

## **USFWS – Comment on The USFWS Rule – To Delist the Grizzly Bear From ESA Protection.**

**May 9, 2016**

**The Rule** to Delist the Grizzly Bear from protection pursuant to the Endangered Species act was published in the Federal Register 81(48): 13174-13227; additional related materials was obtained from the Service's web site under Docket no. FWs-R6-ES-2016-0042: FXES111309000000C6-156-FF09E42000. These additional materials include the Draft 2016 Conservation Strategy plus appendices (hereafter the **CS**) and the Draft Grizzly Bear Recovery Plan Supplement: Revised Demographic Criteria (hereafter the **RP**).

Together, these materials comprise over 675 pages; 54 pages are triple column, 9-point font. **The Rule** provides a mere 60 days within which to submit any comments. I oppose this limited, albeit too short period of time, for the public to review such a large amount of highly complicated material. I object that I have not been allowed more time to participate fully in this process. In fact you have denied me the opportunity to fully participate in this process. Concurrently within this same 60 day period I was allowed only limited time to review and comment on the MOA and the Wyoming Game and Fish Department Grizzly Bear Management Plan.

I preface this comment with grave concern, I believe from scientific review that the Grizzly Bear in the GYE/GYA is far from recovered and on the decline due to habitat change, which is related to the climate. **I oppose de-listing the Grizzly Bear from ESA Protection due to lost food sources, which has resulted in a forced march of the Grizzly Bear mainly south and southeast into Wyoming. This is an expansion of habitat into unsafe territory in search of food and not the population growth expansion, which is loudly purported, while not scientifically supported.**

**The PCA carrying capacity for the Grizzly Bear has declined substantially due to depleted essential Grizzly Bear food. The traditional foods of import for the Grizzly Bear, particularly in terms of the caloric value for reproduction are: elk, bison, cutthroat trout, whitebark pine and army cutworm moths. The PCA lost a significant amount of those foods other than the army cutworm moth, of which many sites naturally occur outside of the PCA, and in turn has turn the Grizzly Bear has turned to meat and livestock as ultimately the elk populations are drastically reduced due to climatic conditions, limited snow pack for forage, predation and also**

**mismanagement, issuing too many cow/calf tags to hunters for too long, both in Montana wherein admitted by Ron Asheim, of Montana Fish, Wildlife and Parks for Region 3 and in Wyoming where WGFD complicit with USFWS and GTNP continue to reduce the Jackson Elk Herd in violation of NEPA and the Bison Elk Management Plan 2007 ROD.**

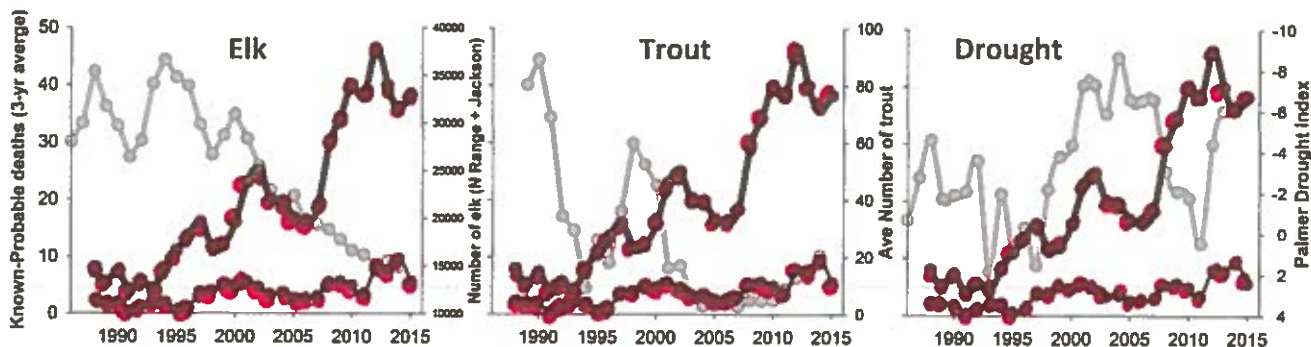
Fact: The government for the most part admits that the Yellowstone grizzly population has not increased much if at all since the early 2000's. The latest official claim is no increase in population in 15 years. While the population remained static the distribution increased by 30-40% again mainly east and southeast into Wyoming. The same number of bears spread over a larger area beginning in about 2,000. Density is determined by the number of bears divided by the extent of their distribution. Clearly density has not increased.

This also requires a look at the death rate, which is the number of deaths divided by the number of live bears for a given period.

There has been an increase in the deaths of both males and females at the same time that the population has remained static or flat.

In addition the death rate has been increasing at an alarming rate of 9-11% per annum from 2002-2011.

See:



*These triptyches of graphs each repeat the same trend lines for total grizzly bear deaths (the top red line), differentiating those from natural causes (bottom red line). The gray lines show trends in numbers of elk in the ecosystem (left), numbers of cutthroat trout in Yellowstone Lake (middle), and levels of drought (according to the Palmer Drought Index, inverted). (Graph Courtesy of Dr. David Mattson)*

The trends are striking. Deaths started to increase at about the same time as we began to see major declines in trout and elk numbers. The sharp uptick in deaths starting around 2007 further correlates with major declines in availability of pine

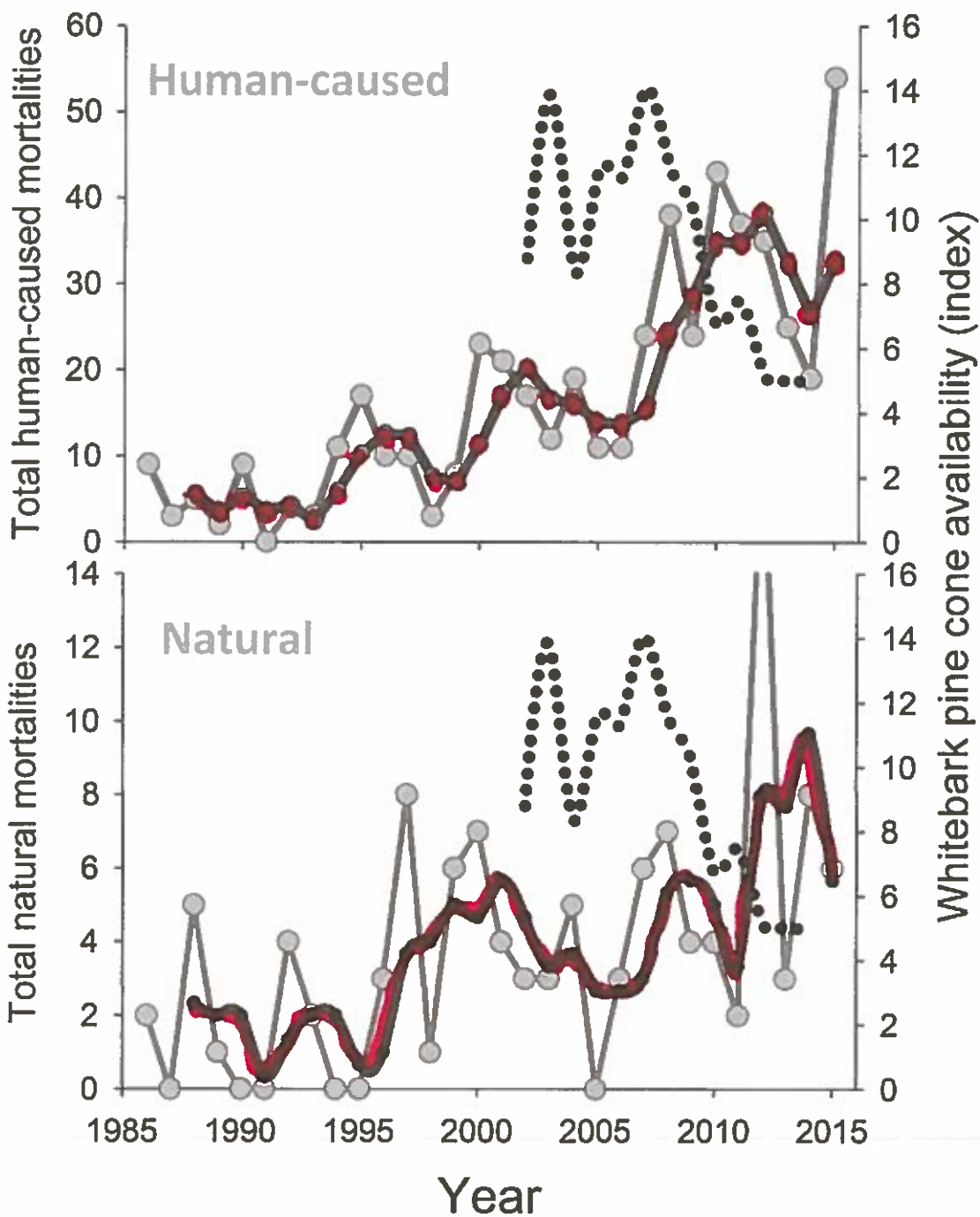
seeds. We can explain over 70% of the annual variation in numbers of grizzly bear deaths in Yellowstone simply on the basis of food availability. As simple as that, and in stark contradiction to the government's assertion that food has played no role.

The whitebark pine loss factor:

Grizzly bears made a major shift to eating more meat in compensation for losing pine seeds—and while meat is an energy-rich nutritious food, there are two big problems with meat. First, wild meat on the hoof has declined substantially (e.g., elk), which leaves bears scrambling for other sources. Second, meat is a particularly hazardous food for bears when it brings them into contact with hostile, albeit claiming to be frightened, (scared) and well-armed people...which is precisely what's happened since roughly 2007. Meat as a food source exposes the Grizzly Bear to more humans and eighty-percent of all dead adult bears were killed by a human.

The graph below, also courtesy of Dr. David Mattson, shows trends in numbers of grizzly bears killed by humans because of conflicts associated with meat (the red dots), with numbers killed by big game hunters in the top graph and numbers killed because of conflicts over livestock in the bottom. Parenthetically, hunter kills have increased at the same time that numbers of hunters afield have declined (the gray dots), with lethal encounters often arising from surprise encounters or because bears are contesting possession of a hunter-killed elk. So there is no particular mystery about where bears are increasingly turning to find meat; its livestock, largely on the ecosystem's periphery, in areas only recently colonized by bears and it is because they are looking for food. The government technocrats fail to acknowledge a connection between loss of pine seeds and the hazardous consequences of eating more meat.

*Figure2. The graph below shows trends in numbers of grizzly bears killed (the red dots) in conflicts with hunters (top) and over livestock (bottom). The gray dots at top further illustrate the declining numbers of hunters afield in Yellowstone and the pink dots at bottom, numbers of livestock-related conflicts, as such. The black dotted lines illustrate the terminal decline in abundance of whitebark pine seeds that began around 2007.*



What does all of this indicate in terms of science and common sense?

The Grizzly Bear,

carrying capacity in the Yellowstone ecosystem, is declining, and has declined since the mid-1990s, triggering a spread of the grizzly bear population out over an ever-larger area in search of food. Declines in carrying capacity, largely in the



core of the ecosystem, commenced with losses of elk and cutthroat trout, were amplified by a period of drought during 1999-2009, and further escalated by declines in availability of whitebark pine seeds beginning around 2006. These losses triggered an increase in death rates that has been amplified in recent years by an increasing reliance of bears on meat in situations that bring them into contact with intolerant and well-armed people. As a consequence, the population has reached a tipping point. Future prospects are not good.

This is a population of grizzly bears that's in trouble. Now is not the time to lessen protections and contemplate any increases in mortality—certainly not to accommodate the motivations of those who want to trophy hunt Yellowstone's grizzly bears or the alleged wildlife managers aka Wyoming Game and Fish Department, who claim that trophy hunting the Grizzly Bear is the only way to be reimbursed for all the cost of contributing to the cost of Grizzly Bear recovery. In fact it is explained below. That is simply the only way WGFD chooses to be reimbursed, there are other more appropriate avenues to funding which are more aligned with promoting continued grizzly bear recovery, conservation and adequate regulatory mechanisms conservation strategy.

In terms of discussing "The Rule" and Grizzly Bear foods and availability a study and discussion of the integration of hazards with nutrition needs to occur if for no other reason than the overwhelming evidence for variation of the hazards incurred by adults when using foods of otherwise similar nutritional quality: e.g., much lower for bears eating whitebark pine seeds and trout compared to bears consuming a diet of meat from ungulates, or any other food that brings bears near and into conflict with people.

At a minimum, the Service needs to differentiate major grizzly bear foods according to some sort of matrix that distinguishes high-quality foods entailing characteristically high hazards from high-quality foods entailing characteristically low hazards, and furthermore differentiate whether the hazards are born primarily by dependent young, independent bears (adults and adolescents), or both. This latter distinction is important to any assessment because 80-90% of all independent-aged grizzlies die from human-related causes and many dependent young, orphaned by hunters, are left in the field attempting to nurse dead mom, to die a slow arduous death rather than be counted mortality. See Appendix, A which includes a sampling of sows killed by hunters with cubs left to die uncounted in the mortality reports maintained by IGBST study team.

The Service fails to adequately frame and address the many environmental changes that have occurred in Yellowstone's grizzly bear range during the last 15 years. As a result, the Service has no basis for judging the effects of any single

change, including loss of whitebark pine.

Also, the Service has failed to address in any sort of integrated way the effects of on-going increases in use of army cutworms and the sites where these insects aggregate; the effects of losing virtually all of the cutthroat trout spawning in streams tributary to Yellowstone Lake since the mid-1990s; the effects of major declines in most elk and some bison herds, also since the mid-1990s; the effects of a severe drought between 1998 and 2008; the effects of a short-term masking trend towards increased per tree cone crops on whitebark pine since roughly 1997; increasing exploitation of livestock and the remains of hunter-killed elk since roughly 2006; and the extent to which trout losses, ungulate herd declines, losses of whitebark pine, increases in cone crops, increases in availability of moths, and putative increases in bear density were highly correlated in time, sometimes in space, and sometimes as an interaction of both. This multitude of tangled effects probably constitutes as severe an analytic challenge as any analysts have faced trying to divine cause and effect in an ecological system. This is a quote from Dr. David Mattson.

The Service repeatedly states in both the Rule and the CS that maintenance of a select number of GIS-delineated spatial habitat attributes at 1998 levels within the PCA will insure that rates of human-caused mortality will be no higher in the future than those that occurred during roughly 1988-1998. These spatial attributes include road densities, the extent of areas >500m away from human infrastructure (so-called "secure" habitat), and numbers of livestock allotments. Likewise, the Service argues in its many claims for the efficacies of its ESA-mandated management that declines in human lethality were a result of better garbage management, food storage, and education. In truth, bear mortalities resulting from conflicts with elk hunters have skyrocketed since roughly 2007, again, mostly located in what the Service is calling "secure" habitat. And with absolutely no adequate regulatory mechanisms in place to deter hunter causes mortality through proper forensic investigation and prosecution. See below.

The Service needs to account in its habitat management prescriptions for all of the social and dietary changes since 1998 that have resulted in increased exposure of grizzly bears to human hazards synchronous with no net change (or increase) in livestock allotments and human infrastructure. Or to put this way, the service needs be thoroughly account for climate changes as per Executive Orders. This results in the understanding that changes in cub and yearling survival rates can be explained by changes in foraging behaviors of female bears due to lost food sources, whitebark pine seeds from drought conditions and cutthroat trout also from warming waters and climate change, and without

needing to resort to poorly conceptualized and unsubstantiated claims regarding density. Survival rates of cubs and yearlings have probably declined simply because adult female grizzlies are eating more meat and incurring substantially more hazards for their dependent offspring; hazards primarily, but not solely, related to increasing odds of predation by other adult bears and wolves and hunters who currently have no legal deterrent or adequate regulatory mechanism to prevent killing the Grizzly Bear in their midst and claiming "Self-Defense".

The Service needs to upgrade its conceptualization of density effects; recognize deficiencies in the science it currently invokes to justify its density-related arguments; adopt, instead, the best available science; and, finally, realize that changes in demography and trend of Yellowstone's grizzly bear population are almost certainly a result of changes in food availability, diet, carrying capacity, and distributions—not increasing densities and presumed "density-dependent" effects.

The Service needs to account for the declining elk populations, throughout the GYE. It cannot be ignored. They can claim that the cow/calf ratio's are down due to bear predation as they do in The RULE and ignore their own, USFWS and WGFD actions in decimating the Jackson Elk Herd and the Grand Teton National Park summering elk herd with continued type 6 cow/calf tags in the face of low cow/calf ratios and drastic population decline. There is no attempt with WGFD and USFWS to manage the Jackson Elk Herd to meet their own population segment objectives in the 2007-ROD. There is certainly no concern in maintaining the habitat by protecting the elk herds for bear biology and ecology e.g. food. Also, wolves have been and will probably continue to be a detrimental feature of Yellowstone's grizzly bear habitat, thereby constituting a threat; and the Service at the IGBST meeting in Jackson last fall admitted to the Public that wolf predation has very likely played a part in very real declines in spring carrion, especially because of selection by wolves for the older and weaker elk that almost certainly would have otherwise died overwinter and been available to female grizzlies as carrion. The IGBST admits there is far fewer carrion from ungulates on the landscape for the Grizzly Bear spring food, also due to fewer ungulates in general. That is not rocket science but common sense and my observation. As a bottom line, weight of evidence supports concluding that natural predation on especially cubs and yearlings has increased at the same time that survival rates of these younger bears has substantially declined, all with demonstrable effects on population growth rate. As such, weight of evidence would support concluding that natural predation does, in fact, pose a "threat" to the population, especially given that weight of evidence further supports

the population, especially given that weight of evidence further supports concluding that increases in natural predation and human mortality are due primarily to a deteriorating environment—shifts in diet driven by losses of key foods such as whitebark pine seeds.

In Short, The Service, In This Rule, inflates estimated population size and trends with high estimates of survival rates for male and female bear, 2+ years of age. These inflated survival rates are insensitive to rapidly changing conditions. Together these failings result in the methodological threat to the Yellowstone Grizzly Bear population. I oppose the Rule because it is based on faulty facts and science.

In the comment on this CS I include my comment on the Wyoming Game and Fish Department Grizzly Bear Plan due to time limits, I do not have time to fully and meaningfully participate in the public process, and the fact that the conservation strategy in the WGFD -GBP is modeled after the USFWS - CS.

*I oppose the rule to de-list the  
Grizzly Bear -*

*Deidra Baber*

*May 9, 2016*

*See Comment on Conservation Strategy - Page  
1- 41 attached. DB*

In this CS comment I include in appendix 1a, grizzly bear mortality reports maintained by the IGBST, including a number of sows with cubs shot by hunters with little if any action by WGFD or USFWS, Self-Defense has its own special category in both the WGFD-GBMP CS and USFWS –CS.

Also in terms of the adequacy of regulatory mechanisms presently in place to conserve the Grizzly Bear, it is apparent little if any action is taken against the mistaken ID hunter. WGFD and the USFWS do not have Regulatory Mechanisms in place, which are adequate to protect the Grizzly Bear from mortality due to hunters. The regulations are void of detail in terms of a deterrent and in terms of legal aid and direction for the potential prosecution. Importantly in terms of the USFWS, the “McKittrick Policy” promoted by the DOJ when Wyoming Governor Mead was at the Helm in 1998, precludes the DOJ and USFWS from investigating and prosecuting mistaken ID Grizzly Bear killings by a hunter. It usurps ESA Protection for the Grizzly Bear. This McKittrick Policy over-rides the ESA prescriptions for prosecution and deprives the bear killed by mistaken ID the protection of prosecution and the corresponding deterrence of prosecution. This is addressed in the Comment on Regulatory Mechanisms in the CS below.

Further at the Grizzly Bear Plan (GBP-WGFD) meeting in Jackson WY on April 5, 2016 WGFD through Dan Thompson state that the PCA, Core recovery area is experiencing far fewer conflicts than the more populated areas of expansion. Thompson said it is not because there are fewer bear in the PCA it is because of all the work that has been accomplished to remove and abate the conflict attractant. All that work is a success. I have debated above in my comment on The Rule the reduced carrying capacity of the PCA with three of the main food sources necessary for reproduction nearly if not thoroughly depleted and the 4<sup>th</sup> not found in the PCA. Lets assume for the sake of argument that the Thompson statement to the public is true, the bear are densely populated in the PCA and the conflict is down because of all that the Grizzly Bear Managers for Recovery have learned and instituted in the last 40 years. What did you learn? What deterrent action did you learn? No garbage yes, anything else? You state to the Public at the Jackson GBP Meeting on April 5, 2016 that you were right in there the USFWS to manage the grizzly bear to

alleged recovery and you are now a team of professionals ready to manage the bear. Where is what you have learned to protect the Grizzly Bear from human contact and conflict? What is your conservation strategy in this regard? It is not in this outline of a plan in both USFWS CS and WGFD-GBMP. At page 25 of the GBP-WGFD you state that IGBST 2006 report includes 33 recommendations to abate human grizzly bear conflict. What are they and where are they incorporated into this GBP-WGFD?

The Comment includes Appendix 1, which is just a sampling of 50 Grizzly Bear Mortality Reports maintained by the IGBST from 1988-2014. The reports are separated into categories. 1a Grizzly bear many sows with cubs killed by hunter in alleged self-defense, 1b Sows with cubs killed by hunters with the cubs left on the landscape to die a slow tortuous death rather than counted mortality, 1c Bears killed by hunters at bear bait sites, 1d Bears killed by hunters in mistaken ID, 1e Removal Deaths, 1f Prosecution refusal by County Attorneys, 1g The snare death trapping of a cub by US official, intended wolf trap.

On a number of these mortality reports I have asked what did you learn? Where is what you have learned in the USFWS-CS and the GBP-WGFD in terms of Grizzly Bear Conservation Management?

#### COMMENT ON BOTH CS:

**The plan is generalized in language and lacks detail concerning intentions and management practices. It is only an outline and a very incomplete outline of management potential. It is not a plan of any context or meaning.**

The plan includes Appendix II: Regulatory Mechanisms Related to Grizzly Bear Management in Wyoming. (W.S. Sec. 23-1-103) is quoted as stating: *"For the purpose of this act, all wildlife is the property of the state. It is the purpose of this act and policy of the state to provide an **adequate and flexible system of control, propagation, management, protection and regulation of all Wyoming Wildlife.*** For the record, the state is the people of the state of Wyoming. It is not WGFD, nor is it the Governor of the State of Wyoming. It is the people of Wyoming. This plan is drafted as if you are the State according to W.S. Sec. 23-1-103. States have a



trust responsibility to manage public resources including wildlife for the Benefit of the Public for whom they belong. This is in your WGFD Mission Statement.

At the Cheyenne Meeting Grizzly Bear Plan, Dan Tompkins's advised that WGFD manages according to the North American Model. He can't really be concerned with economics and what value the live Grizzly Bear has to the general economy. That is not his area. If you truly embrace the N American Model be admonished it applies to all N Americans even the non-hunter as conservationist and friend of the wild. There is a place for all in conservation according to the North American Model:

### **History**

*As early settlers made their way West, North America's wildlife populations diminished due to market-hunting and habitat loss. Many species were on the brink of extinction. Elk, bison, bighorn sheep, black bears—even whitetail deer—had all but disappeared across the country. Hunters and anglers realized they needed to set limits in order to protect what they loved and assume responsibility for the stewardship of our natural resources.*

*Hunters like Theodore Roosevelt and George Bird Grinnell rallied fellow sportsmen. They pushed for hunting regulations and established conservation groups to protect habitat.*

### **Basic Principles**

*Their efforts are the backbone of the North American Wildlife Conservation Model. The model has two basic principles – that our fish and wildlife belong to all Americans, and that they need to be managed in a way that their populations will be sustained forever. The principles of the North American Wildlife Conservation Model are explained more fully through a set of guidelines known as the Seven Sisters for Conservation.*

***Sister #1 – Wildlife is Held in the Public Trust*** In North America, natural resources and wildlife on public lands are managed by government agencies to ensure that current and future generations always have wildlife and wild places to enjoy.

#### ***Sister #2 – Prohibition on Commerce of Dead***

***Wildlife*** Commercial hunting and the sale of wildlife are prohibited to ensure the sustainability of wildlife populations.

**Sister #3 – Democratic Rule of Law** Hunting and fishing laws are created through the public process where everyone has the opportunity and responsibility to develop systems of wildlife conservation and use.

**Sister #4 – Hunting Opportunity for All** Every citizen has an opportunity, under the law, to hunt and fish in the United States and Canada.

**Sister #5 – Non-Frivolous Use** In North America, individuals may legally kill certain wild animals under strict guidelines for food and fur, self-defense and property protection. Laws restrict against the casual killing of wildlife merely for antlers, horns or feathers.

**Sister #6 – International Resources** Wildlife and fish migrate freely across boundaries between states, provinces and countries. Working together, the United States and Canada jointly coordinate wildlife and habitat management strategies. The Migratory Bird Treaty Act of 1918 demonstrates this cooperation between countries to protect wildlife. The Act made it illegal to capture or kill migratory birds, except as allowed by specific hunting regulations.

**Sister #7 – Scientific Management** Sound science is essential to managing and sustaining North America's wildlife and habitats. For example, researchers put radio collars on elk to track the animals' movements to determine where elk give birth and how they react to motor vehicles on forest roads.

What do we learn from the Seven Sisters in regard to this CS Plan WGFD and USFWS? 1. Wildlife is held in Public Trust so the present and future generations shall always have wildlife and wild places to enjoy. 2. No Commerce of Wildlife. 3. Democratic Rule of Law, laws are created through the public process where everyone, not just hunters and ranchers, have the opportunity and responsibility to develop systems of wildlife conservation and use. 4. Hunting opportunity for all with the caveat of 5. Non-Frivolous Use in North America, individuals may legally **kill certain wild animals under strict guidelines for food and fur, self-defense and property protection**. Law restricts against casual killing of wildlife merely for antlers, horns or feathers. Rhetorically, in this regard killing the Grizzly Bear for head, hide and claws is questioned.

The statement by WGFD Personnel on April 7, 2015 GBP-WGFD

meeting that they Manage pursuant to the N American Model and cannot be bothered with other public interests in the Grizzly Bear Plan- CS such as the economics involved with tourism and the enjoyment of all the folks traveling here to see a Grizzly Bear totally controverts the N American Model. Pursuant to that model all citizens and all citizen interest are embraced in the model with opportunity for meaningful public process as it relates to conservation standards in regard to each citizen's interest in how to enjoy and appreciate the wildlife and habitat. Also under sister 5, individuals may kill certain wild animals under strict guidelines for food and fur and for self-defense and property protections.

This GBP-WGFD is totally remiss in terms of the fifth sister. This plan does not detail the strict guidelines for killing a Grizzly Bear legally. The plan definitely fails and WGFD has failed for decades to delineate the strict rules as to when an individual can kill a Grizzly Bear in Self-Defense. This includes the USFWS and is addressed in more detail below.

At best it can be argued this GBP-WGFD and USFWS-CS provides an adequate and flexible system of control in assessing the grizzly bear population segments. I am left with the question, what is adequate? If a judge told me I had just done an adequate job for my client, I would be concerned. That means my work product had been marginal and I would know that I had not performed well or done enough for my client. Adequate is not enough for professional service. It is not even okay. How do you define adequate? At the outset your goal to be "adequate" is a failing disappointment. It intends a marginal job and only what is absolutely necessary in terms of minimal population numbers. I am left with the conclusion from reading both plans that adequate and flexible is indeed no plan at all. It is vague and ultimately meaningless. It is generalized in language and lacks crucial conservation standards. This is an opportunity lost. The opportunity to manage a very fragile species, one that is isolated; genetic viability a key factor in management, one that is at a minimal population level at the outset, one that breeds on average only every three years by a sow who is not of age to reproduce until 5 years. One that is keenly fragile due to climate and habitat change, with three of the four key food sources necessary for fat stores and ultimately reproduction gone or on a drastic decline. All of these

factors are key in a real Management Plan to Conserve the Grizzly Bear. They cannot be ignored and must be addressed to preserve the bear population and not strain it to the point of extinction.

The GBP-WGFD and USFWS – CS would benefit from increased detail in all aspects of the plan. There are no detailed conservation standards, which promote a viable grizzly bear population capable of withstanding a changing landscape, in the plan.

### **Demographic Recovery Criteria**

Demographic Recovery Criteria are at the heart of the GBP-WGFD and USFWS - CS. This plan fails to be about sustaining and maintaining an alleged recovered population.

#### **DEMOGRAPHIC RECOVERY CRITERION 1:**

Criteria 1, is intended to ensure “sufficient reproduction to offset mortality to ensure population viability.” (GBP-WGFD, p2) (I do not have time for reference page in USFWS – CS) Hereinafter both CS plans are discussed in terms of WGFD-GBMP.

The GBP-WGFD commits to a minimum population of 500 grizzly bears and at least 48 females with cubs in the Demographic Monitoring Area (DMA).

*If the estimate of total population size drops below 500 or counts of females with cubs go below 48 unduplicated females with cubs in 3 consecutive years, this criterion will not be met.” (GBP-WGFD, p3)*

The problem with this is, if the estimated total population falls below 500 there is no mechanism to prevent another two-year decline. Given a record level of known and probable mortality in 2015, if such high levels of mortality persist, the total grizzly population could fall precipitously within a few years, especially if hunting is instituted, as promoted by you. At the last Grizzly Bear Committee Meeting, WGFD Director Scott Talbott remarked, “We just need to get Grizzly Bears de-listed so we can manage them like every other species in the State, with a hunting season.

I have commented repeatedly and at length to WGFD and WGFC my concern that the WGFD does not follow the conservation standards

that are in place to protect a number of species on behalf of the public and this includes the Grizzly Bear. In a brief recap: WGFD does not manage the GTNP Bison Herd Reduction according to the best science requirements in the 2007 ROD/BEMP that the herd reduction from 1000 to 500 must include management for a sex ratio of one cow to one bull for genetic viability. Even now regardless of this requirement to conserve the species the WGFD promotes a hunting season for more adult bulls (trophy) next year 2016/2017 when the cow/bull ratio is at best 2 to 1 or more. They promote this now by counting yearling bulls who are not old enough to compete to breed for five years. That is not science it is to sell a trophy tag at the expense of best science, bison conservation, the public interest and the North American Model.

When asked about this discrepant cow/bull ratio in 2014, Doug Brimeyer, WGFD biologist advised that he thought it was just a recommendation. Assuming for the sake of argument that it is just a recommendation, why not follow it for the genetic viability of the remaining herd; it is a recommendation based upon the best available science and of course the conservation of the Bison Herd.

In regard to managing the Jackson Elk Herd at 11,000 animals with hunting regulations to promote certain herd segment populations, 2007 ROD/BEMP, WGFD ignores the plan. WGFD now states they never signed it and it is not their plan and they ignore their own targeted herd segments and advocate managing the elk herd for 5,000 on the refuge knowing full well they cannot manage for 5,000 wintering on the refuge with a total 11,000 in the herd. See. <http://www.fws.gov/policy/library/2007/07-2773.html>

**... The final Plan/EIS was prepared in cooperation with The U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS); the U.S. Department of Agriculture Forest Service; the Department of Interior Bureau of Land Management (BLM); and the State of Wyoming Game and Fish Department (WGFD). The WGFD is a cooperating agency and as such bound by the 2007-ROD. Now, they are complicit with GTNP in continuing an Elk Reduction in the park when the park herd summering segment is well below target and actually counted at 700 with a target of 1600, down from 2300 animals prior to the 2007-ROD. According to the GTNP biologist they need a better counting**

method but with other factors it could be 900-1200, great science. For the sake of argument 1200 is not 1600. WGFD does not follow conservation standards. In terms of the continued demise of GTNP elk herd and the Jackson Herd in general, park elk are killed in area 78 by the 100's, it is to the detriment of the Grizzly Bear in this region of the DMA, because as provided in my comment on THE Rule above, elk are a last high caloric food source and on the decline. Should WGFD continue the elk reduction against law, regulation and science? It is impossible to trust WGFD to manage the Grizzly Bear with any Conservation Standards and in particular when they are not detailed and specific. This vague and general Grizzly Bear Plan – WGFD – CS and USFWS-CS is opposed in this regard.

Further in managing hunting to conserve the Grizzly Bear WGFD and USFWS has already proved incapable and not concerned about Grizzly Bear Conservation. The Biological Opinion Grizzly Bear in the 2007 ROD/BEMP described typical Grizzly Bear Behavior at the time and spelled out when the hunt (Elk Reduction) should be reassessed in terms of protecting the Grizzly Bear from Mortality and Human/Bear Contact. In the event a Grizzly Bear was seen on the NER the elk reduction on the NER was to be reassessed.

No reassessment in this regard was ever initiated. In terms of bear behavior only one death by a hunter was expected in the park because most of the terrain was open sage and Grizzly Bears were not known to roam the open sage but seek the hide of the forest.

On October 14, 2014 Wyo File reported:

*With regard to the ecosystem population, Fish and Wildlife said the grizzly count stood at 593 in 2011 and was increasing or stable. It also said grizzlies were wandering farther.*

*"As anticipated in the (Elk and Bison Management Plan) grizzly bear distribution and numbers in the south end of the Park appear to have increased," Fish and Wildlife said. "Since 2007 several grizzly bears have been observed seeking out gut piles left on the landscape during the (elk reduction program) on Park lands and just recently on Refuge lands. It is likely grizzly bears will continue this behavior, resulting in a relatively high risk of hunter-grizzly bear contacts as long as the (Grand Teton Elk Reduction Program) is necessary." Grand Teton's senior wildlife biologist Steve Cain has said the hunt*



*will be needed as long as elk are fed in winter on the adjacent National Elk Refuge.*

In addition The Biological Opinion, 2007-ROD BEMP only allowed for the death of two grizzly bear, incidental take from BTNF through 2015, long before the questionable decision of USFWS to remove the incidental take in BTNF from the BEMP Biological Opinion Grizzly Bear, that take of two grizzly bear by hunters had been exceeded. Yet no action was taken by you or any agency to conserve the Grizzly Bear from Mortality by hunters. USFWS and WGFD have not managed to conserve the Grizzly Bear according to the Biological Opinion of the BEMP, 2007-ROD and have in fact violated the conservation strategies and recommendations and requirements in the Biological Opinion Grizzly Bear. Again I have read every mortality report maintained by the IGBST from 1988 through 2014, while I do not have time to fully augment this comment I have counted the dead in the Grizzly Bear by Hunters in the BTNF is excess of two prior to the 2013 change in allowable take.

Clearly, when the Grizzly appeared to eat gut piles in the open sage brush flats of Antelope Flats, GTNP, in or about 2011 or earlier and continuing every year since with expansion into the neighboring areas as the elk reduction has expanded to neighborhoods adjacent to ranches in area 78, also where the Grizzly were not expected to appear in the Biological Opinion BEMP, the elk reduction hunt should have been reassessed in terms of Grizzly Bear behavior/conservation and the potential for Grizzly Human-Contact. This reassessment was never conducted by GTNP, NER or WGFD and to the demise and in the opinion of 100's of thousands of people the tragic death of bear 760 at the hand of his alleged protector WGFD and with the nod of USFWS. He was killed for doing precisely what WGFD and the USFWS habituated him to do; eat dead animals and gut piles in the open sagebrush flats while people watched. See Exhibit A attached and incorporated herein by reference, his mortality report.

The death of bear 760, grandson of famed bear 399, exemplifies the many failings in this plan and the huge concern of many that WFGD management of the Grizzly Bear pursuant to the USFWS-CS shall be the end of any recovery of the species.

Why? 1. The Biological Opinion Grizzly Bear, 2007-ROD BEMP was

ignored in terms of the impact human action could have on the potential for human-grizzly bear contact. 2. At the GBP-WGFD meeting in Cheyenne on April 9, 2015 one of the WGFD representatives on the Live-Stream, state that all of the NW Wyoming, WGFD representatives know how to identify the difference between a black bear and a grizzly bear. Unfortunately, the WGFD Bear Biologist, LCS - Luke Ellsbury, pled guilty to killing a Grizzly Bear, mistaken ID for a black bear and shot too close to the road. That illegal killing by a WGFD Grizzly Bear expert occurred just weeks before he killed Grizzly Bear 760. See Exhibit B attached and incorporated herein by reference. This makes every comment by WGFD at the Grizzly Bear meeting about all that they have learned in the 40 years of assisting recovery highly suspect. Of course the misinformation as to where the Grizzly Bear forage in the fall is included in this concern. They state in their GBMP-CS that Grizzly Bear forage at higher elevation for food in the fall. Not now, that was when they foraged for the Pine nut seed, which is no more. In review of Exhibit A, bear 760 was killed because he had a conflict history. Though not reported, he was relocated once for eating berries too close to a campground. So is that a conflict and by what standard? He got into a hunter harvested deer, again so what? That is what the Grizzly Bear is expected to do? So with whom do we attach the blame? What did WGFD learn from this in terms of how hunters in certain areas should hang their game? Where is that in this plan? Certainly WGFD habituated him to eating hunter's remains in GTNP, NER and area 78, why was this different and why did it result in a death sentence? Ultimately the report states he was killed because he was unafraid of humans.

Does that report mean that WGFD and USFWS will kill every bear that is unafraid of humans? It is a fact as sows have been forced to eat more meat or simply to forage for food at lower elevations where boars are present they use humans as baby-sitters, they stay closer to humans for the safety of their cubs. An intelligent strategy except for the fact the USFWS and WGFD call it habituated to humans. What about the diversive techniques to divert a bear from alleged trouble? Where is what you learned from the death of 760 incorporated into your GBP-WGFD? His death is pivotal in evaluating your own actions in regard to removing or avoiding the conflict albeit the conflict created by you in hunting in inappropriate places like the

NER, GTNP and Area 78 which attract the bear to humans in violation of Grizzly Bear Conservation.

Key here is **WHAT IS HABITUATION?** I include Exhibit C; bear 724 also killed by Ellsbury, October 2014 for being too habituated. She was killed for some nebulous not defined conflict and for being in close proximity to humans. This GBP-WGFD must address these bears and the reasons for their deaths. How will you avoid their deaths? Again define habituation, define the perimeters of when you will kill bear for trusting humans. Define what alternatives those bear have other than a zoo, in which I see no removal by you, WGFD, since 1988 to a zoo or educational model, only death.

Another concern with your proposed CS management of the Grizzly Bear which must be addressed in this plan is the issue with Park Bears who are accustomed to people admiring them and albeit loving them, people traveling from all corners of the globe, what is your plan about these bears in the face of the death of 760 for no real reason other than convenience, yours. What is your conservation plan to cooperate with GTNP and YNP in regard to these bears? Certainly if you would have allowed 760 to return to the park after he finished grazing on the berries along the stream of Blake Vandewater's former ranch, for the record he had not planted himself in the middle of the Aspens, your WGFD agent Mr. Fuchs lied to the public in making that statement, he would still be alive.

However, instead of allowing him to travel North again into the park, you WGFD cleaned up the gut piles in the Poker Flats residential zone just South of GTNP in order to prevent him from being lured north. You had no intention to return him to the park. Were you following orders to keep that bear from ever closing the Moose-Wilson Road again or from ever disrupting a wedding at a ranch that also allowed hunting and gut piles at the time?

It is a fact, which can be proven that the WGFD removed the gut piles after 760 had already traveled south. It was not to protect him from leaving the park but to keep him from returning. It was to keep him in state jurisdiction, to his demise.

**Both CS Plans must include a definition of Habituation. It must clarify when habituated bears are killed and do not pretend to**

**call that euthanasia, especially when you leave cubs to starve. See Appendix 1b.**

Your plan must include what you shall do about gut piles in places that attract bear to humans. You cannot continue to pretend you have no ability to control the private landowner. You pay them large and excessive depredation claims for hunting rights on their property, this is public record; you allow them or their hired hands to make ridiculous sums on trophy bulls as if they are outfitters. Is that the North American Model? You can control the gut piles to remove the attractant, which is why 760 was in area 78, no doubt. Where is this in your conservation plan for the Grizzly Bear?

The reality is that the Grizzly Bear is not popular within the political frame that runs your WGFD operation. The Ranchers including the Wyoming Governor do not protect predators. The "Mckittrick Policy" promulgated by the DOJ under the leadership of the now Wyoming Governor is telling in this regard. The WGFD under the auspices of the WGFC all appointed by said Governor of the State of Wyoming cannot and in fact will not conserve the Grizzly Bear with any meaning and certainly not with these CS plans.

The gut piles and inappropriate elk reduction hunt in terms of Grizzly Bear Management to avoid human conflict is also the issue with bear 802, he was a non-target bear trapped April 2015 in Solitude where he learned to hunt gut piles and dead animals from the area 78 hunt on adjacent ranches with mom 399. He was there in April after he left the den early. He was in that area because the late extended season elk hunt in the park and on the NER and in area 78 had resulted in late denning for bear 399 during the hyperphagic period and she denned on Black Tail Butte, just across the highway from Solitude and dangerously close to man and human contact. WGFD knew this was a result of the extended hunt for the elk reduction 2007-ROD BEMP as per the Biological Opinion. They knew that 399 with two cubs was denning late and close to man and again they chose to ignore red flag indicators to protect these bear by removing their own attractants, the late hunt, the park hunt in open sage and the neighborhood hunts in area 78. Even now knowing the danger to the bear they continue with these elk reduction hunts regardless of the Biological Opinion Grizzly Bear and regardless of the science regarding the continued hunts in terms of elk reduction and elk

conservation in general. The fact is that WGFD will do whatever they want to do and the WGFC will approve new regulations to bifurcate old regulations no longer considered politically correct. This is the Cowboy State! The public process in these regards, if at all, is a total sham.

Clearly WGFD has failed the Grizzly Bear and it has failed the public in refusing to follow the Conservation Standards in the Biological Opinion Grizzly Bear 2007 ROD/BEMP. I can argue that the conservation standards were clear but obviously not clear enough. I can argue that even if more clear they would have been ignored by WGFD and USFWS because that is what they/you do: ignore science, ignore policy procedure and protocol and particularly when it pertains to the conservation of a species including the Grizzly Bear. These CS Plans are void for vagueness in terms of your abhorrent track record and inability to follow conservation standards.

Now, the estimated total population fell from 757 in 2014 to 714 in 2015 and that is at leaving the den. The mortality was 61 and over 51 in the DMA. That leaves a balance now of 663. This is as reported to the public at the IGBST meeting in Jackson fall, 2015. There is no excess here to consider additional discretionary mortality. There is no discretionary take if the population dips below 600. WGFD alone removed 17 bear from the DMA this year. That is a record number. Furthermore, known and probable mortality of 61 bears does not include bears that died but have not been discovered. 2015 total known and unknown mortality may well exceed, 100 bears, an obviously unsustainable level for such a slow reproducing species and one with a static or flat population growth rate.

It stretches the imagination that you will consider a hunting season of this species as you may just achieve the management opportunity. A five-year moratorium is required as you assess the declining population; employ new techniques to reduce conflict and removal and to address additions and modifications of the regulations currently in place at Appendix II of the GBP-WFGD.

A true Conservation Strategy Plan for the Grizzly Bear Population would include that in the event of an estimated total population below 500 there is the immediate resumption of ESA protection.

## DEMOGRAPHIC RECOVERY CRITERION 2:

Criteria 2 is intended to ensure “adequate distribution of breeding females throughout the area.” (GBP-WGFD p2)

The GBP-WGFD commits to “Sixteen of 18 grizzly bear management units within the Recovery Zone must be occupied by females with young, with no 2 adjacent bear management units unoccupied, during a 6-year sum of observations.” (GBP-WGFD, p3)

*A 6-year sum of observations means a BMU is considered occupied if it has a female with young in at least 1 year of each 6-year period. (GBP-WGFD, p3)*

As the recovery criteria that directly addresses and defines grizzly bear distribution throughout the DMA, a six-year time frame is too long. By the time failure to meet this criteria becomes actionable, distribution would likely be seriously impacted. A four-year time frame or less is required for this criteria.

## DEMOGRAPHIC RECOVERY CRITERION 3:

Criteria 3 is intended to provide “an annual evaluation of total human-caused mortality that will ensure a recovered population.” (GBP-WGFD)

*Maintain the population around the 2002-2014 Chao 2 modeled average ( $X = 674$ ; 95% CI = 600-747; 90% CI = 612-735) by maintaining annual mortality limits for independent females, independent males, and dependent young as shown.” (P4)*

While ostensibly committing to a target range and defining a “hard floor” for the grizzly population, in reality, the GBP-WGFD only commits to a population of 500. (See above).

*If mortality limits are exceeded for any sex/age class for three consecutive years **and** any annual population estimate falls below 612 (the lower bound of the 90% confidence interval), the IGBST Study Team will produce a Biology and Monitoring Review to inform the appropriate management response. (P4)(Bold not in original)*

This clause places too high a bar on triggering a review. By the time



mortality limits are exceeded for any sex/age class for three consecutive years, the population could fall well below the lower bounds of the target range, or given the right circumstances, below the 500 minimum target.

A two-year mortality time frame is required in this regard and unbundling the population target of 612 from the excessive mortality target. In other words, a review should be triggered if mortality limits are exceeded for two consecutive years.

Importantly this Plan is vague in terms of timing. How long will it take for The Study Team to produce the Biology and Monitory report and what time period do you have to remedy the issue? This must be spelled out in a Conservation Strategy Plan. Separately, a review should be triggered upon any annual population estimate below 612.

I am concerned from my review of the Mortality Reports IGBST 1988-2014 that the mortality is not always accurately counted and is in fact intentionally skewed. In Appendix 1b, I include numerous instances of Sows killed by hunters either mistaken ID or alleged self-defense. Many sows had cubs; all cubs were left with the dead sow or in the field and not counted dead. This includes COY left alive after trying to nurse dead mom. I asked at the Grizzly Bear Plan meeting in Jackson if the Chao 2 model counts the dead cubs. I was told yes. I do not see that in the reports. The USFWS state the COY will be counted at the Jackson meeting WGFD said the COY and orphaned yearling cubs would be counted, as they should be because they are dead. As I have included only 50 reports there are 700 plus additional reports of similar nature. These cubs are not counted dead in the mortality percentages. So what is the plan now? This is not addressed? Is it still the plan to leave the cubs to die a slow agonizing death? I pray not, but cannot even guess, your plan is too vague. You must spell out in a Conservation Strategy Plan how the orphaned cubs shall be counted. You must include in the plan what you shall do with and or about them.

**It is time for Wyoming to have a Bear Recovery Center where orphaned bear can be raised for return to the wild. It is time for WGFD to acknowledge their conflict of interest in protecting hunters that kill sows with cubs.**

## GENERAL DISCUSSION OF DEMOGRAPHIC RECOVERY CRITERION

It should be remembered that the Demographic Recovery Criterion were developed to recover grizzly bears while under a protected regulatory regime that prohibited hunting. Even under that protective regime, mortality related to hunter conflict was a major cause of mortality.

See Appendix 1 a b c & d numerous incidents of Grizzly Bear Mortality by hunters both self-defense and mistaken ID are included. More regulations are necessary in a true Grizzly Bear Conservation Model. The hunter must know how to behave in the face of a Grizzly Bear. The immediate response should not be to shoot the bear. The hunter must be regulated to back away from down game that a bear has claimed or is claiming. Each case must be thoroughly investigated as you indicate you will at page 25 GBP-WGFD – Law Enforcement. Bear spray must be required of all big game hunters in any true Grizzly Bear Conservation Plan

The language in the GBP-WGFD is clear; Wyoming is only interested in the minimum allowable numbers that satisfy the demographic criteria. While the three states are obligated to satisfy the demographic criteria, there is nothing that says they can't manage for numbers that well exceed the criteria. In this respect, the GBP-WGFD appears to resemble wolf delisting.

**The USFWS delisting proposal and the GBP-WGFD both rely on a proposed Discrete Population Segment status that is uncertain because of ongoing litigation.**

The concept of a distinct population segments is the subject of ongoing litigation regarding wolves in the Midwest.

The Endangered Species Act ostensibly allows the listing and delisting of species, subspecies, and distinct population segments (DPS) of vertebrate animals. To qualify as a DPS under Service policy, a population segment must be both "discrete" and biologically or ecologically "significant" to the species as a whole.

And yet, the concept of "distinct population segments" is not

scientifically derived. Discrete population segments are an artificial construct designed by the USFWS to give itself greater flexibility under the ESA. Whether that is a justified goal will not be debated here, as the issue will be decided in the courts.

*The term "distinct population segment" (DPS) is not commonly used in scientific discourse, so the USFWS and NMFS developed the "Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act" to provide a consistent interpretation of this term for the purposes of listing, delisting, and reclassifying vertebrates under the ESA." (61 FR 4722; February 7, 1996)*

The USFWS has not performed a Distinct Population Segment analysis on the GYE grizzly population and has in fact, deferred such analysis until such time as the Northern Continental Divide Ecosystem grizzly population is proposed for delisting. This is an invitation for litigation.

In terms of current litigation the delisted status of the GYE grizzly bear population as a DPS could possibly be negated with results that can include a judicial relisting of bears under the ESA.

### **Grizzly Bear Foods Monitoring**

*The IGBST currently monitors the productivity of four common grizzly bear foods in the GYE: white bark pine seeds, army cutworm moths, winterkilled ungulates, and spawning cutthroat trout. While these are some of the highest calorie food sources available to grizzly bears in the GYE (Mealey 1975, pp. 84–86; Pritchard and Robbins 1990, p. 1647; Craighead et al. 1995, pp. 247–252), only white bark pine seeds are known to have an influence on grizzly bear mortality risk and reproduction. There is no known relationship between grizzly bear mortality risk or reproduction and any other individual food (Schwartz et al. 2010, p. 662). (USFWS Proposed Rule, pages 156-7)*

Well as discussed above in The Rule, the expansion in search of meat led to the death of bear 760. Meat is dangerous food for the Grizzly Bear. As the elk herds decline and are reduced the bear turn to other meat sources, livestock and gut piles, both dangerous

attractants for human-grizzly bear conflict. In just 2015 the WGFD removed 8 grizzly bear for livestock related reasons.

While repeating the USFWS mantra that “changes in abundance of various food sources are not likely to negatively impact grizzly bears at the population scale due to their dietary plasticity” (IGBST 2013, van Manen et al. 2014, van Manen et al. 2015) It is interesting to note the tacit acknowledgement of the importance of the four foods that have been considered the “primary” food sources for many years. The GBP-WGFD does not mention by name any other food sources, nor does it contemplate monitoring other food sources with any specificity other than a statement that:

*The Department will continue to identify areas of interest related to grizzly bear diet in order to better understand and manage the population. (P 13)*

Again, this year WGFD removed 8 Grizzly Bear for livestock issues. This must be an area of interest related to Grizzly Bear Diet. Clearly the dietary needs of the Grizzly Bear require detailed analysis and understanding in a Grizzly Bear Conservation Plan.

While The Service has documented a huge array of food resources available to omnivorous grizzlies, it is obvious that one food source is not necessarily equivalent to another in quality and availability. All foods are not of equal caloric value in terms of the fat stores needed for a sow grizzly's fertilized egg to successfully implant for reproductions. If her body does not have adequate fat the fertilized egg shall fail to become an implanted embryo.

Again, the Service has noted, the four foods necessary for reproduction are **White Bark Pine**; the stands utilized by the Grizzly Bear in the GYE are essentially gone.

The **Cut Throat Trout**, 90% gone from the GYE, warming waters potential influence in non-native trout flourishing.

**Army Cut Worm Moths**, also high altitude late summer and SE of YNP. Some outside of the DMA are very susceptible to the impact of a warming climate and to **pesticides**. **Also they are on talus slopes just up from livestock grazing.**

**Winter Kill and Ungulates**, again, at the IGBST meeting in Jackson this fall it was noted that the winterkill available for the Grizzly bear is down. The logical reason is there are far fewer elk and other ungulates on the landscape. Also with the other high caloric food sources gone many Grizzly Bear including sows have turned to eating meat, yet the elk population throughout the GYE/GYA is down 70% See the attached graphs, Appendix 2 prepared by Dr. David Mattson.

These lost food sources cannot be ignored in a Grizzly Bear Conservation Plan nor can they be ignored in terms of managing livestock conflict. What will WGFD do to conserve the Grizzly Bear now that the main food source for reproduction are all on the decline to date but for the Army Cut Worm Moth?

**One additional Conservation Standard needed and missing from this Plan is ABSOLUTELY NOT, no hunting or disturbing the moth sites. NOT AT ALL AND NOT ANYWHERE.**

There are temporal and spatial aspects to the food resource that must be considered, as well as caloric and vulnerability costs associated with obtaining alternative food sources. While the USFWS, the IGBST and the WGFD all maintain that grizzly food sources are secure; many expert observers outside government employment know that the science on grizzly bear food security is far from settled. This is included in the critique of The Rule above.

The GBP-WGFD needs a much greater emphasis on grizzly food resources and needs to outline a plan to better understand and monitor grizzly food resources, especially in light of expected climate change and the lag or delayed time the impact of one depleted food source may take to actually be apparent in terms of Grizzly Bear Biology.

### **Climate change and its effects in both CS:**

Climate forecasts generated by Yellowstone National Park's own scientists are ominous and the effects on the ecosystem and the grizzlies are unclear. There is general agreement that further disruptive ecosystem-wide changes are not only possible, but likely, and they will significantly impact grizzly bears. Low snow pack equals

less forage for the ungulates. The Study Team recognizes winterkill is a high caloric food source for the Grizzly Bear. Other scientists as well recognize that other high caloric food sources are gone or drastically declined, White bark pine, drought related, and cutthroat trout, potential warming waters impacted and the Grizzly Bear has turned to meet and moths in summer. The meet is typically ungulates. Again the IGBST noted this fall that the winter kill food source is down. Why? Because the elk populations are on a drastic 70% decline in the GYE/GYA. With snow pack reduced for less forage and with programs like the 2007-ROD BEMP determined to reduce the Jackson Herd at any cost. The food sources in NW Wyoming should be well monitored by WGFD and that monitoring included in this plan in great detail. And WGFD should be assessing where their own actions are impacting the Grizzly Bear food sources especially in continuing a park hunt and the area 78 park elk migration corridor hunt when the park elk herd segment 2007-ROD BEMP is well below target. If there is a plan it is not with Grizzly Bear Conservation in consideration, not at all. It is a plan based upon politics as evidenced in the Wyo File article quoted above. Clearly the former Senior GTNP Biologist cannot make a statement based upon science and the Grizzly Bear Ecology that as long as elk are fed on the NER there will be a GTNP hunt.

*In 2015, climate change is no longer a vague threat in our future; it is the changing reality we live with, and requires continuous planning and adaptation. Temperatures are warmer, snowpack is decreasing, springtime arrives sooner, and the growing season is longer. The authors in this issue describe how these changes have already impacted park resources, and they discuss different possible future climates in which the park is a very different place. Can you imagine Yellowstone without most of the forest that now covers 80% of the park? The certainty of an uncertain future is a difficult concept to embrace, and even harder to plan for, but we are doing the next generation and ourselves a disservice if we defer the discussion any longer. (Yellowstone Science 2015 23[1] p2)*

*Average spring and summer temperatures are expected to rise 3.5-5.5°F above the 1950-1990 average by the mid-21st century (Westerling et al. 2011). Hot, dry summers as in 1988 are expected to occur with increasing frequency throughout the 21st Century and will*

*become the norm by the latter part of the century. Such climate conditions would be similar to current conditions in the southwestern U.S. and outside the conditions that have been documented in the GYE for most of the past 10,000 years. (Yellowstone Science 2015 23[1])*

Both the USFWS and GBP-WFGD dismiss climate change as a factor affecting the GYE grizzly bears future. And yet, it appears in the Proposed Rule repeatedly as a factor to be considered. The only reference to climate change in the GBP-WGFD is the following:

*Changes in climate may affect regional vegetation, hydrology, fire regimes, and pathogen prevalence, which may in turn influence the abundance, range, and elevational distribution of foods consumed by GYA grizzly bears (Gunther et al. 2014). (GBP-WGFD, page 13)*

And yet, the plan fails to elaborate on any of these potential effects, nor does it contemplate monitoring such effects.

*The effects of climate change may result in a number of changes to grizzly bear habitat, including a reduction in snowpack levels, shifts in denning times, and shifts in the abundance and distribution of some natural food sources, and changes in fire regimes. Most grizzly bear biologists in the United States and Canada do not expect habitat changes predicted under climate change scenarios to directly threaten grizzly bears (Servheen and Cross 2010, p. 4). These effects may even make habitat more suitable and food sources more abundant. (USFWS Proposed Rule page 95)*

Already a well-documented, decades-long warming trend has been strongly implicated in the near total loss of one of the four “primary foods” consumed by grizzly bears: white bark pine.

Another primary food, the army cutworm moth is clearly at risk and at “7.9 kcal/g, army cutworm moths had the highest reported gross energy value of any food consumed (French et al. 1994). (2015, YS science, 23[2] page 8)

*We know relatively little about the variability of this food resource and whether the long-term availability of army cutworm moths is changing. (Yellowstone Science 2015 23(2), page 27)*

*Army cutworm moths aggregate on remote, high-elevation talus slopes where grizzly bears forage on them from mid-summer to late summer...Climate change may affect army cutworm moths by changing the distribution of plants that the moths feed on or the flowering times of the plants (Woiwod 1997, pp. 152–153). However, the GYE plant communities have a wide elevational range that would allow for distributional changes (Romme and Turner 1991, p. 382), and army cutworm moths display foraging plasticity (Burton et al. 1980, pp. 12–13). Therefore, potential changes to army cutworm moth availability are not likely to threaten the GYE grizzly bear population in the future.*

This finding in the proposed rule is truly astonishing (Proposed Rule, page 158). It notes that the moths congregate at high elevation, yet does not acknowledge that warming trends will affect them, only stating that “GYE plant communities have a wide elevational range.” In the face of ongoing warming trends, one must wonder how much higher-elevation habitat exists above the alpine zone where these moths are found!

As grizzly expert Doug Peacock recently wrote:

*The threat of global warming should be enough in itself to preclude delisting. But the federal government is not impressed by climate change. As evidenced by a recent lawsuit over wolverines, Fish and Wildlife administrators dismiss the predictions of climate models as unreliable. The government wants accurate climate predictions out to 2085 before they act. That's crazy: Nobody has a clue if the bears, or their human constituencies, will even be around in 2085. (Outside Magazine, 3/9/16, <http://www.outsideonline.com/2061226/op-ed-dont-delist-Yellowstone-grizzly-bears>)*

Failure to account for well-documented ongoing warming trends is simply irresponsible.

## **Conflict Management**

Conflicts are at record levels and it is not simply because there may be more bears. There are a number of factors at play. The state and federal agencies have failed to adequately address prevention of conflicts with humans and livestock.



Proven and effective pro-active conflict prevention regime, as opposed to reactive conflict resolution, is a prerequisite of states assuming management authority over grizzlies. Grizzly bear managers have repeatedly critiqued existing management methods of conflict prevention and resolution and failed to implement the very strategies they themselves have proposed to reduce conflict. (See the recommendations in "Yellowstone Mortality and Conflict Reduction Report" 2009, Servheen, et al.)

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Again, documented changes in food resources are driving grizzlies to roam farther to consume more meat, which in turn is putting them at greater risk of conflict with hunters and livestock with the prospect of unsustainable levels of mortality. That this problem is substantially worsening even prior to the authorization of hunting is problematic and raises the question of sustainability of the grizzly population under state management.

While the GBP-WGFD states, "All grizzly bear hunters must carry bear spray while engaged in the act of grizzly bear hunting (WGFC Regulation Chapter 16, pending)" it cannot be ignored that ungulate hunting accounts for a substantial proportion of current mortality, (See Appendix 1a,b, c, d). Other than Grand Teton National Park - outside of WGFD jurisdiction - ungulate hunters in grizzly country are NOT required to carry bear spray. This is a no brainer and has been encouraged by advocacy groups and grizzly managers for years. And yet no requirement for ALL hunters to carry bear spray in grizzly country exists and not in either CS now discussed.

The Grizzly Bears Olfactory Sense is 7 times keener than the hound dog. The Grizzly Bear can smell the downed game and gut piles from miles away. The Grizzly Bear is attracted to the hunter. It is not necessarily a park bear that is allegedly habituated who does not run from the downed game. During the hyperhagic phase in the fall the urge to feed is irresistible. This means that the hunter with game is targeted naturally by the Grizzly Bear in the fall. This is a known fact See Appendix 1c in regard to a sample of the Grizzly Bears killed in Alleged Self-Defense. This plan is remiss in not requiring the big game hunter to carry, have accessible and know how to use bear spray. This missing component from the Grizzly Bear Conservation Plan proves the plan is about you WGFD and USFWS representing

the hunter at any cost and again and again at the cost of the Grizzly Bear. You WGFD in terms of promulgating any true CS have a conflict of interest.

**For Example See Exhibit D** attached and incorporated herein by reference. It is the Grizzly Bear Mortality Report of Grizzly Bear 615. She is the daughter of 399, sister of 610 and the late 587 male grizzly removed by you for alleged livestock depredation in Sublette Co. 2013. What is of interest about her mortality report is its inaccuracy. She was shot at the age of three not four, she was a tagged bear why not include accurate information in the report? The alleged deer hunter who shot her had a black bear tag in his pocket.

Her story is a key component to the issue with the Grizzly Bear Management Plan in terms of the inadequacy of Regulatory Mechanisms Appendix 2 and your, WGFD and USFWE, irrefutable conflict of interest on behalf of the hunter. That conflict of interest is depicted in the graph on page 8 of the WGFD GBP CS, which actually has a Self Defense Category of Mortality separate from Mistaken ID etc. and misleadingly separate from illegal. I am offended by that graph because it leads the hunters to believe that Self-Defense is a category authorized by the WGFD. Such implied authorization is far from a Conservation Management Strategy for the Grizzly Bear.

On September 19, 2009 Mr. Westmoreland shot Grizzly Bear 615 as she fed on the remains of a Moose Carcass that had been quartered by a hunter the day before. Mr. Westmoreland approached her with a deer hide he had just helped to dress draped over him as he held a large trophy antlered deer head. The bear stood up to get a better whiff of what approached her. She returned to all fours and was shot at 40 yards having never taken one step toward the hunter. The hunter said he had no cell service and could not call WGFD for five hours. He called his camp with his cell phone! His partner joined him at the scene and said that he confirmed yes that is a grizzly bear. Again, the killer had a bear tag in his pocket. His ultimate story was self-defense. When he saw the young, small bear she weighed just over 200 lbs., this is not in your report, he shot her because it scared him when she stood on her hind legs. He had to shoot her twice as she bawled in pain.

In 2009 I hiked Ditch Creek Drainage everyday with my dog. I knew this bear. She was an appropriate bear, a good bear. She did not allow herself to be seen yet we stepped over her prints and steaming scat almost everyday most of that summer. One day my dog, a big game, bear dog by breed, did chase her, we unexpectedly jumped her on a day bed she had chosen right on the trail. He was not allowed to chase game. His shock collar was not on a high enough setting, not at that time, for the irresistible pray instinct to chase a bear. It was bad for all three of us. That is the only time I saw her and she ran. She avoided people and ran rather than have contact. I was angry when she was killed illegally. The following day I called Bill Long, The North Game Warden and told him I knew the bear was 399's cub and I knew she did not have one aggressive cell in her body. I told him if the hunter who shot her said she was aggressive he lied. I called Angus Thuermer, Editor of the JHNG at the time and told him I believed a hunter has shot 399's cub. 399 and her three cubs as coy had received a food reward from a house up Ditch Creek via a compost pile. That was removed but the bears returned each year in search of more food. I knew she was a 399 SBA offspring; I had no idea if male or female.

My friends who also knew her from the distance and who frequented Ditch Creek were also angry that she was shot in alleged self – defense. We lobbied for prosecution. It was far from automatic. There had never been a charge disputing a self–defense claim tried to a jury in Wyoming. Steven Weichman prosecuted the case. He did a great job and intended to lobby the legislature for legislation requiring hunters to carry bear spray. You and others shut him down at an IGBST meeting. He was told you did not want to burden hunters with the cost of bear spray. I watched it happen. I called him to let him know the IGBST was convened at Snow King and he may want to attend. He did but he did not know his audience.

In preparation for trial there was a question as to the proper jury instruction for self-defense. The defense attorney proposed an instruction relevant to a homicide case in regard to malice aforethought. The jury instruction would read that the fear did not have to be based on reason. The hunter's fear did not have to be reasonable, i.e. based upon the notion that a reasonable man in a similar situation would have feared imminent loss of life or limb. The

hunter just had to feel fear that was enough. I called the DOJ and spoke the US Attorney in charge of Wildlife violations to retrieve a copy of the Jury Instruction he used. The result was staggering he told me the US Attorney had never prosecuted an alleged self-defense case. He did not have a jury instruction on Self-Defense Grizzly Bear. In short one had never been drafted. He said well the guy says he was afraid we just give him the benefit of the doubt. And so it goes. The US Attorney, The USFWS and the WGFD give the hunter the benefit of the doubt when he or she says, "I was scared". The cases are not prosecuted. There is no regulatory mechanism in place to deter the self-defense killings by hunters. If a bear like 615 does not have an advocate, nothing happens. Self-Defense is now a special interest category for the hunter. There is no deterrent to just shooting any bear encountered, whether there is a reasonable fear of imminent harm. The "McKittrick Policy" is a similar issue. There is no jury instruction that mistaken identification is illegal not according to USFWS and DOJ. In short proper jury instructions are an appropriate tool in the toolbox of regulatory mechanisms to conserve the Grizzly Bear and they do not exist.

I see nothing in this Grizzly Bear Conservation Plan to indicate you have changed your allegiance in this regard. Based upon your allegiance to the hunter when Westmoreland was convicted you asked for nothing. He was sentenced to a \$500.00 fine, no restitution, no probation and no loss of license. There is no deterrent in that type of sentence. There is no justice for the public who enjoyed and appreciated sharing the forest with that bear. You can continue to sing your praises that you spent all this time 40 years and all this money 40 million dollars to recover this species and now you deserve reimbursement. You have missed opportunities for reimbursement repeatedly and regularly throughout the years. You don't want that money. You do not want restitution because of your allegiance to the hunter. You have a conflict of interest. This makes the possibility of you managing the Grizzly Bear conservatively for the conservation of a viable species capable of withstanding a changing landscape nearly if not totally impossible. I cannot trust you and I know well why not. I have additional stories in this regard, for now the point is made.

Self Defense cases in Wyoming are not thoroughly or forensically investigated. The US Attorney will not prosecute the case. If the

County Attorney will prosecute, you do not aid the county attorney in regard to an appropriate sentence or the law. In Mid-January 2016 in a telephone communication with Doug Brimeyer, WGFD, he advised me that it is not the WGFD responsibility to investigate or to seek prosecution in the cases of Grizzly Bear/Hunter Mortality. He said that is the responsibility of the USFWS. Now at that time the Hicks Bill was soon up for legislative vote. My opinion of the Hicks Bill is included in an email I sent to him on February 1, 2016. That email is attached and incorporated herein by reference. It is proof that finances and cost are a very important factor in Grizzly Bear Conservation Management in this state and cannot be ignored in this Plan:

*Senator Hicks,*

*I seem to have received an email inquiry from you by mistake. However, I am pleased for the opportunity to address this issue. You promote SB 18. I oppose your bill.*

*Under its "McKittrick Policy," the DOJ and therefore USF&WS has taken the wrongful position that it can only prosecute cases for the illegal killing of ESA-protected species when it can prove that the killer specifically intended to kill an endangered species. The DOJ very rarely – if ever – prosecutes an individual for illegally killing a protected animal if the killer claims that the killing resulted from a case of "mistaken identity." You claim in your bill mistakenly that it is the responsibility of DOJ and USF&WS to prosecute the illegal shooting and killing of endangered species and in particular the Grizzly Bear. This McKittrick Policy was promulgated by DOJ the precise year that Wyoming Governor Mead was appointed to the DOJ. This rule has essentially prevented the DOJ and the USF&WS from prosecuting crimes under the Endangered Species Act. Now you in your ill-fated and in fact ignorant bill promote that WGFD should refuse to prosecute the shooting of endangered species due to finances and jurisdiction. Your bill if passed will result in no prosecution of the illegal shooting of a Grizzly Bear. WGFD by statute has the authority to request restitution upward of \$25,000 for each successful Grizzly Bear Prosecution. Now that Wyoming is claiming the right to manage the hunting of over 50% of the now believed 659 Grizzly Bear in the GYE that is roughly 330 bear. At the cost of 1.6 million per year that is arguably a cost of over 48,000 per*

*bear in restitution which WGFD can be awarded for each successful prosecution. Now you can multiply that by the age of the bear and WGFD can legitimately request restitution of \$144,000.00 for a three-year old dead bear. In this regard how can it be that there were over 55 bear killed by man this year with many that have not been thoroughly forensically examined for successful prosecution?*

*I was behind the scenes in the Teton County Wyoming Prosecution of the illegal shooting of two Grizzly Bear. Both were prosecuted under the regulations against the taking of trophy game, WGFD regulations. There is no defense of mistaken ID in Wyoming. The only possible defense is self-defense. In the death of Grizzly bear 615, September 2009, no one from WGFD was in the Courtroom to request restitution. The man convicted, Westmoreland, only received a \$500.00 fine. That was a mistake. There was a similar result with the shooting of a bear in Buffalo Valley area a few years ago. No one requested restitution and so none was ordered. And that mistake belonged to the state and WGFD. I have offered repeatedly as a seasoned Criminal Defense Attorney to counsel WGFD on how to calculate claims of restitution in this regard. At one point at an IGBST meeting in Jackson, Mr. Nesvik stated that he did not see how restitution was any of his business. I believed he understands the theory now but I cannot be certain, as you apparently do not. Your SB 18 bill is death to the Grizzly Bear management that the state so ardently advocates. Why? There shall be no one to prosecute violations of conservation standards and laws in place to protect the Grizzly Bear from illegal death and there shall be no one to request large sums of restitution for WGFD in this regard. In short your SB 18 is death to WGFD ever managing the Grizzly Bear. If passed it proves Wyoming has no interest in protecting this species and therefore absolutely no right to manage a species on the brink of being endangered as opposed to threatened due to lost food sources. I will not address the problem of starving elk on the NER in this regard.*

*In terms of HBOO12, this bill is a huge liability for a state choosing to one day manage the Grizzly Bear. The traps for a cougar shall be large snare traps that shall trap other species all of which can attract the Grizzly Bear to situations of bear/human contact. Also these snare traps can trap the Grizzly Bear. This is very dangerous for bear and man. A sow angry that her cub is in a trap shall result in the death of two bears and perhaps more depending on how many cubs*

*that sow has. This is a very bad and unnecessary bill, which shall also ring loud and clear the message that WGFD is not capable of conservation standards and certainly not capable of following conservation standards to protect the Grizzly Bear.*

See proposed regulatory changes below.

### **Bear Dogs: Strong Deterrent in Wyoming grizzly bear management**

No grizzly bear management program can be said to be “best practices” without a bear dog program.

While he was director of the Montana Fish Wildlife and Parks Department, Pat Graham said this of bear dogs:

*I would classify the use of Karelian Bear Dogs as the single most important conservation tool that we use in dealing with grizzly bears, and the reason I say that, is grizzly bears eventually are going to come into contact with people, and when bears and people mix, the bears lose. And so whatever we can do to affect the behavior of those bears and keep them alive, and keep them in habitats that they'll be secure in, that's a real win for everybody. (Interview, [https://www.youtube.com/watch?v=LO3Maw\\_DIW8](https://www.youtube.com/watch?v=LO3Maw_DIW8) at 10:40)*

Graham concluded that bear dogs “make the difference between whether we are able to recover an expanded grizzly bear population or whether we're not.”

It would be difficult to find a stronger statement from a more senior wildlife manager regarding the use and benefits of bear dogs.

On page 18, the GBP-WGFD states that Department responses to conflict include “no action, aversive conditioning, deterrence, relocation and/or removal”.

On page 20, in the section on Aversive Conditioning, Deterrence and Exclusion: “The Department may employ various options to prevent or reduce the potential for conflicts and/or depredations (e.g., electric fencing, bear proof structures or container, scare devices).”

And yet, the GBP contains no mention of perhaps the single most effective method of aversive conditioning: bear dogs.

A properly designed trap-and-release operation includes the use of bear dogs. Instead of just one or two personnel opening the trap and releasing a bear, a professional protocol would include three or four personnel, armed with a shotgun with cracker shells, a rifle with rubber bullets and the use of bear dogs. The simple idea is to use the release process as a teaching tool for the problem bear. Maximum noise, rubber bullets and barking dogs provide a level of aversive conditioning unmatched by any other method.

The reason bear dogs are so effective is this: bear dogs produce an aversive conditioning effect on bears that extends to the one thing almost all human habitation has in common: there are dogs around them. Grizzlies aversively conditioned to bear dogs will tend to avoid pet dogs, too.

Bears dogs keep bears alive and reduce conflict. Any management program that does not use bear dogs cannot be considered to be using best practices.

We have world-class wildlife resources in Wyoming; we expect world-class wildlife management. The GBP-WGFD must include a detailed conflict management regime and standard operating procedures that include the use of bear dogs.

In Northern CA in the Sierras there is a man known as the "bear whisperer". He is employed each year fall and spring to frighten the bear from residential areas. His technique is rubber bullets and loud noise. Of course these are Black Bear. In Churchill, Manitoba, cracker shell guns, Rubber bullets and bear dogs are used to frighten the Polar Bear who ventures close to town. There is also a bear jail. A large dark structure where the bear are enclosed for days prior to release to aversively condition them from town. Again, what is in your plan? I see only an outline.

In Appendix 1e, a few of the Grizzly Bear Removal by WGFD are included. With each I ask what did you learn and where is that in your plan? After a read of all Mortality Reports in the IGBST records since 1988 through 2014 I find you WGFD are the first to remove and the



last to find a zoo or research facility, if at all. You must have a plan for deterrent that is efficient. Removal must be a legitimate last resort and not the easiest least expensive solution.

Certainly after all of this time and the removal of 6 Grizzly Bear in 2015, many in Fremont County while 2015 was far from the first year for Fremont County garbage bear removal, See Appendix 1e (Removal), it is time for your GBP to include Garbage Deterrent Measures in Fremont County. It is now late in the game in this regard, but better late than never. There is an expense in requiring Fremont Co. to have bear proof garbage. It is time to involve the legislature.

## Hunting

*Regulated hunting may be a component of the Department's grizzly bear management program. Hunting, along with other management tools, may be utilized to ensure the long-term conservation of grizzly bears in Wyoming by maintaining the population within a healthy, sustainable range and by potentially limiting occupancy of unsuitable habitats. Public take may also be directed, when appropriate, to areas with high frequencies of human-grizzly bear conflicts.*

There is no question trophy hunting the Grizzly Bear is your goal, and in areas of livestock depredation where you can give the ranchers free reign. Lets just admit your agenda in order for the public to have a fully informed public process.

I have delineated one main concern about hunting seasons and your lack of knowledge about the Grizzly Bear above, in regard to any hunting season both females and males are likely in the field. Identifying the difference between males and females is an outrageous expectation for a hunter with all the adrenalin pumping. Experienced researchers admit to difficulty doing so under field conditions.

I agree with the planned educational program that educates hunters how to identify males vs. females. That will let the hunters know you are serious in your regulations that the hunter will not shoot a Sow or you will not shoot a sow with cubs. We are so serious about that we insist you know the difference. However, this program will be of little value in reducing accidental/illegal take of females.

I repeat my concern that the early spring hunts will not ensure sows are not on the landscape due to climate change. Advising the hunter that this is the reason for this early hunt to avoid sows on the landscape is dangerous. It will again lead to shoot first and look later.

I have concerns about any fall hunt late or not, any late fall hunt that overlaps with ungulate hunting, is a recipe for even greater hunter-caused mortality. Again the hunter cannot be led to believe by you that the late hunt is so no sows are likely on the landscape. Females are longer on the landscape, chummed by your late season hunt gut piles. This is proved by the response you have received from 399 and family in this regard.

*Female grizzly bears with dependent young (cubs of the year, yearlings, 2-year olds) and dependent young will be protected from hunter harvest. (GBP-WGFD, p14)*

I approve this policy in theory; it has, in conjunction with other aspects of the plan, some apparently overlooked unintended consequences. I have seen it ignored by you in terms of black bear hunting. I know of hunters killing Black Bear in the fall with four-month-old cubs and you have refused to prosecute stating the cubs can make it. This rule must be very clear. It is not a rule that you pick and choose whom to investigate and prosecute. It is not a rule about whether you believe the cub may or may not survive without mom. It is a rule that it is illegal to take a sow with cubs at her side and that is any age cub. The taking of a sow with cubs at her side has serious consequences. **You will face mandatory minimum penalties: Including a mandatory minimum \$10,000 restitution order, Luke Ellsbury a good example, this will be for each bear dead including orphaned cubs. If a sow had three COY or 3 yearlings there shall be an additional \$10,000 for each bear in restitution totaling \$50,000.00. In terms of a two- year old cub that restitution shall be up to the judge based upon the circumstances. You shall lose your hunting license for three years for the sow an additional one year for each cub any age. You shall face jail of up to one year and a fine up to \$10,000 as determined by the judge and your circumstances.**

Sandy Shuptrine asked if there is room for the Wyoming legislature in terms of Grizzly Bear De-listing, she was told "No, we have all the

regulations we need in place.” In fact you do not.

You need to define the penalties for the illegal taking of a Grizzly Bear. These penalties must be a deterrent. Best to have the Wyoming legislature involved in this regard because you have a conflict of interest. You represent the hunter. You do not in this plan represent the state and the people of the State of Wyoming.

You must have a well-defined statute in terms of the illegal take of a grizzly bear in alleged self-defense. Self Defense must be defined in detail in a separate regulation. The Jury Instruction, which pertains to Self Defense/Grizzly Bear, must be drafted. It is not the same as homicide or human being Self-Defense. The County Attorneys can no longer be allowed to refuse prosecution of an alleged self-defense case because there was no intent. The Fremont County Attorney has refused to prosecute and more than once. There is requisite intent every time a hunter fires a deadly weapon at another living being. See Appendix 1.

The mortality limits were originally designed within a non-hunting framework and to apply them to a population that is being hunted (at least to the extent articulated below), produces distortions that have significant repercussions on the population as a whole.

First the mortality limits are designed to apply to the entire population. But the National Parks within the DMA do not and will not allow hunting. Nor are they allocated any discretionary mortality under the Tri-State Agreement. Therefore, that “focuses” the discretionary mortality of the entire female segment onto the population of female bears outside the parks.

Second, since at any given time approximately  $\frac{2}{3}$  have cubs at side, the female population-level mortality is further “focused” on the  $\frac{1}{3}$  of female grizzlies outside the parks that will reproduce the following year.

Thus a whole-population-level of mortality is actually “focused” on a very small subset of female bears, namely those outside the parks and who are without cubs.

This imposes a substantial, and likely unsustainable, damper on recruitment of cubs into the population.

It has long been recognized that reproductive age females are the most important cohort of the grizzly population and the GBP-WGFD fails to adequately protect that cohort and in doing so will likely run afoul of Demographic Recovery Criteria 1 in short order.

I am concerned that GBP-WGFD is almost completely silent as to how those bears outside the DMA will be managed, and in conjunction with the “socially unacceptable”: and similar language contained within the GBP-WGFD, in effect, a vermin zone will be created wherein unlimited or nearly unlimited take will be permitted. In short outside the DMA is the Grizzly Bear Kill Zone, much like the areas outside of the parks were the kill zones for the wolf as vermin. However areas outside the DMA have key food sources for the grizzly bear. Your plan does not take this into account.

Given all of the above factors, and comparative example of wolf delisting, I am alarmed by what appears to be an attempt to knock the population back to the legal minimum allowed by law, and to ban them to the parks where they belong.

## **Law Enforcement**

*“The Commission will ensure the fair, consistent and effective enforcement of laws and regulations related to grizzly bears. As is the case with all Wyoming wildlife, the Department’s law enforcement charge and mission is a high priority. The Department will invest in the protection of the grizzly bear population, the thorough investigation of reported and discovered violations and will work with local prosecutors to adjudicate violations appropriately and in accordance with state law.” (GBP-WGFD, p25)*

That is good policy in theory. I know that is not the actual practice. Again the Hicks Bill was all about Wyoming not paying to protect the Grizzly Bear from Illegal Mortality.

*Although federal and state law enforcement officers were never able to visit the backcountry site due to ‘logistical and funding obstacles,’ the incident was determined to be self-defense. (“What happens when hunters and grizzlies collide,” JHN&G, Oct 7, 2015)*

Investigations into hunter-related grizzly mortalities hit an all-time high in 2015, tripling the previous record, a data point that does not appear

in figure 8 because the data set does not include the readily available information from 2015. Nineteen investigations were opened in 2015 and, as of the date of these comments, 18 still appear as “under investigation”.

While these investigations occurred throughout the GYE, Wyoming, with the greater share of grizzlies and territory, clearly accounts for the bulk of these investigations.

The GBP-WGFD must articulate a more robust and effective law enforcement regime and demonstrate that it is properly funded.

The laws delineated above must be enacted as part of this plan to recap:

1. Self-defense – Pursuant to the North American Model the criterion to analyze self-defense must include strict guidelines. Self-Defense is when you as the reasonable man fear for the imminent loss of your life or limb. Your claim of self-defense shall be evaluated in terms of the bear’s distance from you and behavior as well as your actions, did you carry bear spray? Was it accessible? Did you use it? Did you attempt to back away slowly? You are not allowed to claim self-defense to defend your downed game. You must back away slowly from game that is guarded or approached by a grizzly bear.
2. Regulations shall be enacted to allow for a hunter who has retreated from downed game to be reimbursed some cost of that hunt and to receive a new tag.
3. The illegal killing of a Grizzly Bear either in alleged self-defense, mistaken ID or malice shall include mandatory minimum penalties as previously detailed above.
4. Jury Instruction – Draft Jury Instruction regarding fear of imminent loss of life or limb must be a fear based upon reason as measured by the reasonable man.
5. Regulations shall be imposed detailing that mistaken ID is illegal, know your target, self-defense shall be investigated and ultimately decided by an independent panel. This shall resolve the issue of your Conflict of Interest in representing the hunter and not the entire citizenry.
6. Big Game Hunters are required to have and have accessible bear spray. Any indication that a bear was sprayed following as

- to before it's shooting death shall result in automatic prosecution for the illegal take of that Trophy Game Animal.
7. Sow with cub at her side is determined by: name the criterion, length of time and distance observed, etc.
  8. This is not conclusive there are additional regulations and refinements.

### **Funding of post delisting management**

The short section entitled "Grizzly Bear Management Costs and Funding" states that: "Total future costs are difficult to predict, however costs associated with data collection and conflict management will vastly exceed any revenue generated by the grizzly bear program" (GBP-WGFD, p26) and goes on to enumerate the past costs of grizzly management, but is silent on how it intends to fund conflict management, monitoring and other related costs of post-delisting management including the in-depth forensic investigation of each mortality by hunters. Wyoming, well known for its boom and bust cycles, has just entered the "bust" part of the cycle and it is unclear when tax revenues will recover. Given this current budgetary crisis, it is necessary for the plan to contemplate funding amounts and sources. It cannot be assumed that the funds will just be there. Of course as the self-defense cases are actually and finally prosecuted the restitution figures shall offset many costs.

*"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." (Draft 2016 Conservation Strategy, p14)*

Clearly, adequate funding is an overriding concern that touches on all aspects of post-delisting grizzly bear management, and as such, must be directly addressed in the GBMP-WGFD.

### **Conflicted state game and fish agencies pose a significant risk to grizzly recovery**

**I have discussed your conflict of interest in regard to your representation of the hunter.**

Often overlooked are the inherent conflicts of interests that exist when a state game and fish agency is charged with managing trophy

game species as well as predators. The revenue derived from sales of licenses for ungulate hunting constitute one of the largest sources of revenue of the typical game and fish agency, while predator management is a drain on financial resources.

*Costs associated with data collection and conflict management will vastly exceed any revenue generated by the grizzly bear program. (GBP-WGFD, p26)*

Furthermore, grizzlies prey on the ungulates that Wyoming invests heavily in, thus creating a bias towards protecting that investment. Even now regardless of the elk reduction and all the Section 6 tags you issue, you blame the carnivores for the elk decline. The decline of 50% of the Jackson Herd in the last 20 years is largely due to habitat change, the elk reductions and the decimation of cows and of course wolves. You have turned to blaming bear even black bear in regard to the elk reduction, which is dramatic, as opposed to looking within at your actions. You are concertedly promoting an elk reduction of another drastically reduced herd in violation of NEPA and grizzly bear recovery.

This leads to a situation where money, not science, may become a determining factor in decision making. In fact, the GBP-WGFD already contemplates a means of better balancing revenue with expenses:

Public take may also be directed, when appropriate, to areas with high frequencies of human- grizzly bear conflicts. If implemented, this strategy will evaluate the use of hunter harvest to replace some of the mortality that might otherwise result from agency take in conflict situations. (GBP-WGFD, p14). Again it is undoubtedly your goal to give ranchers with cattle in the forest, on our public land, free reign to kill the grizzly bear. In truth if you are managing to abate the attractant and in particular because elk commingle with cattle in the forest which is not allowed, it is time to get the cattle out of the forest and protect the grizzly bear from mortality. This alleged Conservation Plan does not address removing or managing for this attractant other than more Grizzly Bear Removal. You simply want to make money on it.

Yet, other than the following tangential reference, the GBP-WGFD

provides no guidance on how to manage and balance this conflict of interest:

*The Department also has interest in research addressing how an intact large carnivore guild may directly and indirectly impact ungulate populations in northwest Wyoming. This research question has management, social and ecological implications... There are also multiple questions related to efficacy of management strategies for population. (GBP-WGFD, p15)*

This conflict of interest lies at the heart of the mistrust many feel towards the WGFD and must be addressed in a meaningful way in the GBP-WFGD.

**The GBP-WGFD mentions the related concepts of “socially suitable”, “socially acceptable”, “social concerns”, social implications” and “social tolerance” but provides neither a definition of these concepts, nor a way of measuring and monitoring them.**

Apparently, the GBP-WGFD has an uncertain relationship with these “social” concepts, but little inclination to define or monitor them. With the exception of “socially acceptable” which appears in the plan twice, each of the above phrases appears exactly once in the GBP-WGFD. Without definition, these terms provide state managers with a Mack truck-sized hole through which they can drive through almost any geographical limitation they chose to declare. The fact that the Wyoming range and portions of the Wind River Range— which most consider prime grizzly habitat — is considered to be socially unacceptable is belied by the fact that grizzlies have already colonized a significant portion. We consider this is “socially unacceptable” designation as a sign that Wyoming intends to remove these bears, most likely through the mechanism of trophy hunting and at great cost to the North American Model.

## **Connectivity**

While largely the province of Idaho and Montana, connectivity should be addressed in the GBP-WGFD. Connectivity, long desired by conservation groups and grizzly managers, is the single most effective way to keep the GYE population of grizzly bears from being



re-listed under the ESA.

The plan should address ways and means of cooperating with Montana and Idaho with achieving connectivity with other populations of grizzly bears.

### **The Tri-State Agreement (appended as Appendix I)**

The Tri-State Agreement, in its current form, is problematic in many ways. Even though it was presumably negotiated over several months, vetted by attorneys, and has the presumed blessing of the USFWS, it has the appearance and feel of hastily drawn up agreement.

- a. The Tri-State Agreement, like the GBP-WGFD, relies on a Discrete Population Segment status that is uncertain because of ongoing litigation. It is uncertain what impact a ruling adverse to the DPS designation would have on grizzlies.
- b. In the agreement it states "The Parties intend this MOA to be consistent with the 2007 interagency Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area (Strategy) and individual state management plans, and with revisions to these documents made in conjunction with the delisting process." (GBP-WGFD, page 38) It is unclear whether that is a typographical or editing error, and whether it should refer to the Draft 2016 Conservation Strategy. Given that the agreement was ostensibly subject to months of discussion and has been vetted by attorneys representing three states, it has to be assumed that it is not a typographical or editing error. If it is in fact an error, it would be indicative of a lack of seriousness and professionalism in drafting and preparing the agreement.
- c. It seems that there is no mechanism whereby excessive non-discretionary mortality moderates discretionary mortality. Indeed the phrase "non-discretionary mortality" appears just once in the Tri-State Agreement, when it is defined on page 34.
- d. Neither is there any mention of unreported/undocumented mortality in the agreement, although on page 6 of the GBP-

WGFD does cite that "Total mortality estimates of independent males and females will include unreported/undocumented mortalities based on the method described in Cherry et al. (2002). For clarity, this should be in the Tri-State Agreement as well. And how does it address all of the dead, orphaned cubs previously not counted by the IGBST and WGFD?

- e. The parties agree only to "Maintain a minimum population size of 500 bears in the GYE" This language ignores the Demographic Monitoring Area and the Primary Conservation Area (aka the "Recovery Zone") and seems an example of sloppy draftsmanship.

Neither the Tri-State agreement nor the GBP\_WGFD contains an example of the discretionary mortality calculation. In an interview, Director Talbott has even said that WGFD has not done the calculation. This is not remotely plausible. The agreement was negotiated by three states, under the auspices of the USFWS, and nobody knows what the calculation's results are? Impossible.

The MOA in conjunction with the other two states allows for the discretionary hunting take of 72 Grizzly Bear. This is at odds with the Federal Grizzly Bear De-listing Rule.

#### OTHER GRIZZLY BEAR CONSERVATION REQUIREMENTS MISSING FROM THE PLAN:

1. Bear Bate Sites have been the cause of many Grizzly Bear deaths since 1988. Where is the mechanism to manage each bear bating site to be potentially removed as an attractant leading to Grizzly Bear Mortality. See Appendix 1c. You promised to do this in your first Grizzly Bear Management Plan updated 2005
2. See Appendix 1g, a wolf snare trap set by the federal government killed a grizzly cub. We know a grizzly bear cub was trapped in a trap last fall. Bear trapped by the study team in snares have been killed by other bear. You must address trapping and where it is appropriate if at all in the DMA and certainly within a so many mile circumference of the National

1. Parks, it cannot be allowed. I do not have time to research territory reaches to assess this necessary rule.

This GBP-WGFD and USFWS CS is grievously lacking in Grizzly Bear Conservation Standards, Rules and Regulations and The Rule and the CS is opposed for the foregoing reasons.

*Additional Note from Attorney @Law SBN -5-2688*

I find as an Officer of the Court that the De-listing Plan which is required to have Regulatory Mechanisms in Place and which purports to have a team of prosecutors and investigators trained and ready to take over the prosecution and investigation of Grizzly Bear Deaths a grievous disappointment. The allegation that there are experienced prosecutors ready to take the helm is a lie. Very few cases are prosecuted and not by the DOJ or USFWS due to the McKittrick Policy and the alliance they have with the hunter. They give the alleged "scared" hunter the benefit of the doubt. I had a conversation with Kip Croft two years ago venting my disappointment with him that as an officer of the court he could not interpret the ESA to align with the McKittrick Policy. He said he is under orders from above to refuse to prosecute mistaken ID cases, cases which legally have no defense. It is not his decision. I am appalled by the lies in the CS that prosecutors are in place and laws are in place. I oppose de-listing because the Grizzly Bear is on the decline and the mortality from hunters on the rise and I volunteer my services to prosecute and advocate for prosecution. It needs to commence now before it is too late. For all of the reasons above I oppose de-listing the Grizzly Bear and this Conservation Plan.

Dated this 9<sup>th</sup> day of May, 2016

*Deirdre J. Bainbridge* (307) 739-0748  
*Jackson, WY 83001*  
*Deirdre J. Bainbridge*

A - D

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

IGBST MORT 201420  
DATE REPORTED: 10/27/2014  
MORTALITY DATE: 10/27/2014  
REPORTING PARTY: (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: [REDACTED]  
DRAINAGE: CLARK'S FORK RIVER  
BEAR ID: 760  
SEX: M  
EST. AGE: 4  
LAB. AGE: 4  
REPRO. STATUS: SBA  
DESCRIPTION OF BLOND

TYPE OF MORTALITY: MNGMT  
INVESTIGATED BY: (b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: CODY LANDFILL

DETAILS:  
BEAR WAS REMOVED FOR CONFLICT HISTORY AND GETTING HUNTER  
HARVESTED DEER AND UNAFFRAID OF HUMANS. Captured on WY State land, at the Clark Fish  
Hatchery.

Exhibit A

# Wyoming Game & Fish worker who shot grizzly must pay \$10K

Associated Press Oct 10, 2014



MARK GOCHE/For The Casper Star-Tribune  
Grizzly bears

CODY, Wyo. — A Wyoming Game and Fish employee who pleaded guilty to mistakenly shooting a grizzly bear last fall has been ordered to pay \$10,000 in restitution.

Circuit Judge Bruce Waters also ordered Luke Ellsbury to pay \$260 in fines and costs for shooting the bear about 10 miles east of Yellowstone National Park on Sept. 6, 2013.

Ellsbury, a large carnivore biologist and former bear management specialist, told investigators he had spotted a large black bear while working in the area. After work he bought a bear license, picked up a friend and returned.

Ellsbury told investigators he spent about 10 minutes watching the bear and believed it was a black bear.

Exhibit B

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

IGBST MORT 201421

DATE REPORTED: 10/28/2014

MORTALITY DATE: 10/28/2014

REPORTING PARTY: (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N:

DRAINAGE: CLARK'S FORK RIVER, PR-WY

BEAR ID: 724

SEX: F

EST. AGE: 9

LAB. AGE: 9

REPRO. STATUS: ADT

DESCRIPTION OF BEAR IN GOOD SHAPE

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: CODY LANDFILL

DETAILS:

REMOVED FOR CONFLICT HISTORY AND FOR BEING IN CLOSE PROXIMITY TO  
DEVELOPED AREAS AND PEOPLE.

Exhibit C

2009 19

# GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED	09/19/2009
MORTALITY DATE	09/19/2009
KILLED BY	(b) (6), (b) (7)(C)
REPORTING PARTY	(b) (3) (B)
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	DITCH CREEK
BEAR ID	615
SEX	F
EST AGE	4
LAB AGE	0
REPRO STATUS	SBA
DESCRIPTION OF BEAR	TYPICAL COLORATION
TYPE OF MORTALITY	Known, human-caused
AGENCY	WGFD
INVESTIGATED BY	(b) (7)(C)
STATUS	KNOWN
DISPOSITION OF PARTS	WGFD
LANDOWNER	BTNF
DETAILS	*****UNDER INVESTIGATION*****BEAR 615 SHOT IN REPORTED SELF DEFENSE BY DEER HUNTER*****

Exhibit D

# Appendix A



Appendix A-1

Alleged Self Defense.

Cannot Defend - Game

From: Deidre Bainbridge deidre@tennbain.com  
 Subject: more alleged self defense what happened to cubs of year  
 Date: April 4, 2016 at 1:20 PM  
 To: Deidre Bainbridge deidre@tennbain.com

DB

### Grizzly Bear Mortality Report

DATE REPORTED	10/29/08
MORTALITY DATE	10/28/08
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	ISHAWOOA CREEK
BEAR ID	NA
SEX	M
EST AGE	9
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	LARGE ADULT MALE
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	****UNDER INVESTIGATION***** (b) (6), (b) (7)(C) HEARD WHAT HE THOUGHT WAS A DEER ACROSS THE CREEK FROM CAMP. HE STARTED DOWN THE HILL TOWARDS THE CREEK AND ENCOUNTERED THE BEAR. THE BEAR WAS KILLED WITH ONE SHOT.
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

This Mortality is concluded self-defense - ~~It~~ was re-investigated. What happened? What did WGFD learn from this? What should be added to the Grizzly Bear Management plan to conserve the Grizzly Bear as a viable species adaptive to a changing landscape. at page 25 of the <sup>new draft</sup> Plan, ~~there~~ are the 33 recommendations of (IGSBT 2006) to reduce human/Bear conflicts incorporated into this plan? What are they? Where are they in this Plan in terms of alleged Self-Defense?

From: Deldre Bainbridge deldre@tennbain.com  
 Subject: Where it this 2 more bears killed in BTNF in 2010 totals now 6/ 9/7/2010 bear number 7 up Horse Creek  
 Date: April 4, 2016 at 4:28 PM  
 To: Deldre Bainbridge deldre@tennbain.com

DB

*In Alt*

WYOMING GAME AND FISH DEPARTMENT  
 GRIZZLY BEAR MORTALITY REPORT  
 Mortality number 201029

DATE REPORTED	9/12/10
MORTALITY DATE	9/10/10
IGBST MORT#	
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	BRUIN CREEK
BEAR ID	NA
SEX	M
EST AGE	15
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	OLDER AGE ADULT MALE
TYPE OF MORTALITY	LEGAL
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	FIELD
DETAILS	BEAR WAS KILLED WHEN IT THREATENED HUNTERS OVER AN ELK CARCASS. BEAR WAS ONE OF TWO BEARS KILLED DURING THIS INCIDENT BY <del>BTNF</del> SEE COMPANION RECORD.
LAND OWNER	BTNF
STATUS OF MORTALITY	KNOWN

What Does WGFD learn from this?

Really they had to kill two? And over an Elk carcass!

Two 15 year old Bear killed over an Elk carcass & ruled legal!??

This is outrageous. What are the real facts?

DB

4/11/10

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**  
Mortality number 201030

DATE REPORTED	9/12/10
MORTALITY DATE	9/10/10
IGBST MORT #	(b) (6), (b) (7)(C)
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	(b) (6), (b) (7)(C)
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	BRUIN CREEK
BEAR ID	NA
SEX	M
EST AGE	15
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	OLDER AGE ADULT MALE
TYPE OF MORTALITY	LEGAL
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	FIELD
DETAILS	BEAR WAS KILLED WHEN IT THREATENED HUNTERS OVER AN ELK CARCASS. BEAR WAS ONE OF TWO BEARS KILLED DURING THIS INCIDENT BY (b) (6), (b) (7)(C) SEE COMPANION RECORD.
LAND OWNER	BTNF
STATUS OF MORTALITY	KNOWN

Regulations must be incorporated into this plan.  
Hunters cannot kill a Grizzly to retrieve game.  
That is illegal. It is not self defense. There  
are mandatory minimum penalties. What is legal in  
this instance?

D/3

*In most  
Web*

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

IGBST MORT 201139

DATE REPORTED: 10/25/2011

MORTALITY DATE: 10/25/2011

IGBST Mortality Number: 201139

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N:

DRAINAGE: S.FK. WARM SPRINGS, SNF

BEAR ID: UNK

SEX: F

EST. AGE: 4

LAB. AGE: 0

REPRO. STATUS: SBA

DESCRIPTION OF TYPICAL SUBADULT FEMALE

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (6), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\*REPORTEDLY SHOT IN  
SELF DEFENSE BY ELK HUNTER

CLEAR

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED	9/7/2010
MORTALITY DATE	9/7/2010
IGBST MORT #	201028
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	(b) (3) (B)
UTM E	
UTM N	
DRAINAGE	HORSE CREEK, WYOMING RANGE
BEAR ID	
SEX	M
EST AGE	6
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	GOOD CONDITION HEAVY FAT DEPOSITS. NO MARKS.
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C), (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD EVIDENCE
DETAILS	UNDER INVESTIGATION: BEAR SHOT BY [REDACTED] HIM REPORTED SELF DEFENSE WHEN BEAR CHARGED FROM CLOSE DISTANCE. [REDACTED] GUIDING MOOSE HUNTER (b) (6), (b) (7)(C) AT TIME OF INCIDENT. UNDER INVESTIGATION
LAND OWNER	BTNF
STATUS OF MORTALITY	KNOWN

What happened from his investigation?

In Mont

From: Deldre Bainbridge deldre@tennbain.com  
Subject: These incidents should have resulted in charged  
Date: April 5, 2016 at 11:43 AM  
To: Deldre Bainbridge deldre@tennbain.com

DB

OCT-05-2000 THU 01:52 PM WYOMING GAME&FISH LANDER FAX NO. 13073326869

P. 02/03

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED: 10/2/2000  
MORTALITY DATE: 10/2/2000  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: TIMBER CREEK  
BEAR ID: NA  
SEX: M  
EST. AGE: ADULT  
LAB. AGE: 0  
REPRO. STATUS: ADT  
DESCRIPTION OF BEAR: LEFT LIP TORN, NO BODY FAT, YOUNG ADULT MALE  
TYPE OF MORTALITY: HUMAN CAUSED  
INVESTIGATED BY: (b) (7)(C), (b) (7)(C), (b) (7)(C)  
AGENCY: USFWS  
DISPOSITION OF PARTS: WOFD  
DETAILS:

UNDER INVESTIGATION----- THE BEAR APPROACHED THE PARTY AFTER IT HAD LOADED AN ELK ON THEIR HORSES. THE BEAR STOOD ON ITS HIND LEGS AND PUT ITS FRONT PAWS ON ONE OF THE PACKED HORSES. THE BEAR REMAINED IN THE GROUP OF PEOPLE AND HORSES AND WOULD NOT LEAVE. AFTER SEVERAL ATTEMPTS TO DETER THE BEAR WITH GUN SHOTS FIRED IN THE AIR, [REDACTED] SHOT THE BEAR AT CLOSE RANGE.

This story is a real stretch to believe. I have set aside no horse that would allow a grizzly bear to stand up + put front paws on it. What happened to this investigation? What is learned in this instance?

The law must be a deterrent and must be enforced in terms of illegal grizzly bear mortality.

DB

---

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

---

DATE REPORTED: 9/22/2000

MORTALITY DATE: 9/21/2000

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: COULTER CREEK

BEAR ID: NONE

SEX: F

EST. AGE: 3

LAB. AGE:

REPRO. STATUS: SBA

DESCRIPTION OF BEAR: AVERAGE SIZE SUB ADULT FEMALE GRIZZLY BEAR

TYPE OF MORTALITY: HUMAN CAUSED

INVESTIGATED BY: WGFD

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

## DETAILS:

- bear was killed on 09-21-00 at approx. 4:30pm by Wy Outfitter (b) (6), (b) (7)(C)
- \* they packed an elk back to camp at approx. 2:30 pm, same day, the bear showed up at 4:30 and was circling camp- the outfitter picked his dogs on the bear with no results- he then fired several rounds to scare the bear with similar results- then as he fired another round of 00 buck shot to scare the bear, one (1) pellet struck the bear in the head and killed the bear at a distance of approx. 70 yards
  - \* the bear was a sub-adult female
  - \* this bear was killed in the same drainage as the last bear
  - \* there may be a possible link between these two bears- reports are that there was a sow with cubs that occupied this area that was known to exhibit no fear for people
  - \* the bear was transported out for necropsy and DNA
  - \* an attempt will be made to recover a DNA sample from the previous bear for comparison

*Illegal what happened? And what learned? Where implan?*



**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED: 9/18/2000  
MORTALITY DATE: 9/18/2000  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: PASS CREEK  
BEAR ID: NONE  
SEX: M  
EST. AGE: 20  
LAB. AGE:  
REPRO. STATUS: ADT  
DESCRIPTION OF BEAR: OLD MALE GRIZZLY BEAR

TYPE OF MORTALITY: HUMAN CAUSED  
INVESTIGATED BY: (b) (7)(C) [REDACTED]  
AGENCY: WGF  
DISPOSITION OF PARTS: WGF  
DETAILS:

AT 5:00 AM THE OCCUPANTS OF THE CAMP HORSES BECAME NERVOUS SO [REDACTED] SHINED A LIGHT OUTSIDE OF THE TENT AND SAW A LARGE GRIZZLY BEAR AT ABOUT 50 YARDS. THE BEAR QUICKLY APPROACHED THE LIGHT AND AT 16 YARDS KEDD FIRED ONE SHOT OF 00 BUCK FROM HIS SHOTGUN. THE BEAR RAN ABOUT 20 FEET THEN CRAWLED BECAUSE ITS BACK END BECAME PARALYZED. ON 9/19/00 (b) (7)(C) FOUND THE BEAR ALIVE AND EUTHANIZED IT.

*Illegal - What result? This is not self defense. DB*

Killed By: (b) (6), (b) (7)(C)

Cause of Mortality: Human-caused, self defense, hunting related, carcass

Location of Mortality: Open Crk, BTNF

UTM: (b) (3) (B)

Bear ID: #220

Age of Bear: 21

Sex of Bear: Male

Investigated By: (b) (7)(C) (b) (7)(C)

Disposition of Bear: WYGF

Mortality Scenario: (b) (7)(C) SHOT AND KILLED BEAR 220 WHEN IT APPROACHED THEM AT THE SITE OF A HARVESTED DEER. THEY FIRED A WARNING SHOT, BUT THE BEAR DID NOT STOP APPROACHING. SITE INVESTIGATED ON 10/26/04.

This Grizzly Management Plan must address regulations to deter hunters from standing their ground over down game. They cannot shoot a Grizzly bear to retain game meat. Regulations must be in place that they get a free new tag that defense of game meat on land is not self-defense. This is missing from this plan.

D/B

#### GRIZZLY BEAR MORTALITY REPORT

Date Reported: 10/3/04

Date of Mortality: 10/3/04

Reported By: (b) (6), (b) (7)(C)

Cause of Mortality: Human-caused, hunting related, self-defense

Location of Mortality: NORTH FK. FISH CK, BTNF.

DATE REPORTED	9/22/07
MORTALITY DATE	9/22/07
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	(b) (6), (b) (7)(C)
UTME	(b) (3) (B)
UTMIN	(b) (6), (b) (7)(C)
DRAINAGE	THOROFARE PLATEAU
BEAR ID	571
SEX	M
ESTAGE	8
LABAGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	MALE BEAR WITH RED EARTAG #972
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	(b) (6), (b) (7)(C) KILLED BEAR DURING SECOND CHARGE WHILE THEY WERE APPROACHING AN ELK THEY HAD KILLED THE PREVIOUS DAY.
LAND OWNER	BTNF
STATUS OF MORTALITY	KNOWN

Hunting Mortality, what do we learn from this? Hunters not trained to back up slowly after 1st Charge. Why did they continue to approach? Obviously the Bear claimed the kill.

Conservation standard required - Hunters learn a bill of bears on or approaching - Hunters are not allowed to kill a bear to protect downed game. Need regulation in this regard this year.

DB

#### Grizzly Bear Mortality Report

DATE REPORTED	9/29/07
MORTALITY DATE	9/26/07
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	UNKNOWN
UTME	(b) (3) (B)
UTMIN	(b) (6), (b) (7)(C)

Appendix A - 2

Sows killed with cubs cubs left  
Behind !!!

# Grizzly Bear Mortality Report

200923  
200923

DATE REPORTED	10/14/09
MORTALITY DATE	10/14/09
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	
DRAINAGE	JONES CREEK
BEAR ID	NA
SEX	F
EST AGE	6
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	SMALL FEMALE W/ 2 COY
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C) (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	FIELD
DETAILS	UNDER INVESTIGATION- BEAR KILLED ON THIRD CHARGE OF HUNTER. CUBS WERE UNHARMED
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

(b) (7)(C) Mark (b) (7)(C) avgf.state.wy.us> 10/18/2009 07:57 To (b) (7)(C)  
(b) (7)(C) wfc.unt.edu> (b) (7)(C) (b) (7)(C) shusgs.gov>  
Subject: Dead Bear

On Weds night I was contacted by (b) (6), (b) (7)(C), an outfitter in the North Fork advising that they had killed a bear in self-defense. On Fri. (b) (7)(C), FS officer (b) (7)(C), and I rode to the site where one of (b) (6), (b) (7)(C) hunters killed a female grizzly bear on Weds. The location was about 12 miles up the NF then up Jones Ck near the "green knob" in the North Absaroka wilderness. The story was that they had killed an elk Tues night and were returning Weds morning with pack stock to retrieve the meat. Before getting to the carcass they encountered a female with 2 coy. The bear charged them several times, but (b) (6), (b) (7)(C) dogs were able to turn it back to its cubs. The hunter's horse was backing towards a small cliff so (b) (6), (b) (7)(C) told him to get off and then told him to grab his rifle. On the last charge the bear appeared to be focused on the hunter on the ground so (b) (6), (b) (7)(C) told him to shoot. The shot hit the bear at the base of the hump which broke it down. They finished it off with a shot to the neck. The distance was about 10 yards. The site investigation and necropsy did not turn up anything inconsistent with that report. There was no sign that the bear had been on the carcass prior to the incident. We observed one live cub near the dead female. She appeared to be a 1st litter female, approx. 6 years old. (b) (7)(C) I will send the data on Mon. UTM's are (b) (3) (B) (b) (3) (B).

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

(b) (7)(C)  
Bear Management Office  
Wyoming Game and Fish Dept.  
2620 State Highway 120  
Cody, WY 82414  
(307) 899-8157  
Fax: (307) 587-5430  
(b) (7)(C) avgf.state.wy.us

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

This is a good <sup>sad</sup> example of WGFD leaving at scene the cubs in order avoid a mortality count. Also, Regulation must be clear. Hunters leave the game alone deeper they continue pursue game w/out sow & cubs pursuing is well. DB

Lander, WY 82520

307-332-7723 X

e-mail address: (b) (7)(C) wgf.state.wy.us

[attachment "10-2-07 Wiggins GRIZ MORT REPORT.doc" deleted by (b) (7)(C)  
(b) (7)(C) /BRD/USGS/DOI]

Why - 10/2/17 report on dead bear with 200g  
left behind deleted !?

DB

### Grizzly Bear Mortality Report

DATE/DELETED 0/2/17



(b) (7)(C)  
(b) (7)(C) wgf.state.wy.  
us>  
10/10/2007 09:52

To (b) (7)(C) (b) (7)(C) @usgs.gov  
cc  
bcc  
Subject Re: Wiggins fork mort report

(b) (7)(C)  
I am waiting for information on an investigation of a sow killed by a hunter in Lodgepole creek out of Crandall, WY. I only know that a sow with COY's was apparently shot and killed. I will get you a report as soon as I hear.

(b) (7)(C)

>>> (b) (7)(C) (b) (7)(C) @usgs.gov> 10/10/2007 9:46 AM >>>  
Brain,

Thanks. No other mortalities to report?

(b) (7)(C)

.....  
(b) (7)(C)  
USGS Northern Rocky Mountain Science Center  
Interagency Grizzly Bear Study Team  
Forestry Science Lab, MSU  
P.O. Box 172780  
Bozeman MT 59717-2780  
Phone (b) (7)(C)  
Fax 406-994-6416  
.....

(b) (7)(C) (b) (7)(C) wgf.state.wy.us>  
10/10/2007 09:35

To  
< (b) (7)(C) @usgs.gov>  
cc

Subject  
Wiggins fork mort report

*More facts COY not countil mortality & left  
inhumely to suffer to avoid  
count. DB*

(b) (7)(C)

see attached.  
I will let you know if the UTM's change. Investigator Browning is  
checking his GPS for accuracy.

(b) (7)(C)

(b) (7)(C)  
Wyoming Game and Fish Department  
Bear Management Officer  
PO Box 200  
Buena Vista



To: (b) (7)(C) [redacted] wyl state.wy  
cc: (b) (7)(C) [redacted] usgs.gov  
Subject: Wiggins fork mort report

10/10/2007 09:52

I am waiting for information on an investigation of a sow killed by a hunter in Lodgepole creek out of Crandall, WY. I only know that a sow with COY's was apparently shot and killed. I will get you a report as soon as I hear.

>>> (b) (7)(C) [redacted] usgs.gov 10/10/2007 9:46 AM >>>

Brain,  
Thanks. No other mortalities to report?

USGS Northern Rocky Mountain Science Center  
Interagency Grizzly Bear Study Team  
Forestry Science Lab, MSU  
P.O. Box 172780  
Bozeman MT 59717-2780  
Phone (b) (7)(C) [redacted]  
Fax 406-994-6416

(b) (7)(C) [redacted] wyl state.wy:us>  
10/10/2007 09:35

To: (b) (7)(C) [redacted] usgs.gov  
cc: (b) (7)(C) [redacted]

Subject  
Wiggins fork mort report

*More facts COY not certain mortality a left  
continually the supply the above  
about, DB*

see attached.  
I will let you know if the UTM's change. Investigator Browning is  
checking him GPS for accuracy.

(b) (7)(C) [redacted]  
Wyoming Game and Fish Department  
Bear Management Officer  
200 Buena Vista



Lander, WY 82520

307-332-7723 X

e-mail address: (b)(7)(C) wgf.state.wy.us

[attachment "10-2-07 Wiggins GRIZ MORT REPORT.doc" deleted by (b)(7)(C) (b)(7)(C) /BRD/USGS/DOI]

why - 10/2/7 report on dead brown bear  
left behind deleted ??  
DR

Grizzly Bear Mortality Report

10/11/07

From: Deldre Bainbridge deidre@tennbain.com  
Subject: more dead sows with cubs left behind  
Date: April 9, 2016 at 12:41 PM  
To: Deldre Bainbridge deidre@tennbain.com

DB



(b) (7)(C)  
(b) (7)(C) wgf.state.wy.  
us>  
10/16/2007 11:27

To (b) (7)(C) <(b) (7)(C)@usgs.gov>  
cc (b) (7)(C) <(b) (7)(C) wgf.state.wy.us>, (b) (7)(C)  
<(b) (7)(C) wgf.state.wy.us>, (b) (7)(C)  
<(b) (7)(C) wgf.state.wy.us>, (b) (7)(C)  
bcc

Subject: lodgepole mort

(b) (7)(C)  
On 10/5/07 an unmarked 8-10 year old female was shot and killed at (b) (3) (B) by  
(b) (3) (B) in Lodgepole creek, Shoshone National Forest. There were 2  
cubs-of-the-year with her. The cubs were left, alive, at the site.  
Investigation is pending.

(b) (7)(C)

(b) (7)(C)  
Wyoming Game and Fish Department  
Bear Management Officer  
260 Buena Vista  
Lander, WY 82520  
307-332-7723 X  
e-mail address: (b) (7)(C) wgf.state.wy.us

*In most  
report*

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT  
Mortality number 201044

DATE REPORTED	10/19/2010
MORTALITY DATE	10/19/2010
IGBST MORT #	201044
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	N. CRANDALL CK
BEAR ID	NA
SEX	F
ESTAGE	8
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	SMALL ADULT FEMALE WITH ONE COY
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C) (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	<p>****UNDER INVESTIGATION*** BEAR FOLLOWED [REDACTED] FROM ELK CARCASS AND APPROACHED VERY CLOSE SURPRISING [REDACTED] [REDACTED] STRUCK AT THE BEAR WITH A WALKING STICK AND THE BEAR BACKED OFF SEVERAL STEPS THEN TURNED BACK TOWARD HIM. [REDACTED] AND (b) (6), (b) (7)(C) AND (b) (6), (b) (7)(C) SHOT THE BEAR AT SEVERAL FEET THE BEAR HAD ONE SURVIVING CUB OF THE YEAR.</p>
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

*This is a good example of Bear spray use to save a  
Sow with a cub. Regulations in place  
requiring Bear spray make this case easier  
to prosecute. Vague facts. Conservation  
Grizzly Bear Plans must require Bear Spray use for  
Big game hunters*  
DB DB

pad tracks of a grizzly bear were found in the area. Upon investigation most if not all of the pistol shots were determined to have missed the bear and approximately 45 of the 60 BB pellets could also be accounted for. There was a small amount of blood that appears to be coming from the front legs of the bear and may be from the unaccounted pellets. The very intermittent and sparse blood trail was followed to (b) (7) (C), (b) (7) (D), (b) (7) (E). All sign of the blood trail was lost at this point and large circles were made looking for any evidence of the bear. I believe the wounds are non-fatal and minor in nature from the amount of blood found. All of the hunters (Stotal) carried handguns and the person that had shot the elk carried a 12 ga shotgun. None of the hunters carried bear spray. When I asked them why no one had bear spray they said they were not convinced that it will work since they did not personally know anyone that had ever used it. They said they perceived everything they had heard about bear spray to be advertising hype.

What Does WGFP learn about this?

Regulations must require hunters to carry Bear spray, have it accessible & sign a document that they have either read a Publication you shall publish & have available to each Elk, deer, moose, pronghorn etc Hunter which explains the use of bear spray & why it works - on that the participated in a training on Bear spray was conducted by you. It shall also include the New Regulations which define the Mandatory minimum penalties for killing a thing w/o a license either in SD, Mistaken ID or malice. There must be a deterrent to all the mortality in the plan and now.

DB

In th

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 9/13/2011

MORTALITY DATE: 9/13/2011

IGBST MORT NUMBER: 201126

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N:

DRAINAGE: S. FK. FISH CREEK

BEAR ID: 497

SEX: F

EST. AGE: 9

LAB. AGE: 9

REPRO. STATUS: ADT

DESCRIPTION OF HEALTHY ; OLD INJURY, L FT MISSING 4 INNER TOES

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (7)(C) (b) (7)(C) ; (b) (7)(C) (USFWS)

AGENCY: WGFD

DISPOSITION OF PARTS: USFWS

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\*BEAR 497 SHOT IN  
REPORTED SELF DEFENSE BY ELK HUNTER; GROWN CUB PRESENT BUT NOT  
INJURED, NO ATTEMPT TO CAPTURE\*\*\*\*\*

September 18, 1997

### Grizzly Bear Mortality Report

Date Reported: 09/16/97  
Date of Mortality: 09/15/97 - appx. 7:30 pm  
Reported by: (b) (7)(C)  
Cause of Mortality: Self - defense (archery hunter)  
Location of Mortality: Forest Creek of Cabin Creek, GNF  
UTM: (b) (3)(B) E x (b) (3)(B) N  
Bear ID: #254  
Age of Bear: 8 yrs.  
Sex of Bear: Female (2 yrlg. cubs at side)  
Investigated by: (b) (7)(C) MTFWP, (b) (7)(C) USFWS  
Disposition of evidence: skull, claws, ear tags, tatoo MTFWP Research Lab, Bozeman, MT

#### HISTORY of BEAR:

Bear #254 was captured for management purposes on 09/02/95 in Beaver Creek, GNF and translocated to Crooked Creek, YNP. Bear #254 was frequenting the parking/trailhead area of Beaver Creek and attempting to acquire food left in vehicles. No food reward was received by #254 prior to her capture. Bear #254 had cubs in 1996 in YNP, where she remained until summer 1997. #254's cast radio-collar was located near Carrot Basin, GNF (north of the mortality site) 07/22/97.

#### DETAILS of MORTALITY CONFLICT:

Under investigation.....

I suspect the 3 dead cubs labelled self defense - attached  
and her cubs. DB Very Suspect Reporting by WGFD,

From: Deidre Bainbridge deidre@tennbain.com  
Subject: What happened to this investigation three cubs killed in self-defense really?!!!9/15/97  
Date: April 5, 2016 at 10:30 AM  
To: Deidre Bainbridge deidre@tennbain.com

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 9/15/97  
MORTALITY DATE: 9/15/97  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: SILVERTIP CR./OPEN CR.  
BEAR ID: N  
SEX: F  
EST. AGE: YRL  
LAB. AGE: 0  
REPRO. STATUS: YRL  
DESCRIPTION OF BEAR: APPROX. 150 YEARLING FEMALE GRIZZLY  
TYPE OF MORTALITY: SELF DEF.  
INVESTIGATED BY: (b) (7)(C); (b) (7)(C); (b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: USFWS  
DETAILS:

SEE RECORD #60

Really 3 yearling cubs all 3 killed by hunters  
in self defense? Why did this happen and  
when is it addressed in this management plan  
This is not allowed. Hunters must be deterred  
not rewarded with no prosecution.

DB

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## WYOMING GAME AND FISH DEPARTMENT

### GRIZZLY BEAR MORTALITY REPORT

---

DATE REPORTED: 9/15/97

MORTALITY DATE: 9/15/97

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: SILVERTIP CR/OPEN CR

BEAR ID: N

SEX: M

EST. AGE: YRL

LAB. AGE: 0

REPRO. STATUS: YRL

DESCRIPTION OF BEAR: APPROX. 160 LB YEARLING MALE GRIZZLY

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (7)(C)(b) (7)(C)(b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: USFWS

DETAILS:

SEE RECORD #60



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WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

---

DATE REPORTED: 9/15/97  
MORTALITY DATE: 9/15/97  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3)(D)  
UTM N: (b) (3)(H)  
DRAINAGE: SILVERTIP CR/OPEN CR  
BEAR ID: N  
SEX: M  
EST. AGE: YRL  
LAB. AGE: 0  
REPRO. STATUS: YRL  
DESCRIPTION OF BEAR: APPROX 180LB YEARLING MALE GRIZZLY  
TYPE OF MORTALITY: SELF DEF.  
INVESTIGATED BY: (b) (7)(C)(b) (7)(C)(b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: USFWS  
DETAILS:  
SEE RECORD #60



**Montana Fish,  
Wildlife & Parks**

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 11/6/2002

MORTALITY DATE:

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY: possible

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: ISHAWOOA CK

BEAR ID: U

SEX: F

EST. AGE: U

LAB. AGE: 0

REPRO. STATUS: 2YRL

DESCRIPTION OF BEAR: ADULT BEAR WITH TWO YEARLINGS

TYPE OF MORTALITY: N/A

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: N/A

DETAILS:

A GRIZZLY BEAR WITH TWO YEARLINGS WAS DAYBEDDED IN AN AREA HUNTED BY DEER HUNTERS. A HUNTER AND A GUIDE ENCOUNTERED THE BEDDED BEARS AT ABOUT 30FT. THE BEARS GOT UP FROM THE BED AND QUARTERED AWAY FROM THE HUNTER AND GUIDE. THE GUIDE YELLED AT THE BEARS TO KEEP THEM GOING AWAY FROM THEM. THE ADULT FEMALE BEAR TURNED AND CHARGED THE TWO MEN. THE HUNTER SHOT AT THE BEAR FROM THE HIP AT A VERY CLOSE DISTANCE. THE BEAR TURNED AND RAN BACK TO HER CUBS AND LEFT THE AREA. AN INVESTIGATION OF THE SITE PRODUCED A SMALL AMOUNT OF BLOOD. NO EVIDENCE OF A MORTALITY WAS FOUND.

Another example - Hunters must carry and know how to use bear spray. The 1st reaction cannot continue to be firing a weapon at the bear. Where is this addressed & determined in the Management plan?

DJ

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 9/25/2003

MORTALITY DATE: 9/24/2003

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: TOUGH CREEK, SNF

BEAR ID:

SEX: F

EST. 10

LAB. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF TYPICAL, ADULT GRIZZLY

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS:

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\* INVESTIGATIVE DETAILS  
FOLLOW\*\*\*\*\* OUTFITTER (b) (6), (b) (7)(C) SHOT AND KILLED AN ADULT SOW  
GRIZZLY WHILE PACKING OUT A HARVESTED BIGHORN SHEEP ON FOOT. (b) (6), (b) (7)(C)  
AND A HUNTER ENCOUNTERED THE BEAR ON A BLIND CORNER ON THE TRAIL.  
THE BEAR WAS VOCAL, AGGRESSIVE, AND BLUFF CHARGED ONCE BEFORE  
LEAVING. THE BEAR RETURNED WITH A TWO-YEAR OLD CUB AND WAS STILL  
AGGRESSIVE, BUT WAS HAZED AWAY. WIND CONDITIONS PREVENTED THE USE  
OF PEPPER SPRAY. THE SOW RETURNED A THIRD TIME WITH A SECOND  
TWO-YEAR OLD CUB (b) (6), (b) (7)(C) SHOT THE SOW AT 10 YARDS.

What happened to this investigation and what  
learned about Bear spray & hunters lining to protect their  
game. This cannot be allowed to continue.

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 11/11/2004  
MORTALITY DATE: 11/11/2004  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: Pacific Ck/Whetstone Ck, BTNF  
BEAR ID: 172  
SEX: F  
EST: 17  
LAB. AGE: 0  
REPRO. STATUS: ADT  
DESCRIPTION OF: 250 lb female with 2 yearlings

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (7)(C), (b) (7)(C) (USFWS)

AGENCY: WGFD

DISPOSITION OF PARTS: USFWS

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\* (b) (6), (b) (7)(C) SHOT BEAR  
AT CLOSE RANGE ON WHETSTONE TRAIL AT APPROXIMATELY 9AM. LIKELY  
SURPRISE ENCOUNTER, SELF DEFENSE.

*Small Bear w/ 2 yearlings !*

201121

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 9/10/2011  
MORTALITY DATE: 9/10/2011  
IGBST MORTALITY NUMBER: 201121  
REPORTING PARTY: (b) (6), (b) (7)(C)  
KILLED BY: [REDACTED]  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: BURROUGHS CREEK  
BEAR ID: 267  
SEX: F  
EST. AGE:  
LAB. AGE: 19  
REPRO. STATUS: ADT  
DESCRIPTION OF SMALL: (250 LB); HEAVY TOOTH WEAR; LOW BODY FAT

TYPE OF MORTALITY: SELF DEF.

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\*GRIZZLY BEAR 267 WAS SHOT AND  
KILLED AT CLOSE RANGE IN REPORTED SELF DEFENSE DURING A MOOSE HUNT.  
BEAR 267 HAD 3 CUBS OF THE YEAR THAT NO ATTEMPT TO TRAP IS BEING  
MADE\*\*\*\*\*

More cubs left behind to suffer?

Where does the Grizzly bear management plan address this?

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WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

---

DATE REPORTED: 10/2/99

MORTALITY DATE: 10/2/99

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY: [REDACTED]

UTM E: (b) (3) (B)

UTM N: [REDACTED]

DRAINAGE: Crow Creek

BEAR ID: None

SEX: F

EST. AGE: 13

LAB. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF BEAR: Very blonde, small adult female grizzly bear

TYPE OF MORTALITY: *Under Investigation, Human caused*

INVESTIGATED BY: (b) (6), (b) (7)(C)

AGENCY: USFWS/WGFD

DISPOSITION OF PARTS: WGFD

## DETAILS:

(b) (6), (b) (7)(C) was hunting elk on the ridge between Crow creek and Jones creek. (b) (6), (b) (7)(C) reported encountering the bear at close range. The bear ran about 15 feet towards [REDACTED] Stopped and stood up behind a large tree, then went back to all four feet and bounded once towards [REDACTED] (b) (6), (b) (7)(C) fired one shot from a 30-06 rifle which killed the bear almost instantly. The bear's carcass was about 10 feet from the location (b) (6), (b) (7)(C) was standing when [REDACTED] fired. (b) (6), (b) (7)(C) reported observing two cubs of the year in the trees when the incident occurred. Examination of the carcass revealed that the bear was in full lactation stage and that the cubs had returned to the carcass and attempted to nurse after the death of the female. We found no additional evidence of cubs in the area during the investigation. (b) (6), (b) (7)(C) was hunting with (b) (6), (b) (7)(C) of Powell, WY. The incident is currently under investigation as to the legality of the take as of 10/4/99.

*This is so bad!! Lactating cubs  
left - Of course she would  
not change - Where is Bear Spray!*

Date Reported: 10/10/04

Date of Mortality: 10/9/04

Reported By: (b) (6), (b) (7)(C)

Killed By: (b) (6), (b) (7)(C)

Cause of Mortality: Human-caused, self defense, hunting related

Location of Mortality: Silver Crk, SNF

UTM: (b) (3) (6)

Bear ID: None

Age of Bear: Adult, 2 yearlings present

Sex of Bear: Female

Investigated By: (b) (7)(C)

Disposition of Bear: WGFD

Mortality Scenario: (b) (6), (b) (7)(C) KILLED A FEMALE GRIZZLY BEAR THAT CHARGED HIM. YEARLINGS WERE UNHURT.

*Right Yearlings were dead & Reathg Sew!!  
Count is Skewed - Mortality!*

#### GRIZZLY BEAR MORTALITY REPORT

Date Reported: 10/19/04

Date of Mortality: 10/19/04

Reported By: (b) (6), (b) (7)(C)

**GRIZZLY BEAR MORTALITY REPORT**

**Date Reported:** 10/9/2004

**Date of Mortality:** 10/9/2004

**Reported By:** (b) (6), (b) (7)(C)

**Killed By:** (b) (6), (b) (7)(C)

**Cause of Mortality:** Human-caused, Self-defense, hunting related

**Location of Mortality:** NORTH CRANDALL CRK, SNF

**UTM:** (b) (3) (B)

**Bear ID:** None

**Age of Bear:** Adult, 3 yearlings present

**Sex of Bear:** Female

**Investigated By:** (b) (7)(C), (b) (7)(C)

**Disposition of Bear:** Field

**Mortality Scenario:** A FEMALE WITH 3 YEARLINGS KILLED CHARGING A HUNTER  
IN NORTH CRANDALL.

**GRIZZLY BEAR MORTALITY REPORT**



Appendix A-3  
Bear Bait Sites  
Must Go !!

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/26/2003

MORTALITY DATE: 5/26/2003

REPORTING PARTY: (b) (7)(C)

KILLED BY: (b) (6), (b) (7)(C)

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: M. FK. OWL CREEK

BEAR ID: NA

SEX: M

EST. 5

LAB. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF BEAR: YOUNG ADULT MALE BEAR

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\* (b) (6), (b) (7)(C) SHOT AND KILLED AN UNMARKED MALE GRIZZLY BEAR AT A BLACK BEAR BAIT SITE. (b) (6), (b) (7)(C) REPORTED THE INCIDENT TO WGFD WARDEN (b) (7)(C) A SHORT TIME AFTER THE INCIDENT.

What does WGFD learn from this in terms of appropriate Grizzly Bear conservation standards - Previous Management Plan 2003 Amendment stated if they killed a Bear Bait reconsider that site? What happened? Was that conservation standard followed? Bear Bait regulations <sup>& sites</sup> must be reconsidered in terms of Grizzly Bear Conservation standards + removing the attractant. Of course MWD presented DB

**From:** Deidre Bainbridge deidre@tennbain.com  
**Subject:** Another dead bear from bait/left two cubs of year!!  
**Date:** April 4, 2016 at 1:11 PM  
**To:** Deidre Bainbridge deidre@tennbain.com

DB

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

**DATE REPORTED:** 05/04/2006

**MORTALITY DATE:** 05/04/2006

**REPORTING PARTY:** (b) (6), (b) (7)(C)

**KILLED BY:** (b) (6), (b) (7)(C)

**UTM E:** (b) (3) (B)

**UTM N:** (b) (3) (B)

**DRAINAGE:** S F OWL CREEK, PR-WY within boundary of Reservation

**BEAR ID:** Unmarked

**SEX:** M

**EST:** 4-5

**LAB. AGE:**

**REPRO. STATUS:** Subadult

**DESCRIPTION OF:** MALE GRIZZLY BEAR, DARK COLORED

**TYPE OF MORTALITY:** Illegal, Mistaken identity

**INVESTIGATED BY:** (b) (7)(C)

**AGENCY:** WGFD

**DISPOSITION OF PARTS:** WGFD

**DETAILS:** BEAR KILLED MISTAKENLY AS A BLACK BEAR. HUNTER WAS USING BAIT.

From: Deidre Bainbridge deidre@tennbain.com  
Subject: More Bear Bate related  
Date: April 4, 2016 at 12:57 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/1/2004  
MORTALITY DATE: 5/1/2004  
REPORTING PARTY: (b) (7)(C)  
KILLED BY: (b) (6), (b) (7)(C)  
UTM E: (b) (3)(B)  
UTM N: (b) (3)(B)  
DRAINAGE: GRASS CREEK (State Land)  
BEAR ID: NA  
SEX: M  
EST. AGE: 3  
LAB. AGE: 0  
REPRO. STATUS: SBA  
DESCRIPTION OF BEAR: DARK COLORED MALE GRIZZLY BEAR

TYPE OF MORTALITY: ILLEGAL  
INVESTIGATED BY: (b) (7)(C), (b) (7)(C)  
AGENCY: WGF  
DISPOSITION OF PARTS: WGF  
DETAILS:

\*\*\*\*UNDER INVESTIGATION\*\*\*\* (b) (6), (b) (7)(C) AND HIS FATHER (b) (6), (b) (7)(C) WERE HUNTING A LEGAL, REGISTERED BLACK BEAR BAIT WHEN THEY SHOT A MALE GRIZZLY BEAR. (b) (6), (b) (7)(C) ADVISED THAT HE THOUGHT IT WAS A BLACK BEAR. (b) (6), (b) (7)(C) REPORTED IT TO GAME WARDEN (b) (7)(C) APPROXIMATELY 2 HOURS AFTER HE KILLED THE BEAR

Bear was outside the 10-mile perimeter

Again was the Bait Site pulled as per previous Conservation Standard for Grizzly Bear.

Again What does WGF learn from this?  
Wellen terms of the Lake Ellsberg caper - 10,000  
restitution must be added to the reg's as a  
Mandatory minimum restitution for killing griz illegally  
Mistaken ID or Mistaken self defense. DB

From: Deidre Bainbridge deidre@tennbain.com  
Subject: more bear bate dead bears  
Date: April 4, 2016 at 1:34 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

## GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/29/07

MORTALITY DATE: 5/28/07

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY: (b) (6), (b) (7)(C)

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: Dutch Joe Crk, BTNF

BEAR ID:

SEX: Male

EST: Adult

LAB. AGE:

REPRO. STATUS: Adult

DESCRIPTION OF BEAR: Bear weight 240 pounds field dressed, poor condition. Teeth wear and head size indicated an older bear.

TYPE OF MORTALITY: Human-caused, hunting mistaken identity kill over black bear bait.

INVESTIGATED BY: (b) (7)(C)

AGENCY: WYGF

DISPOSITION OF PARTS: WYGF

DETAILS: A black bear hunter killed a male grizzly bear over a registered bait site on Dutch Joe Creek, about 1/2 mile south of the Big Sandy Openings on Sunday, May 28. The specific

(b) (3) (B) This is the first documented grizzly in the Green River Region. The bear was reported to (b) (7)(C) on Monday night. (b) (7)(C) met with the hunter (b) (6), (b) (7)(C), Pinedale to harvest check a black bear and (b) (7)(C) identified it as a grizzly. It is a small bodied male, field-dressed weight is 240 lbs. Tooth wear and head size indicates an older bear but the body condition is poor.

What did we learn from this? What was the result of this mistaken ID - No defense under Wyoming GSP regulations. Know your game. This should have been prosecuted with a 10,000 Mandatory minimum in restitution. Obviously the opportunity Bears was hungry, food was scarce & Bear Bait a Deadly attractant. Bear Bait sites cannot be ignored in Grizzly Bear Conservation plan as dangerous attractants. DB

From: Deidre Bainbridge deidre@tennbain.com  
Subject: What happened to this investigation  
Date: April 5, 2016 at 12:49 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

MAY-08-2001 TUE 12:33 PM WYOMING GAME&FISH LANDER FAX NO. 13073326869

P. 02

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 04/24/2001

MORTALITY DATE: 04/24/2000

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: Rock Springs Canyon

BEAR ID: 376

SEX: M

EST. AGE: 5

LAB. AGE: 5

REPRO. STATUS: ADT

DESCRIPTION OF BEAR: Large, typical dark-colored grizzly

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (7)(C), (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

\*\*\*\*\*INVESTIGATION

PENDING\*\*\*\*\*On April 23, 2001, (b) (6), (b) (7)(C) was guiding (b) (6), (b) (7)(C) for black bears. Near their bait site that evening (bait site (b) (6), (b) (7)(C) SW section (b) (3) (B) they saw the bear and shot it with a bow. They gave up the search for the wounded bear due to darkness and snowfall. The morning of April 24, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) tracked the bear about 1/4 mile from the bait site. The bear was bedded under a tree. (b) (6), (b) (7)(C) tried to move into position for another shot with his bow. The bear charged (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) shot the bear twice with a .44 magnum pistol. The bear ran off. When the two men approached the carcass they suspected it might be a grizzly and went to Jackson and reported it to (b) (7)(C). WGFD personnel (b) (7)(C) and (b) (7)(C) investigated the shooting, conducted a field necropsy, and recovered the head, hide and paws of the bear. The men were carrying pepper spray.

PENDING\*\*\*\*\*INVESTIGATION

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/1/2004

MORTALITY DATE: 5/1/2004

REPORTING PARTY: (b) (7)(C)

KILLED BY: (b) (6), (b) (7)(C)

UTM E: (b) (7)(B)

UTM N: (b) (7)(B)

DRAINAGE: GRASS CREEK (State Land)

BEAR ID: NA

SEX: M

EST. AGE: 3

LAB. AGE: 0

REPRO. STATUS: SBA

DESCRIPTION OF BEAR: DARK COLORED MALE GRIZZLY BEAR

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

\*\*\*\*UNDER INVESTIGATION\*\*\*\*\* (b) (6) (b) (7)(C) AND HIS FATHER (b) (6), (b) (7)(C) WERE HUNTING A LEGAL, REGISTERED BLCK BEAR BAIT WHEN THEY SHOT A MALE GRIZZLY BEAR. (b) (6) (b) (7)(C) ADVISED THAT HE THOUGHT IT WAS A BLACK BEAR. (b) (6) (b) (7)(C) REPORTED IT TO GAME WARDEN (b) (7)(C) APPROXIMATELY 2 HOURS AFTER HE KILLED THE BEAR

Bear was outside the 10-mile perimeter

*More of the same*

From: Deidre Bainbridge deidre@tennbain.com  
Subject: What happened to this investigation  
Date: April 5, 2016 at 12:49 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

MAY-08-2001 TUE 12:33 PM WYOMING GAME&FISH LANDER FAX NO. 13073326669

P. 02

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 04/24/2001

MORTALITY DATE: 04/24/200

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: Rock Springs Canyon

BEAR ID: 376

SEX: M

FST. AGE: 5

LAB. AGE: 5

RETRO. STATUS: ADT

DESCRIPTION OF BEAR: Large, typical dark-colored grizzly

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (6), (b) (7)(C), (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

\*\*\*\*\*INVESTIGATION

PENDING\*\*\*\*\*On April 23, 2001, (b) (6), (b) (7)(C) was guiding (b) (6), (b) (7)(C) for black bears. Near their bait site that evening (bait site SW 1/4, section 21, (b) (3) (B)) they saw the bear and shot it with a bow. They gave up the search for the wounded bear due to darkness and snowfall. The morning of April 24, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) tracked the bear about 1/4 mile from the bait site. The bear was bedded under a tree. (b) (6), (b) (7)(C) tried to move into position for another shot with his bow. The bear charged (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) shot the bear twice with a .44 magnum pistol. The bear ran off. When the two men approached the carcass they suspected it might be a grizzly and went to Jackson and reported it to (b) (7)(C). WGFD personnel (b) (7)(C) and (b) (7)(C) investigated the shooting, conducted a field necropsy, and recovered the head, hide and paws of the bear. The men were carrying pepper spray.

\*\*\*\*\*INVESTIGATION  
PENDING\*\*\*\*\*



Appendix A-4

Mistaken ID -

Black Bear -

Should All be  
Prosecuted!!

## **NEWS RELEASE**

**U.S. Fish and Wildlife Service  
134 Union Boulevard  
Lakewood, Colorado 80228**

**U.S. Department of Justice  
United States Attorney  
District of Idaho**

**U.S. Department of Interior  
U.S. Fish and Wildlife Service  
Pacific Region**

## **NEWS RELEASE**

January 26, 2005

Thomas E. Moss, DOJ, United States Attorney, (208) 334-1211  
Terry L. Derden, DOJ, First Assistant U. S. Attorney, (208) 334-1211  
Marc Haws, DOJ, Executive Assistant U.S. Attorney, (208) 334-1211  
George Breitsameter, DOJ, Assistant U.S. Attorney, (208) 334-1211  
Craig Tabor, USFWS, Resident Agent in Charge, (208) 378-5333

### **BOW HUNTER ADMITS KILLING GRIZZLY BEAR**

A Kentucky bow hunter has pled guilty to a misdemeanor and will pay restitution of \$15,000 for illegally killing a female grizzly bear in the Island Park area in September 2002.

Dan Walters, 46, of Dry Ridge, Kentucky, entered his plea yesterday before U.S. Magistrate Judge Larry M. Boyle in federal court in Pocatello. In addition to the restitution, Walters will be prohibited from hunting for two years.

Walters and two friends were hunting in the Sawtelle area when Walters encountered two bears, one larger than the other. Believing they were black bears, he shot the larger one in the right hind quarter, then tracked the two briefly before returning to his truck. The next day, Walters and three other men found the dead grizzly and discovered it was wearing a tracking collar. Walters admitted that he removed his arrow from the bear and buried it.

The 300-pound 7-year-old sow was a pioneer bear important to the repopulation effort in the Idaho portion of the Yellowstone Recovery Zone. She was collared in the fall of 1999, and monitoring since then showed that she routinely traveled between Yellowstone and the

Sawtelle Peak area.

The grizzly bear is listed as a threatened species under the Endangered Species Act and is protected from illegal take.

U.S. Attorney Tom Moss commended the joint investigation by the U.S. Fish & Wildlife Service and the Idaho Department of Fish & Game.

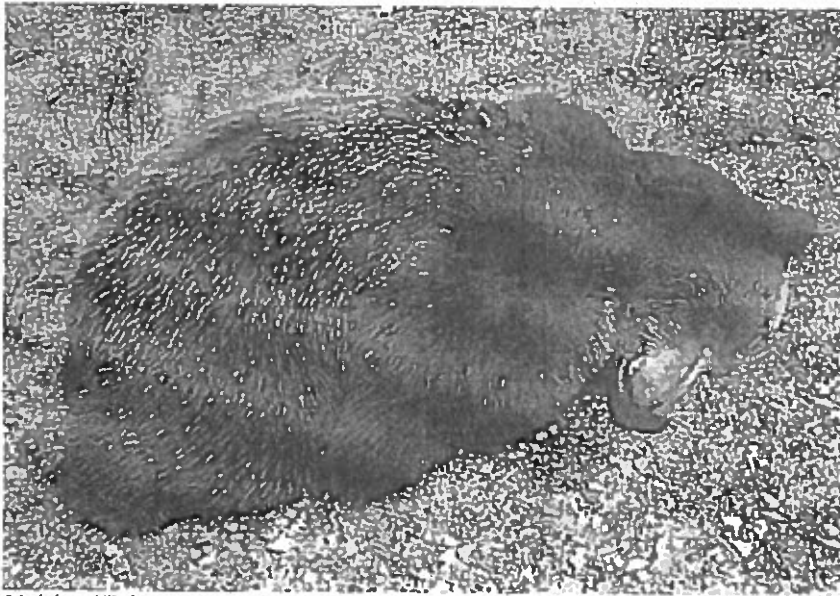
\*\*\*\*\*

Again what does WYGFID learn from this?  
Mandatory Minimum Restitution. Loss of  
license mandatorily - for sow w/cubs 3  
years - For any mistaken ID

& Mistaken Self Defense  
Unfortunately, WGFID Does not lead in this regard.  
DB



December 15, 2014



Grizzly bear killed May 7, 2014 in Unit 62A / IDFG Photo

## Idaho successfully handles case of illegally killed grizzly bear

**ST. ANTHONY** - For the first time since grizzly bears were listed as a Threatened Species under the Endangered Species Act in 1975, the State of Idaho has successfully prosecuted a grizzly bear case, demonstrating that it is ready and able to manage grizzly bears as big game animals.

On May 7, 2014, Kenneth Tyler Sommer (23, of Newdale, ID) was with his wife hunting for black bears in Unit 62A near the Rock Creek Girl Scouts Camp. According to a statement Sommer made to the United States Fish & Wildlife Service Agent initially investigating the matter, a bear charged he and his wife and he shot it. Only after killing the bear did Sommer identify it as a grizzly. He contacted conservation officers with

IDFG officers, aided by a USFWS agent, conducted a thorough investigation of the kill-site but found no physical evidence on the ground that the bear had ever charged Sommer or his wife. All three investigators concluded that the bear had likely been "standing still" when Sommer shot and killed it with a single bullet to the center of its forehead.

Sommer was cited for unlawful taking of a grizzly bear, plead not guilty, and requested a jury trial. Last week, on December 5, 2014, Fremont County Prosecuting Attorney, Karl H. Lewies, tried the case to a jury. He argued that the bear had not been charging when Sommer shot it, but that Sommer who "wanted to kill a black bear that day, shot first and identified second." After hearing all the evidence, including Sommer's own version of events, the jury found Sommer guilty of unlawfully taking a grizzly bear.

The grizzly bear that was killed was a 12-year old adult male weighing approximately 400 lbs. The investigation determined that the bear had initially been shot in the head from 36 yards away with a 7mm rifle and that its tracks never veered toward the Sommers. The bear had previously been collared for study purposes but had never gotten into any trouble with humans. According to IDFG Regional Conservation Officer Doug Petersen, one of the investigators on the case, "As a sportsman we have a legal and more importantly an ethical obligation to make sure and identify our target before we shoot. The responsibility is ours when we pull the trigger on a firearm to know where that bullet is going and where it will stop."

Magistrate Judge Gilman Gardner sentenced Sommer to the maximum fine of \$1,000 dollars, maximum \$400 civil penalties, 30 days in jail, 1 year hunting license revocation and 2 years unsupervised probation. The judge suspended the jail time and \$500 dollars, on condition that Sommer successfully completes his probation.

According to Petersen, "This is the first case in Idaho where there was a successful prosecution in *state court* of a grizzly bear taken unlawfully. From the officers' detailed investigation, through partnership with Fremont County's prosecutor, this sets the record straight that Idaho is prepared to manage grizzly bears as a big game species in Idaho."

The investigation phases of two unrelated cases regarding the killing of grizzly bears in the Island Park Area in 2013 are complete and still awaiting federal prosecution.

To learn more about bears in Idaho, visit  
<http://fishandgame.idaho.gov/public/education/bearidentification/>

##

What Does WCFD learn from this?  
Just like Westmoreland - GIS w/ Black  
Bear tag in pocket; No one present from  
WCFD to request resolution. This is no real  
deterrent in terms of a Grizzly Bear Conservation  
Plan what is needed? Previously Described Mandatory Minimum  
Penalties.  
DB

From: Deidre Bainbridge deidre@tennbain.com  
Subject: Mistaken ID  
Date: April 4, 2016 at 4:27 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

*Jan Mott  
2011 53*

### Grizzly Bear Mortality Report (DRAFT)

Date Reported: 09/07/11

Date of Mortality: 10/05/11

Reported by: (b) (7)(C) - MFWP

Cause of Mortality: Mistaken ID black bear hunter – under investigation

Location of Mortality: Davis/Lower Deer Creeks, private land, Sweetgrass County

UTM: (b) (3) (B) Ex (b) (3) (B) N NAD 83 ... (b) (3) (B)

Bear ID: Known: #618 red ear-tags 938, lip tattoo 938, pit tag recovered

Age of Bear: 5+ years...known age

Sex of Bear: male

Investigated by: (b) (7)(C), (b) (7)(C) - MFWP

Disposition of Bear: Whole bear carcass taken to MFWP Wildlife Lab in Bozeman, where it was verified (b) (7)(C) as grizzly bear #618 in the Yellowstone Ecosystem.

From: Deldre Bainbridge deldre@tennbain.com  
Subject: suspect  
Date: April 4, 2016 at 4:52 PM  
To: Deldre Bainbridge deldre@tennbain.com

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/13/2010

MORTALITY DATE: 5/13/2010

REPORTING PARTY: (b) (6), (b) (7)(C)

KILLED BY:

UTM E: (b) (3)(D)

UTM N: (b) (3)(D)

DRAINAGE: GRASS CK, State-WY

BEAR ID: 584

SEX: M

EST. AGE: 9

LAB. AGE: 9

REPRO. STATUS: ADT

DESCRIPTION OF LARGE GRIZZLY

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (7)(C); (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: USFWS

DETAILS:

\*\*\*\*\*UNDER INVESTIGATION\*\*\*\*\*GRIZZLY 584 KILLED AS REPORTED MISTAKEN  
ID FOR A BLACK BEAR.

200917

# GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED	8/27/09
MORTALITY DATE	8/26/09
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	(b) (3) (B)
DRAINAGE	Deadman CREEK
BEAR ID	554
SEX	F
EST AGE	4
LAB AGE	4
REPRO STATUS	SBA
DESCRIPTION OF BEAR	SMALL FEMALE BEAR
TYPE OF MORTALITY	ILLEGAL
INVESTIGATED BY	(b) (7)(C), (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	<p>WAS BOW HUNTING BLACK BEARS IN THE CAMP CREEK AREA NEAR CRANDALL. HE OBSERVED WHAT HE THOUGHT WAS A BLACK BEAR FROM SEVERAL HUNDRED YARDS AWAY. HE APPROACHED THE BEAR AND KILLED IT WITH ONE ARROW. THEY DID NOT FIND THE BEAR UNTIL 8/27/09 AND DISCOVERED IT WAS A GRIZZLY. (HUNTING COMPANION) CALLED (b) (7)(C) (WGFD) TO REPORT THE INCIDENT.</p>
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

10/3/09

200917 has been resolved. to known, human caused, illegal, prosecution complete. closed case

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

(b) (7)(C)  
 Bear Management Office  
 Wyoming Game and Fish Dept.  
 2820 State Highway 120  
 Cody, WY 82414  
 (307) 899-8157  
 Fax: (307) 587-5430  
 (b) (7)(C) @wgf.state.wy.us

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX



From: Deidre Bainbridge deidre@tennbain.com  
Subject: Only \$700 plus fine for illegal kill WGFS  
Date: April 5, 2016 at 12:03 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

JUN-27-2000 TUE 11:27 AM WYOMING GAME&FISH LANDER FAX NO. 13073326669

P. 03

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED: 5/9/2000  
MORTALITY DATE: 5/8/2000  
REPORTING PARTY: (b) (7)(C) (WGFD)  
KILLED BY: (b) (6), (b) (7)(C)  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: SF OF NF OF OWL CK  
BEAR ID:  
SEX: M  
EST. AGE: 3  
LAB. AGE: 0  
REPRO. STATUS: SBA  
DESCRIPTION OF BEAR: UNMARKED SUB ADULT MALE  
TYPE OF MORTALITY: ILLEGAL  
INVESTIGATED BY: (b) (7)(C) (b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: WGFD  
DETAILS:

A UNMARKED SUB ADULT MALE GRIZZLY BEAR WAS KILLED BY A SPRING BLACK BEAR HUNTER. THE HUNTER WAS CHARGED WITH TAKING A GRIZZLY W/O A LICENSE UNDER STATE STATUTE. HE PLEAD GUILTY AND PAID \$770 IN FINES. THE CASE IS CLOSED.

\* This is clearly not a statement.

# Grizzly Bear Mortality Report

DATE REPORTED	6/14/08
MORTALITY DATE	6/14/08
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	(b) (3) (B)
UTME	(b) (3) (B)
UTMIN	
DRAINAGE	REEF CREEK
BEAR ID	NA
SEX	M
ESTAGE	15
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	LARGE ADULT MALE GRIZZLY BEAR
TYPE OF MORTALITY	ILLEGAL
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	SHOT THE BEAR MISTAKENLY FOR A BLACK BEAR ON THE EVENING OF 6/13/08. WHILE SEARCHING FOR THE BEAR ON 6/14 IT CHARGED HIM FROM A DAYBED AND HE SHOT AND KILLED IT. HE REPORTED THE INCIDENT IMMEDIATELY TO (b) (7)(C)
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

What does WGFD learn from this?

New regulation required for Grizzly Bear conservation:

- 1) Mandating minimum Resitution 10,000
- 2) Mandation Minimum hunting license loss - 1-3 years - 3 years for Sow w/ Cub - one additional year each cub. 1-2 year male - (Judge discretion Based upon facts)

DB

200902

## GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED	5/24/09
MORTALITY DATE	5/24/09
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTM E	(b) (3) (B)
UTM N	
DRAINAGE	NEWTON CREEK
BEAR ID	NA
SEX	M
EST AGE	2
DAMAGE	0
REPRO STATUS	TYO
DESCRIPTION OF BEAR	SMALL, LIGHT COLORED MALE GRIZZLY BEAR
TYPE OF MORTALITY	ILLEGAL
INVESTIGATED BY	(b) (7)(C) (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	BEAR WAS KILLED BY A LICENSED BLACK BEAR HUNTER DURING AN OPEN BLACK BEAR SEASON. NO BAIT USED. HUNTER REPORTED THE KILLING.
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

## Grizzly Bear Mortality Report

Date Reported: 05/10/08  
Date of Capture/Removal: 05/10/08  
Reported by: (b) (7)(C)  
Cause of Mortality: Black bear hunter: mis-identification  
Location of Mortality: South West of Albino Lake - Taylor's Fork drainage, GNF.  
UTM: (b) (3) (B)E x (b) (3) (B)N  
Elevation: 7050 feet  
Bear ID: unknown  
Age of Bear: sub-adult (tooth collected for aging)  
Sex of Bear: male

### Mortality Investigation:

05/10/08: Black bear hunter called and said that he shot a black bear SW of Albino Lake, Taylor's Fork drainage GNF. As he approached the animal he was bluffed charged twice by a grizzly bear. Hunter decides to leave the area and reports the incident to MTFWP. Hunter believed he was following black bear tracks and when he spotted a lone brown colored bear, he shot. Bear was foraging in open grass/sagebrush habitat.

05/13/08: Mortality site investigated by (b) (7)(C) and (b) (7)(C).

05/14/08: Enforcement personnel return to mortality site for further investigation. No bullet was found - shot in chest with bullet exiting through rib cage. Head, paws, and hair samples were collected and taken to MTFWP in Bozeman. Remaining bear carcass was left on site. USFS area closure was kept in place.

*Note:* Bear carcass was semi-bloated upon investigation. Oddly, all hair on the neck, back, ribs and hips had sloughed from carcass. This has not previously witnessed (b) (7)(C) in a relatively fresh carcass and considering cool (40°F) daytime temperatures.

Bear was tested for *Trichinella* sp. = negative.  
Front foot pad width measurement = 160mm  
Hind foot pad width x length measurement = 140 x 180mm  
Outside toes of all four feet were fused to foot pad.  
...kf

Again, what does WCFD learn from this.  
Mistaken ID must be prosecuted - 10,000 Mandatory  
Minimum set by Luke Elsbury Mistaken ID  
Sept 2014. WCFD Big Game Biologist LCB - Killed  
Griz mistaken ID. What a comfort to know the  
Griz is in good hands with WCFD specialists ?!

From: Deldre Balnbridge deldre@tennbain.com  
 Subject: Wow Two in two or three days little time WGF  
 Date: April 5, 2016 at 12:06 PM  
 To: Deldre Balnbridge deldre@tennbain.com

JUL-11-2000 TUE 08:46 AM WYOMING GAME&FISH LANDER FAX NO. 13073326668 P. 01

for (b) (7)(C)

# WYOMING GAME AND FISH DEPARTMENT

## GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 5/6/2000

MORTALITY DATE: 5/6/2000

REPORTING PARTY: (b) (7)(C)

KILLED BY: *Andrew Young*

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: DEER CREEK, *SNF*

BEAR ID:

SEX: *M*

EST. AGE: 6

LAW. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF BEAR: ADULT MALE GRIZZLY BEAR

TYPE OF MORTALITY: ILLEGAL

INVESTIGATED BY: (b) (7)(C) (b) (7)(C)

AGENCY: WOFD

DISPOSITION OF PARTS: WOFD

DETAILS:

A UNMARKED ADULT MALE GRIZZLY BEAR WAS KILLED BY A SPRING BLACK BEAR HUNTER. THE HUNTER WAS CHARGED WITH TAKING A GRIZZLY W/O A LICENSE UNDER STATE STATUTE. HE PLEAD GUILTY AND PAID \$770 IN FINES. THE CASE IS CLOSED.

*This is clearly not a delivert*



"Conserving Wildlife — Serving People"

September 27, 1999

# MEMORANDUM

TO: (b) (7)(C)

FROM: (b) (7)(C)

COPY TO: (b) (7)(C) (b) (7)(C) (b) (7)(C) file

SUBJECT: Possible Grizzly Bear Mortality at Fox Park on 9/2/99.

As you know, (b) (7)(C) (WGF), and I investigated a report of a grizzly bear shot on 9/2/99 in Fox Park (b) (3) (B) on the Bridger-Teton National Forest. We did a site investigation and interview with the person that shot the bear on 9/4/99. We were unable to locate a carcass, but we were able to come up with the following information.

It appears that the bear was shot at close range (approx. 20 yards) with one round from a .44 mag. pistol. After the bear was shot, it was observed by persons involved in the incident for approximately 10 minutes as it crossed (approx. 600 yds) a open meadow (Fox Park) at a slow and labored walk. It appeared then, based on our investigation, that the bear laid down and/or rolled for a short period of time. It then moved off to a undetermined location. We searched the area most of the day from the air and on the ground, but we were unable to locate any evidence of a dead bear. We did find small traces of blood at the scene, but an estimation of the severity of the blood loss was impossible because of hard rains in the area between the time the bear was shot and our site investigation. There were tracks in the area that probably belonged to an adult grizzly bear, although not enough information was available to determine age or sex. There are no locations in the flight database that would indicate that the bear was possibly a radio collared individual. nor did the person that shot it report seeing a collar on the animal.

Based on our investigation I believe that there was a non-radio collared grizzly bear (not black bear) shot and injured in Fox Park on 9/2/99, and the bear was probably an adult of unknown sex. Based on my previous experience with other injured bears, and the information we were able to obtain from the site and from the persons involved in the incident, I cannot conclude either that the bear is probably dead or alive. Even though the bear appeared to be hit hard, not knowing where the shot hit the animal, or the extent of the injury, and knowing how resilient bears are to injuries, I would only conclude that this is a possible mortality. I suggest that we wait until the end of the season to make a final call on this incident because hunters may observe something that will help with determining if the bear is dead or alive.

The incident is still under investigation as to the legality of the take.

I let me know if I can be of further assistance.

(Note: (b) (7)(C) (b) (7)(C) (b) (7)(C) and (b) (7)(C) call this a probable, not possible)

Technical Services, 5400 Bishop Boulevard, Cheyenne, WY 82006-0001  
Fax: (307) 777-1610 Web Site: <http://state.wy.us>

(Note: (b) (7)(C) (b) (7)(C) (b) (7)(C) and (b) (7)(C) call this a probable, not possible)

Appendix A-S  
Danger w/Traps -  
Snakes.

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED	07/16/2011
MORTALITY DATE	07/16/2011
IGBST MORT #	201107
REPORTING PARTY	(b) (7)(C)
KILLED BY	
UTM E	585990
UTM N	4805150
DRAINAGE	UPPER GREEN, (b) (6), (b) (7)(C)
BEAR ID	G146
SEX	M
EST AGE	7
LAB AGE	7
REPRO STATUS	ADT
DESCRIPTION OF BEAR	POOR CONDITION, MISSING LEFT FRONT FOOT
TYPE OF MORTALITY	MNGMT
INVESTIGATED BY	(b) (7)(C), (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	G146 WAS REMOVED FOR CHRONIC LIVESTOCK (SHEEP AND CATTLE) IN UPPER GREEN AREA.
LAND OWNER	BTNF
STATUS OF MORTALITY	

This is further proof of the danger snare traps are to Grizzly Bears. This Bear was in poor shape because suffering lost foot from trap. What is the conservation strategy to remove the attractants in this regard? Is WGFD Managing to remove the attractant of Cattle in the Forest in the Upper Green?

DB



From: Deidre Bainbridge deidre@tennbain.com  
Subject: Bear Dead from Wolf Trap and Bear Bait  
Date: April 4, 2016 at 12:33 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 7/13/2003  
MORTALITY DATE: 7/13/2003  
REPORTING PARTY: (b) (7)(C)  
KILLED BY: (b) (7)(C)  
UTM E: (b) (3)(B)  
UTM N: (b) (3)(B)  
DRAINAGE: SUNLIGHT CREEK  
BEAR ID: NA  
SEX: F  
EST. AGE: 1  
LAB. AGE: 0  
REPRO. STATUS: SBA  
DESCRIPTION OF BEAR: YEARLING CUB  
TYPE OF MORTALITY: ACCIDENT  
INVESTIGATED BY: (b) (7)(C)  
AGENCY: WS  
DISPOSITION OF PARTS: WGFD

DETAILS:

(b) (7)(C) (USDA-WS) ACCIDENTALLY KILLED A YEARLING CUB IN A WOLF SNARE. (b) (7)(C) ADVISED THAT THERE WAS A RADIO COLLARED ADULT FEMALE AND A LIVE YEARLING CUB AT THE SITE WHEN HE FOUND THE DEAD CUB POSSIBLY BEAR 188 AND HER CUBS.

*Need more specific information  
Was this a kill snare.*

*What does WGFD learn from this?*

*Wolf snares are an attractant that will result in dead bears from human-grizzly conflict. When is WGFD's regulations considered in terms of potential attractants, which must be avoided in Grizzly Bear Conservation Standards? DB*

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

IGBST MORT 201307

DATE REPORTED: 5/27/2013

MORTALITY DATE: 5/27/2013

REPORTING PARTY: (b) (7)(C)

KILLED BY: Grizzly bear

UTM E: (b) (3) (B)

UTM N:

DRAINAGE: Wiggins Fork

BEAR ID: none

SEX: Female

EST. AGE: 2

LAB. AGE:

REPRO. STATUS: Subadult female

DESCRIPTION OF:

TYPE OF MORTALITY: Capture site mortality

INVESTIGATED BY: (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: Carcass to Lander WGFD.

DETAILS:

Evidence from a remote camera placed at the trap site indicates this bear was snared on the night of 5/26/13. Shortly before the trap was checked on the morning of 5/27/13, a larger bear came to the site and killed this snared bear.

*This is an excellent example of why snare traps must be evaluated in terms of Grizzly Bear mortality - conservation.*



captures

Appendix A-6  
Declined Prosecution

200913

# GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED	07/25/2009 00:00
MORTALITY DATE	07/25/2009 00:00
REPORTING PARTY	(b) (6), (b) (7)(C)
KILLED BY	
UTME	(b) (3) (B)
UTMN	
DRAINAGE	TWILIGHT CK/SNF
BEAR ID	UNK
SEX	F
EST AGE	3
LAB AGE	0
REPRO STATUS	SBA
DESCRIPTION OF BEAR	VERY THIN, POOR COAT, WORN CLAWS
TYPE OF MORTALITY	SELF DEF.
INVESTIGATED BY	(b) (7)(C) (b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	(b) (7)(C) REPORTED THE BEAR APPROACHED HIM, HIS 3 HORSES AND 3 DOGS IN OPEN COUNTRY FOR OVER 100 YARDS AND HE SHOT THE BEAR AT 25 YARDS.
LAND OWNER	SNF
STATUS OF MORTALITY	KNOWN

(b) (7)(C)  
The Fremont county prosecuting attorney has declined prosecution due to lack of intent. No charges were filed. The case is closed.

(b) (7)(C)  
Wyoming Game and Fish Department  
Horn Management Officer  
260 Buena Vista  
Lander, WY 82520  
307-732-7723 (b) (7)(C)  
e-mail address: (b) (7)(C) wgf.state.wy.us

Refused Prosecution By Lincoln Co Attorney! How is WGFD going to handle this in the Conservation Strategy. There is no intent required in Self Defense. Do either was on it wasn't. Regulations need to be Modified to Define Self Defense. DB

2:48 PM (4 minutes ago)

(b) (7)(C)  
to me

I asked and they gave me none. "case dropped – no charges filed". I am assuming they did not submit to legal (which is where a cleared date comes from) as a case, due to obvious evidence from #708's site/scene. On #677, I received a report from the federal legal office that the case was dismissed after review of evidence. No report on this one/708.  
I will use today's date unless I am told different.

From: (b) (7)(C) [mailto:(b) (7)(C) @usgs.gov]  
Sent: Wednesday, April 09, 2014 2:00 PM  
To: (b) (7)(C)  
Subject: Re:

Hey (b) (7)(C) got a date when this one was cleared?

On Wed, Apr 9, 2014 at 1:36 PM, (b) (7)(C) <(b) (7)(C) @mt.gov> wrote:

--  
(b) (7)(C)  
USGS Northern Rocky Mountain Science Center  
Interagency Grizzly Bear Study Team  
2327 University Way, Suite 6  
Bozeman MT 59715  
Phone (b) (7)(C)  
Cell (b) (7)(C)  
Fax 406-994-6416

DEPARTMENT OF THE INTERIOR Mail - Re: Goodrich grizzly bear investigation



100

To: (b) (7)(C) " < (b) (7)(C) @fws.gov

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

(b) (7)(C) n@usgs.gov (b) (7)(C) (b) (7)(C) @wyo.gov (b) (7)(C) @fs.fed.us

FYI guys, thi

(b) (7)(C)

On Fri, Jan 1

附註：元氣

(b) (7)(C) (mobile)

Act and may be disclosed to third parties.

(b) (7)(C) (b) (7)(C) @wyo.gov  
To: (b) (7)(C) @usgs.gov

Tue, May 28, 2013 at 11:25 AM

not sure if these were already called in to you or not: Need ID on first and mortality # on second.

Capture: 5/26/13, Brent Crk (SNF-Culvert), (b) (3) (B)

(b) (7)(C) (b) (7)(C)

Male: 97 kg (214.2 lbs), 2-3 yrs

PI: 4C1B6C537 (Lt Tricep)

ET: 1601 Blue Rnd both ears

Tattoo: 1601 BLUE

V (b) (3) (B)

165cm

Reactance: 11

Resistance: 98

Capture and Mortality: 5/27/13, Double Cabin, (b) (3) (B)

Female 2 yrs old ~100 lbs. Bear was killed and partially consumed by another grizzly bear while caught in the snare. (Verification through tissue damage and site camera photos) Tissue samples and tooth pulled in addition to blood and serum samples). Would need mortality number on this.

(b) (7)(C)

(b) (7)(C)

Ph.D.

Large Carnivore Biologist

Wyoming Game and Fish Dept

260 Ocean Vista Dr

Lander, WY 82520

(307) 332-7723 x 250

(b) (7)(C) @wyo.gov -- PLEASE NOTE CHANGE

E-mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

## Grizzly Bear Mortality Report

Date Reported: 05/26/13

Date of Mortality: 05/26/13 0100 - 0200 hours.

IGBST Mort #: 201306

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 07/31/2001

MORTALITY DATE: 07/01/2001 8/1/2001

REPORTING PARTY: (b) (5), (b) (7)(C)

KILLED BY: WOFD

UTME: (b) (5) (B)

UTMN: (b) (5) (B)

DRAINAGE: WIND RIVER

BEAR ID: 392

SEX: M

EST. AGE: 4

LAB. AGE: 0

REPRO. STATUS: SBA

DESCRIPTION OF BEAR: VERY LIGHT COLORED, SKINNY GRIZZLY BEAR

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C); (b) (7)(C)

AGENCY: WOFD

DISPOSITION OF PARTS: DUBOIS MUSEUM

DETAILS:

BEAR 392 WAS EUTHANIZED FOR BECOMING HABITUATED TO HUMAN FOODS AND HAD LOST ALL FEAR OF HUMANS. BEAR 392 HAD TORN INTO TENTS OF AT LEAST ONE CAMP AND OBTAINED LARGE QUANTITIES OF HORSE FOOD. BEAR 392 REPEATEDLY ENTERED THE TOWN OF DUBOIS TO FEED ON DOG FOOD.

Why are Bear still removed from Dubois in 2015?  
What has been done to remove the attractant by  
WCFD.

pb



**WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT**

**DATE REPORTED:** 6/29/2004

**MORTALITY DATE:** 6/29/2004

**REPORTING PARTY:** (b) (7)(C)

**KILLED BY:** (b) (7)(C)

**UTM E:** (b) (3)(E)

**UTM N:** (b) (3)(E)

**DRAINAGE:** N. F. SHOSHONE RIVER

**BEAR ID:** 451

**SEX:** F

**EST. AGE:** 2

**LAB. AGE:** 0

**REPRO. STATUS:** SBA

**DESCRIPTION OF BEAR:** SMALL, LIGHT COLORED FEMALE GRIZZLY BEAR

**TYPE OF MORTALITY:** MNGMT

**INVESTIGATED BY:** (b) (7)(C)

**AGENCY:** WGFD

**DISPOSITION OF PARTS:** WGFD

**DETAILS:**

BEAR 451 HAD BEEN CAPTURED AND MOVED IN 2003 FROM PRIVATE LAND IN TETON CO., WY AFTER REPEATED FOOD REWARDS IN IDAHO AND WYOMING. IN 2004 THE BEAR WAS FREQUENTING DEVELOPED SITES ON THE SHOSHONE NATIONAL FOREST NEAR PAIASKA, WY. THE BEAR WAS VERY BOLD AND EXHIBITED HUMAN HABITUATED AND FOOD CONDITIONED BEHAVIORS. THE BEAR WAS CAPTURED AND EUTHANIZED BECAUSE OF REPEATED INTERACTIONS WITH HUMANS.

From: Deidre Bainbridge deidre@tennbain.com  
Subject: Nothing where is the investigation report of this  
Date: April 5, 2016 at 12:10 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

JUN-27-2000 TUE 11:27 AM WYOMING GAME&FISH LANDER FAX NO. 13073326669

P. 02

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED: 5/4/2000  
MORTALITY DATE: 5/4/2000  
REPORTING PARTY: (b) (7)(C) (WGFD)  
KILLED BY: (b) (5), (b) (7)(C)  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: GOOSEBERRY CREEK  
BEAR ID: 312  
SEX: M  
EST. AGE: 3  
LAB. AGE: 0  
REPRO. STATUS: SBA  
DESCRIPTION OF BEAR: SUB ADULT MALE GRIZZLY BEAR  
TYPE OF MORTALITY: HUMAN CAUSED, Legal  
INVESTIGATED BY: (b) (7)(C) (b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: WGFD  
DETAILS:

BEAR 312 WAS KILLED AT A PRIVATE RESIDENCE IN THE GOOSEBERRY DRAINAGE. THE SUBJECT WAS NOT CHARGED WITH ANY VIOLATION OF STATE OR FEDERAL LAW DUE TO THE CLOSE PROXIMITY OF THE BEAR AND THE BEAR'S HISTORY. THE CASE HAS BEEN CLOSED.

What? There is no deterrent in this action.  
This is not Grizzly Bear Conservation. How is this  
addressed in the new plan. Private citizen removal is  
not legal.

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

In LH  
Cost  
Morts  
copy

DATE REPORTED	06/30/2013
MORTALITY DATE	06/30/2013
IGBST MORT #	201310
REPORTING PARTY	(b) (7)(C)
KILLED BY	(b) (3) (B)
UTM E	
UTM N	
DRAINAGE	LITTLE SHEEP MOUNTAIN, Green River, BTNF
BEAR ID	716
SEX	F
EST AGE	6
LAB AGE	0
REPRO STATUS	ADT
DESCRIPTION OF BEAR	ADULT FEMALE
TYPE OF MORTALITY	MANAGEMENT
INVESTIGATED BY	(b) (7)(C)
AGENCY	WGFD
DISPOSITION OF PARTS	WGFD
DETAILS	BEAR REMOVED FOR CHRONIC LIVESTOCK DEPREDATIONS, Bear was removed by shooting after failed capture attempts. Bear was wearing an active radio collar
LAND OWNER	BTNF
STATUS OF MORTALITY	KNOWN

Sure - Who start the Bears ?!!

In Mont  
In Web

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 10/21/2011

MORTALITY DATE: 10/21/2011

IGBST Mort number: 201137

REPORTING PARTY: BTNF

KILLED BY: (b) (7)(C)

UTM E: (b) (3) (B)

UTM N:

DRAINAGE: BUFFALO FORK

BEAR ID:

SEX: M

EST. AGE: 8

LAB. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF TYPICAL ADULT MALE

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: Teton Co. Landf

DETAILS:

Removed for repeated property damage and food rewards.

Removal : No facts - What property damage  
+ what food rewards?

What does WGFD learn about this?

WGFD - Can regulate or promote legislation  
which requires fines for citizens who do not  
actively engaged in actions to avoid food  
rewards. DB

From: Deidre Bainbridge deidre@tennbain.com  
Subject: Why kill this bear /could have scared him  
Date: April 5, 2016 at 10:52 AM  
To: Deidre Bainbridge deidre@tennbain.com

DB

**WYOMING GAME AND FISH DEPARTMENT**  
**GRIZZLY BEAR MORTALITY REPORT**

DATE REPORTED: 8/26/97

MORTALITY DATE: 8/26/97

REPORTING PARTY: (b) (7)(C)

KILLED BY: WGFD

UTM E: (b) (3) (D)

UTM N: (b) (3) (D)

DRAINAGE: GREEN RIVER

BEAR ID: 293

SEX: M

EST. AGE: 3

LAB. AGE: 0

EPRO. STATUS: SBA

DESCRIPTION OF BEAR: 205 LB MALE GRIZZLY BEAR WITH LIGHT SHOULDER BANDS

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C) (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

**DETAILS:**

BEAR 293 HAD BEEN CAPTURED FOR RESEARCH PURPOSES ON 8/8/97 AT 581.5,  
4802.4. THE BEAR BEGAN FREQUENTING CAMPS IN THE UPPER GREEN RIVER  
AREA AND WAS DISPLAYING HUMAN HABITUATED BEHAVIOR. THE BEAR HAD  
BEEN IN TWO CAMPS AND THE OCCUPANTS WERE UNABLE TO SCARE HIM OFF. HE  
WAS REMOVED FOR HUMAN SAFETY CONCERNS.

From: Deidre Bainbridge deidre@tennbain.com  
Subject: Really they had to kill a cub for food rewards near Jackson Where is mom? what happened to other under IV  
Date: April 5, 2016 at 12:19 PM  
To: Deidre Bainbridge deidre@tennbain.com

DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 10/29/2001

MORTALITY DATE: 10/29/2001

REPORTING PARTY: (b) (7)(C)

KILLED BY: (b) (7)(C)

UTME: (b) (3) (B)

UTM N: [REDACTED]

DRAINAGE: LAVA CREEK

BEAR ID: G76

SEX: F

EST. AGE: 1.5

LAB. AGE: 0

REPRO. STATUS: YRL

DESCRIPTION OF BEAR: YEARLING CUB OF BEAR OF G75 AND SIBLING OF G77

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

BEAR G76 WAS EUTHANIZED AFTER REPEATED PROPERTY DAMAGE AND FOOD REWARDS IN THE CODY AND JACKSON AREAS. SHE HAD BEEN MOVED TO THOROFARE PLATEAU BUT MOVED TO A RESIDENTIAL AREA NORTH OF JACKSON AND CONTINUED TO RECEIVE HUMAN RELATED FOODS.

Really <sup>yearling cub</sup> had to be removed for numerous instructions?  
That was a decision of convenience. Where are these food rewards abated in the new plan?  
Not likely in Jackson Now - Still in Fremont Co < even in 2015. What is this conservation strategy doing about that? Really a cub to the throne? That was a conservation strategy!!? DB

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 9/5/2001

MORTALITY DATE: 9/5/2001

REPORTING PARTY: (b) (7)(C)

KILLED BY: WGFD

UTM E: (b) (3) (B)

UTM N: (b) (3) (B)

DRAINAGE: DUNN CREEK

BEAR ID: NA

SEX: F

EST. AGE: 8

LAB. AGE: 0

REPRO. STATUS: ADT

DESCRIPTION OF FEMALE WITH TWO YEARLINGS  
BEAR:

TYPE OF MORTALITY: MNGMT

INVESTIGATED BY: (b) (7)(C)

AGENCY: WGFD

DISPOSITION OF PARTS: WGFD

DETAILS:

THIS FEMALE GRIZZLY BEAR WITH TWO YEARLINGS DAMAGED PROPERTY  
AND RECEIVED FOOD REWARDS IN THE WAPITI AREA IN AUGUST AND EARLY  
SEPTEMBER. THE ADULT FEMALE WAS EUTHANIZED AFTER CAPTURE. THE  
TWO FEMALE YEARLINGS WERE RELOCATED TO THE THOROFARE PLATEAU.

*Part of her story. She never had a chance.*

*2 Dead yearlings !! Not Counted -*

*G75*

WYOMING GAME AND FISH DEPARTMENT  
GRIZZLY BEAR MORTALITY REPORT

DATE REPORTED: 08/24/2001  
MORTALITY DATE: 08/27/200  
REPORTING PARTY: WGFD  
KILLED BY: WGFD  
UTM E: (b) (3) (B)  
UTM N: (b) (3) (B)  
DRAINAGE: HORSE CREEK  
BEAR ID: 358  
SEX: F  
EST. AGE:  
LAB. AGE: 5  
REPRO. STATUS: ADT  
DESCRIPTION OF BEAR: 220 LB. TYPICAL GRIZZLY  
TYPE OF MORTALITY: MNGMT  
INVESTIGATED BY: (b) (7)(C)  
AGENCY: WGFD  
DISPOSITION OF PARTS: WGFD

## DETAILS:

BEAR 358 AND MALE COY WERE EUTHANIZED FOR REPEATED PROPERTY DAMAGE. THE BEARS WERE ASSOCIATED WITH INCIDENTS INCLUDING OBTAINING GARBAGE AND HORSE GRAIN AT THE [REDACTED] OBTAINING GARBAGE, GRAIN, AND DOG FOOD AT [REDACTED] RESIDENCE; HORSE GRAIN AND DOG FOOD AT THE FOREST SERVICE HORSE CREEK GUARD STATION, AND DAMAGE TO A HORSE TRAILER AND PICKUP WHERE THEY OBTAINED HORSE GRAIN AT THE PARKIE QUINN TRAIL HEAD. SEE NEXT RECORD FOR COY INFORMATION.

What is done to prevent this from happening again in this plan?