

Bulleted summary of peer review and public comments

Green = public comment

Blue = peer review

Purple = both public comment and peer review

100 General comments

- **ISSUE:** Lack of trust in the science and analysis (Alex)
 - Raw data not available for independent review
 - Monopoly on the data/research, leads to “groupthink”
 - Peer review does not detect error and bias more than random chance
 - Never 1 correct model, model building most bias prone form of analysis
 - Need to “guard against Type II errors in data interpretation, when one falsely concludes there is no effect because statistical analyses fail to detect one” (IBA)
- **ISSUE:** The proposed rule concludes that because threats can be managed they do not constitute a threat at all (i.e., genetic health) (Alex).
- **ISSUE:** Modify boundaries of the DMA in various ways (Maricela)
 - The DMA should be reconsidered to not include habitat such as Upper Green allotments
 - The DMA should be expanded to include all designated wilderness lands adjacent to the proposed DMA
 - The grizzly bear should be delisted for the entire state of Montana (Environmental Quality Council)
 - The CS and proposed rule have expanded the DMA to include significant areas outside the 2014 grizzly bear distribution boundary. (i.e., the Big Sandy and Popo Agie Management Units) (Wyoming Stockgrowers Assc)
- **ISSUE:** We are using outdated taxonomical information (Nathan)
 - “The Service fails to use the best available science in describing the taxonomy and evolutionary biogeography” of GYE grizzly bears (Mattson). GYE grizzly bears are “part of a clade (Clade 4) with an ancient and unique history, a restricted distribution, and warranting consideration as an evolutionarily unique and threatened genetic lineage”. And therefore needs to address recovery of the whole lower 48 listing, including connectivity, and needs update the taxonomic reference.
- **ISSUE:** Inadequacy of public involvement:
 - Public comment period not sufficient and not enough public hearings.
 - No provisions for the visually impaired or communities without internet access to comment on the rule.
- **ISSUE:** Under Section 7 of the ESA, the Service must consider connectivity as a threat to other recovery areas (see Issue 15 in WY wolf rule) (Maricela)
- **ISSUE:** The Service fails to consider threats outside of the DMA as threats to grizzly bears in the GYE. Invisible boundaries cannot be used to classify the health of a population. The Service must reanalyze the five factor analysis to include areas outside the DMA. Section 4(a)(1) analysis should not be limited to suitable habitat
- **ISSUE:** Comments surrounding our use of the term “Conservation reliant species”

- Provide specific statutory and regulatory definitions for “conservation reliant” species and the authority that accompanies such a designation. Why does this concept apply to the grizzly bear? Will conservation be unique or substantially different for grizzly bears than other species?
- Need to clarify that a “conservation reliant” species simply means that aspects of conservation led to their recover and is necessary to maintain recovery post-delisting and is based on their “low resiliency to excessive human-caused mortality” and can happen within existing authorities.
- The Service inappropriately links mandates to grizzly bears “conservation reliant” status, such as having the CS in effect “in perpetuity” (States).
- Conservation reliant species are simply those requiring management post-delisting (States)
- **ISSUE:** The previous actions section fails to mention a recent court decision that overturned a FWS decision to allow an increase in the number of grizzly bears that could be “incidentally” killed in association with the annual elk hunt Grand Teton Nation Park.” https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2015cv0479-49 (Maricela)
- **ISSUE:** Litigation:
 - “Missing from this formal proposal is something discussed in every practical conversation about it. Litigation has delayed the delisting of the Yellowstone grizzly before and likely will again. As this happens, it consumes time and money needed for conservation. Attempts to head off real and imagined claims wastes time and doubtless contributes to the points of confusion noted above. The problem of litigation in the listing program was described by the Department of Interior Inspector General in a report as "driving nearly everything [the Service] does in the ESA arena". He goes on: "Lawsuits should not be driving regulatory decisions." Quite so. The Service should refer to Congress the legal vulnerabilities that can be remedied by updating ESA for the good of its purposes. This would be a first step toward strengthening ESA to ensure that there is a clear, durable, and enduring process for delisting and recognizing success once a species reaches its recovery goals.” (Boone & Crocket)
- **ISSUE:** Tracking the success of relocated animals should be assessed to determine its efficacy (i.e., genetic contribution to relocation sites, homing of bears).
- **ISSUE:** Native American tribal concerns: (see Issue 52 in WY wolf rule)
 - The cultural and religious aspects of Native American tribes need to be evaluated
 - The GYE overlays aboriginal territory and the tribes retain treaty rights in the area
 - The grizzly bear is a species of great spiritual, cultural, and ecology significance to Native American tribes.
 - Executive Order 13175, meaningful consultation must be held by all federal agencies when decisions that affect Native American tribes are being considered. The Service has failed to uphold this obligation. “The conduct of the Service in accommodating states’ interests over those of federally recognized Indian Tribes in the matter of delisting and trophy hunting the grizzly bear on ancestral tribal and treaty lands threatens irreparable harm to tribal rights.” (Kingman 2016)

- **ISSUE:** Debate in the comments about whether it is appropriate to delist the grizzly bear or not (see Issue 10 and 12 in WY wolf rule):
 - o Pro delisting
 - State management will increase funding for grizzly bear habitat conservation and management
 - Grizzly bear recovery in Yellowstone is one of the biggest conservation success stories for the ESA.
 - The GYE grizzly bear exceeds the social carrying capacity
 - o Anti-delisting
 - The recovery of the GYE “is a success story...but still one in the making.”
 - Undo political influence in the decision to delist (FOIA documents – Robert Aland)
 - Premature
 - The Service should withdraw this proposed rule
 - In contradiction to the precautionary approach to wildlife management mandated under the ESA
 - They will decline without ESA protection with a recurrence of history (i.e., considered a predator and shot, poisoned, and killed wherever found)
 - Delisting would cause economic and cultural harm to the GYE communities. Visitation to the parks, especially to see grizzly bears, is a multi-million dollar industry that may decline once grizzly bears are allowed to be hunted on park boundaries.
 - A means should be developed that harnesses this “eco” tourism and provides funding to state managers to relieve the financial burden of exclusive responsibility for grizzly bears post-delisting
 - Grizzly bears contribute to the enjoyment of wild areas.
- **ISSUE:** Ohio State University survey research
 - o 60% of grizzly bear biologists “believe delisting would be an incorrect decision, or at the very least a violation of the precautionary principle” Szarek, Harmony. "Subjectivity in Expert Decision Making: Risk Assessment, Acceptability, and Cognitive Heuristics Affecting Endangered Species Act Listing Judgments for the Greater Yellowstone Ecosystem Grizzly Bear." Electronic Thesis or Dissertation. Ohio State University, 2015. Ohio LINK Electronic Theses and Dissertations Center. 11 Dec 2015.
- **ISSUE:** Current population size still qualifies as “vulnerable” under IUCN Red List criteria, meaning that it is threatened of becoming endangered. If the population fell below 533 it would be categorized as endangered by IUCN.

400 Recovery

- **ISSUE:** Debate in the comments about whether the grizzly bear is in fact recovered (see Issue 10 and 12 in WY wolf rule):
 - o The grizzly bear is recovered because:
 - Range is fully occupied and young or transient bears encounter difficulty establishing their own home ranges.
 - The recovery criteria have been met for several years
 - Bears are adaptable to their habitat

- Passes the five factor analysis required by the ESA in Section 4
- o The grizzly bear is not recovered because:
 - Less than 3% of the species historic abundance
 - Occupy less than 2% of their historic range
 - Population estimate is questionable
 - Population has not increases since early 2000s
 - No connectivity between ecosystems: Recovery must include permanent populations of bears in the Gravelly-Snowcrest-Centennial Mountains, in the Selway-Bitterroot Wilderness, and along the connecting crest of the Bitterroot Range.
 - Do not occupy all suitable habitat in the DMA
 - Total population of grizzly bears in lower 48 is 1200-1800, 5 times too few individuals to assure a long-term persistence of the species.
 - Need a metapopulation of 2500-5000 bears to meet recovery
 - “Forty years of ESA protection has still failed to recover the GYE grizzly bears, so the Service needs to increase, rather than remove, federal protections”
- Confusion and concerns about demographic recovery criteria (see Issue 7 in the WY wolf rule):
 - o **ISSUE:** Concerns about Criterion #1
 - The Service selected 500 as a minimum to maintain short-term genetic fitness. Adjust the minimum number upwards to ensure long-term genetic fitness.
 - No trigger until 500 grizzlies bears, which too low
 - The trigger for Criterion 1 is inadequate. Explain why the 3-year trigger and not a 1 or 2-year trigger.
 - For 48 FCOY, the method needs to be consistent using Chao2 or a new method needs to be calibrated.
 - Discrepancy between the RP and the CS in whether the criterion has not been met if it was two or three consecutive years and if it will be changed the Service needs to justify why three years is appropriate. Should be 2 years.
 - The population objective of 500 bears and maintenance of 48 females with cubs within the DMA are at odds. 48 FCOY equates to ~600 bears. The 500 objective was based on genetic health and is a buffer above the 400 needed to maintain genetic viability for this population. Given that the rule and state management plans establish objectives within the DMA of 600 or more bears, consistent with 48 FCOY, eliminate the 500 objective to reduce confusion or discuss it in its historical context of genetic viability.
 - o **ISSUE:** Criterion #2
 - Please explain why this trigger is appropriate and based on the best available science.
 - “[Three] consecutive 6-year sums” seems to require at least 18 years to pass before it might be found that this criterion is not being met.”
 - How will the 16 of 18 BMUs occupied for three consecutive 6-year sums be calculated? “For example, if less than 16 of 18 bear management units are occupied by females from 2016 to 2023, will the criterion not be met because there was not

- sufficient occupancy from 2016-2021, 2017-2022, and 2018-2023?” (Center for Biological Diversity)
 - Explain why a 6-year sum of observations is adequate. This is a long time for a criterion of this importance to be met if female occupancy is insufficient.
 - The criteria for 48 FCOY or FCOY in 16 of 18 BMUs will restrict future adaptive management. Mortality limits will ensure total population size.
 - Occupancy needs to apply to all areas of the DMA and not just the PCA, stratified on what are currently called ‘Flight areas’ or BMUs
 - **ISSUE:** Criterion #3
 - The average around which the population is maintained should be increased to be more precautionary.
 - The trigger should be higher than the lower 95% CI (600) and should be the average itself (674) or higher
 - The Service does not specify the method by which the population will be calculated. Does the population estimate rely on Chao2 or does the Service retain the discretion to change the calculation method?
 - The mortality limits should not be tied to a population minimum but should be a criterion on their own if the limits are exceeded.
 - If the population limit drops below 612, the Service should not wait 3 years before determining the criterion is not met
 - Should be made easier to interpret, such as an annual index of observed females with cubs to total observed mortality
 - Mortality limit for dependent young is unnecessary because it is not currently being measured.
 - **ISSUE:** Additional Recovery Criteria recommended:
 - An additional criterion should be added to include monitoring of changes in food resources
 - Add a trend criterion: “if a pattern of three or more years of consecutive declining model-averaged total population for lower CI bounds occur (even if the decreasing metrics are not as low as the proposed single-year trigger), then discretionary mortality should decrease/end and assessment protocols should begin.
 - **ISSUE:** Carrying capacity is not an appropriate metric by which to measure recovery

500 Population parameters

- **ISSUE:** Issues regarding Chao2 (our method for estimating population) (Alex):
 - Not the best available science for monitoring population trend
 - Fails to account for bias associated with the method or disagreements in the scientific community about the population estimate of ~700 (Doak and Cutler 2014a, 2014b)
 - No accounting for factors that might influence sightings of FCOY (females with cubs of the year)
 - Total population size is strongly influenced by the multipliers used for dependent young, pre-reproductive independent females, and independent males, introducing more bias
 - The survival rate (and the multiplier) was increased for independent males in 2012 but survival rates actually decreased (Mattson)

- o Currently use the Knight rule to distinguish unique females with cubs. Ordiz et al. 2007 proposed a different rule set for counts of FCOY in Europe.
- o The Chao2 estimate becomes increasingly negatively-biased with increasing density, so “the Chao2 estimates could level off while the population continues to increase, give a false sense of the population reaching carrying capacity (K). Likewise, once the population has exceeded the density threshold of FCOY that precludes further differentiation of distinct individuals, a decline also would not be detectable until dropping below this threshold.” (IBA)
- o The Chao2 is only conservative if the population is indeed increasing. If the vital rates or mortalities are mis-estimated the population could decline, undetected. (IBA)
- o Chao2 could become more unreliable with increased cub mortality because of more difficulty in distinguishing FCOY (i.e., litter sizes are changing). (IBA)
- o Need to acknowledge the risk and bias associated with Chao2.
- o The IGBST workshops concluded that it is not possible to rely on FCOY observations as a trend indicator at the current high densities (IGBST 2012).
- o Need to specify that population monitoring will continue indefinitely at the same intensity (neither more nor less) and distribution and under the same design given potential biases in the Chao2 method.
- o The definition of the "Chao2 estimator" in the Glossary is "a bias-corrected estimator of the total number of female grizzly bears with cubs-of-the-year, derived from the frequency of single sightings or double sightings of unique females with cubs-of-the-year as identified based on a rule set by Knight et al. (1995)." However, throughout the Proposed Rule the Chao2 estimator is referenced as producing an estimate of "overall grizzly bear abundance within the DMA"? This discrepancy should be resolved.
- o Is there published literature describing the Chao2 estimator in its entirety?
- o Has the Chao2 population estimator been subjected to peer review?
- o In general, there needs to be more transparency regarding the Chao2 estimator (i.e., What are the demographic inputs and how were they determined? What are the model assumptions? How were initial population size and the different sex-age distributions estimated? and How were natural mortalities estimated and incorporated? etc.)
- o Explain the details of model averaging as used with the Chao2 estimator. Model averaging is a method used when alternative methods are evaluated using information-theoretic procedures. This is something that warrants careful attention because of problems that can exist with model averaging (Cade 2015). Or if the intent is to estimate abundance for each year between 2002 and 2014 and to average those estimates clarification needs to be made and the term "model-averaged Chao2 estimate" should be avoided.
- **ISSUE:** Population composition (i.e., changes in sex ratio over time) (how use sex ratios in population estimation)
 - o What has been the trend in sex-age distribution from 2002-2014, the same time period that is used for the Chao2 estimate.
 - o Shift to a more conservative 50:50 sex ratio or assume any probable mortality is an adult female.

- To account for annual fluctuations in cub sex ratio, to be conservative alternative assignment of sex and assign female first.
- **ISSUE: Concerns about how we measured and interpreted population trend:**
 - Alternative interpretations
 - 2015 population estimate was down 6% from the 2014 estimate
 - Decline due to increased mortalities as a result of conflicts with hunters and livestock and lower cub survival
 - The population has not increased since the early 2000s
 - Given the low end of the 2015 population estimate of 642 bears and the loss of up to 90 bears in 2015 (59 deaths plus unrecorded deaths which could be another 30 bears), the current population estimate could be as low as 552 bears (Thuermer 2015).
 - Survival rates have changed and the population may be “higher” when adjusted for the higher number of males and slightly lower number of females (see Haroldson and van Manen 2014).
 - More older bears and fewer cubs and young bears is not a good trend to maintain a healthy population.
 - Concerns about measurement
 - Annual uncertainty in the population estimate should be compared to long-term averages to give more insight into the population trend
 - Negative trend may not be detected with current statistical rigor until too late
 - Increased population trend due to biases from increased search effort (i.e. number of hours flown) and sightability (increased use and flights of moth sites). Search effort doubled even if standardized to grizzly bear distribution. Increased FCOY mirror increased search time and moths site use.
 - The model-averaged approach to estimate population size and trend is insensitive to rapidly changing conditions. The “smoothing” approach should not include data from before 2000 when drastic changes occurred in the GYE. The results, both population size and trend, are highly dependent on the time period being modeled. The more data included, the more optimistically the result is biased. Since 2007, the population trend has declined significantly to 0.8%.
 - “The Service employs linear and quadratic models, without statistical or theoretical justification.”
 - The population growth rate has been over-estimated because it does not account for senescence in both birth and death rates of female grizzly bears (Doak & Cutler 2014a, 2014b).
 - Population size is inflated by inflation of survival rates male and female bears 2+ years old and is insensitive to rapidly changing conditions.
 - Van Manen et al. (2016) and Bjornlie et al. (2014) use trapping-effort data instead of reliable capture-recapture population count method.
 - “The density index directly based on the number of bears trapped and radio-marked in a given area during a given year” – is not validated and contradicts the straight-forward calculation made by Mattson that the population has not increased and occupy a wider range so density is decreasing

- Doak (1995) published that there's an 8-13 year lag between habitat decline and population decline, McLellan (2015) recently demonstrated lag effects for grizzly bears in the North Fork of the Flathead River drainage of BC and MT.
 - Use of an independent measure to verify model trends, including independent sampling for this purpose, would strengthen interpretation of any model employed.
 - The IGBST has failed to deal with the high degree of spatial and temporal correlation in its models and has failed to address a number of potential drivers of birth and death rates
- **ISSUE: Pros/cons of using new population estimator and method (rather than Chao2)**
 - Mark-resight method has promise because it has data back to 1997 and is unbiased with respect to bear density. However the data are sparse and the sample of collared bears and/or more search flights is needed. Data from Mark-resight, a less biased estimator than Chao2, shows that the total population size has actually declined.
 - The Service should abandon the model-based average approach and instead use a model based on a running average of annual growth rate over the 6 preceding years.
 - The Service fails to explain how a new population estimator would be applied, how will deviations between the new population estimate and estimates from Chao2 be reconciled? For example, because of corrections for low bias, corresponding mortality limits may represent a significantly greater number of bears compared to previous years. Harvest levels should not increase in light of a new, less biased estimator.
 - If a new population estimator is used, the number of recovered bears for future management actions should not be re-defined. (Park County Commissioners)
 - The current calculations for total mortality limits are highly sensitive to total population size. Therefore, all aspects of the method used to monitor trend, calculate allowable total mortality, and trigger outside reviews needs to be recalibrated should new methods be adopted for estimating population size. A new method also needs to be made available for public comment.
 - Any new population estimation method needs to be calibrated to ensure long-term comparability of data.
- **ISSUE: Why does the Service believe that the GYE has a carrying capacity for grizzly bears? (concerns about inadequacy of our discussion of this issue/lack of analysis indicating that carrying capacity is limiting the population throughout the GYE):**
 - Figure 1 is an oversimplification of carrying capacity. Fluctuates (i.e. figure 1), as a function of environmental factors (i.e., food availability), emigration in search of food, mates, or territory should be included in the description.
 - It would be better to present a figure of Chao2 estimates leveling off
 - Van Manen et al. (2016, page 309) noted that a decrease in carrying capacity was a possible alternative explanation for the demographic changes and should be noted in the rule.
 - Carrying capacity has declined in the 1-2 decades with the decline in the four major food sources
 - Doubts that carrying capacity is limiting factor:

- Loss of food sources is actually the main driver of the significantly slower growth rate in the GYE DPS census that has been observed over the years, not carrying capacity.
- Grizzlies occupy less than 25% of the GYE. In the CS the Service admits it cannot calculate carrying capacity.
- The increasing or stabilized population trend does not confirm that the present actions to limit human-caused mortalities are effective. An alternative explanation to the theory that stabilization is a function of the population reaching biological carrying capacity is that social carrying capacity has been reached.
- **ISSUE:** Concerns with how mortality measured in proposed rule:
 - Known fate monitoring to monitor death rates is biased because it uses large datasets over long periods that will reduce chances of detecting short-term trends. Death rates calculated from known fate monitoring are in disagreement with the death rates actually occurring.
 - The Service uses Cherry et al. (2002) as its method for estimating total mortalities and then this is used to calculate death rate. This method tends to under-estimate mortality and bias is created by changes in cause of death and changes in capture and radio-collaring efforts (e.g., larger portion of the population is being marked). Probability of a death being reported may depend on cause of death.
 - All mortality outside the DMA should be assumed to be emigrants from the DMA and be counted as losses for the DMA.
 - Excluding mortalities outside the DMA fails to fairly estimate the threats to the population.
- **ISSUE:** Concerns about our detection and interpretation of trends in vital rates
 - Negative trend may not be detected with current statistical rigor until too late
 - Uncertainty on the driving forces behind the declining vital rates
 - Lower cub and yearling survival since the early 2000s
 - Monitored individuals may be more susceptible to capture and not be representative of the population (e.g., individuals more likely to exhibit neophilic behavior that could affect survival or other vital rate parameters)
- **ISSUE:** Density-dependence or density-independence:
 - Core density has decreased. Mark-resight population estimates show the population was stable since the early 2000s and even possibly declining since 2006-2007. At the same time distribution has increased ~40% (Bjornlie et al. 2013). The same number of bears is occupying a larger range as evidenced by a stable population and larger occupied range.
 - Density did not increase during the 2000s and after.
 - Temporal changes in abundance of key foods and habitat were not accounted for in the index of bear density by van Manen et al. 2016. No basis to isolate any density effect.
 - Only 1 factor (home range size) of the 4 factors is different for density-dependence and density-independence. Decreased cub and yearling survival, increased age of first reproduction, and decreased reproduction cannot be distinguished between food and density as a cause.

- What is the causal link between density dependence and vital rate declines? Only cub survival through male infanticide has been explained.
- Intraspecific predation, cub survival, reproductive transition, and increase of age of first reproduction due to limited food resources cannot be used to assume density-dependent population regulations.
- There is occasional confusion in the use of 'cause', suggesting causality and 'association'.
- **ISSUE: Confusion about the population management objectives and their scientific basis:**
 - Concern that the population goal is unclear (i.e., 500 or 600 or 674) and the states would decrease the population by more than 100 bears.
 - The Service references a management objective of 674 bears within the DMA. The states have agreed to a "management objective for the DMA of at least a range between 600 and 747 (based on the 95% confidence interval of the estimated average population size between 2002-2014) and upon mortality rates to keep the population within this range".
 - The population should be managed for stable to increasing because some lands within the DMA are currently unoccupied. Should not be managed to the lower end of the population estimate confidence interval of 600 bears.
 - Unrealistic to manage a population to a single number when the confidence intervals are large and do not account for all sources of variation so are actually even larger than reported.
 - Unrealistic to manage to a single animal, which singling discretionary mortality at 674 implies. An estimate of 674 should be incorporated into one of the adjacent ranges.
 - There is no scientific basis for the population lower limit of 500 bears.
 - Population goals should be re-evaluated periodically to consider natural and anthropogenic changes in the ecosystem.
- **ISSUE: Concerns about limiting monitoring to the DMA:**
 - Less intense monitoring outside the DMA may result in less data about individual bears that may behave differently than those within the DMA.
 - Mortality may be misinterpreted when bears killed outside of the DMA have home-ranges that overlap the DMA boundary.
 - Unforeseen, catastrophic events within the DMA (e.g., a fire on the scale of 1988) could displace grizzly bears forcing some to shift home-ranges to outside the DMA boundaries and require sampling outside of the DMA.
- Include figures or tables showing estimated population of females with cubs-of-the-year, estimated total population, and mortality patterns over time

600 Factor A - habitat

- **ISSUE: Concerns about how we defined "suitable habitat":**
 - The definition is qualitative and weakly done.
 - The suitable habitat definition excludes consideration of sheep allotments and other livestock operations, which are present and increase human-bear conflicts. Instead of excluding sheep allotments from suitable habitat, they should have been considered as a potential threat to GYE grizzly bears under Section 4(a)(1).

- The analysis for suitable habitat leaves out important potential habitat, such as the Wind River Range, the Palisades WSA into Idaho, and other public lands that lie just outside the DMA and some habitat outside the DMA that is already occupied.
- To exclude anywhere grizzly bear populations are not currently present from suitable habitat due to social intolerance is not a science-based conclusion. Public intolerance is not a rationale for lowering recovery objectives below what is biologically necessary for long-term persistence.
- The Service should use spatially dynamic boundaries to allow for shifts in habitat distributions and migrations of grizzly food sources.
- Habitat management appears to be more about management to prevent human-caused mortality rather than identifying biologically important habitats. Provide details on what “biological” habitats grizzly bears use during different seasons and how these vary by sex-age class (e.g., females with cubs and yearlings, sub-adult males, etc.). Quantitative methods for identifying habitats selected by grizzly bears are well developed (see Proctor et al. 2015). There is precedent where courts have accepted resource selection function as rigorous definition of suitable habitat.
- **ISSUE: Concerns about how we defined secure habitat:**
 - There is an apparent mismatch between minimum secure habitat area size (10 acres) and lake size (lakes <1 mi² are considered secure). I would consider most of any lake (open water) as unsuitable (unused) for grizzly bears, thus by definition cannot be secure...Instead of using the entire lake surface area (for those <1 mi²) as secure habitat, I would consider creating a buffer along the respective shorelines that represents the actual area used grizzly bears.
 - Further explain the significance of “10 acres” in defining “secure habitat”
 - The Service cites the US Forest Service 2006 EIS for secure habitat definition but it contains no justification for the definition. Mattson (1993) recommends that “microscale” security areas contain a core roughly 290 ha in size, 2-4 km from the nearest road or other human facility, resulting in an area 28.3 km² in size.
 - Increase minimum core security areas to allow for dietary flexibility, “typically set at approximately 10 km², because that size takes into account the size of average daily movements of an adult female grizzly bear (Gibeau et al. 2001). It should be at least 500 m from high human use defined as >100 human visits/month, not just an “open or gated motorized access route”” .(IBA)
 - Overall, I support the definition of what constitutes secure habitat and appreciate the no net loss of secure habitat as a consequence of human activities, especially that this acquisition occurs within the same area as secure habitat is lost. I do suggest that consideration be given to the juxtaposition of secure habitat, particularly if substantial changes to its distribution occur over time. Connectivity and corridors can be considered hierarchical, not only necessary to facilitate exchange among populations, but to facilitate movements at the individual and subpopulation level. Ensuring the spatial distribution of secure habitat within and across bear management units facilitates these finer scale movements is warranted.
- **ISSUE: Concerns about use and development in secure habitat (inside the PCA):**

- Projects inside the PCA should not be allowed that temporarily change the amount of secure habitat.
- Reconsider allowing recurring low-level helicopter flights and temporary road construction during denning season.
- **Misconception that hunting will not be allowed in secure habitat (i.e., inside the PCA)** (Habitat cannot be considered secure if hunting is allowed)
- Mortality risk is not static within “secure” habitat. Social and dietary changes since 1998 have resulted in increased exposure to human hazards with no net change (or increase) in livestock allotments and human infrastructure.
- Road densities in the PCA are currently limited but will not be limited upon delisting and will increase mortality risk and logging.
- Only the density of permanent roads is limited and the distinction between a permanent and temporary road is unclear. Temporary logging roads may have higher traffic than a permanent road.
- Increased development of lands around national parks needs to be considered.
- The presence of 500 development sites on the 5 National Forests is a concern: control, reduction, and outreach will be essential to ensure the long-term conservation of grizzly bears in the GYE.
- Exceptions for administrative and maintenance needs should be minimized (or stated more clearly).
- It is recommended that plans are developed to control important habitat components (e.g., role of fires, distribution and abundance of ungulates)
- **ISSUE:** Concerns about stressors outside the PCA:
 - What is the scientific basis for creating 2 management zones, the PCA and outside the PCA? What evidence is there that these are 2 distinct grizzly bear populations and that bears don’t overlap the boundary to justify different management proposals for what is likely one population?
 - It is disingenuous to say that suitable habitat outside the PCA will provide additional ecological resiliency and habitat redundancy to respond to environmental changes; however, the same habitat protections do not occur outside of the PCA as inside the PCA.
 - It is insufficient that 60% of suitable habitat outside of the PCA is protected by other binding regulatory mechanisms. That means 40% remains unprotected.
 - The Service is effectively writing off the 25% of the independent females that occur outside of the PCA because there are inadequate habitat protections outside the PCA, this exceeds the mortality limit for this cohort under all circumstances.
 - Habitat outside of the PCA has become a sink for human-caused mortalities
 - Displacement from roads is well documented and may result in higher mortality rates and lower fecundity
- **ISSUE:** Concerns about our use of the 1998 baseline
 - It is unlikely that the habitat remains in the same condition as it was in 1998 (i.e., whitebark pine decline) even if “security” is unchanged.

- Population growth was overstated for the 1998-1998 period for which the 1998 baseline was established and has also been associated with the recent decline in population trend.
- The 1998 baseline was developed under a different population estimator than currently used (nonparametric Chao2 estimator v. model-averaged Chao2 estimator), is it valid?
- Does not account for increasing use on, off, and nearby the mapped features, increasing encounter rates.
- How will the 1998 baseline be achieved? “What will happen to roads and developments that were constructed between 1998 and the present date?” (Wild Earth Guardians)
- The 1998 habitat baseline fails to account for the distinction between frequency of contact and lethality of encounter in determining risk of human-bear mortalities to grizzly bears. This is a dynamic phenomenon influenced by human attitudes and behaviors and habitat management needs to change to account for social and dietary changes since 1998.
- The Service does not address the improvements made or if they meet the level of improvement originally identified in the three subunits that were in need of improved and have since been improved.
- Upon delisting, protections that have occurred in conjunction with the 1998 baseline and that will disappear include: the ESA Section 9 “take” prohibition; the ESA Section 7 consultation requirement; the 1986 Interagency Grizzly Bear Guidelines; and the ESA citizen suit provision. Without these, will the 1998 baseline be sufficient habitat protection?
- Alternative to 1998 baseline: The moving window analysis results from Mace and Waller (1997) should be implemented and is the best available science. Set open motorized route densities, total motorized route densities, and core amounts for every BMU. Not the 1998 baseline.
- **ISSUE:** Suggestions regarding measurement/monitoring of connectivity:
 - Sampling outside of the DMA could detect immigration and emigration, which are important for potential genetic exchange among populations. Genetic samples could easily be obtained through mandatory registration of bear hunted in the GYE.
 - New techniques, such as establishing protocols for sampling environmental DNA (eDNA), should be considered to detect movements between different population segments.
 - Monitoring habitat should be a high priority. Please provide details of plans to do this. Step-selection functions can be used to model habitat attributes that facilitate movement and connectivity (Thurfjell et al. 2014), but this is not reviewed.
- **ISSUE:** Concerns with adequacy of our discussion of connectivity:
 - A map of the segments of grizzly bears would be useful for better understanding connectivity.
 - Facilitation of movement should be supported as a management objective. Without connectivity to other grizzly bear populations the GYE population remains more vulnerable to local extinction.

- o Additional discussion about landscape (i.e., topography, man-made structures, etc.) and how these mediate movements between the population segments would be useful. Distance alone is not enough to limit movements between the populations.
- o The guidelines for road construction to facilitate connectivity are vague. Use of crossing structures, signage, and other aspects that might increase effective immigration would benefit from additional clarity. Use of words such as “should”, “encouraged”, “consideration”, and “can recommend” are inadequate to bring about consistent and effect management responses. There should be a commitment to include habitat connectivity in any new road construction and any reconstruction projects.
- o Are there references to support the successful use of crossing structures by grizzly bears?
- o Please clarify what food storage orders have to do with connectivity.
- o Although the plan mentions the GYE as a source for recolonizing the Bitterroot Ecosystem, there are no plans to facilitate this process.
- o No connectivity or plans to provide connection between the 6 recovery zones in the lower 48
- o Create zones or demographic connectivity areas (similar to the NCDE) between the GYE and the NCDE and the GYE and the Bitterroots to allow for female occupancy.
- o Only Montana’s plan discusses connectivity and is non-committal. Idaho and Wyoming’s plans do not discuss connectivity and are not mentioned in the rule.
- o Additional details of the state management plans (mainly Montana) to facilitate connectivity should be discussed.
- o The concept of need is unclear in the preamble. The Service needs to clarify what is needed for management by all parties post delisting.
- o The Service states that it does not consider connectivity to the east, west, or south a relevant issue although the Service recognizes that the GYE could be a source population to re-colonize the Bitterroot Ecosystem to the west. Idaho should allow for connectivity to the BE.
- o Failure to provide connectivity zones would undermine the NCDE Conservation Strategy
- o Connectivity zones should have the same habitat standards as inside the PCA.
- o Reduce the DPS boundaries to be the same as the DMA to allow for connectivity
- o Demographic connectivity needs to be addressed in addition to genetic exchange
- o Connectivity between the GYE and the NCDE should not be a requirement of delisting. MT has committed to allow bears to occur where they are tolerated and expect the populations to intermingle in the future.
- o Even where there isn’t suitable habitat there can still be travel corridors for emigration/immigration of male bears.
- o Wyoming and Idaho plans state/strongly indicate that they will prevent the GYE grizzly bear from re-occupying its historic range.
- o State plans need to manage for connectivity and not towards a minimum population level as they currently do
- o The state management plans will actively discourage grizzly bears outside the DMA

- Cooperation needs to occur with the State Highway Departments of Transportation to ensure that new roads or highway improvement projects include consideration for highway crossings
- Although the plan mentions the GYE as a source for recolonizing the Bitterroot Ecosystem, there are no plans to facilitate this process and Idaho's plan clearly states that moving grizzly bears into new areas (e.g., the Bitterroot) is prohibited.
- Long-term viability of the grizzly bears is ensured through connectivity of the grizzly bear populations.
- **ISSUE:** Concerns with adequacy of our discussion of livestock allotments and their potential as a remaining threat
 - livestock allotments within the DMA and the DPS exclude it from being suitable habitat, cause habitat fragmentation, and are a barrier to grizzly bear movements
 - Prior to delisting, the US Sheep Experiment Station must be closed, the only sheep grazing operation in the PCA and on federal land. It is in an important connectivity area between the GYE and the Salmon-Selway Ecosystem.
 - Cattle allotments also cause population sinks (i.e., Upper Green Allotment)
 - Livestock conflicts still account for 14% of human-caused mortalities from 2002-2014. On private lands in the PCA there is no requirement to securely store and/or remove attractants, including livestock carcasses and feed.
 - Require that non-lethal techniques (i.e., removal of attractants, construction of barriers, guard animals, etc.) be used before grizzly bear removal when conflicts occur with livestock on federal land.
 - Livestock allotment permits should require conflict prevention/reduction measures to reduce grizzly bear conflicts and mortalities
 - Phasing out of allotments: include stronger language for mandatory phase-out; work with third parties to buy out allotments where possible. This should be a management priority, especially for sheep allotments and where chronic conflicts have occurred.
 - Concern that the number of livestock on allotments is independent of the acreage and number of allotments.
 - Explain "appropriate analysis by the agency must be conducted to evaluate impact on grizzly bears." Evaluation of impacts does not directly translate into ensuring non-detrimental effects on grizzly bears.
 - "Voluntary relinquishments" of livestock allotments is "driven by the inability to withstand the pressure of predation by bears and/or wolves or regulatory constraints imposed by the federal land agencies"
 - The payment of some compensation by the "NGOs does not negate the severe impacts of relinquishments on these ranchers and our industry"
 - Holders of livestock allotments in the PCA should expect and accept losses for predator-caused mortalities without expecting aggressive action toward the grizzly bear.
 - The Service must undertake Biological Opinion for livestock operations on federal lands and has failed to require conflict prevention measures.
 - WGFD compensation program has been instrumental in supporting the recovery – increased depredation from 20 in 2010 to 80 in 2015 (Upper Green River Valley Cattle Association)

- Effective counter measures (i.e., livestock protection dogs, electric fences, etc.) should be deployed to reduce livestock losses.
- Changing environmental conditions may alter the conflict dynamics between grizzly bears and livestock allotments.
- **ISSUE:** Concerns with our discussion of oil, gas, or mineral projects
 - Not restricted inside the PCA. Do projects that reduce the amount of secure habitat have to replace secure habitat of similar habitat quality?
 - No new oil, gas, or mineral projects should be allowed in the PCA.
 - No means to limit the number of mines because of the 1872 General Mining Law.
 - Currently there are 2 mining operations in the process of development in and near the PCA (the Crevice Mine and the Emigrant Mine). These threats need to be acknowledged in the rule.
 - Delisting will lift some of the restrictions on oil, gas, or mineral leases
 - Concern that 4% of suitable habitat inside the PCA and 19% of suitable habitat outside the PCA (inside the DMA) allows for surface occupancy. The impacts of such occupancy can extend beyond the footprint itself. Needs intense monitoring and mitigation.
 - The effects of honoring existing oil, gas, and other mineral leases are unclear. 'Striving' to meet the application rules for changes to secure habitat is unclear. Additional clarification on the number of leases, the location and area of leases, and possible range of effects of these leases to grizzly bears is warranted.
- **ISSUE:** Concerns with our discussion of snowmobiling
 - Lack of evidence does not allow for the conclusion of no impact.
 - Need active management programs to mitigate impacts to possibly include minimizing overlap between snowmobiles and grizzly bear denning habitat and/or limiting snowmobile use after typical den emergence dates.
 - Monitoring alone is insufficient.
 - Impacts from associated activities (i.e., artillery to control avalanches) were not adequately considered.
- **ISSUE:** Additional concerns/considerations surrounding human recreation
 - The number of visitors to national parks has steadily increased since 2005 to the present (YNP 2.9 to 4.1 million and GTNP 2.5 to 3.1 million), increasing risk without a change in infrastructure.
 - Increasing visitation and recreation is a concern and presumably a limit on visitation will be needed at some point and should be considered.
 - Should be assessed as take (section 9) as it harasses wildlife and causes displacement from food sources.
 - What is the potential impact to bears feeding on army cutworm moth sites of increased human visitation?
 - Grizzly bears are twice as likely to use an area when the managements were restricted or people were inactive (Coleman et al. 2013).
 - Longer-term exposure to humans can cause habituation and higher mortality risks.
 - Food storage orders should be in effect for all habitat within the DPS boundaries, especially within the DMA, within extent of the law.
- **ISSUE:** Concerns about our discussion of habitat fragmentation

- There is a high degree of fragmentation in “suitable habitat” within the PCA and to a greater degree in the DMA (Forest Service 2006, Schwartz et al. 2010).
- No prevention of habitat fragmentation inside the GYE DPS outside of the DMA.
- The Service does not consider energy development, timber harvest, off-road vehicle use, etc. in potential habitat fragmentation.
- Private lands contribute to habitat fragmentation of grizzly bear habitat outside of the PCA
- **ISSUE: Concerns about our discussion of logging**
 - Timber harvest will increase post-delisting because road densities will not be controlled in most grizzly bear habitat. Increased road densities will also increase mortality risk.
 - Concern that 11% of suitable habitat outside the PCA inside the DMA allows for timber harvest.
 - Grizzly bears avoid recently logged forests (McLellan and Hovey 2001; Apps et al. 2004). Habitat values will likely decrease under short-rotation management regimes (Mattson and Knight 1991). Food availability does not increase in early successional forests in Yellowstone as it does in some other ecosystems.
 - Designation of secure areas for grizzly bears during logging should include previously disturbed areas as areas already providing security is not mitigation for increased disturbance.
 - Need to analyze impacts from logging between 2002 and the present to determine real impacts. If there was no logging after 2002 the Service should clarify that. (Currently we only discuss logging from 2000-2002).
 - Logging will degrade red squirrel habitat, which are essential to making WBP nuts available to grizzly bears. Most red squirrel populations are at lower elevations than the WBP zone.
 - Aside from the increased risk from roads, there is not enough science to determine the impacts of logging on bears (i.e., displacement, habitat quality, mortality, etc.).
- **ISSUE: Concerns with our discussion of impacts to grizzly bears from activities on private lands**
 - More closely analyze the impacts of private lands and what actions, if any, can be taken to minimize grizzly bear deaths and conflicts.
 - Increasing rural development has negative impacts on grizzly bear population trends (Doak and Cutler 2013)
 - “There is precedent for federal managers undertaking mitigation on public lands for harm arising from activities on nearby private holdings (e.g., the 1997 Swan Valley Grizzly Bear Conservation Agreement).
 - The 1998 baseline does not account for edge effects with residential and recreational developments on private lands, with development occurring at an accelerated pace
 - Education and mitigation is important to reduce the likelihood of attractant sinks developing on the 9% of suitable habitat outside the PCA that is private land.
 - Potential privatization of federal land is a threat to habitat maintenance and it is easier to transfer land if there are no listed species on the land
- **ISSUE: False impression that most of the GYE is designated as critical habitat for the grizzly bear**

- **ISSUE:** Provide references and justification for the statement: “the primary factor affecting grizzly bears at both the individual and population level is excessive human-caused mortality.”
- Provide more details for Criteria 1 and 2.
- Add details in the habitat section on how competing land uses (e.g., livestock, timber harvest, etc.) impact grizzly bears and how this could be managed.

700 Factor B – overutilization, hunting

- **ISSUE:** We received comments for and against hunting of grizzly bears
 - Pro-hunting arguments:
 - State wildlife agencies have spent millions to study and monitor grizzly bears and conserve their habitat. This revenue was generated by hunting and fishing licenses and will be significantly enhanced with the opportunity for grizzly bear hunting.
 - Anti-hunting arguments:
 - Hunting could orphan newly born grizzly bear cubs
 - Hunting is unethical and unjustifiable and goes against the will of the American people (Humane Society of America April 2016 poll) and the citizens of the three states themselves.
 - Hunting significantly increases the risk that the GYE grizzly bear population would drastically decline again.
 - Hunting is destructive to the healthy function of an ecosystem (i.e., trophic cascades).
 - No plausible scientific argument to allow hunting.
 - No evidence that hunting increases fear of humans.
 - “Introducing hunting negatively impacts sustainable ecotourism, as visitors typically perceive they cannot safely visit to observe or hike trails shared by armed hunting enthusiasts.” (Animal Defenders International)
 - Hunting will have a behavioral impact on grizzly bears.
 - Hunting is an ineffective management tool as hunters will not be hunting “nuisance” bears
 - Against trophy hunting on principle
 - Hunting may decrease genetic resilience by removing the biggest and strongest males from the population.
 - The theory that humans can “fill in” for predators to maintain an ecosystem’s prey base at appropriate levels is not valid.
 - Hunting may increase reproductive suppression among females and the phenomenon of inverse density dependence will further depress the population of these animals.
 - Grizzly bear hunting is contrary to the reverence that Native American Tribes have for them.
 - Hunting has potential indirect negative effects on a population and can be “super additive”. Removal of older males may lead to increased immigration and potentially

- increased infanticide by such immigrant males. Avoidance of these males by females may lead to less suitable habitat/less food and smaller litter sizes.
- Hunting can disrupt activity patterns during hyperphagia, which could be energetically costly.
 - Does the economic benefit of trophy hunting outweigh the cost?
 - Hunting can disrupt the sex and age structure of the population.
 - Artificial selection (i.e., hunting) will replace or weaken natural selection.
 - If there are surplus grizzly bears then they should be used to augment/restore populations in other recovery zones rather than be hunted. Bears that would otherwise be removed should be used to reestablish populations (i.e., the BE).
 - Hunting of the GYE population is a threat to the recovery of other populations, including the NCDE and the Selway-Bitterroot populations. The population must be growing, not stable, to provide a source for the BE.
 - Iconic bears that seasonally travel outside of NPS boundaries for hibernation, etc. would be susceptible to be hunted.
 - Not enough data to state “commercial and recreational hunting will not constitute a substantial threat”
 - Delisting will reduce legal protection for grizzly bears. Hunting will pursue and this will add significantly to the existing levels of human-caused mortality. There is nothing in the rule that suggests current human-caused mortalities will decrease and therefore hunting will be additive upon existing levels.
 - Iconic bears (visitor favorites) from YNP and GTNP may be killed in a hunt and will spark public outrage which will erode public support for a wildlife recovery program.
 - The impact of hunting on social structure is not considered and should be. The Study Team should continue to research grizzly bear social structure.
 - Hunting is not required to manage bear conflicts, the state fish and game departments already handle these without a hunting season.
- **ISSUE: Concerns about the boundaries of hunting activities:**
 - o There should be no hunting inside the PCA or other densely populated grizzly areas
 - o Create a buffer of no hunting or focus hunting away from NPS boundaries
 - o Only allow hunting outside the DMA, away from “secure habitat”
 - o No hunting on state and private inholdings within GTNP. The NPS is currently being litigated on its 2014 decision to allow this. The Service failed to assess the impacts hunting on inholdings in the rule.
 - o There should be no hunting in the JDR. A grizzly bear hunt within the JDR would have a negative impact on public safety and public use and enjoyment. Pub. L. 92-404, Sect 3(b)
 - o Because the public lands belong to the public, public should have a say in how grizzly bears that originate from public lands are managed. Hunters are the minority.
 - o Hunting should occur in conflict areas, like the Upper Green, to potentially address individual bears
 - o It is difficult to identify boundaries of the PCA or other “secure habitat”, need to limit hunting to readily defined zones.
 - o **Misconception that there will be no hunting inside the PCA because it is “secure habitat”. The Conservation Strategy states that “The PCA will be a secure area for grizzly**

bears, with population and habitat conditions maintained to ensure a recovered population is maintained for the foreseeable future and to allow bears to continue to expand outside the PCA.” And “Habitat security requires minimizing mortality risk and displacement from human activities in a sufficient amount of habitat to allow the population to benefit from this secure habitat and respond with increasing numbers and distribution.”

- o Should consider precluding hunting of bears living in suboptimal habitat outside of the DMA in areas of connectivity.
- o There should be no hunting in the connectivity areas (e.g., the Gravelly Mountains, the Centennial Range, the Tobacco Root Mountains, the Highland Mountains, etc.)
- o Grizzly bear hunting in GTNP must be prohibited
- o No hunting should be allowed at food aggregate sites (i.e., moth sites and a 10 mile buffer anywhere in the DPS) as these would be “easy killing fields for trophy hunters to wipe out large numbers of bears at one time and place” (Wild Earth Guardians)
- **ISSUE: Concerns and confusion about proposed mortality limits:**
 - o Hunting limits do not consider annual environmental conditions such as drought, fire, or berry crop failures, which may be used to refine and temper harvest levels.
 - o A suggestion is a statement on page 13202 of how many years from 2002-2014 were there bears available for hunting harvest, and what was the annual range of bears available
 - o Potential shifts in sex-age classes may be caused by hunting and environmental conditions. These should be tracked and a contingency made for how discretionary mortality might be adjusted in response to such shifts.
 - o Clarify if the total mortality limits is annual or not.
 - o If 7.6% is the sustainable rate at 674, any drop below should result in a mortality rate less than, not equal to 7.6%.
 - o Where it says <7.6% at <674 it does not specify how much lower the limit should actually be.
 - o A >7.6% female mortality limit will not maintain population growth
 - o For mortality limits >7.6% for independent females: What is the biological basis for population decline? Unsustainable, especially with increasing density dependent forces. Need scientific justification for the mortality limits and models used to derive these thresholds, available for independent peer review. Population may continue downward even after reducing mortality to ≤7.6%.
 - o Given the large CIs on the survival estimates of each sex-age group and non-age-specific reproductive rate (IGBST 2012), the estimated mortality limit must have wide uncertainty.(IBA)
 - o The 7.6% sustainable mortality rate assumes that all females aged 4-30 maintain an average reproductive rate (0.336), this estimation may have been based on transitions of immature animals and old bears in reproductive senescence but provides great uncertainty in the estimation. Average age of first reproduction may increase with carrying capacity.
 - o Using “best estimates” for population size, vital rates, unknown human-caused mortality, and natural deaths as proposed in the rule means there would be a 50%

change that mortality limits are unsustainable. (IBA) Should set the mortality limits based on the lower confidence limits. Other larger, connected populations (i.e., BC) have a total HCM annual limit of 4-6% and only 30% can be female and are even lower in areas with higher uncertainty around population estimates.

- o “Having spatially explicit targets for this population would be better, we believe, than exact numerical targets. For example, mortality limits could be higher in the southern and eastern portions of the GYE than to the west and north. Moreover, habitat to the north and west of the DMA should be managed in such a way as to encourage population expansion.” (IBA)
- o Risk of overharvest would decrease if mortality limits were calculated/assessed using the lower bounds of Cis
- o Calculation of mortality limits and setting of availability for discretionary mortality without a description of the uncertainty (i.e., confidence intervals) gives the false impression of the precision of the population estimates and the presented mortality limit table
- o A total mortality limit for a population level of ≤ 600 should be set to produce population growth. Simply dropping discretionary mortality is not enough.
- o Proportional harvest can lead to overharvest and even population collapses when there is uncertainty in population projections. Proportional threshold harvesting, where only a fraction of the excess in estimated population above the threshold is removed, minimizes the risk of overharvest where there is uncertainty in population size.
- o The mortality limits should be more conservative
- o All of the tables must contain the footnotes in Table 1 of the rule, so that at a population < 674 the mortality limit cannot be 7.6%, which would cause population decline. Additionally, to be clear that the mortality limits apply to total mortality as defined in the rule.
- o Allowable annual total mortality should be calculated as a % of the Chao2 estimate and give a range based on the lower and upper Cis
- o FOIA documents revealed undue political influence in the setting of mortality limits (Robert Aland)
- o There is no provision for the NPS in the allocation of ‘discretionary’ mortality. The NPS should be allocated their fraction for foreseeable mortality under NPS jurisdictions.
- o The mortality limits are limit by virtue of being based on inflated estimates of population growth. Mortality limits should be adjusted downward to account for liberal bias.
- o There are discrepancies between the mortality limits in the proposed rule and the CS.
- o It is unclear that the mortality limits are total and what that means in the CS without the explanations in the Rule, leaving open for misinterpretation how many bears are available for discretionary mortality
- o If the goal is a stable population at 674 then it seems logical that all discretionary mortality would cease if the population falls below 674 rather than 600. If mortality is allowed below 674 then it should be at the threshold proposed in 2007, “known human-caused mortality not to exceed 4% of the conservative, minimum population size index

based on the most recent 3-year sum of unduplicated FOCY. Mortality limits were set at 4% of Nmin, with no more than 30% of this 4% (1.2% of the population) to be females.

- **ISSUE:** Confusion around how total and background mortality is calculated
 - Background mortality fails to account for unknown-unreported grizzly bears deaths.
 - Need to discuss the uncertainty in the number of bears that die from natural causes or unreported human-caused mortality, broad credible intervals depending on priors and how unexplained an unresolved cases are dealt with (Cheery et al. 2002). IGBST reports do not show credible intervals and natural deaths are not included in the estimation.
 - The method used to calculate total deaths is biased (biased low – IGBST 2012, Table 2.1) and the degree of that bias is not consistent (e.g., effort expended to locate dead bears) and is unknown.
 - The period over which the moving average of background mortality should be defined and account for uncertainty
 - Fails to address loss by emigration out of the DMA and is not counted towards total mortality limits or background mortality when calculating allowable discretionary mortality
 - Difficult to plan to close hunting seasons when total mortality reaches threshold levels when up to half of individual grizzly bear mortalities are never discovered in non-telemetered bears (McLellan et al. 1999).
 - Cumulative annual mortality should be analyzed on a month-to-month or seasonal basis to be used a better predictor to alert managers if annual mortality is progressing in a “normal” pattern or if it is likely to be exceeded. An additional trigger could be added to stop discretionary mortality for the current year in light of this information.
 - Governor Mead requests the removal of language following Table 3 explaining mortality allocation beginning with “[t]here are mortalities that occur...” through the sentence, “[t]hese examples serve to explain the process...”
- **ISSUE:** Trapping
 - A ban on trapping should be a requirement prior to delisting. Even if trapping is banned for grizzly bears, without ESA protection trapping of other animals could be allowed without Section 9 liability for injury and death of grizzly bears as incidental take.
 - Trapping is allowed in Wyoming and the rule does not address non-target trapping incidents of bears and how this will be managed. (i.e., incidence of cub caught in a trap near Cody in October 2015 leading to agitated sow nearby). Trapping should be banned within the PCA and the DMA.
 - “Lack of bear trapping is not a foundation for grizzly bear delisting and this should be made clear.” (Governor Mead) The rule reads “....we do not expect grizzly bear trapping to occur due to public safety considerations and the precedent that there has never been public grizzly bear trapping in the modern era.”
- **ISSUE:** Selling of grizzly bear parts not addressed in the proposed rule, how common is trafficking in the US?

800 Factor C – disease and predation

- **ISSUE:** The frequency of diseases and parasites will increase/decrease with climate change. There should be monitoring for new or emerging diseases.

- **ISSUE:** Concerns about current levels of human-caused mortality
 - Increase in human-caused mortalities in 2015, 59 known and additional 30+ more unknown
 - Increase in hunter caused mortality in the past 11 years from 3.7 to 10.2 bears/year
 - Total human caused mortality has risen steadily since ~1994 (8.9% per year) and drastically since 2007 (7.0% per year)(Mattson). If the population has stabilized since between 2002 and the present then these rates of increased mortality means the population is actually declining.
 - The Service incorrectly concludes that the reduction of human-mortality is no longer a threat because of reduction through I&E programs. Mortalities have continued to rise despite the heavy implementation of I&E in 2008.
 - Mortalities from all causes in 2015 was 61 bears. Reported mortality is about half of actual dead bears “Start adding in the bears that will be shot in the trophy hunt and you could easily approach 200 dead grizzlies in a single year.”
 - Female mortality limit was exceeded in 2015.
 - Mortality limits for males and/or females have been violated during 5 out of the last 7 years
- **ISSUE:** Concerns about adequacy and effectiveness of management of human-bear conflict (and thereby management removals of problem bears)
 - Should limit/eliminate ungulate hunting to minimize conflicts
 - States should prohibit black bear hunting within the DMA, or at the very least the PCA, to reduce mistaken identity kills of grizzly bears.
 - Idaho and WY should have a mandatory bear ID test for hunters to reduce mistake id mortalities
 - Need to change the attitudes and behavior of people living in grizzly bear habitat to reduce mortalities
 - Defense of life and property kills, especially from ungulate hunters, still a major contribution to human-caused mortality. Hunters are only required to carry bear spray inside GTNP and JDRP.
 - Coordinate and fund programs on public and private lands to reduce attractants: deadstock removal, electric fencing, and bear-resistant garbage and feed bins.
 - The Service should provide funds to the states to encourage proactive and non-lethal management tools.
 - Conflict removals do not encourage people to use means to avoid conflicts in the future. Lethal control does not increase tolerance.
 - The IGBST 2009 Yellowstone Mortality and Conflicts Reduction Report recommended the creation of a database for all bear encounters and mortalities and that it be available to the public. This has not been acted upon.
 - NDVI data may be of value to understand bear distributions and potential relationships to human-bear conflict.
 - Waste management improvements would be beneficial across counties and communities in the GYE.

- Additional review should be done on the effectiveness of methods to regulate human-caused mortality (i.e., public education, management removals, policy, etc.) and how they might be modified in response to changes in human activity in the GYE.
- A review of the social aspects of managing large predators would be beneficial.
- Treatment of conflict bears will likely be less conservative upon delisting.
- A Grizzly Bear Management Relocation Plan must be prepared prior to any delisting (i.e., pre-agreed upon relocation sites)
- Should clarify how conflict bears will be treated inside versus outside the PCA.
- **ISSUE:** Concerns about our discussion of poaching
 - Delisting and hunting may increase poaching despite designation as a game species and state regulations (i.e., gray wolves – Treves et al. 2015)
 - “Blood does not buy goodwill: allowing culling increases poaching of a large carnivore” Chapron and Treves (2016)
 - Poaching will remain a threat to GYE grizzly bears
 - Post-delisting there would not be enough resources to investigate and prosecute poaching without the USFWS special agents
 - Provide references to substantiate the theory that designating the grizzly bear as a game animal may reduce poaching.
 - Poaching is rarely investigated or prosecuted. Detailed information on mortalities “under investigation” is not available to the public, it is impossible to know if the Service’s claims of effective law enforcement is true
 - Allowing a trophy hunt will create an atmosphere of acceptability to kill a grizzly for any reason.
 - The amount of poaching is an unknown that needs to be monitored.
- **ISSUE:** Concerns about ability to track natural predation:
 - Difficult to document. The majority of cub and yearlings disappearing is most likely predation.
 - Most natural deaths are cubs and yearling and undocumented. When these are considered then this triples the estimated natural deaths from 1 per year from 1986-2015 (as stated in the Rule) to 3 per year. And the annual medium has jumped to 6 per year since 2010.

900 Factor D – adequate regulatory mechanisms/post-delisting monitoring plans

- All language should firm: remove will, anticipated, expect, etc.
- **ISSUE:** Process surrounding the proposed rule is flawed because it relies heavily on the CS and state management plans or other management regimes that are either not finalized or outdated
 - The Service needs to clarify between existing and anticipated policy
 - Anticipated policy is not a legal requirement for delisting. If the CS is not sufficiently clear on coordination then it should propose a remedy. Having other specific requirements in place by the states is out of place as they are the purview of the states.
 - The Service must analyze Factor D based on existing regulatory mechanisms and they must be in state laws, statutes, and regulations, not just plans, to have enforcement mechanisms.

- Adequate state plans, regulations, and the MOA must be finalized to a final rule
- The 2006 FS plan no longer represents the best available science and the rule says “the amendments to the GYE National Forest Land Management Plans would become effective if, and when, delisting is finalized”. Therefore, the FS doesn’t currently have regulatory mechanisms to exhibit adequate regulatory mechanisms.
- YNP incorporated the 2007 CS into its compendium and do not reflect the revised CS and are therefore insufficient. GTNP “will incorporate grizzly bear management standards into their 2016 Superintendent’s Compendium” reads as if it’ll include the 2007 CS and not the revised CS.
- **ISSUE:** MOAs and management plans cannot be considered adequate regulatory mechanisms
 - Land use plans do not prescribe agency actions and therefore are not legally enforceable (*Norton v. Southern Utah Wilderness Alliance*) and therefore cannot be considered adequate regulatory mechanisms.
 - The MOA and the Strategy are not legally binding documents (no means of enforcing compliance) and therefore cannot be relied upon by the Service. Even if the states implement plans and regulations, they cannot be considered because they are promises of future action and not present obligations.
- **ISSUE:** Concerns about adequacy of state management plans and their ability to appropriately manage grizzlies
 - Montana and Idaho do not plan on revising their existing, inadequate grizzly bear management plans
 - MT committed to sound management practices into the future. “Montana has the expertise to conserve and manage grizzly bears, and we are committed to continuing our sound management practices into the future. The Yellowstone area’s wildlife is one of the region’s great resources, and perhaps the most charismatic of all the species is the grizzly bear.” (public comment from Steve Bullock)
 - The Strategy “includes every possible safety net, including triggers for relisting”
 - The three states “have shown little if any ability to be in agreement when it comes to managing wolves or other species”. “I see grizzly bear management from these states no different. There needs to be uniformity, consistency, and communication among these three states to prevent elimination of the bear from certain landscapes.”
 - “Since 1975, Wyoming has spent more than \$40 million on grizzly bear management. Wyoming remains committed to robust grizzly bears population and ensuring they never warrant protection under the ESA again.” (Governor Mead)
 - Concern that the states will be swayed by political pressure in their management plans as they must go in front of state legislatures for approval, disapproval, or amendments
 - State management “will relegate the bear’s importance to only a few special interest stakeholders” (Cougar Fund)
 - Complications of multiple state management: “allocation among states and tribes, feasibility of enforcement, prevention of exceedance of limits (including gender limits), and subsequent implementation of mitigation (reducing discretionary mortality) in a following year”

- MT, WY, and ID have agreed to collectively manage the GYE population at the ecosystem scale to maintain recovery through the MOA and all three states Fish and Wildlife Commissions
- At least 2 of the states have “clearly demonstrated non-precautionary management of large carnivores, as exemplified by unsustainable harvest levels of the NRM gray wolf (Creel and Rotella 2010; Ausband et al. 2015).”
- WGFD has not identified all threats grizzlies will face outside of the NP boundaries.
- Who will be the watchdog for the State fish and game departments if grizzly bear management falls to them?
- What measures have been put into place to ensure that grizzlies within the DMA but outside the PCA will be managed in a consistent method between the three states ensuring that nuisance bears do not exceed mortality thresholds, Criteria 1-3 are met, and facilitates genetic connectivity?
- The states do not establish population targets and associated specific harvest criteria but rather a minimum population size leading to concern that the states will overharvest and a lag in management response could drive the population below the desired minimum.
- “The ESA represents the conscience of the broader public when it comes to grizzly bears and other imperiled species. By contrast, our state wildlife management agencies in the Northern Rockies represent the views of a politically influential minority whose interests focus on extractive uses of the natural world.” Willcox 2016
- **ISSUE:** No mention of BLM’s sensitive species program, its requirements, and how grizzly bears will be classified for planning and management purposes on those lands post-delisting
- **ISSUE:** Concerns about adequacy of funding for implementation:
 - Implementation of the CS is dependent on funding and is not enforceable so cannot be considered a regulatory mechanism.
 - Funding will be an issue because hunting licenses will not be sufficient to cover state costs. The Service should assist the state to continue field biologists to minimize and manage bear conflicts.
 - Is there any commitment by the Service to continue funding monitoring or conflict prevention, etc.?
 - The proposed rule assumes sufficient federal and state funds will be available for the foreseeable future to monitor and detect population changes with enough resolution to trigger fallback mechanisms (e.g., no discretionary mortality if population <600).
- **ISSUE:** Adequacy of proposed hunting regulations required from the Service/points of confusion
 - Timing the hunt to minimize female mortality is (1) not a legally binding requirement and (2) timing and location of hunts cannot be reliably manipulated to avoid the take of mature females (i.e., denning times are highly variable with weather and food conditions). Although males usually emerge from dens earlier than females, the difference is usually only 2-3 weeks.
 - Difficult of the common public to identify males vs. females in the field, outlined strategy to protect females is not adequate

- States are given too much discretion: manner of take (e.g., baiting, hounding, trapping, stalking), bag limits, seasons, sex ratios and age limits for grizzly bear hunting. Many of these are allowed for black bears.
- Montana's proposed regulations prohibit baiting or hunting with dogs or use of scents to attract grizzly bears. They also set conservative fall and spring seasons to reduce female mortalities. Why doesn't the Service require similar regulations of Wyoming and Idaho (Coalition to Protect America's National Parks)
- There are significant gaps in the measures the Service requires the states to implement that leave too much latitude for individual states to develop regulations that would not provide adequate GYE-wide coordination and consistency.
- The shooting of a grizzly bear traveling with another bear or bears should be prohibited to avoid killing a female with cubs or a bear two years old or younger.
- The hunt dates should be coordinated through the YGCC and timed to minimize risk to females and females with cubs.
- Because the CS and state plans allow for removal of a conflict bear for human safety at any time, discretionary mortality limits are only applicable to hunting
- If discretionary mortality is suspended, except for human safety purposes, when the population estimate is below 600, how is "human safety purposes" defined? There are blurred lines between human conflict and human safety.
- **ISSUE:** Proposed additional regulations:
 - Normal licensing and hunting procedures should apply, open to the public and non-resident hunters, Limited and controlled hunts should not be permitted
 - Heavy fines and hunting license revocation should be in state regs to incentivize compliance with carrying bear spray
 - The state legislation needs to pass appropriate laws to make it illegal to sell bear parts, the rule needs to discuss the current state laws or lack thereof
 - State plans do not require that grizzly bears being caught in traps (as a non-target animal) be reported to the fish and game departments
 - Should be a ban on baiting, trapping, and the use of hounds for grizzly bears in the GYE DPS as a state requirement before delisting
- **ISSUE:** Concerns about the triggers for Service status review:
 - There is a lag in decision-making response to population declines that drop below 600. This may especially be true in high mortality years. Lack of funding should be added as a trigger for a status review with potential for relisting as well as a Biology and Monitoring review trigger
 - There should be triggers related to habitat standards and monitoring protocols, they are all population standards
 - Status review triggers are inconsistent between the documents (2 versus 3 years)
 - There should be a status review if failure to demonstrate at least once during each 6 year period of observation, natural connectivity between the GYE and the NCDE.
 - Initiate a status review if the Chao2 population estimate falls below 600 rather than 500.
 - Management approaches should be reviewed if mortality limits are exceeded for two consecutive years rather than three consecutive years as is currently proposed.

Currently, states could exceed mortality limits in 7 out of 10 years, which would likely mean a declining population with no check until the population dropped below 600.

- o “The Service has fiercely maintained that even if problems arise [under state management], it will not relist the population.” (Willcox 2016)
- o Define “significant” in the statement “if...[t]here are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics of population or habitat management detailed in this proposed rule and significantly increase the threat to the population”.
- o If the states list grizzly bears as predators at some point in the future then grizzly bears should be relisted immediately.
- o Standardize agency responses in the rule and other management plans (CS and state plans)
- o The Service says that lag effect is only a concern if the sole method of detecting changes in habitat but that a suite of other indices are being monitored. However, the suite of indices is not detailed or explained why it enables us to detect the consequences of significant habitat change. This type of adaptive management was rejected by the Ninth Circuit court in the 2007 delisting rule. Need more specific management responses tied to more specific triggering criteria. Population objectives/triggers do not necessarily reflect the health of the habitat.
- **ISSUE:** Concerns about triggers for IGBST review
 - o The generation length for grizzly bears is likely close to 10 years and a frequency of a demographic monitoring review by the IGBST should be 5 years (rather than 5-10 years) to be consistent with precautionary management.
- **ISSUE:** Concerns about the Service’s authority
 - o What is the post-delisting role of the federal government?
 - o The rule compromises the states management authority (i.e., requiring the state to establish a hunting season before delisting can occur).
 - o The tone and specific comments indicate a level of continued Service engagement that exceeds their authority under the ESA.
 - o Congress does not give the Service that authority to direction provisions of the monitoring plan but that it should be done in cooperation by the state.
 - o “Management should continue to be the responsibility of the USFWS.”
 - o Does the Service have the authority to require that grizzly bears be classified as “non-game”
- **ISSUE:** Implementation period of the Conservation Strategy
 - o The Conservation Strategy must be implemented beyond the minimum 5-years of the ESA.
 - o The CS should only be in effect for the 5 years required by the ESA and then management should become the full responsibility of the states (all “references to “indefinitely or “in perpetuity” should be removed).
 - o Say “the 2016 Conservation Strategy will remain in effect beyond the 5-year monitoring period” instead of “in perpetuity” or “indefinitely”

- Even if states are cautious during the first five years of federal oversight that follows delisting, over time management will reverse gains made over the last 40 years of endangered species protection.
- Since the three demographic recovery criteria have been met, post-delisting should not require management but only monitoring. Management drives up costs and depletes state resources without a biological or scientific need.
- There should be a commitment to continue robust monitoring and research post-delisting
- **ISSUE:** Additional clarification to add to the Conservation Strategy
 - The Service should clarify in the preamble that the 2016 Conservation change will evolve with new science. Clarify when referring to the document reviewing now as the 2016 versus a future version of the document.
 - Clarify that the CS is a cooperative agreement and that the Service's role is not to oversee management but evaluate the five factors under the ESA should it be necessary.

1000 Factor E

- **ISSUE:** Concerns about our analysis of genetic viability
 - There is no scientific basis for the lower limit of 500 bears. We have no evidence that this is the number of bears required for genetic integrity, and the theory behind this estimate is almost entirely irrelevant, referencing an old reference by Franklin (1980)...The 500 bears guidelines might be the right number, but it is not based in sound science. A critical assessment of the use of effective population size in conservation is found in Ewens (1990) and a reassessment of the old 50/500 rule was published by Frankham et al. (2014).
 - Effective population size of 100 and a population of 400 (Miller and Waits 2003) is the minimum for short-term not long-term fitness and not a population goal.
 - Population size of 500-5000 is the minimum for long-term genetic viability, not 100
 - The Service picked the high end of the effective population estimate of 469 rather than the more conservative estimates discussed by Kamath et al. (2015).
 - Kamath et al. (2015) also state that N_e is approaching, but hasn't reached, the long-term viable population criterion of >500 defined by Franklin (1980). And that restoration of gene flow would increase fitness.
 - If the effective population size is ~25-27% of total population size (Allendorf et al. 1991; Miller and Waits 2003; Groom et al. 2006) then Kamath et al. (2015) finding of an effective population size of 469 would mean a population of 1876 grizzly bears. In reality, the current population estimate of 717 corresponds to an effective population size of 179.
 - The current metapopulation of 1800 animals is 5-11 times too few to assure long-term persistence (Frankham et al. 2013).
 - All five grizzly bear populations in the lower 48 are genetically isolated from each other
 - The need for periodic influx of new genetic material is dismissed with a promise from the State of Montana that it will "manage discretionary mortality in [connectivity] area[s] in order to retain the opportunity for natural movements of bears between ecosystems".

- Justify why 1-2 immigrants or transplants per generation (~10 years) into the GYE will provide adequate gene flow (Miller and Waits 2003).
- Natural dispersal should be facilitated over transfer of animals between core populations
- Declines in the GYE population would deplete genetic diversity
- Genome changes are slow and take decades to detect
- Should model the rate of allele loss due to genetic drift at given population sizes
- The long-term fitness implications of changes in alleles are not understood. Genetic health is based on heterozygosity, allelic diversity, and effective population size, which are only indices of what may be occurring across generations of microevolution in populations.
- Reintroduction into other ecosystems is the best option to expand the gene pool
- The need for genetic diversity for the GYE and for the diversity for all of the current and potential future subpopulations is lumped together. Providing gene flow applies differently to the GYE and other populations. Both need to be monitored, considered, and managed for in the CS. “The Service should clarify that current genetic diversity sufficiently supports the delisting decision and that future management of genetic diversity after delisting is a separate matter to be managed as described in the Conservation Strategy.” (Boone & Crocket)
- Long-term evolutionary future is not considered (projected), demographic recovery of bear numbers is not adequate for recovery
- Food (in general)
 - **ISSUE:** Needed additional monitoring and analysis of food sources
 - Regular review of the complete diet of GYE grizzly bears would provide additional insights of possible dietary shifts beyond the four foods.
 - Analysis of movements and home-ranges of females with cubs would be beneficial as if they are decreasing it would decrease food resources available and support the hypothesis that the population is approaching biological carrying capacity.
 - The Service needs to employ a matrix that distinguishes high-quality foods with high versus low hazards associated with them and if the hazards are primarily to dependent young, independent bears, or both.
 - Need to continue monitoring the relationship between availability and use of the four main foods and the vital rates and body condition of grizzly bears.
 - The IGBST and the Service “fail to account for potential interactions between spatial distributions of and temporal trends in key food resources”.
 - The three IGBST papers (Bjorn et al. 2014, Costello et al. 2014, and van Manen et al. 2015) failed to account for long-term trends in weather and for major changes in abundance of other key foods (army cutworm moths, cutthroat trout, elk, and bison) besides WBP.
 - **ISSUE:** Food Synthesis Report and Ninth Circuit ruling: The Food Synthesis Report does the minimum to satisfy the requirement of the Ninth Circuit ruling when they should have done a robust assessment of at least all four of the key food sources to detect diet changes.
 - **ISSUE:** Importance of the four foods as compared to other food sources

- If the four foods are not so important why does the IGBST continue to monitor them and only them?
- Alternative foods to the 4 major foods must be of comparative nutritional value (i.e., fat, protein, and gross energy), risk of obtaining, energetic cost of obtaining (i.e. foraging efficiency), and seasonal abundance.
- Fat is especially important and uniquely abundant in army cutworm moths, whitebark pine seeds, and late-season ungulates (Mattson et al. 2004, Erlenback et al. 2014).
- The Service argues that grizzly bears the ultimate omnivore; however, historically bears have relied on the 4 main foods for the majority of their nutritional and energy intake and only fed on the other foods opportunistically.
- The list of “greater than 200 different foods” in Gunther et al. 2014 inflated because to a bear “a grass is a grass”
- The increase in consumption of false truffles in poor WBP years was only documented for bears in the core of the ecosystem with no indication of its nutritional values.
- Although the Service claims that grizzly bears are resilient because they are extremely omnivorous, bear densities vary widely depending on habitat productivity (Mowat et al. 2013)
- **ISSUE: Management of food sources/impact of declines in food sources**
 - It should be recognized that a significant decrease in combined important food resources could result in a decrease in biological carrying capacity.
 - The statement that “land managers have little influence on how calories are spread across the landscape” is misleading as there are options to “spread more calories across the landscape” including: increasing ungulate densities through improving habitat and controlling harvest; improving fish stocks and habitat; controlling invasive species to protect native food resources desired by grizzly bears, etc. Additionally, existing actions to decrease bison abundance in Yellowstone National Park to control brucellosis also impacts habitat and existing food resources for grizzly bears.
 - Increased mortalities as bears increase home range or disperse farther to find food, especially with the decline of whitebark pine and cutthroat trout
 - Demographic implications of food sources have been seen at a population level by effects on both birth (i.e., the condition of reproductive females) and death rates (i.e., hazards associated with a given food – “ecological traps”). Analysis of food resources has been done independent of these potential “ecological traps”.
 - The decrease in food sources is the cause of the population trend from 4-7 percent decreasing to 0.3-2.2 percent.
 - Grizzly bear foraging is temperature and moisture dependent.
- **ISSUE: Concerns about validity of research on food availability and grizzly bear health**
 - Schwartz et al. (2013) found a decline in body fat among females.
 - Study that body condition of females did not decline inadequate because it “included bears that were not captured specifically for monitoring change in body fat levels” and “included female grizzly fat level data from spring and summer”.

- Carry-over assumption flawed – females could reach satisfactory fat levels in the spring or summer but still be fat deficient in the fall.
- Possibly Type II error, just because did not detect a statistical correlation between declining WBP and body mass and composition does not mean there isn't one. Used pooled data (i.e., differences in reproductive status) and small sample size. "Nearly 20% of females handled during 2008-2013 had season-specific body fat levels low enough to put them at risk for reproductive failure, whereas prior to 2004, no females assessed were so clearly deficient in body fat." (IBA)
 - **ISSUE: Army cutworm moths**
 - May be reduced by pesticides and new farming technologies
 - Depend on tundra flowers in the alpine that are disappearing with temperature increases
 - 90% of alpine and high subalpine environments will be potentially lost. How moths will respond is unknown.
 - All documented moth feeding sights are alpine fellfields
 - Increased use from almost zero during the mid-1980s to high, sustained levels since the late 1990s, that has not been accounted for in its effects on birth (fatter females leads to greater fecundity) and death rates (remote locations means less potential for conflict with people)
 - Moth sites are spatially correlated with livestock allotments, a major cause of human-caused mortality.
 - Moths are a source of concentrated fat and are located in remote locations away from people, an important factor affecting survival.
 - Bear use of army cutworm moth sites may not be a good indicator of relative abundance as bears may return to areas where food was previously found even though they sometimes may not be present.
 - **ISSUE: Cutthroat trout**
 - Have declined with decreased winter snowfalls and reduction in stream flow, which is likely to continue
 - Cutthroat trout has stopped spawning in all tributaries of Yellowstone Lake
 - The Service asserts that only a small portion of GYE bears used cutthroat trout when it's actually ~15%, and that data is outdated (Haroldson et al. 2005).
 - The loss of cutthroat trout has left a seasonal nutritional hole that has been filled by elk calves and lower-quality vegetation (Fortin et al. 2013, Middleton et al. 2013, Ebinger et al. 2016).
 - Questions about the disparity in the use of cutthroat trout in quantity and between males versus females by Haroldson et al. 2005 and Felicetti et al. 2004 in contrast to Mattson & Reinhardt 1995.
 - The decline has disproportionately impacted females, resulting in them eating more terrestrial meat (esp. calves) and leading to a probable increase in cub and yearling death rates.
 - Warmer waters may mean faster growing trout but also means higher incidents of whirling disease and potentially blocked stream outlets with seasonal drought.

- Carrying capacity has almost certainly declined in the core of YNP with the decline in trout.
- **ISSUE: Whitebark pine (WBP)**
 - Will eventually regenerate and help ameliorate the losses that have occurred
 - The IGBST inadequately represents the extent of whitebark pine loss by using remote sensing and thus wrongly claims that 23-33% of historic bear ranges contained little or no WBP and was unimportant to a corresponding percentage of bears.
 - WBP pine preference only declined at the end of the study (Costello et al. 2015), too short of a time to recognize any population-level feedback in modeled estimates. The worst of the WBP crash is too recent to detect long-term impacts to the population.
 - An analysis of vital rates of grizzly bears that feed on whitebark pine compared to those that do not would be insightful (Costello et al. 2015).
 - Climate projections predict the terminal loss of whitebark pine from the Yellowstone ecoregion from climate change, increased fires, white pine blister rust, bark beetles, and competition from lower-elevation species
 - Whitebark pine cannot adapt rapidly enough to the changing environmental conditions given its long generation length even if climate-adapted and blister rust resistant trees were engineered and planted
 - Cannot conclude that the GYE will adapt to the loss of whitebark because the NCDE grizzly bear population has continued to increase in the absence of whitebark
 - Need to address the impact of higher human-caused mortalities during years of low WBP use with an increased use of low elevations and meat (i.e., hunters and livestock)
 - Delisting should consider fungi that are symbiotic with WBP as its health and survival is connected to the tree.
 - Should use an index of cone availability in analysis by multiplying the percentage of surviving trees by cones per tree.
 - There has been a 2-fold increase in cone production on surviving trees, probably driven by warmer climates but some believe this is temporary (i.e., masking).
 - The Service needs to account for loss to the 1988 fire and the lack of regeneration after the loss in their analysis of availability.
 - Concern over the degree of decline in whitebark pine due to mountain pine beetles and potential future loss due to disease, insects, fire, and reproductive failure.
 - The Service overlooks that WBP die-off and vital rate decline occurred simultaneously.
 - Positive lambda does not mean a healthy population or that the threat is not substantial
 - The declining vital rates have not been fully realized because of the slow reproductive rate.
 - If the whitebark decline that has been occurring since 2001 had a negative impact on the grizzly bears then the population wouldn't have continued to increase
 - Provide a citation for monitoring items "trends in the location and availability of whitebark pine", if old monitoring protocol is what will be continued then it is inadequate
- **ISSUE: Ungulates**
 - Agencies should manage for higher populations of ungulates to decrease livestock predation.

- The Service fails to present its own data that shows a decline in availability of spring carrion.
- All of the elk herds, but the Upper Madison, have declined because of increased depredation of calves, drought, chronic wasting disease, and human hunters. Hunters are “super-additive” because prime-age breeding animals are taken (Vucetich et al. 2005, Wright et al. 2006, Mallonee 2011).
- Bison have probably become more important to grizzly bears with the increase in meat in their diets but the Service fails to present trends in the bison herds (bison plan and brucellosis) and falsely extends the findings that grizzly bears made little use of bison (Fortin et al. 2013) from the Central herd (which is declining) to the Northern Range herd (which is increasing).
- The Interagency Bison Management Plan and the new bison management plan developed by YNP and MT aim to reduce the migratory bison herd, removing this important food source for grizzly bears in YNP and SW MT.
- Summer forage conditions (i.e., drought) affects female pregnancy and calf survival in ungulates with unknown effects on herd numbers.
- More conflicts occurring with ranchers and hunters and bears eat more meat (livestock and hunter-killed carcasses) to replace traditional food sources.
- Climate change has reduced winter severity and length and the availability of winter-killed carrion in the spring.
- Meat consumption has increased for females with the decline of WBP and trout leading to a decline in cub and yearling survival rates. The difference in consumption of meat between the sexes has diminished. Although the switch to meat is not nutritionally detrimental it has other hazards (i.e., decreased cub and yearling survival rates, hunter-caused mortalities).
- Food monitoring needs to be expanded to add numbers of elk and bison in various ecosystem herds
- Cub survival throughout the 2002-2014 time period should be analyzed to assess predator-prey relationships, which may have a lag time in detectability. More meat consumption by adult females with cubs in place of whitebark pine seeds could be a sink if accessing these resources results in additional cub mortalities during confrontations with other predators or adult male grizzly bears.
- Ungulate carcasses from hunter kills should be considered an important seasonal food. Monitoring of ungulate harvest where ungulate hunting is allowed by numbers of ungulates killed, species, and mass estimates of typical carcass remains would be a better metric than number of hunters.
- **ISSUE: Huckleberries**
 - Huckleberries are less abundant as a result of warming temperatures and a persistent drought pattern. Bjornlie et al. 2014
 - McLellan (2015) did not see a decline in the grizzly bear population in Canada and northern MT until 11 years after the huckleberry decline.
- **ISSUE: Wolves**
 - Have decreased the availability of spring carrion since their reintroduction, disproportionately affecting females, and decreasing elk populations

- o Wolves have been known to kill grizzly bear cubs but this is difficult to detect
- o Females very rarely usurp wolf kills, mostly males (Gunther & Smith 2004).
- **ISSUE: Climate change**
 - o The Service reviews the literature forecasts for climate change but does not link the effects to grizzly bears or their habitat.
 - o The future impacts of climate change must be considered before delisting even if the exact extent of those impacts on the species is currently unknown.
 - o The potential impacts of climate change on habitat suitability should be modelled.
 - o A “downscaled” projection was used to analyze climate change, which may underestimate the impacts.
 - o May reduce snowpack and winter length which may impact the time, season, and success of grizzly bear denning
 - o Shortened or shifting denning seasons may impact reproductive success and increase the frequency of conflicts
 - o Less snowpack could mean fewer avalanche chutes
 - o Changing hydrological regime, less snow pack, increased drought that may be partially mitigated by increased rain
 - o Drought has affected the death rates
 - o Climate change will increase the fire regime (frequency and extent) and alter the composition of plants and animals (Westerling et al. 2011).
 - o Increased fires could affect the frequency human-grizzly bear interactions and conflicts
 - o Climate change may shift the abundance and distribution of all bear foods, especially the four main ones (i.e., spring carrion availability, vegetation). Commit to monitoring the effects of climate change on the loss, redistribution, and potential changes in grizzly bear foods and associated effects on bears.
 - o Servheen and Cross’ publication is inaccurately summarized as it states “however, climate change may play a significant role in driving grizzly bear/human interactions and conflicts.” Why do biologists not believe climate change will threaten grizzly bears and why it “may even make habitat more suitable and food sources more abundant”?
 - o The possible effects of climate change on vital rates should be monitored.
- All data has been collected as part of an observational study, making it difficult to isolate the effects of individual variables. Are the models developed by the IGBST defensible (i.e., have all factors been accounted for)?
- **ISSUE: Synergistic effects of climate change, changing food availability, and the continued impacts of invasive species and disease are unknown, may not be detected for decades, and should be considered.**
- **ISSUE: Concerns about our discussion of interpretation and education**
 - o Need increased I&E to teach people how to live with bears; more I&E for visitors on bear safety
 - o Has failed to alter hunter behavior (i.e. bear id training) as evidenced by the loss of 11 grizzlies from 2009-2015. Bear spray needs to be required and education to use it.
 - o Modern media would be advantageous to integrate into I&E through apps and citizen science.

- **ISSUE:** Reliance on occupation of a highly geographically unstable area should be strongly considered before a decision on delisting is made.
- **ISSUE:** Increasing acceptance of grizzlies, positive public perception
 - Social acceptance will not increase because of more discretion in decisions to manage grizzly bears. Rigid enforcement laws will increase acceptance. Tourism will increase acceptance.
- **Forest Service issues:**
 - Provide specific statutory and regulatory definitions for “species of conservation concern” and “sensitive species” and the authority that accompanies such a designation.
 - Revise “sensitive species” and “species of conservation concern” language. The new designation of “species of conservation concern” under the 2012 Planning Rule, which does not provide the same protections as the older “sensitive species” classification. The same project-level prohibitions do not apply.
 - Designation by the FS as a “sensitive species” or its equivalent is an important component of ongoing management to ensure that grizzlies remain a management priority.
 - Wilderness, wilderness study areas, and roadless area designations are not restrictive enough to assume that no impact on grizzly bears exist in those areas. In Roadless areas, energy development or road construction in conjunction with oil and gas leases that pre-date the effective date of the rule, off-road vehicle use, and human recreation may impact habitat. In Wilderness and wilderness study areas, mining claims that pre-date the Wilderness Act may be pursued. Livestock grazing is also permitted on these lands.
 - Cannot assume that changes in the management of roadless areas under the Roadless Rule will not occur as it is currently under judicial review.
 - The PR inaccurately describes some aspects of the FS management of Wilderness Study Areas and Roadless Areas (FS will help edit) “The Service states that the Gallatin National Forest determined that gains in secure habitat resulting from full implementation of the 2006 Gravel Management Plan will constitute a new baseline, but it is unclear why the Service is not enforcing the Gallatin National Forest to decommission motorized routes and develop sites to comply with the 1998 baselines as all other forests have done.” See draft CS. 2006 Gallatin Travel Management Plan not approved?
 - Inventoried Roadless Areas prohibit roads but don’t prohibit motorized ATV “trails”
 - The 2005 guidelines for habitat outside the PCA are not legally enforceable. Standards should include road density, secure habitat, and no surface occupancy stipulations for all federal lands within the DMA.
 - The 2012 Planning Rule requires the Forest Service to consider connectivity, including roads (permanent or temporary, open or closed) and site development in light of how they may increase human-bear conflicts and grizzly bear mortality.
 - The 2006 Amendment cannot “simply be resurrected” once a new delisting is finalized. The FS has to do a new planning process and public review to amend their plans because the new CS changes the habitat protection provided by existing forest plans.
 - Forest Service plans are not regulatory documents because of the 2012 Planning Rule?

- Forest plans to implement HBRC may not be implemented once listed status, which provides tools and incentives, is removed