and Grizzly Bear, in spite of training; or eagerness to seize the opportunity to kill a bear, regardless of species. Managing the source of mortality (i.e., the human hunter) is not working; otherwise, it would be corrected after numerous grizzly misidentifications and mortalities in prior years.

**C. Factor C states:**

- *“All three States include grizzly bear encounter management as a core subject in basic hunter education courses.”*
- *“From 2002 to 2014, humans killed 97 grizzly bears in self-defense or defense of others in the GYE. This constituted nearly 31 percent of known grizzly bear mortalities during this time period. These grizzly bear mortalities occurred primarily with elk hunters on public lands during the fall, but also at other times and locations (IGBST 2009, p. 18). These self-defense situations with elk hunters occur during surprise encounters, at hunter-killed carcasses or gut piles, or when packing out carcasses. Federal and State agencies have many options to potentially reduce conflicts with hunters, but self-defense mortalities will always be a reality when conserving a species that is capable of killing humans. By promoting the use of bear spray and continuing information and education programs pertaining to food and carcass storage and retrieval, many of these grizzly bear deaths can be avoided.”*

**Comment.** Many grizzly bear deaths can be avoided, but how many hunters will resort to **bear spray** when holding a **rifle**? How many will leave the scene when spotting a grizzly on his deer, elk, or moose kill? The hunter finds himself in once-in-a-lifetime situation and must make a quick and emotional decision. It is up to authorities issuing bear hunting permits to ensure he makes the right decision by thoroughly screening and educating applicants for situational awareness designed to reduce “self-defense” claims and unnecessary confrontations. In my opinion, the majorities of self-defense claims are unwarranted and could have been prevented by taking conflict avoidance actions.

**X. Factor E - Other Natural or Manmade Factors Affecting Its Continued Existence.**

**A. Factor E - Other Natural or Manmade Factors Affecting Its Continued Existence states:**

- *“Traditionally, residents of the GYE involved in resource extraction industries, such as loggers, miners, livestock operators, and hunting guides, are opposed to land-use restrictions that place the needs of the grizzly bear above human needs (Kellert 1994, p. 48; Kellert et al. 1996, p. 984). Surveys of these groups have shown that they tolerate large predators when they are not seen as direct threats to their economic stability or*

*personal freedoms (Kellert et al. 1996, p. 985). Delisting could increase acceptance of grizzly bears by giving local government and private citizens more discretion in decisions that affect them. Increased flexibility regarding depredating bears in areas outside of the PCA may increase tolerance for the grizzly bear by landowners and livestock operators by potentially reducing the number of conflict."*

**Comment.** Based on the historical track record of human behavior towards any wildlife species posing a threat to economic stability or personal freedom, giving local government and private citizens more discretion in decisions that affect them **will not** increase acceptance of grizzly bears. Federal and State wildlife laws with rigid enforcement **will** increase acceptance. Tourism will also increase acceptance.

**B. Factor E states:**

- "The importance of regulatory mechanisms and effective wildlife management infrastructure to large carnivore conservation cannot be understated, as stated under Factor D (see Linnell *et al.* 2001, p. 348)."

**Comment.** This statement reinforces my argument that giving local government and private citizens more discretion in decisions that affect them will not change behavior toward the Grizzly Bear, or any other potential predator. The above referenced statement should be inserted into the Strategy in this section (i.e., Factor C).

**C. Factor E states:**

- "Since 1997, compensation in Montana and Idaho has been provided primarily by private organizations, principally Defenders of Wildlife. Since the program's inception in 1997, the Defenders of Wildlife Grizzly Bear Compensation Trust paid over \$400,000 to livestock operators in the northern Rockies for confirmed and probable livestock losses to grizzly bears (Edge 2013, entire)."
- "Compensating ranchers for losses caused by grizzly bears is another approach to build support for coexistence between livestock operators and grizzly bears. In cases of grizzly bear livestock depredation that have been verified by USDA Animal and Plant Health Inspection Service's Wildlife Services, IDFG, MTFWP, or WGFD, affected livestock owners are compensated. Since 1997, compensation in Montana and Idaho has been provided primarily by private organizations, principally Defenders of Wildlife. Since the program's inception in 1997, the Defenders of Wildlife Grizzly Bear Compensation Trust paid over \$400,000 to livestock operators in the northern Rockies for confirmed and probable livestock losses to grizzly bears (Edge 2013, entire). In 2013, the State of Montana passed legislation establishing a compensation program for direct livestock losses caused by grizzly bears (MCA 2-15-3113). In light of this legislation, Defenders of Wildlife stopped their compensation program in Montana and redirected funds to other conflict



*prevention programs. Defenders of Wildlife continue to compensate livestock producers in Idaho."*

**Comment 1.** Defenders of Wildlife, USDA, Montana, Idaho, and Wyoming are to be commended for compensating farmers and ranchers for livestock losses caused by grizzlies. That said, compensation should off-set grizzly removal and subsequent mortality. Effective counter measures (i.e., livestock protection dogs, electric fences, etc.) and other deterrents should be deployed at these locations after initial losses. Owners should not be compensated, in addition to a grizzly losing its life over an incident. Unfortunately, there are many other causes for livestock losses blamed on grizzly bears when they were not involved, nor a participant.

**Comment 2.** Holders of livestock allotments in the PCA should expect and accept losses for predator-caused mortalities without expecting aggressive action toward the perpetrator. Since predators are abundant in the PCA, livestock mortalities can be caused by various predators, not solely by the bear. The following data appeared in the Jackson Hole News and Guide in 2013. I authored the letter, but not the following information. Mr. George Wuerthner, the author, is credited.

*Most important, livestock grazing occurs on more than 260 million acres of public lands, more land than the size of California and Texas combined. With this much acreage exposed to livestock, losses are unavoidable.*

*In addition, predation numbers are routinely exaggerated and blame for them misplaced. George Wuerthner, author of "Management of Predators: A need for changes in policies," reports that, in 2005, only 5% of all cattle losses in the continental U.S. were attributable to predators. Only 0.11% of all cattle losses in 2005 were due to predation by wolves, and even less was due to predation by bears. The report included a bar chart of "Causes of Cattle Losses 2005," showing the following breakdown of causes for cattle deaths:*

- *1,100,000 from **Respiratory problems**; 650,000 from **Digestive problems**; 550,00 from **Calving problems**; 450,000 from **Unknown non-predator**; 275,00 **Other diseases**; 140,000 from **Lameness/Injury**; 90,000 from **Metabolic problems**; 80,000 from **Mastitis**; 80,000 from **Coyotes**; 50,000 from **Poisoning**; 25,000 from **Unknown predators**; 20,000 from **Domestic dogs**; 20,000 from **Theft**; 10,000 from **Mountain Lions and Bobcats**; 5,000 from **Other predators**; 4,000 from **Vultures**, 200 from **Wolves**; and fewer than 100 from **Bears**.*

The take away is; economic losses from bears and wolves are miniscule if compared to other causes of livestock mortality. Livestock owners in the PCA should accept compensation for losses, but if predation by grizzlies persists in the "permitted" grazing area, it should be understood that livestock should be relocated. The grizzly bear should not be removed from the PCA population.

## **XI. Proposed Determination states:**

- *“Thus, based on our assessment of the best scientific and commercial information available and on our expectation that current management practices will continue into the future, and that State regulations will be in place prior to delisting to regulate total mortality as per table 2 and Factor B, above, we therefore determine that the GYE grizzly bear DPS has recovered to the point at which protection under the Act is no longer required. The best scientific and commercial data available indicate that the GYE grizzly bear DPS is no longer endangered or threatened should appropriate regulatory mechanisms be developed by the States, as described in this proposed rule.”*

**Comment.** The above *determination* that the GYE grizzly bear DPS has recovered to the point at which protection under the Act is no longer required is based on two assumptions:

1. Expectation that management practices will continue into the future
2. State regulations will be in place prior to delisting to regulate total mortality as per table 2 and Factor B.

If these assumptions are incorrect or fail to materialize, the determination that the GYE grizzly bear DPS has recovered to the point at which protection under the Act is no longer required is incorrect. Since the Strategy is supported by scientific analyses, *expectations* should not be a factor which may, or may not, be valid when it comes to stating that protection under the Act is no longer required. Determination to de-list the grizzly protection under the Act must not be based on expectations, but supported by scientific evidence.

## **XII. Effects of the Rule states:**

- *“The full protections of the Act would still continue to apply to grizzly bears in other portions of the lower 48-States outside the GYE grizzly bear DPS' boundaries. Those grizzly bears outside the GYE DPS will remain fully protected by the Act.”*

**Comment.** Areas outside the DPS remaining fully protected by the Act must be clearly identified by name and location. Since an exploratory population may be established in the Bitterroot Mountain Zone, the grizzly population must clearly be identified as covered under the Act.

**Section II. *This section provides comments on the “Draft 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem”***

**I. Executive Summary.**

**A. Executive Summary states:**

- *“State grizzly bear management plans, forest plans, and other appropriate planning documents will provide specific management direction for the adjacent areas outside the PCA.”*

**Comment.** U.S Fish and Wildlife Headquarters will review and coordinate on State plans to ensure boundaries around National Parks are not violated by hunters; and ensure safety for visitors recreating in and near the PCA.

- *“This Conservation Strategy will be evaluated by the management agencies every five years or as necessary, allowing public comment in the updating process.”*

**Comment.** Add: U.S. Fish and Wildlife Headquarters **will** evaluate and review *The Conservation Strategy* every five (5) years, to ensure compliance and milestones are satisfactorily achieved and implemented.

**B. Executive Summary, Chapter 2 states:**

- *“Population standards and monitoring items include: Maintaining at least 500 bears in the GYE to assure the genetic health of the population.”*

**Comment.** The current population of Grizzlies in GYE is estimated by Chao2 analysis method @ 674. Unless the U.S. Fish and Wildlife Service identifies the current level as “the target to maintain,” allowing for minor + and – deviations, the States may see an immediate surplus of 274 grizzlies exposed immediately to hunting. Hunting these animals is *unacceptable* since the current population is not excessive. The Services should insist the States not issue hunting licenses to capitalize on the difference between the current and the lower limit population of 500 bears.

**C. Executive Summary, Chapter 3 states:**

- *“The number and acreage of commercial livestock allotments and number of permitted domestic sheep animal months will not exceed 1998 levels inside the PCA. Existing sheep allotments will be phased out as the opportunity arises with willing permittees.”*

**Comment.** Since the PCA will hold the core of the Yellowstone Grizzly Bear population, livestock allotment owners in it should be willing to accept depredation losses, **without** retribution against the Grizzly Bear. This is only fair since grizzlies are now cornered, albeit

protected, in a smaller land area. Whereas, before delisting, they were protected by the Act in a much greater land area.

**D. Executive Summary, Chapter 3 states:**

- *“Monitoring the number of elk hunters inside the PCA.”*

**Comment 1.** Grizzly Bear hunting in the Grand Teton National Park (GTNP) must be **prohibited!** The Strategy must contain a clear statement explaining that Grizzlies in GTNP are protected and will not be exposed to “controlled hunts,” special hunts, or hunted by licensing through the States of the Idaho, Montana, and Wyoming.

**Comment 2.** GTNP management should re-consider current elk hunting policy in the GTNP. Elk should not be hunted in this area of the PCA for the following reasons: (1) Chance encounters with protected Grizzly Bears occur too frequently. When this happens, bear spray is never used, rifles are; (2) Tourist safety must be valued. In 2015, tourist witnesses the slaughter of elk driven from the park by hunters; (3) Outsiders, like me, fail to understand why hunters in Wyoming receive special treatment and are allowed to hunt in a national park. Hunting is prohibited in all others, at least to my knowledge; (4) Wyoming residents get special treatment in licensing, since non-residents must endure years of lottery applications and may never be selected. I do not apply, but have in the past and know the system. Wyoming hunters use a national park for in-state residents, with miniscule non-resident participation.

**E. Executive Summary, Chapter 4 states:**

- *Management of all nuisance bear situations will emphasize resolving the human cause of the conflict. Relocation and removal of grizzly bears may occur if other management actions are not successful. Before any removal, except in cases of human safety, management authorities will consult with each other prior to judging the adequacy of the reason for removal.*

**Comment.** Management authorities should have a documented, real-time *Grizzly Bear Relocation Plan* in-hand when consulting with each other. The plan should provide relocation options available for the bear. Otherwise, it stands little chance of being relocated without managers knowing of suitable habitat immediately.

**F. Executive Summary, Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Strategy states:**

- *The adequacy of the regulatory mechanisms demonstrated by this Conservation Strategy are dependent upon funding being available to fully implement the management and monitoring actions detailed in this document. This Conservation Strategy does not go into effect until all agencies have signed this document and the final rule delisting the GYE grizzly bear DPS has been published in the Federal Register*

**Comment.** Re-write the last sentence to read; “This Conservation Strategy does not go into effect until all agencies have signed this document, ***funding fully procured***, and the final rule delisting the GYE grizzly bear DPS has been published in the Federal Register.” If funding is not fully procured, management and monitoring actions detailed in this document will not be fulfilled.

## **II. Chapter 1, Introduction and Background. No Comment.**

## **III. Chapter 2, Population Standards and Monitoring.**

### **A. Population Standards and Monitoring states:**

- *Demographic Recovery Criterion 1: Maintain a minimum population size of 500 animals and at least 48 females with cubs, as indicated by methods established in published, peer-reviewed scientific literature and calculated by the IGBST using the most updated Protocol, as posted on their website. The estimate of total population size cannot drop below 500 in two consecutive years or 48 females with cubs in two consecutive years. This estimate will be calculated using data obtained within the DMA shown in Figure 1.*

**Comment.** The minimum population size of 500 animals is mentioned far more than the current grizzly population estimate (using the model-averaged Chao2 method) of 674. Since Idaho, Montana, and Wyoming are preparing Grizzly Bear hunting regulations for post-grizzly de-listing, they may envision an immediate surplus of 274 Grizzlies available for hunting. The target for this Strategy should be to maintain the current population, not react when the magic number of 500 is measured. *Criterion 3* discusses management’s monitoring response if numbers of grizzlies decline near 500.

### **B. Monitoring Protocol states:**

- *“The revised and improved methodology used in this document allows an estimate of the total population using the model-averaged Chao2 method rather than the minimum population size.”*

**Comment.** Excellent! Maintain the current total population rather than the minimum population size target (i.e., 500).

### **C. Genetic Management states:**

- *“Montana Fish Wildlife and Parks (FWP) anticipates that successful implementation of this plan, along with adequate local involvement, can allow this to occur, and FWP commits to continue to address land-use patterns that promote or hinder bear movement.”*

**Comment:** Montana's management's approach is on target with a workable strategy.

#### **IV. Chapter 3, Habitat Standards and Monitoring.**

##### **A. Livestock Allotment Standard states:**

- *Where chronic grizzly bear conflicts occur on livestock allotments inside the PCA, and an opportunity exists with a willing permittee, alternatives for resolving conflicts may include authorization of a non-use permit, moving livestock to a vacant allotment where there is less likelihood of conflict, or cattle grazing can be phased out on that allotment.*

**Comment.** Holders of livestock allotments in the PCA should expect and accept losses for predator-caused mortalities without expecting aggressive action toward the perpetrator. Since predators are abundant in the PCA, livestock mortalities may be caused by various sources, not only by the bear. The following data appeared in the Jackson Hole News and Guide in 2013. I authored the letter, but not the following information.

*Most important, livestock grazing occurs on more than 260 million acres of public lands, more land than the size of California and Texas combined. With this much acreage exposed to livestock, losses are unavoidable.*

*In addition, predation numbers are routinely exaggerated and blame for them misplaced. George Wuertner, author of "Management of Predators: A need for changes in policies," reports that, in 2005, only 5% of all cattle losses in the continental U.S. were attributable to predators. Only 0.11% of all cattle losses in 2005 were due to predation by wolves, and even less was due to predation by bears. The report included a bar chart of "Causes of Cattle Losses 2005," showing the following breakdown of causes for cattle deaths:*

- *1,100,000 from **Respiratory problems**; 650,000 from **Digestive problems**; 550,000 from **Calving problems**; 450,000 from **Unknown non-predator**; 275,000 **Other diseases**; 140,000 from **Lameness/Injury**; 90,000 from **Metabolic problems**; 80,000 from **Mastitis**; 80,000 from **Coyotes**; 50,000 from **Poisoning**; 25,000 from **Unknown predators**; 20,000 from **Domestic dogs**; 20,000 from **Theft**; 10,000 from **Mountain Lions and Bobcats**; 5,000 from **Other predators**; 4,000 from **Vultures**, 200 from **Wolves**; and fewer than 100 from **Bears**.*

The take away is economic losses from wolves and bears are miniscule if compared to other causes of livestock mortality.

##### **B. Hunter Numbers states:**

- *The number of mistaken identity kills (i.e., mistaken for black bear) are small.*
- *State and federal wildlife agencies have attempted to reduce the loss of bears to hunters by expanding information and education programs. "Living in Bear Country"*

*workshops are conducted regularly in many GYE communities, and licensed outfitters and guides have increased training for their members and clients.*

**Comment.** The numbers of “mistaken identity” grizzly bear kills (2009-2015) were 11. Several were at close range with a bow. As a former hunter, I can place myself in this situation, but find it difficult to understand how one can misidentify a grizzly bear. Montana and Wyoming both educate hunters in bear identification prior to issuing a permit. In my opinion, misidentification is not the problem. The problem is an opportunity to kill a bear during the encounter and explain it to authorities later. I presume, based on his/her explanation, fines were not issued nor were perpetrators punished. The States must improve hunter education and testing; and have the applicant agree to pay a heavy fine if he/she kills a grizzly by mistake.

### **C. Hunter Numbers states:**

- *The greatest source of grizzly bear ( $\geq 2$  years old) mortality during 2004–2014 in the GYE has been due to interactions with hunters. Nearly all known and probable bear mortalities occur as surprise encounters, at big game carcasses, or at hunter camps.*

**Comment.** I agree that many grizzly bear deaths can be avoided, but how many hunters will resort to **bear spray** when holding a rifle? How many will leave the scene when spotting a grizzly on his deer, elk, or moose kill? The hunter finds himself in once-in-a-lifetime situation and must make a choice. It is up to those issuing hunting licenses to ensure he does, by thoroughly screening and educating applicants for situational awareness designed to reduce “self-defense” claims and unnecessary confrontations. Many self-defense claims are unwarranted. The following statements regarding hunter claimed self-defense are appropriate references from the Federal Register

- *“All three States include grizzly bear encounter management as a core subject in basic hunter education courses.” But, from 2002 to 2014, humans killed 97 grizzly bears in self-defense or defense of others in the GYE. This constituted nearly 31 percent of known grizzly bear mortalities during this time period.” \*\**
- *“These grizzly bear mortalities occurred primarily with elk hunters on public lands during the fall, but also at other times and locations (IGBST 2009, p. 18). These self-defense situations with elk hunters occur during surprise encounters, at hunter-killed carcasses or gut piles, or when packing out carcasses. Federal and State agencies have many options to potentially reduce conflicts with hunters, but self-defense mortalities will always be a reality when conserving a species that is capable of killing humans. By promoting the use of bear spray and continuing information and education programs pertaining to food and carcass storage and retrieval, many of these grizzly bear deaths can be avoided.” \*\**

*\*\* (Source: "Federal Register- Unified Agenda 1018-BA41, Endangered and Threatened Wildlife and Plants; Removing the Grizzly Bear in the Greater Yellowstone Area From the List of Endangered and Threatened Wildlife.")*

## **V. Chapter 4, Management and Monitoring of Grizzly Bear-Human Conflicts.**

### **A. Nuisance Bear Standards states:**

- *Bears may be relocated as many times as judged prudent by management authorities. No bear may be removed for any offense, other than unnatural aggression, without at least one relocation attempt, unless representatives of affected agencies document the reason in writing. All relocations outside the PCA will be governed by state management plans.*

**Comment.** It is unclear of the weight a written explanation carries, if the grizzly was removed from the population without a chance of relocation. Words are cheap; a grizzly's life is not. If writing it down carries any significance, leave this as written.

### **B. Nuisance Bear Standards states:**

- *Bears preying on lawfully present livestock (cows, domestic sheep, horses, goats, llamas, etc.) on public lands will be managed according to the following criteria: No grizzly bear involved in livestock depredations inside the PCA shall be removed unless it has been relocated at least one time and continues to cause livestock depredations.*

**Comment.** This is a good policy, but the following improves upon it. Bears kill less than 200 pieces of livestock annually in the United States. Reimbursing livestock owners for those losses is miniscule when compared to the value of a grizzly bear. Since livestock are destined to be sold for slaughter anyway, why remove the grizzly, regardless of livestock losses? The solution is to pay the owner for losses when they occur because he is compensated sooner, rather than later for the animal, and the bear survives.

### **C. Nuisance Bear Standards states:**

- *Bears displaying natural aggression are not to be removed, even if the aggression results in human injury or death, unless it is the judgment of management authorities that the particular circumstances warrant removal.*

**Comment.** Excellent policy!

### **D. Nuisance Bear Standards states:**



- *State and tribal wildlife agencies in coordination with the appropriate federal agencies will predetermine adequate and available sites for relocations. Relocation sites should be agreed upon before the need for relocation occurs. In order to deal with problem bears more efficiently, managers should have full access to relocation sites without having to conduct individual consultation for relocation.*

**Comment.** A *Grizzly Bear Management Relocation Plan* must be prepared prior to any de-listing. It must be part of this strategy and continuously updated. The Plan would be invaluable by providing managers with optional sites for relocation. The sentence in the above bullet (i.e., *Relocation sites should be agreed upon before the need for relocation occurs*) hits the mark, but agreement on relocation sites should be in the form of a formal *Grizzly Bear Relocation Plan*.

## **VI. Chapter 5, Information and Education.**

**Comment.** Excellent chapter!

## **VII. Chapter 6, Implementation and Evaluation.**

### **A. Implementation and Evaluation states:**

- *YGCC will seek funding to further the conservation of the Yellowstone grizzly bear by implementing this Conservation Strategy. Each agency is responsible for seeking the necessary funding to carry out the tasks assigned in this Conservation Strategy.*

**Comment.** If funds are not forthcoming or fail to meet necessary goals, assigned tasks will not be carried out. Since the Grizzly Bear may already be de-listed, based on the Strategy, does this mean it cannot be implemented? If so, will preservation and monitoring activities be compromised?

### **B. Existing Authorities states:**

- *State laws, rules, and regulations that provide authority to control grizzly bear mortality, control hunters, manage grizzly bear/human conflicts, and other management activities to maintain the Yellowstone grizzly bear population are attached to the three state draft MOA (Appendix P).*

**Comment.** Unable to locate Appendix P or any other appendices listed in *Strategy Table of Contents*.

### **C. Existing Authorities.**

**Comment.** Definition for “MFWP” not defined in Strategy.

## Grizzly Bear Mortality Matrix

Categories	2009	2010	2011	2012	2013	2014	2015	2016	Totals
<b>Management Removal for:</b>									
- Cattle/Sheep Deprivations	2	6	8	8	8	5	14	1	52
- Property damage or food rewards	3	8	8	7	2	3	10		41
- Property protection (w/firearm)		1		1					2
- Human fatality		2	1						3
<b>Hunter Actions:</b>									
- Bear Mistaken Identity	3	2	1	3	1	1			11
- Self Defense	10	13	4	8	5	4			44
- <b>Cubs lost from hunter actions*</b>	7	9	11	5		2			34
<b>Malicious Killing:</b>									
		2	4	1					
<b>Human Caused - Under Investigation:</b>									
				1	3	4	18		26
<b>Human Caused - Accidental mortality during handling:</b>									
		1			1		1		3
- <b>Cubs lost resulting from research trapping of mother grizzly*</b>				3					3
<b>Mortality Totals reported by USGS:</b>	31	50	44	56	29	28	61	3	302

Note the high number of cub fatalities

**\* High mortality for cubs caused by those claiming self-defense**