

January 16, 2015

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Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

RE: Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Enclosed please find both original documents and copies of the aforementioned official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's (FWS) proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act (ESA).

Included among these is a resolution by the Eastern Shoshone Tribe, whom you visited in August 2013, a declaration by the Standing Rock Sioux Tribe, to whom President Obama made an official government-to-government visit in June 2014, and a letter from the Crow Tribe, President Obama's adopted people.

In addition, copies of resolutions recently passed by the Northern Cheyenne Tribe and the Great Plain Plains Tribal Chairmen's Association will be forthcoming. In total, this amounts to every tribe in Wyoming, Montana, South Dakota, North Dakota, Nebraska, and some in Idaho and Oklahoma. GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition, of which I am a co-founder, liaised and coordinated with the respective Tribal Nations and representative bodies in amassing this official documentation.

RECEIVED

As articulated in all of the resolutions, declarations and letters, due to the immense spiritual and religious significance of the grizzly bear in tribal cultures, all of the Tribal Nations cite violations of the American Indian Religious Freedom Act (AIRFA–PL 95-341–1978/PL 103-344 –1994) in FWS's actions to date relative to delisting the grizzly bear.

Similarly, all of the Tribal Nations specify FWS's disregard for established consultation protocols. Standing Rock Sioux Chairman, Dave Archambault II, succinctly articulates this in his tribe's declaration:

"Executive Order 13175 (Nov. 6, 2000) 'Consultation and Coordination with Indian Tribal Governments' signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a 'complete and consistent implementation of Executive Order 13175,' have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, 'Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations.' The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014."

As you are no doubt aware, the Standing Rock Sioux Tribe is one of the 26 Tribal Nations the federal government identifies as having an ancestral connection to the Greater Yellowstone Ecosystem ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), and is, therefore, one of the 26 Tribal Nations that must be consulted in this latest attempt to delist the Yellowstone grizzly bear.

In your statement of 12/19/2014 pertaining to the National Defense Authorization Act, specifically the Resolution Copper Mining provision, you said that you were "profoundly disappointed" with the disregard for tribal spiritual rights and how the provision "short-circuits the long-standing and fundamental practice of pursuing meaningful government-to-government consultation." This is precisely what is occurring with FWS's failure to pursue

"meaningful government-to-government consultation" in the proposed delisting of the Yellowstone grizzly bear.

Further, FWS appears oblivious to your emphasizing that, "the appropriate time for honoring our government-to-government relationship with tribes is before legislating issues of this magnitude."

In response to questions from the press about the lack of tribal consultation, FWS's "Grizzly Bear Coordinator," Dr. Christopher Servheen, recently claimed "we've done what we are required to do" (*Bozeman Daily Chronicle* 1/9/15), and identified four letters he sent in April 2014 as validation, one each to the Eastern Shoshone, the Shoshone-Bannock Tribes of Idaho, the Northern Arapaho, and an unidentified tribe in Idaho. From personal contact GOAL has had with the chairmen of each of the tribes identified, I can attest to the fact that they never had sight of a letter from Dr. Servheen.

Dr. Servheen then repeated to the Associated Press (*New York Times* et al 1/11/15) what he stated to the *Missoula Independent* about consultation with the tribes (12/17/14): "They were all sent those letters, and we haven't heard anything in response to those letters." This is patently false on two counts; one, not all of the 26 affected tribes were sent letters; and two, the Eastern Shoshone Tribe responded to FWS's intent to proceed with delisting by issuing their resolution in opposition on 10/28/14, the Shoshone-Bannock Tribes of Idaho did similarly 11/4/14, and as a member tribe of the Montana & Wyoming Tribal Leaders Council (TLC) the Northern Arapaho did the same when the TLC issued a resolution opposing delisting on 12/11/14.

Dr. Servheen's comment deriding the tribes' position on sovereignty in regard to this issue (*Bozeman Daily Chronicle* 1/9/15), and the context of his remark to the Associated Press that "we asked for their input and ideas" as if he were the arbiter of the validity of the tribes' knowledge of the grizzly bear which has been amassed since time immemorial, speaks to an individual lacking in both cultural sensitivity and knowledge relative to the consultation process required by acts of Congress (AIRFA, etc.), Secretarial Orders, and Executive Orders that define the government-to-government status that exists between Indian tribes and the federal government.

Tribes have a relationship with Congress and the Secretary of the Interior; tribes are not required to report to a department coordinator or follow his instructions, as, for example, Dr. Servheen bade the Eastern Shoshone in his April 2014 letter that Chairman Darwin St. Clair didn't receive, but Servheen released to the press regardless (*Bozeman Daily Chronicle*

1/9/15): "If you are aware of others who should also receive this request, either within your tribe or with another tribe, please forward this letter," he wrote.

The 26 affected Tribal Nations were not consulted by FWS during the process of its previous delisting attempt, a fact Dr. Servheen conceded when he said he "received no comment from the tribes on that proposal" (*Bozeman Daily Chronicle* 1/9/15). Again, this demonstrates a fundamental misunderstanding of the protocols involved; it is the responsibility of the respective federal agency or department to initiate the consultation process with the Tribal Nations that may be impacted by the consequences of federal actions, not vice-versa.

I would be amazed if either you or President Obama would concur that mailing a letter to only four of the impacted Tribal Nations constitutes "meaningful government-to-government consultation," or that either you or the President would agree with Coordinator Servheen that in terms of consultation FWS has "done what they are required to do." Among other tribal leaders, Oglala Sioux Tribal Vice President, Tom Poor Bear, outlined the framework of "meaningful government-to-government consultation" in his tribe's declaration (copy enclosed).

In addition to the abrogation of consultation protocols and the violation of religious and spiritual rights, all of the Tribal Nations have called for FWS to release the raw data from which the Interagency Grizzly Bear Study Team (IGBST) made its recommendation to proceed with delisting the Yellowstone grizzly bear. The American people have funded the collection of this data through their taxes, and as this is not a matter of national security there is no reason why this data should be withheld from public scrutiny. As Chairman Dave Archambault II highlighted in the Standing Rock Sioux Tribe's declaration:

"The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome."

Madam Secretary, I was present on the Wind River Indian Reservation when you visited in August 2013. During your remarks you said, "I want to be helpful, but you are the experts," and you then concluded with "I'm all ears." I sincerely hope that you will listen to the tribes

on this occasion and intervene to ensure that there is a thorough and "meaningful government-to-government consultation" process, and that you will institute a moratorium on the proposed delisting of the Yellowstone grizzly bear until all of the issues raised by the affected Tribal Nations have been fully addressed.

Néá'eše/àho (Thank you).

Respectfully,

R. Bear Stands Last

R. Bear Stands Last –
Co-founder, GOAL Tribal Coalition.

cc. Dan Ashe, Director
US Fish and Wildlife Service,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

Respective Tribal Chairpersons, Presidents and Vice Presidents.

CROW CREEK SIOUX TRIBE

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TRIBAL COUNCIL

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To Whom it May Concern:

The sovereignty and spiritual rights of the Crow Creek Sioux Tribe and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS). The Crow Creek Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, Smutty Bear, Medicine Bear, White Bear, and Two Bears among them.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient

connection. Like all of our spiritual and religious ways, ceremonies related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation

process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Crow Creek Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. As one of those defenders, the respected Lakota Bear Medicine Man, Sword, said, "The grizzly bear is *wakan*."

The Acts and Orders cited herein entitle the Crow Creek Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review, which must happen.

The Crow Creek Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly and call for the FWS to begin the process of consultation to ensure that our sovereignty and spiritual rights are upheld.

Roxanne Sazue
CCST Chairwoman

KJ9

Eastern Shoshone Business Council
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JAN 20 2015

To Whom It May Concern:

The Eastern Shoshone Tribe stands beside the other tribal nations that have offered their support to GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition in their efforts to defend tribal sovereignty and Native American religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341--AUG. 11, 1978).

The drive by the US Fish and Wildlife Service (FWS) and the State of Wyoming to remove the Yellowstone grizzly bear from Endangered Species Act (ESA) protections to enable Wyoming to manage the grizzly as a "trophy game animal" and generate tens of thousands of dollars for the state from trophy hunters' license fees amounts to an infringement of the American Indian Religious Freedom Act.

Even prior to the Richardson Amendments (HR 4230) that President Clinton signed into law in 1994 (PL 103-344, 108 Stat. 3125), PL 95-341 made plain that laws related to "conservation and preservation of natural species" could not, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

The grizzly bear is highly respected by tribal people, and has a prominent role in the traditional spiritual practices of our people – the very lifeblood of our culture. The opposition of tribal members on the Wind River Indian Reservation to the delisting and trophy hunting of the grizzly bear has been apparent since our 55th Annual Eastern Shoshone Indian Days and Powwow, at which GOAL began making our tribal members aware of this issue and its consequences.

The Eastern Shoshone Tribe is among the twenty-six tribal nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS Division of Interpretation, 2010). Therefore, by the federal government's own criteria, the Eastern Shoshone Tribe must be included in any discussions pertaining to the removal of the sacred grizzly bear from ESA protections.

To date there has been no consultation with any of the spiritual leaders of the tribes impacted by the proposed delisting of the grizzly bear, which means that the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities*, and the Endangered Species Act Order state, among other significant clauses:

"The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4)."

The Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

Clearly, the FWS and State of Wyoming have made no provision to abide by the Order.

The State of Wyoming has identified the Wind River Mountains as one area from which it intends to extinguish the grizzly bear. The FWS has already provided Wyoming Game and Fish with the mechanism to do so if the grizzly is delisted, but attempts to prosecute this action would be tantamount to an infringement of the sovereignty of the Eastern Shoshone Tribe.

The Eastern Shoshone Tribe opposes trophy hunting of the grizzly bear in the Wind River Mountains and will not permit the State of Wyoming to inflict its policies on Eastern Shoshone tribal lands. The leadership on the Wind River Indian Reservation rejected proposals to permit the trophy hunting of wolves on our land when the wolf was delisted from the ESA, and we hold that same position in relation to the grizzly bear. The grizzly bear is not recovered by the standard required to fulfill the ESA. A genetically isolated population of approximately 600 grizzlies existing on less than 1.5% of its original range does not meet the criteria of recovery.

Sincerely,

Darwin St. Clair Jr., Chairman
Shoshone Business Council
10/25/2011

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Glen Yellow Eagle, Sergeant-at-Arms

December 9, 2014

JAN 2 0 2015

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The Rosebud Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Rosebud Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

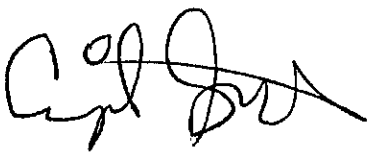
The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

The specter of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The most famous image of the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty – and resulted in the theft of the Black Hills – is the photograph of Custer with the grizzly he killed for a "trophy." We cannot allow a repeat 140-years later on lands our ancestors fought so hard to defend when they opposed the construction of the Northern Pacific

Railroad along the Yellowstone in 1872/73, which was itself a violation of the 1868 Fort Laramie Treaty.

The Rosebud Sioux Tribe (along with the other 25 affected Tribal Nations) is also entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Rosebud Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear.



President Cyril Scott
Rosebud Sioux Tribe

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COUNCIL:
QUENTIN "JB" BRUGUIER JR.
JASON COOKE
EVERDALE SONGHAWK
JUSTIN SONGHAWK
MONA WRIGHT

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned.

The Yankton Sioux Tribe supports Chief Arvol Looking Horse and GOAL Tribal Coalition in opposing the US Fish and Wildlife Service's intention to remove the Yellowstone grizzly bear from Endangered Species Act protections.

Chief Arvol Looking Horse, the 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Nakota, Lakota, and Dakota culture in his November 2014 statement. As Chief Looking Horse demonstrated, the ceremonial significance of the grizzly in our spiritual life way has existed from time immemorial.

The American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994) protects the spiritual and religious ways of the Nakota, Lakota and Dakota people related to the grizzly bear. The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is contravening the Act.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but also the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Nakota, Dakota and Lakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. However, during the proposed delisting process, this framework has also not been followed.

During his official June 2014 visit to the Standing Rock Sioux Tribe, President Obama told the people of the Oceti Sakowin (Great Sioux Nation), "My administration is determined to partner with tribes, and it's not something that just happens once in a while. It takes place every day, on just about every issue that touches your lives. And that's what real nation-to-nation partnerships look like."

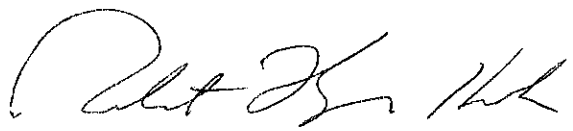
The delisting of the sacred grizzly bear, the subsequent trophy hunting, and the virtual cull proposed by the state of Wyoming, will touch the lives of the Flandreau Santee Sioux people. The cultural, geographic and sacred landscape of the Nakota, Lakota and Dakota people demonstrates the cultural importance of the grizzly bear.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists not only between the Nakota, Dakota and Lakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld.

The Yankton Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). As such,
the Acts and Orders cited herein entitle the Yankton Sioux Tribe to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. We join the other tribes of the Great Sioux Nation that have called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review.

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas. Two small island populations of grizzlies in two isolated ecosystems in the lower-48 cannot be considered to constitute a recovered species.

In the spirit of our ancestors, and to ensure that our children and future generations will grow-up in a world where grizzlies are returning to parts our ancestral homeland where they ranged before they were extirpated post-the Lewis and Clark Expedition, the Yankton Sioux Tribe opposes delisting the Yellowstone grizzly bear – preserving the grizzly equates to cultural preservation.



Robert Flying Hawk
Chairman
Yankton Sioux Tribe
December 11, 2014

SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRPERSON

MYRA PEARSON

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JAN 2 0 2015

December 17, 2014

For the attention of:
Secretary of the Interior, Sally Jewell;
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Spirit Lake Sioux Tribe are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Spirit Lake Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" - *Resources & Issues*, NPS, 2010). Ten of the identified associated Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Spirit Lake Sioux Tribe and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Spirit Lake Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan* (sacred)."

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas.

Tribal Nations have alternative solutions to the outdated wildlife management practice of killing. Trophy hunting sentient beings appeals only to a tiny minority of the population, a minority that is over 95% white, from high economic strata. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Under such circumstances, estimated carrying capacity in one ecosystem would not result in killing but relocation to ignite new populations that would realize the long-projected need for linkage zones between grizzly populations. Today, the two small island populations of grizzlies surviving in two isolated ecosystems in the lower-48 cannot be considered a recovered species appropriate for delisting and subsequent trophy hunting.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Spirit Lake Sioux Tribe (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon

relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Spirit Lake Sioux Tribe adds its voice to that call.

The Spirit Lake Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Sincerely,

Myra Pearson
Spirit Lake Tribe Chairperson

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE: (208) 478-3700
(208) 237-0797

FORT HALL BUSINESS COUNCIL
PO BOX 306
FORT HALL, IDAHO 83203

To Whom It May Concern:

This letter is in strong support of GOAL Tribal Coalition. JAN 2 0 2015

The Fort Hall Business Council of the Shoshone-Bannock Tribes of Fort Hall, Idaho oppose the federal government' s proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service, recognizing that the federal government' s resolve to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

Our Tribe is one of the few of the twenty-six federally recognized tribes which federal government openly acknowledges has an original ancestral connection to the Yellowstone National Park and the Greater Yellowstone Ecosystem regions. The connection between our tribe and this land has existed hundreds and thousands of years and requires the US Fish and Wildlife Service to consult with the Shoshone-Bannock Tribes since the American Indian Religious Freedom Act states that laws pertaining to 'conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the *Endangered Species Act* (ESA) of 1973 (16 U.S.C. 1531) clearly sets forth the framework to be followed when actions taken under authority of the ESA affect tribes. With the proposed delisting of the grizzly bear, the US Fish and Wildlife Service is in contravention of this order which directs the that agency to 'solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes' during the

consultation process, and 'cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes social and cultural impacts on tribal people.'

The Shoshone-Bannock Tribe has been afforded no such consultation throughout the US Fish and Wildlife Service' s process proposing a new Rule to delist the Yellowstone grizzly bear, despite the supposed protection of religious practices of traditional tribal people by PL-95-341.

In respecting our unique cultural imperatives, and the preservation of our sovereignty, the Shoshone-Bannock Tribe renounces the federal government' s desire to delist the grizzly bear from Endangered Species Act protections. We oppose the legislative resolve to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation lands.

Additionally, in recognition that that the Shoshone-Bannock Tribe' s Fish and Wildlife Department has a seat on the IGBC' s (Interagency Grizzly Bear Committee) Yellowstone Subcommittee, this letter of support from the Shoshone-Bannock Tribe countermands any previous votes cast by the Shoshone-Bannock Tribe' s Fish and Wildlife Department in favor of delisting the Yellowstone grizzly bear.

Our council hereby officially strongly opposes this position in delisting the Yellowstone grizzly bear.

Respectfully,

Nathan Small, Chairman
Fort Hall Business Council

OGLALA SIOUX TRIBE

Office of the Vice President

Tom Poor Bear
Post Office Box 2070
Pine Ridge, South Dakota 57770
605.867.8411 Office—605.867.1449 Fax
TomPB@oglala.org
www.oglalalakotanation.org

Steven Hernandez
Administrative Asst.

Tamara Trueblood
Executive Secretary

Don Garnier
Cultural Liaison

Attn: United States Fish and Wildlife Director, Dan Ashe;
All other affected parties.

The sovereignty and spiritual rights of the Oglala Sioux Tribe (Oglala Lakota Nation) and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Oglala Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), and as such must be consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework. Unsolicited correspondence from a federal agency coordinator or similar does not constitute consultation between a tribal nation and the federal government.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to the planned delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers

and buttes, were inspired by the grizzly bear. Not without reason were Crazy Horse and his mentor, High Back Bone (Hump), described as "the grizzly and his cub."

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the FWS during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) on cultural and religious grounds.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the context of attempting to delist the Yellowstone grizzly, this equates to the FWS having to consult with respected spiritual leaders such as Chief Arvol Looking Horse.

Chief Arvol Looking Horse describes this present movement to remove ESA protections from the grizzly and allow the states of Wyoming, Montana and Idaho to operate profligate trophy hunts as an extension of the "disease of the mind" that enabled Manifest Destiny; the massacres of our people, and the near extermination of the grizzly, the wolf and the buffalo in the 19th Century. The world will see this in play again if the grizzly is delisted. Each spring and fall, some visitors to Yellowstone National Park will see grizzlies gutted by the sides of the roads leading to Yellowstone, or bloody grizzly carcasses strapped to vehicles.

We reject the designation of the grizzly bear as a "trophy game animal." It is shameful that a sentient being – one our people revere as sacred – is to be killed for "fun" by affluent trophy hunters. Great Lakota holy men like Black Elk, and Lakota Bear Medicine Men like Sword, articulated our feelings when they said, "The grizzly bear is *wakan*." The Oglala Lakota people will not stand idle and watch this sacred being be slaughtered on the lands our ancestors fought to defend.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on other sacred ancestral lands.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. These Acts and Orders entitle the Oglala Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several nations of the Oceti Sakowin, and other affected Tribal Nations, have already called upon the FWS to release that data not only to the tribes, but also to independent scientists for analysis and review. To date, FWS has refused to do so. If the data is sound, it will not be undermined by scrutiny.

The Oglala Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition in bringing this important issue to the fore. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly, and call for the federal government to begin the process of thorough consultation in accordance with the existing mandates, to ensure that our sovereignty and spiritual rights are upheld.

Respectfully submitted,

Tom Poor Bear, OST Vice President

CHAIRMAN
Harold C. Frazier

SECRETARY
EvAnn White Feather

TREASURER
Benita Clark

VICE-CHAIRMAN
Ryman LeBeau

CHEYENNE RIVER SIOUX TRIBE

P.O. Box 590
Eagle Butte, South Dakota 57625
Phone: (605) 964-4155
Fax: (605) 964-4151

TRIBAL COUNCIL MEMBERS

DISTRICT 1
Bernita In The Woods
Johnilyn Garrett

DISTRICT 2
Theodore Knife, Jr.

DISTRICT 3
Edward Widow
Ben Elk Eagle

DISTRICT 4
Wayne L. Ducheneaux II
Kevin Keckler
Merrie Miller
Vacant

DISTRICT 5
Ryman LeBeau
Raymond Uses The Knife
Robert Chasing Hawk
Derek Bartlett

DISTRICT 6
Tuffy Thompson
Richard Rousseau

December 09, 2014

Attn: Director Dan Ashe,
US Fish and Wildlife Service.

All Parties Concerned.

The Cheyenne River Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Cheyenne River Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

Opposing the removal of ESA protections from the Yellowstone grizzly bear, and the proposed trophy hunting of the grizzly, is consistent with CRST Ordinance 57, the Cheyenne River Sioux Tribe's Cultural Resources Protection Act, which affirms: "The spiritual and physical well-being of the Cheyenne River Sioux Tribe and its members is directly related to the preservation of the historical traditions and cultural heritage of the Lakota people."

In this process to date, FWS is yet to abide by the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA have tribal implications.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on lands our ancestors fought so hard to protect when they opposed the construction of the Northern Pacific Railroad along the Yellowstone in 1872 and 1873, which was also a violation of the 1868 Fort Laramie Treaty. Some of the principal leaders in that resistance were from the Lakota bands that comprise the Cheyenne River Sioux Tribe.

Through the aforementioned Acts and Orders, the Cheyenne River Sioux Tribe (along with the other 25 affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Cheyenne River Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear. We support the positions expressed by Chief Arvol Looking Horse, and the efforts of GOAL Tribal Coalition to protect the grizzly bear and defend our sovereignty and spiritual rights.

If you should have any questions or concerns, please contact me at 605-964-4155.

Sincerely,



Harold C. Frazier,
CRST Chairman

CC: File

Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891
Fax 605-997-3878
www.santeesioux.com

RESOLUTION NO. 14-142

WHEREAS, the Flandreau Santee Sioux Tribe (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and

WHEREAS, Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and

WHEREAS, Article VIII, Section (a) provides that the Executive Committee may negotiate with Federal, State, and local governments; and

WHEREAS, the Tribe opposes the Federal Government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service; and

WHEREAS, the US Fish and Wildlife Service, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) entiltled "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama requiring a "complete and consistent implementation of Executive Order 13175"; and

WHEREAS, the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act, 42 U.S.C. § 1996 (2014); and

WHEREAS, the American Indian Religious Freedom Act states laws pertaining to "conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices but did "and, therefore, were passed without consideration of their effect on traditional American Indian religions"; and

WHEREAS, in its proposed delisting of the grizzly bear the US Fish and Wildlife Service is in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species

Act (ESA) of 1973, 16 U.S.C. § 1531 (2014), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes; and

WHEREAS, the *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes"; and

WHEREAS, the Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people; and

WHEREAS, none of these commitments has been honored; and

WHEREAS, the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections; and

WHEREAS, when considering the intent of the Endangered Species Act, a species cannot be considered sufficiently recovered to warrant removal from Endangered Species Act protection if it presently only survives on approximately 2% of its original range; and

WHEREAS, throughout the US Fish and Wildlife Service's process proposing a new Rule to delist the Yellowstone grizzly bear there has been no discussion related to the impact delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people; and

WHEREAS, the grizzly bear holds a unique position in traditional Dakota culture and the cultures and ceremonial lifeways of the traditional spiritual practitioners of tribes also identified by the federal government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives; and

WHEREAS, those cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral

homelands; and

NOW THEREFORE BE IT RESOLVED, that the Executive Committee hereby officially adopts this position in respect to delisting the Yellowstone grizzly bear, and authorizes President Anthony Reider to sign a letter for support for the cause on the Tribe's behalf.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 11th day of December, 2014 by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

Vice President, Cynthia J. Weddell:	YES	NO	ABSTAIN	NOT PRESENT
Secretary, Gordon Jones, Jr.:	YES	NO	ABSTAIN	NOT PRESENT
Trustee I, Jean Paul Roy:	YES	NO	ABSTAIN	NOT PRESENT
Trustee II, Roxee Johnson:	YES	NO	ABSTAIN	NOT PRESENT
Trustee III, Michael Weston:	YES	NO	ABSTAIN	NOT PRESENT
Trustee IV, Kenny Weston:	YES	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider *(If Required)*:	YES	NO	ABSTAIN	NOT PRESENT

Gordon Jones, Jr., Tribal Secretary

Anthony Reider, Tribal President

Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION

Office of the Tribal Chairman

P.O. Box 509

112554 BIA Hwy 711

Agency Village, South Dakota 57262

Phone: (605)698-3911

December 10, 2014

Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Sisseton Wahpeton Oyate and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Sisseton Wahpeton Oyate is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient connection. Our spiritual and religious ways related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Sisseton Wahpeton Oyate opposes the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors

defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan*."

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Sisseton Wahpeton Oyate (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Sisseton Wahpeton Oyate adds its voice to that call.

The Sisseton Wahpeton Oyate supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Respectfully,

Robert Shepherd
Tribal Chairman
Sisseton-Wahpeton Oyate

Dave Archambault II
Chairman

TRIBAL COUNCIL
(AT LARGE)

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

Paul Archambault

Phyllis Young

Randal J. White Sr.

Jesse McLaughlin
Vice Chairman

Adele M. White
Secretary

Cody TwoBears
Cannonball District

Joe Dunn
Long Soldier District

Duane Claymore
Wakpala District

Frank A. White Bull
Kenel District

Joe White Mountain Jr.
Bear Soldier District

Milton Brown Otter
Rock Creek District

Robert Taken Alive
Running Antelope District

Samuel B. Harrison
Porcupine District

December 8, 2014

Daniel M. Ashe
Director
United States Fish and Wildlife Service

Dear Mr. Ashe:

In his November 2014 statement opposing the proposed delisting and subsequent trophy hunting of the Yellowstone grizzly bear, Chief Arvol Looking Horse outlined the sacred nature of the grizzly bear in Lakota, Dakota and Nakota culture. As the 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin (Great Sioux Nation), Chief Looking Horse's insights are those of a highly respected spiritual leader.

To date, there has been no discussion in this process related to the impact delisting the grizzly bear, and the subsequent trophy hunting of the grizzly, will have on Native American spirituality, namely the religious practices of traditional tribal people, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Though this proposed action is to take place on defined ancestral lands of the Great Sioux Nation, the Standing Rock Sioux Tribe has yet to be consulted. As one of the 26 Tribal Nations the federal government acknowledges as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), the US Fish and Wildlife Service (FWS) is required to consult with the Standing Rock Sioux Tribe, as, like many of the other affected tribes, due to the cultural significance of the grizzly bear in Lakota, Dakota and Nakota culture, our people will be detrimentally impacted if the grizzly is delisted and trophy hunted in lands once familiar to our ancestors.

BLDG 1 NORTH STANDING ROCK AVE. P.O.BOX D • FORT YATES, NORTH DAKOTA 58538
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Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014.

The American Indian Religious Freedom Act states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing that.

The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome.

efore the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US, many in the environs of the Missouri River where the Standing Rock Sioux Tribe is now located. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until the aforementioned issues have been addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider delisting the iconic Yellowstone grizzly bear from ESA protections. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld. Thank you for your attention to this matter, and please feel free to contact me should further discussion be helpful.

Sincerely,

Dave Archambault II, Chairman
Standing Rock Sioux Tribe

CROW TRIBE EXECUTIVE BRANCH

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Darrin Old Coyote
CHAIRMAN
Dana Wilson
VICE CHAIRMAN
Alvin Not Afraid Jr.
SECRETARY
Shawn Backbone
VICE SECRETARY

Office of
Chairman Darrin Old Coyote

November 26, 2014

To all parties concerned:

The area now known as Greater Yellowstone lays within the boundaries of Crow Country that were defined by Chief Sits in the Middle of the Land at the 1851 Fort Laramie Treaty Council. For centuries, the Crow people have had a deep spiritual connection to the landscape, a relationship that continues to this day. Today, right in the heart of Crow country, exactly where Chief Sits in the Middle of the Land described, the federal government intends to delist the grizzly bear from Endangered Species Act protections and permit the State of Wyoming to open high-dollar trophy hunting seasons on the grizzly.

In common with the land, the Crow People have an ancient relationship with the grizzly bear. In Crow culture, the grizzly bear is referred to as biiké, elder brother, which connotes great respect for the bear. From the stars to the rocks, images of the bear communicate that sacred relationship the Crow people have with the grizzly, knowledge that was preserved by Crow elders and passed on to future generations. For example, Daxpitcheeishuulissúua, the Bear Song Dance, was one of the most sacred ceremonies of our people. The grizzly bear is a significant symbol for ceremonies for certain families in the Crow Tribe. The symbolic parts of a grizzly bear are used during ceremonies for healing. These parts of the grizzly bear has been handed down generation to generation and also used during competitions such as the handgames and other Crow traditional games. The elders say that a bear symbol can be seen in the palms of hands signifying power of the grizzly bear.

Though this proposed action is to take place on traditional Crow land, the Crow Tribe has yet to be consulted. As one of the 26 tribal nations the federal government openly acknowledges has an ancestral connection to Yellowstone, the US Fish and Wildlife Service (FWS) is required to consult with the Crow Tribe, like many of the other affected tribes. Due to the cultural significance of the grizzly bear, the Crow people will be detrimentally impacted if the grizzly is delisted and subsequently trophy hunted.

The Kiowa Tribe of Oklahoma, the historic allies of the Crow people, articulated the issues arising from the proposed delisting of the grizzly bear in its declaration of 10/10/14 and the Crow Tribe supports those positions.

The Crow Tribe is entitled to review the data the FWS is basing its conclusions on under the Secretarial Order issued by the Secretary of the Interior and the Secretary of commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). The Crow Tribe joins with the other affected tribal nations that have called upon the FWS to release that data not only to the tribes, but also to independent scientists

for analysis and review. Transparency is essential if tribal members and the public at large are to have confidence in the outcome.

The Guardians of Ancestors Legacy (GOAL) Tribal Coalition is doing valuable work in its efforts to preserve and protect the Yellowstone grizzly bear and in the process defend tribal sovereignty and spiritual rights.

Sincerely,

Darrin Old Coyote, Chairman
Crow Tribe

Montana & Wyoming Tribal Leaders Council
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Open Letter Approved By Official Resolution No. 11Dec2014-04 of the MT WY Tribal Leaders Council on December 11, 2014

The sovereignty and spiritual rights of Tribal Nations in Montana and Wyoming are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Services. Ten of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone are located in Montana and Wyoming, but to date they have not been consulted in this process.

The grizzly bear holds a unique position in the traditional cultures, ceremonies and spiritual practices of the affected tribes. If the Yellowstone grizzly bear is delisted, the management plans of the states of Wyoming, Montana and Idaho propose trophy hunting the grizzly on both the ancestral and current homelands of the affected tribes, which not only represents a threat to tribal sovereignty, but also contravenes the American Indian Religious Freedom Act (AIRFA) PL-95-341.

During this process, the FWS, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175."

The AIRFA states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Prominent spiritual leaders and elders from the affected Tribal Nations have issued statements in opposition to delisting the Yellowstone grizzly bear.

Given the economic challenges faced by the affected Tribal Nations, and the cultural significance of the grizzly bear, the prospect of the states charging anywhere between the quoted figures of $10,000 to $100,000 to trophy hunt this sacred being on ancestral tribal lands is at best disrespectful.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Additionally, the states' grizzly bear management plans also threaten to detrimentally impact tourism initiatives that would aid the economies of the affected Tribal Nations. Recent studies demonstrate that in strictly economic terms, grizzlies are a legitimate "economic powerhouse," worth far more alive than dead.

At the October 2014 meeting of the cross-jurisdictional body, the Interagency Grizzly Bear Committee (IGBC), the State of Wyoming reaffirmed its previously stated position that it wishes to cap the Greater Yellowstone grizzly bear population at 500. Not only is that number inconsistent with the purpose of the ESA, if recent population estimates issued by the tri-states and FWS are accurate, it would result in a virtual cull post-delisting that would have a devastating impact on tribal people relative to the spiritual importance of the grizzly bear.

As of fall 2014, the FWS and tri-states claim that there are now approximately 1,000 grizzlies in the Greater Yellowstone Ecosystem, which, based upon their own estimates, is an increase of 259 grizzlies in one year, which followed an estimated increase of approximately 112 in six months during 2013. The grizzly bear has the second slowest reproduction rate of any mammal, and clearly the Greater Yellowstone population cannot have increased by 35% in one year.

The affected Tribal Nations are entitled to review the raw data the FWS is basing all of its conclusions upon (not just its population estimates) relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. This body echoes those calls.

Every federal agency is required to consult with Tribal Nations before they recommend a course of action that has the potential to affect tribal rights and interests. This must occur in this process, as the affected Tribal Nations cannot permit their sovereignty to be undermined.

The manner is which this process has so far been conducted without the consultation and input of the affected Tribal Nations is representative of the recent history of Yellowstone (post-1872). It must be remembered that Yellowstone was a homeland, a sacred cultural landscape to twenty-six tribes, before it was a National Park. However, a visitor to Yellowstone today would not know that, due to the lack of cultural interpretation. A change in that respect is long overdue. America's first national park should no longer have features named after the proponents and exponents of genocide, as is the case with Hayden Valley and Mount Doane.

Seven months before Lieutenant Gustavus Cheyney Doane, 2nd Cavalry, guided the 1870 Yellowstone Expedition, he had led the massacre of Chief Heavy Runner's Piegan Blackfeet village on the Marias River. On his subsequent application to become Superintendent of Yellowstone National Park, he boasted, "Greatest slaughter of Indians ever made by U.S. Troops." Of the 173 victims killed on January 23, 1870, only 15 were men of fighting age.

Where Doane participated in genocide, Dr. Ferdinand V. Hayden advocated it. "Unless they are localized and made to enter upon agricultural and pastoral pursuits they must ultimately be exterminated," Hayden said of our ancestors who were about to be dispossessed by the establishment of Yellowstone National Park. "If extermination is the result of non-compliance, then compulsion is an act of mercy," he concluded.

These names must be changed with the input of the affected Tribal Nations, just as any move to delist the sacred grizzly bear on this ancestral landscape must involve consultation with the affected Tribal Nations.

Pre-the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Respectfully submitted,

TLC Board Chairman Ivan Posey

CC: Tribal Chairs, Presidents & Councils

Kiowa Tribe of Oklahoma

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OFFICE OF THE LADY CHAIRMAN

October 10, 2014

GOAL Tribal Coalition
PO Box 30,000. #360
Jackson, WY 83002

Respectful GOAL Tribal Coalition Representative,

With Regard to and/or all parties concerned to the GOAL Coalition's efforts towards it's endeavors. The Kiowa Tribe of Oklahoma supports the mission of Guardians of Our Ancestors' Legacy (GOAL) Tribal Coalition to preserve and protect the endangered Yellowstone grizzly bear. In doing so, we will help to ensure that Native American spiritual rights are upheld, and our sovereignty defended.

The area now known as the Greater Yellowstone Ecosystem with Yellowstone National Park at its heart is the ancestral homeland of the Kiowa. It was in this region that our ancestors first established sacred kinship with the grizzly bear.

Our respect and reverence for the grizzly bear is reflected in many Kiowa names; some of the greatest leaders in Kiowa history carried names inspired by the grizzly bear, including Set-tain-te (Satanta) and Set-angya (Satank), and the importance of the bear in our traditional culture can still be heard in our names today.

Narratives pertaining to the grizzly bear are fundamental to many of our sacred sites in what is now Wyoming, and what was once our homeland. We oppose the present attempts by the US Fish and Wildlife Service (FWS) and the states of Wyoming, Montana and Idaho to remove Endangered Species Act (ESA) protections from the Yellowstone grizzly bear.

The Kiowa Tribe of Oklahoma rejects the notion that the sacred grizzly bear should be considered a "trophy game animal" and hunted in our ancestral homeland.

We agree that the FWS's determination to remove the Yellowstone grizzly bear from ESA protection without thorough consultation with the affected tribes identified as possessing an ancestral connection to Yellowstone contravenes the American Indian Religious Freedom Act (PL-95-341). There has been no discussion related to the impact

delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people, protected by PL-95-341.

We further agree that by ignoring the affected tribes, the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* explicitly states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4). The Order also directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during consultation processes. This has yet to happen.

Not consulting with the affected tribes is not only a breach of PL-95-341 and 16 U.S.C. 1531, it constitutes an infringement of our sovereignty.

Clearly the grizzly bear is not recovered under the criteria set forth by the Endangered Species Act. A population of between 500–700 grizzlies surviving on less than 1% of their original range pre-contact could not be considered recovered even if it were not genetically isolated and threatened by the loss of keystone food sources, which the Yellowstone grizzly bear is.

It is essential that the FWS finally makes the data it is basing its conclusions upon available, not only to the affected tribes, but crucially, to the scientific community for independent analysis and review. The affected tribes are entitled to the information under 16 U.S.C. 1531.

By protecting the sacred grizzly bear and in the process defending our religious freedom and sovereignty we honor our ancestors. The tribal heritage of Rain Bear Stands Last, the founder of GOAL, includes Kiowa. One of his ancestors, the great Cheyenne leader, Sleeping Bear, once presented the legendary Kiowa chief, Téh-tóot-sah (Little Bluff), with a famous painted tipi.

This exchange began a tradition amongst our peoples. In supporting GOAL and this effort, we continue that tradition, and in the spirit of our ancestors attempt to ensure that

our children and future generations will grow-up in a world where grizzlies still roam our ancestral homeland so that a large part of our culture and history will remain intact.

Respectfully Submitted,

Amber C. Toppah, Lady Chairman
Kiowa Business Committee
Kiowa Tribe of Oklahoma

THE SHOSHONE-PAIUTE TRIBES
OF THE DUCK VALLEY INDIAN RESERVATION
P.O. Box 219 Owyhee, NV 89832
(208) 759-3100
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December 18, 2014

For the attention of all parties concerned:

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation stand in solidarity with our sister tribes, the Eastern Shoshone Tribe of the Wind River Indian Reservation, and the Shoshone-Bannock Tribes of Idaho, in opposing the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation supports the positions articulated by the Eastern Shoshone Tribe and the Shoshone-Bannock Tribes in their resolution and declarations respectively.

The Shoshone-Paiute Tribes have clear interests to this issue. Many of our tribal members are descended from those whom enjoyed a connection to the landscape now referred to as Greater Yellowstone since time immemorial. In more recent times, our ancestors stood with the Bannock people in defending our homelands in 1878.

The grizzly bear has a significant place in Shoshone-Paiute culture. The grizzly bear is a sacred being, intricately tied to the ceremonies and practices of our people. Such is our respect for the grizzly that we refer to the great bear as our brother.

In its attempts to delist the Yellowstone grizzly bear without regard to the ceremonial and religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions," which is a violation of the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the Tribal Nations impacted by this issue.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Given the tremendous concern expressed by many of the Associated Tribes of Yellowstone regarding the potential delisting of the grizzly bear, the FWS should immediately commence consultation with the impacted Tribal Nations regarding the implications of a delisting decision. US government agencies, including FWS, have a duty to consult with tribes regarding policies that have tribal implications. This duty has been embodied in a variety of executive orders, secretarial orders, and memoranda. Executive Order 13175, issued by President Clinton in 2000, was written "to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications." Such policies include "regulations ... and other policy statements or actions that have substantial direct effects on one or more Indian tribes," such as listing and delisting decisions.

A 2009 memorandum issued by President Obama emphasized the importance of President Clinton's Executive Order, noting that "[c]onsultation is a critical ingredient of a sound and productive Federal-tribal relationship" and affirming the Administration's "commit[ment] to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications." President Obama's 2013 Executive Order Establishing the White House Council on Native American Affairs further recognizes that "[g]reater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations."

The US Departments of Interior and Commerce issued an order on June 5, 1997, specifically regarding tribal consultation obligations in the context of the Endangered Species Act. That order provides that FWS "shall coordinate with affected Indian tribes in order to fulfill the Service['s] trust responsibilities and encourage meaningful tribal participation" in listing and delisting decisions.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists between the federal government and all of the Tribal Nations impacted by this issue, a situation that must be remedied.

We join our sister tribes in rejecting the designation of the grizzly bear as a "trophy game animal" and the intent of the states to sell licenses and generate multiple

thousands of dollars from trophy hunting the sacred grizzly bear on our ancestral homelands.

Tribal Nations have alternative solutions to the outdated "wildlife management" practices. Trophy hunting sentient beings appeals only to a tiny minority of the population, and is antithetical to the traditional cultures and subsistence practices of tribal people. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Our people, those of our sister tribes, and the memberships of the other impacted tribes, retain unique insights into this landscape. Our ancestors are the only ones who had practical experience of what it was to live within these ecosystems when they were complete. The knowledge that they retained and passed down is truly the definition of the "best available science" as they lived it – they did not speculate upon the theoretic. Their voices, through us, need to be heard.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Sincerely,

Lindsey W. Manning

Lindsey W. Manning
Chairman
Shoshone-Paiute Tribes of Duck Valley

-WOHEVIV-
The Morning Star

NORTHERN CHEYENNE TRIBE
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-WOHEVIV-
The Morning Star

September 12, 2014

To Whom It May Concern:

This letter is in support of the GOAL Tribal Coalition. The Northern Cheyenne Tribe opposes the federal government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service and we believe the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

As one of the twenty-six federally recognized tribes the federal government acknowledges has an ancestral connection to the region now known as Yellowstone National Park and the Greater Yellowstone Ecosystem the US Fish and Wildlife Service is thus required to consult with the Northern Cheyenne Tribe, yet the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections.

The grizzly bear holds a unique position in the traditional cultures and ceremonial life-ways of the traditional spiritual practitioners of tribes identified by the federal

government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives.

Clearly cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral homelands.

We the Cheyenne Nation stand in support of the grizzly bear, and the right of Native peoples to religious freedom

Yours faithfully,

Llevando Fisher

President of the Northern Cheyenne Nation

CROW CREEK SIOUX TRIBE

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TRIBAL COUNCIL

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To Whom it May Concern:

The sovereignty and spiritual rights of the Crow Creek Sioux Tribe and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS). The Crow Creek Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, Smutty Bear, Medicine Bear, White Bear, and Two Bears among them.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient

connection. Like all of our spiritual and religious ways, ceremonies related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation

process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Crow Creek Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. As one of those defenders, the respected Lakota Bear Medicine Man, Sword, said, "The grizzly bear is *wakan*."

The Acts and Orders cited herein entitle the Crow Creek Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review, which must happen.

The Crow Creek Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly and call for the FWS to begin the process of consultation to ensure that our sovereignty and spiritual rights are upheld.

Roxanne Sazue
CCST Chairwoman

KJ9

Eastern Shoshone Business Council
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(307) 332-3532/4932
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JAN 20 2015

To Whom It May Concern:

The Eastern Shoshone Tribe stands beside the other tribal nations that have offered their support to GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition in their efforts to defend tribal sovereignty and Native American religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341--AUG. 11, 1978).

The drive by the US Fish and Wildlife Service (FWS) and the State of Wyoming to remove the Yellowstone grizzly bear from Endangered Species Act (ESA) protections to enable Wyoming to manage the grizzly as a "trophy game animal" and generate tens of thousands of dollars for the state from trophy hunters' license fees amounts to an infringement of the American Indian Religious Freedom Act.

Even prior to the Richardson Amendments (HR 4230) that President Clinton signed into law in 1994 (PL 103-344, 108 Stat. 3125), PL 95-341 made plain that laws related to "conservation and preservation of natural species" could not, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

The grizzly bear is highly respected by tribal people, and has a prominent role in the traditional spiritual practices of our people – the very lifeblood of our culture. The opposition of tribal members on the Wind River Indian Reservation to the delisting and trophy hunting of the grizzly bear has been apparent since our 55th Annual Eastern Shoshone Indian Days and Powwow, at which GOAL began making our tribal members aware of this issue and its consequences.

The Eastern Shoshone Tribe is among the twenty-six tribal nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS Division of Interpretation, 2010). Therefore, by the federal government's own criteria, the Eastern Shoshone Tribe must be included in any discussions pertaining to the removal of the sacred grizzly bear from ESA protections.

To date there has been no consultation with any of the spiritual leaders of the tribes impacted by the proposed delisting of the grizzly bear, which means that the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities*, and the Endangered Species Act Order state, among other significant clauses:

"The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4)."

The Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

Clearly, the FWS and State of Wyoming have made no provision to abide by the Order.

The State of Wyoming has identified the Wind River Mountains as one area from which it intends to extinguish the grizzly bear. The FWS has already provided Wyoming Game and Fish with the mechanism to do so if the grizzly is delisted, but attempts to prosecute this action would be tantamount to an infringement of the sovereignty of the Eastern Shoshone Tribe.

The Eastern Shoshone Tribe opposes trophy hunting of the grizzly bear in the Wind River Mountains and will not permit the State of Wyoming to inflict its policies on Eastern Shoshone tribal lands. The leadership on the Wind River Indian Reservation rejected proposals to permit the trophy hunting of wolves on our land when the wolf was delisted from the ESA, and we hold that same position in relation to the grizzly bear. The grizzly bear is not recovered by the standard required to fulfill the ESA. A genetically isolated population of approximately 600 grizzlies existing on less than 1.5% of its original range does not meet the criteria of recovery.

Sincerely,

Darwin St. Clair Jr., Chairman
Shoshone Business Council
10/25/2011

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Julia M. Peneaux, Secretary
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Glen Yellow Eagle, Sergeant-at-Arms

December 9, 2014

JAN 2 0 2015

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The Rosebud Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Rosebud Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

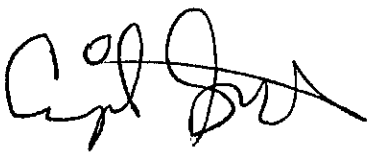
The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

The specter of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The most famous image of the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty – and resulted in the theft of the Black Hills – is the photograph of Custer with the grizzly he killed for a "trophy." We cannot allow a repeat 140-years later on lands our ancestors fought so hard to defend when they opposed the construction of the Northern Pacific

Railroad along the Yellowstone in 1872/73, which was itself a violation of the 1868 Fort Laramie Treaty.

The Rosebud Sioux Tribe (along with the other 25 affected Tribal Nations) is also entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Rosebud Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear.



President Cyril Scott
Rosebud Sioux Tribe

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COUNCIL:
QUENTIN "JB" BRUGUIER JR.
JASON COOKE
EVERDALE SONGHAWK
JUSTIN SONGHAWK
MONA WRIGHT

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned.

The Yankton Sioux Tribe supports Chief Arvol Looking Horse and GOAL Tribal Coalition in opposing the US Fish and Wildlife Service's intention to remove the Yellowstone grizzly bear from Endangered Species Act protections.

Chief Arvol Looking Horse, the 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Nakota, Lakota, and Dakota culture in his November 2014 statement. As Chief Looking Horse demonstrated, the ceremonial significance of the grizzly in our spiritual life way has existed from time immemorial.

The American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994) protects the spiritual and religious ways of the Nakota, Lakota and Dakota people related to the grizzly bear. The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is contravening the Act.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but also the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Nakota, Dakota and Lakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. However, during the proposed delisting process, this framework has also not been followed.

During his official June 2014 visit to the Standing Rock Sioux Tribe, President Obama told the people of the Oceti Sakowin (Great Sioux Nation), "My administration is determined to partner with tribes, and it's not something that just happens once in a while. It takes place every day, on just about every issue that touches your lives. And that's what real nation-to-nation partnerships look like."

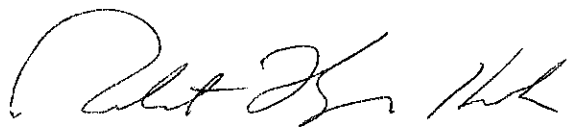
The delisting of the sacred grizzly bear, the subsequent trophy hunting, and the virtual cull proposed by the state of Wyoming, will touch the lives of the Flandreau Santee Sioux people. The cultural, geographic and sacred landscape of the Nakota, Lakota and Dakota people demonstrates the cultural importance of the grizzly bear.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists not only between the Nakota, Dakota and Lakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld.

The Yankton Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). As such,
the Acts and Orders cited herein entitle the Yankton Sioux Tribe to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. We join the other tribes of the Great Sioux Nation that have called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review.

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas. Two small island populations of grizzlies in two isolated ecosystems in the lower-48 cannot be considered to constitute a recovered species.

In the spirit of our ancestors, and to ensure that our children and future generations will grow-up in a world where grizzlies are returning to parts our ancestral homeland where they ranged before they were extirpated post-the Lewis and Clark Expedition, the Yankton Sioux Tribe opposes delisting the Yellowstone grizzly bear – preserving the grizzly equates to cultural preservation.



Robert Flying Hawk
Chairman
Yankton Sioux Tribe
December 11, 2014

SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRPERSON

MYRA PEARSON

PO BOX 359 • FORT TOTTEN, ND 58335 • PHONE 701 766-4221 • FAX 701 766-4126

JAN 2 0 2015

December 17, 2014

For the attention of:
Secretary of the Interior, Sally Jewell;
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Spirit Lake Sioux Tribe are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Spirit Lake Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" - *Resources & Issues*, NPS, 2010). Ten of the identified associated Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Spirit Lake Sioux Tribe and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Spirit Lake Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan* (sacred)."

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas.

Tribal Nations have alternative solutions to the outdated wildlife management practice of killing. Trophy hunting sentient beings appeals only to a tiny minority of the population, a minority that is over 95% white, from high economic strata. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Under such circumstances, estimated carrying capacity in one ecosystem would not result in killing but relocation to ignite new populations that would realize the long-projected need for linkage zones between grizzly populations. Today, the two small island populations of grizzlies surviving in two isolated ecosystems in the lower-48 cannot be considered a recovered species appropriate for delisting and subsequent trophy hunting.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Spirit Lake Sioux Tribe (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon

relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Spirit Lake Sioux Tribe adds its voice to that call.

The Spirit Lake Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Sincerely,

Myra Pearson
Spirit Lake Tribe Chairperson

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE: (208) 478-3700
(208) 237-0797

FORT HALL BUSINESS COUNCIL
PO BOX 306
FORT HALL, IDAHO 83203

To Whom It May Concern:

This letter is in strong support of GOAL Tribal Coalition. JAN 2 0 2015

The Fort Hall Business Council of the Shoshone-Bannock Tribes of Fort Hall, Idaho oppose the federal government' s proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service, recognizing that the federal government' s resolve to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

Our Tribe is one of the few of the twenty-six federally recognized tribes which federal government openly acknowledges has an original ancestral connection to the Yellowstone National Park and the Greater Yellowstone Ecosystem regions. The connection between our tribe and this land has existed hundreds and thousands of years and requires the US Fish and Wildlife Service to consult with the Shoshone-Bannock Tribes since the American Indian Religious Freedom Act states that laws pertaining to 'conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the *Endangered Species Act* (ESA) of 1973 (16 U.S.C. 1531) clearly sets forth the framework to be followed when actions taken under authority of the ESA affect tribes. With the proposed delisting of the grizzly bear, the US Fish and Wildlife Service is in contravention of this order which directs the that agency to 'solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes' during the

consultation process, and 'cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes social and cultural impacts on tribal people.'

The Shoshone-Bannock Tribe has been afforded no such consultation throughout the US Fish and Wildlife Service' s process proposing a new Rule to delist the Yellowstone grizzly bear, despite the supposed protection of religious practices of traditional tribal people by PL-95-341.

In respecting our unique cultural imperatives, and the preservation of our sovereignty, the Shoshone-Bannock Tribe renounces the federal government' s desire to delist the grizzly bear from Endangered Species Act protections. We oppose the legislative resolve to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation lands.

Additionally, in recognition that that the Shoshone-Bannock Tribe' s Fish and Wildlife Department has a seat on the IGBC' s (Interagency Grizzly Bear Committee) Yellowstone Subcommittee, this letter of support from the Shoshone-Bannock Tribe countermands any previous votes cast by the Shoshone-Bannock Tribe' s Fish and Wildlife Department in favor of delisting the Yellowstone grizzly bear.

Our council hereby officially strongly opposes this position in delisting the Yellowstone grizzly bear.

Respectfully,

Nathan Small, Chairman
Fort Hall Business Council

OGLALA SIOUX TRIBE

Office of the Vice President

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Steven Hernandez
Administrative Asst.

Tamara Trueblood
Executive Secretary

Don Garnier
Cultural Liaison

Attn: United States Fish and Wildlife Director, Dan Ashe;
All other affected parties.

The sovereignty and spiritual rights of the Oglala Sioux Tribe (Oglala Lakota Nation) and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Oglala Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), and as such must be consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework. Unsolicited correspondence from a federal agency coordinator or similar does not constitute consultation between a tribal nation and the federal government.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to the planned delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers

and buttes, were inspired by the grizzly bear. Not without reason were Crazy Horse and his mentor, High Back Bone (Hump), described as "the grizzly and his cub."

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the FWS during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) on cultural and religious grounds.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the context of attempting to delist the Yellowstone grizzly, this equates to the FWS having to consult with respected spiritual leaders such as Chief Arvol Looking Horse.

Chief Arvol Looking Horse describes this present movement to remove ESA protections from the grizzly and allow the states of Wyoming, Montana and Idaho to operate profligate trophy hunts as an extension of the "disease of the mind" that enabled Manifest Destiny; the massacres of our people, and the near extermination of the grizzly, the wolf and the buffalo in the 19th Century. The world will see this in play again if the grizzly is delisted. Each spring and fall, some visitors to Yellowstone National Park will see grizzlies gutted by the sides of the roads leading to Yellowstone, or bloody grizzly carcasses strapped to vehicles.

We reject the designation of the grizzly bear as a "trophy game animal." It is shameful that a sentient being – one our people revere as sacred – is to be killed for "fun" by affluent trophy hunters. Great Lakota holy men like Black Elk, and Lakota Bear Medicine Men like Sword, articulated our feelings when they said, "The grizzly bear is *wakan*." The Oglala Lakota people will not stand idle and watch this sacred being be slaughtered on the lands our ancestors fought to defend.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on other sacred ancestral lands.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. These Acts and Orders entitle the Oglala Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several nations of the Oceti Sakowin, and other affected Tribal Nations, have already called upon the FWS to release that data not only to the tribes, but also to independent scientists for analysis and review. To date, FWS has refused to do so. If the data is sound, it will not be undermined by scrutiny.

The Oglala Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition in bringing this important issue to the fore. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly, and call for the federal government to begin the process of thorough consultation in accordance with the existing mandates, to ensure that our sovereignty and spiritual rights are upheld.

Respectfully submitted,

Tom Poor Bear, OST Vice President

CHAIRMAN
Harold C. Frazier

SECRETARY
EvAnn White Feather

TREASURER
Benita Clark

VICE-CHAIRMAN
Ryman LeBeau

CHEYENNE RIVER SIOUX TRIBE

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Merrie Miller
Vacant

DISTRICT 5
Ryman LeBeau
Raymond Uses The Knife
Robert Chasing Hawk
Derek Bartlett

DISTRICT 6
Tuffy Thompson
Richard Rousseau

December 09, 2014

Attn: Director Dan Ashe,
US Fish and Wildlife Service.

All Parties Concerned.

The Cheyenne River Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Cheyenne River Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

Opposing the removal of ESA protections from the Yellowstone grizzly bear, and the proposed trophy hunting of the grizzly, is consistent with CRST Ordinance 57, the Cheyenne River Sioux Tribe's Cultural Resources Protection Act, which affirms: "The spiritual and physical well-being of the Cheyenne River Sioux Tribe and its members is directly related to the preservation of the historical traditions and cultural heritage of the Lakota people."

In this process to date, FWS is yet to abide by the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA have tribal implications.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on lands our ancestors fought so hard to protect when they opposed the construction of the Northern Pacific Railroad along the Yellowstone in 1872 and 1873, which was also a violation of the 1868 Fort Laramie Treaty. Some of the principal leaders in that resistance were from the Lakota bands that comprise the Cheyenne River Sioux Tribe.

Through the aforementioned Acts and Orders, the Cheyenne River Sioux Tribe (along with the other 25 affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Cheyenne River Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear. We support the positions expressed by Chief Arvol Looking Horse, and the efforts of GOAL Tribal Coalition to protect the grizzly bear and defend our sovereignty and spiritual rights.

If you should have any questions or concerns, please contact me at 605-964-4155.

Sincerely,



Harold C. Frazier,
CRST Chairman

CC: File

Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891
Fax 605-997-3878
www.santeesioux.com

RESOLUTION NO. 14-142

WHEREAS, the Flandreau Santee Sioux Tribe (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and

WHEREAS, Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and

WHEREAS, Article VIII, Section (a) provides that the Executive Committee may negotiate with Federal, State, and local governments; and

WHEREAS, the Tribe opposes the Federal Government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service; and

WHEREAS, the US Fish and Wildlife Service, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) entiltled "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama requiring a "complete and consistent implementation of Executive Order 13175"; and

WHEREAS, the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act, 42 U.S.C. § 1996 (2014); and

WHEREAS, the American Indian Religious Freedom Act states laws pertaining to "conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices but did "and, therefore, were passed without consideration of their effect on traditional American Indian religions"; and

WHEREAS, in its proposed delisting of the grizzly bear the US Fish and Wildlife Service is in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species

Act (ESA) of 1973, 16 U.S.C. § 1531 (2014), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes; and

WHEREAS, the *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes"; and

WHEREAS, the Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people; and

WHEREAS, none of these commitments has been honored; and

WHEREAS, the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections; and

WHEREAS, when considering the intent of the Endangered Species Act, a species cannot be considered sufficiently recovered to warrant removal from Endangered Species Act protection if it presently only survives on approximately 2% of its original range; and

WHEREAS, throughout the US Fish and Wildlife Service's process proposing a new Rule to delist the Yellowstone grizzly bear there has been no discussion related to the impact delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people; and

WHEREAS, the grizzly bear holds a unique position in traditional Dakota culture and the cultures and ceremonial lifeways of the traditional spiritual practitioners of tribes also identified by the federal government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives; and

WHEREAS, those cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral

homelands; and

NOW THEREFORE BE IT RESOLVED, that the Executive Committee hereby officially adopts this position in respect to delisting the Yellowstone grizzly bear, and authorizes President Anthony Reider to sign a letter for support for the cause on the Tribe's behalf.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 11th day of December, 2014 by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

Vice President, Cynthia J. Weddell:	YES	NO	ABSTAIN	NOT PRESENT
Secretary, Gordon Jones, Jr.:	YES	NO	ABSTAIN	NOT PRESENT
Trustee I, Jean Paul Roy:	YES	NO	ABSTAIN	NOT PRESENT
Trustee II, Roxee Johnson:	YES	NO	ABSTAIN	NOT PRESENT
Trustee III, Michael Weston:	YES	NO	ABSTAIN	NOT PRESENT
Trustee IV, Kenny Weston:	YES	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider *(If Required)*:	YES	NO	ABSTAIN	NOT PRESENT

Gordon Jones, Jr., Tribal Secretary

Anthony Reider, Tribal President

Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION

Office of the Tribal Chairman

P.O. Box 509

112554 BIA Hwy 711

Agency Village, South Dakota 57262

Phone: (605)698-3911

December 10, 2014

Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Sisseton Wahpeton Oyate and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Sisseton Wahpeton Oyate is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient connection. Our spiritual and religious ways related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Sisseton Wahpeton Oyate opposes the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors

defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan*."

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Sisseton Wahpeton Oyate (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Sisseton Wahpeton Oyate adds its voice to that call.

The Sisseton Wahpeton Oyate supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Respectfully,

Robert Shepherd
Tribal Chairman
Sisseton-Wahpeton Oyate

Dave Archambault II
Chairman

TRIBAL COUNCIL
(AT LARGE)

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

Paul Archambault

Phyllis Young

Randal J. White Sr.

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Vice Chairman

Adele M. White
Secretary

Cody TwoBears
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Frank A. White Bull
Kenel District

Joe White Mountain Jr.
Bear Soldier District

Milton Brown Otter
Rock Creek District

Robert Taken Alive
Running Antelope District

Samuel B. Harrison
Porcupine District

December 8, 2014

Daniel M. Ashe
Director
United States Fish and Wildlife Service

Dear Mr. Ashe:

In his November 2014 statement opposing the proposed delisting and subsequent trophy hunting of the Yellowstone grizzly bear, Chief Arvol Looking Horse outlined the sacred nature of the grizzly bear in Lakota, Dakota and Nakota culture. As the 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin (Great Sioux Nation), Chief Looking Horse's insights are those of a highly respected spiritual leader.

To date, there has been no discussion in this process related to the impact delisting the grizzly bear, and the subsequent trophy hunting of the grizzly, will have on Native American spirituality, namely the religious practices of traditional tribal people, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Though this proposed action is to take place on defined ancestral lands of the Great Sioux Nation, the Standing Rock Sioux Tribe has yet to be consulted. As one of the 26 Tribal Nations the federal government acknowledges as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), the US Fish and Wildlife Service (FWS) is required to consult with the Standing Rock Sioux Tribe, as, like many of the other affected tribes, due to the cultural significance of the grizzly bear in Lakota, Dakota and Nakota culture, our people will be detrimentally impacted if the grizzly is delisted and trophy hunted in lands once familiar to our ancestors.

BLDG 1 NORTH STANDING ROCK AVE. P.O.BOX D • FORT YATES, NORTH DAKOTA 58538
PHONE: 701-854-7201 or 701-854-8500 • FAX 701-854-7299

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014.

The American Indian Religious Freedom Act states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing that.

The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome.

efore the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US, many in the environs of the Missouri River where the Standing Rock Sioux Tribe is now located. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until the aforementioned issues have been addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider delisting the iconic Yellowstone grizzly bear from ESA protections. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld. Thank you for your attention to this matter, and please feel free to contact me should further discussion be helpful.

Sincerely,

Dave Archambault II, Chairman
Standing Rock Sioux Tribe

CROW TRIBE EXECUTIVE BRANCH

Bacheeitche Avenue
P.O. Box 159
Crow Agency (Baaxuwuaashe), Montana 59022
Phone: (406) 638-3732/638-3786
Fax: (406) 638-7301

Darrin Old Coyote
CHAIRMAN
Dana Wilson
VICE CHAIRMAN
Alvin Not Afraid Jr.
SECRETARY
Shawn Backbone
VICE SECRETARY

Office of
Chairman Darrin Old Coyote

November 26, 2014

To all parties concerned:

The area now known as Greater Yellowstone lays within the boundaries of Crow Country that were defined by Chief Sits in the Middle of the Land at the 1851 Fort Laramie Treaty Council. For centuries, the Crow people have had a deep spiritual connection to the landscape, a relationship that continues to this day. Today, right in the heart of Crow country, exactly where Chief Sits in the Middle of the Land described, the federal government intends to delist the grizzly bear from Endangered Species Act protections and permit the State of Wyoming to open high-dollar trophy hunting seasons on the grizzly.

In common with the land, the Crow People have an ancient relationship with the grizzly bear. In Crow culture, the grizzly bear is referred to as biiké, elder brother, which connotes great respect for the bear. From the stars to the rocks, images of the bear communicate that sacred relationship the Crow people have with the grizzly, knowledge that was preserved by Crow elders and passed on to future generations. For example, Daxpitcheeishuulissúua, the Bear Song Dance, was one of the most sacred ceremonies of our people. The grizzly bear is a significant symbol for ceremonies for certain families in the Crow Tribe. The symbolic parts of a grizzly bear are used during ceremonies for healing. These parts of the grizzly bear has been handed down generation to generation and also used during competitions such as the handgames and other Crow traditional games. The elders say that a bear symbol can be seen in the palms of hands signifying power of the grizzly bear.

Though this proposed action is to take place on traditional Crow land, the Crow Tribe has yet to be consulted. As one of the 26 tribal nations the federal government openly acknowledges has an ancestral connection to Yellowstone, the US Fish and Wildlife Service (FWS) is required to consult with the Crow Tribe, like many of the other affected tribes. Due to the cultural significance of the grizzly bear, the Crow people will be detrimentally impacted if the grizzly is delisted and subsequently trophy hunted.

The Kiowa Tribe of Oklahoma, the historic allies of the Crow people, articulated the issues arising from the proposed delisting of the grizzly bear in its declaration of 10/10/14 and the Crow Tribe supports those positions.

The Crow Tribe is entitled to review the data the FWS is basing its conclusions on under the Secretarial Order issued by the Secretary of the Interior and the Secretary of commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). The Crow Tribe joins with the other affected tribal nations that have called upon the FWS to release that data not only to the tribes, but also to independent scientists

for analysis and review. Transparency is essential if tribal members and the public at large are to have confidence in the outcome.

The Guardians of Ancestors Legacy (GOAL) Tribal Coalition is doing valuable work in its efforts to preserve and protect the Yellowstone grizzly bear and in the process defend tribal sovereignty and spiritual rights.

Sincerely,

Darrin Old Coyote, Chairman
Crow Tribe

Montana & Wyoming Tribal Leaders Council
175 North 27th Street, Suite 1003, Billings, MT 59101 Ph: (406) 252-2550 Fax (406) 254-6355
Website http://www.mtwytlc.org Email: Cheryl@mtwytlc.com

Open Letter Approved By Official Resolution No. 11Dec2014-04 of the MT WY Tribal Leaders Council on December 11, 2014

The sovereignty and spiritual rights of Tribal Nations in Montana and Wyoming are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Services. Ten of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone are located in Montana and Wyoming, but to date they have not been consulted in this process.

The grizzly bear holds a unique position in the traditional cultures, ceremonies and spiritual practices of the affected tribes. If the Yellowstone grizzly bear is delisted, the management plans of the states of Wyoming, Montana and Idaho propose trophy hunting the grizzly on both the ancestral and current homelands of the affected tribes, which not only represents a threat to tribal sovereignty, but also contravenes the American Indian Religious Freedom Act (AIRFA) PL-95-341.

During this process, the FWS, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175."

The AIRFA states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Prominent spiritual leaders and elders from the affected Tribal Nations have issued statements in opposition to delisting the Yellowstone grizzly bear.

Given the economic challenges faced by the affected Tribal Nations, and the cultural significance of the grizzly bear, the prospect of the states charging anywhere between the quoted figures of $10,000 to $100,000 to trophy hunt this sacred being on ancestral tribal lands is at best disrespectful.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Additionally, the states' grizzly bear management plans also threaten to detrimentally impact tourism initiatives that would aid the economies of the affected Tribal Nations. Recent studies demonstrate that in strictly economic terms, grizzlies are a legitimate "economic powerhouse," worth far more alive than dead.

At the October 2014 meeting of the cross-jurisdictional body, the Interagency Grizzly Bear Committee (IGBC), the State of Wyoming reaffirmed its previously stated position that it wishes to cap the Greater Yellowstone grizzly bear population at 500. Not only is that number inconsistent with the purpose of the ESA, if recent population estimates issued by the tri-states and FWS are accurate, it would result in a virtual cull post-delisting that would have a devastating impact on tribal people relative to the spiritual importance of the grizzly bear.

As of fall 2014, the FWS and tri-states claim that there are now approximately 1,000 grizzlies in the Greater Yellowstone Ecosystem, which, based upon their own estimates, is an increase of 259 grizzlies in one year, which followed an estimated increase of approximately 112 in six months during 2013. The grizzly bear has the second slowest reproduction rate of any mammal, and clearly the Greater Yellowstone population cannot have increased by 35% in one year.

The affected Tribal Nations are entitled to review the raw data the FWS is basing all of its conclusions upon (not just its population estimates) relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. This body echoes those calls.

Every federal agency is required to consult with Tribal Nations before they recommend a course of action that has the potential to affect tribal rights and interests. This must occur in this process, as the affected Tribal Nations cannot permit their sovereignty to be undermined.

The manner is which this process has so far been conducted without the consultation and input of the affected Tribal Nations is representative of the recent history of Yellowstone (post-1872). It must be remembered that Yellowstone was a homeland, a sacred cultural landscape to twenty-six tribes, before it was a National Park. However, a visitor to Yellowstone today would not know that, due to the lack of cultural interpretation. A change in that respect is long overdue. America's first national park should no longer have features named after the proponents and exponents of genocide, as is the case with Hayden Valley and Mount Doane.

Seven months before Lieutenant Gustavus Cheyney Doane, 2nd Cavalry, guided the 1870 Yellowstone Expedition, he had led the massacre of Chief Heavy Runner's Piegan Blackfeet village on the Marias River. On his subsequent application to become Superintendent of Yellowstone National Park, he boasted, "Greatest slaughter of Indians ever made by U.S. Troops." Of the 173 victims killed on January 23, 1870, only 15 were men of fighting age.

Where Doane participated in genocide, Dr. Ferdinand V. Hayden advocated it. "Unless they are localized and made to enter upon agricultural and pastoral pursuits they must ultimately be exterminated," Hayden said of our ancestors who were about to be dispossessed by the establishment of Yellowstone National Park. "If extermination is the result of non-compliance, then compulsion is an act of mercy," he concluded.

These names must be changed with the input of the affected Tribal Nations, just as any move to delist the sacred grizzly bear on this ancestral landscape must involve consultation with the affected Tribal Nations.

Pre-the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Respectfully submitted,

TLC Board Chairman Ivan Posey

CC: Tribal Chairs, Presidents & Councils

Kiowa Tribe of Oklahoma

P.O. Box 369 · Carnegie, Oklahoma · 73015
Phone: (580) 654-2300 ext. 344 · Fax: (580) 654-8714
OFFICE OF THE LADY CHAIRMAN

October 10, 2014

GOAL Tribal Coalition
PO Box 30,000. #360
Jackson, WY 83002

Respectful GOAL Tribal Coalition Representative,

With Regard to and/or all parties concerned to the GOAL Coalition's efforts towards it's endeavors. The Kiowa Tribe of Oklahoma supports the mission of Guardians of Our Ancestors' Legacy (GOAL) Tribal Coalition to preserve and protect the endangered Yellowstone grizzly bear. In doing so, we will help to ensure that Native American spiritual rights are upheld, and our sovereignty defended.

The area now known as the Greater Yellowstone Ecosystem with Yellowstone National Park at its heart is the ancestral homeland of the Kiowa. It was in this region that our ancestors first established sacred kinship with the grizzly bear.

Our respect and reverence for the grizzly bear is reflected in many Kiowa names; some of the greatest leaders in Kiowa history carried names inspired by the grizzly bear, including Set-tain-te (Satanta) and Set-angya (Satank), and the importance of the bear in our traditional culture can still be heard in our names today.

Narratives pertaining to the grizzly bear are fundamental to many of our sacred sites in what is now Wyoming, and what was once our homeland. We oppose the present attempts by the US Fish and Wildlife Service (FWS) and the states of Wyoming, Montana and Idaho to remove Endangered Species Act (ESA) protections from the Yellowstone grizzly bear.

The Kiowa Tribe of Oklahoma rejects the notion that the sacred grizzly bear should be considered a "trophy game animal" and hunted in our ancestral homeland.

We agree that the FWS's determination to remove the Yellowstone grizzly bear from ESA protection without thorough consultation with the affected tribes identified as possessing an ancestral connection to Yellowstone contravenes the American Indian Religious Freedom Act (PL-95-341). There has been no discussion related to the impact

delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people, protected by PL-95-341.

We further agree that by ignoring the affected tribes, the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* explicitly states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4). The Order also directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during consultation processes. This has yet to happen.

Not consulting with the affected tribes is not only a breach of PL-95-341 and 16 U.S.C. 1531, it constitutes an infringement of our sovereignty.

Clearly the grizzly bear is not recovered under the criteria set forth by the Endangered Species Act. A population of between 500–700 grizzlies surviving on less than 1% of their original range pre-contact could not be considered recovered even if it were not genetically isolated and threatened by the loss of keystone food sources, which the Yellowstone grizzly bear is.

It is essential that the FWS finally makes the data it is basing its conclusions upon available, not only to the affected tribes, but crucially, to the scientific community for independent analysis and review. The affected tribes are entitled to the information under 16 U.S.C. 1531.

By protecting the sacred grizzly bear and in the process defending our religious freedom and sovereignty we honor our ancestors. The tribal heritage of Rain Bear Stands Last, the founder of GOAL, includes Kiowa. One of his ancestors, the great Cheyenne leader, Sleeping Bear, once presented the legendary Kiowa chief, Téh-tóot-sah (Little Bluff), with a famous painted tipi.

This exchange began a tradition amongst our peoples. In supporting GOAL and this effort, we continue that tradition, and in the spirit of our ancestors attempt to ensure that

our children and future generations will grow-up in a world where grizzlies still roam our ancestral homeland so that a large part of our culture and history will remain intact.

Respectfully Submitted,

Amber C. Toppah, Lady Chairman
Kiowa Business Committee
Kiowa Tribe of Oklahoma

THE SHOSHONE-PAIUTE TRIBES
OF THE DUCK VALLEY INDIAN RESERVATION
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December 18, 2014

For the attention of all parties concerned:

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation stand in solidarity with our sister tribes, the Eastern Shoshone Tribe of the Wind River Indian Reservation, and the Shoshone-Bannock Tribes of Idaho, in opposing the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation supports the positions articulated by the Eastern Shoshone Tribe and the Shoshone-Bannock Tribes in their resolution and declarations respectively.

The Shoshone-Paiute Tribes have clear interests to this issue. Many of our tribal members are descended from those whom enjoyed a connection to the landscape now referred to as Greater Yellowstone since time immemorial. In more recent times, our ancestors stood with the Bannock people in defending our homelands in 1878.

The grizzly bear has a significant place in Shoshone-Paiute culture. The grizzly bear is a sacred being, intricately tied to the ceremonies and practices of our people. Such is our respect for the grizzly that we refer to the great bear as our brother.

In its attempts to delist the Yellowstone grizzly bear without regard to the ceremonial and religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions," which is a violation of the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the Tribal Nations impacted by this issue.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Given the tremendous concern expressed by many of the Associated Tribes of Yellowstone regarding the potential delisting of the grizzly bear, the FWS should immediately commence consultation with the impacted Tribal Nations regarding the implications of a delisting decision. US government agencies, including FWS, have a duty to consult with tribes regarding policies that have tribal implications. This duty has been embodied in a variety of executive orders, secretarial orders, and memoranda. Executive Order 13175, issued by President Clinton in 2000, was written "to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications." Such policies include "regulations ... and other policy statements or actions that have substantial direct effects on one or more Indian tribes," such as listing and delisting decisions.

A 2009 memorandum issued by President Obama emphasized the importance of President Clinton's Executive Order, noting that "[c]onsultation is a critical ingredient of a sound and productive Federal-tribal relationship" and affirming the Administration's "commit[ment] to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications." President Obama's 2013 Executive Order Establishing the White House Council on Native American Affairs further recognizes that "[g]reater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations."

The US Departments of Interior and Commerce issued an order on June 5, 1997, specifically regarding tribal consultation obligations in the context of the Endangered Species Act. That order provides that FWS "shall coordinate with affected Indian tribes in order to fulfill the Service['s] trust responsibilities and encourage meaningful tribal participation" in listing and delisting decisions.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists between the federal government and all of the Tribal Nations impacted by this issue, a situation that must be remedied.

We join our sister tribes in rejecting the designation of the grizzly bear as a "trophy game animal" and the intent of the states to sell licenses and generate multiple

thousands of dollars from trophy hunting the sacred grizzly bear on our ancestral homelands.

Tribal Nations have alternative solutions to the outdated "wildlife management" practices. Trophy hunting sentient beings appeals only to a tiny minority of the population, and is antithetical to the traditional cultures and subsistence practices of tribal people. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Our people, those of our sister tribes, and the memberships of the other impacted tribes, retain unique insights into this landscape. Our ancestors are the only ones who had practical experience of what it was to live within these ecosystems when they were complete. The knowledge that they retained and passed down is truly the definition of the "best available science" as they lived it – they did not speculate upon the theoretic. Their voices, through us, need to be heard.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Sincerely,

Lindsey W. Manning

Lindsey W. Manning
Chairman
Shoshone-Paiute Tribes of Duck Valley

-WOHEVIV-
The Morning Star

NORTHERN CHEYENNE TRIBE
ADMINISTRATION
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-WOHEVIV-
The Morning Star

September 12, 2014

To Whom It May Concern:

This letter is in support of the GOAL Tribal Coalition. The Northern Cheyenne Tribe opposes the federal government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service and we believe the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

As one of the twenty-six federally recognized tribes the federal government acknowledges has an ancestral connection to the region now known as Yellowstone National Park and the Greater Yellowstone Ecosystem the US Fish and Wildlife Service is thus required to consult with the Northern Cheyenne Tribe, yet the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections.

The grizzly bear holds a unique position in the traditional cultures and ceremonial life-ways of the traditional spiritual practitioners of tribes identified by the federal

government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives.

Clearly cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral homelands.

We the Cheyenne Nation stand in support of the grizzly bear, and the right of Native peoples to religious freedom

Yours faithfully,

Llevando Fisher

President of the Northern Cheyenne Nation

DEPARTMENT OF THE INTERIOR
TASKING PROFILE

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To (Recipient): Jewell, Sally

From (Author): Pearson, Myra

Chairwoman
Spirit Lake Sioux Tribe
PO Box 359
Fort Totten, ND 58335

Subject Text: Spirit Lake Sioux Tribe are threatened by the proposed delisting of the Yellowstone grizzly bear from ESA.

Req. Surnames:

Mail Carrier: **Mail Track #:**

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Copies To: SIO-OES

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Correspondence Specialist and Phone: SIO-OES Tim Feeney/202-208-6701

Closed Comments:

Signed:

SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRPERSON
MYRA PEARSON
P.O. BOX 359 • FORT TOTTEN, ND 58335 • PHONE 701-766-4221 • FAX 701-766-4739

December 17, 2014

For the attention of:
Secretary of the Interior, Sally Jewell;
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Spirit Lake Sioux Tribe are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Spirit Lake Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Ten of the identified associated Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Spirit Lake Sioux Tribe and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Spirit Lake Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan* (sacred)."

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas.

Tribal Nations have alternative solutions to the outdated wildlife management practice of killing. Trophy hunting sentient beings appeals only to a tiny minority of the population, a minority that is over 95% white, from high economic strata. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Under such circumstances, estimated carrying capacity in one ecosystem would not result in killing but relocation to ignite new populations that would realize the long-projected need for linkage zones between grizzly populations. Today, the two small island populations of grizzlies surviving in two isolated ecosystems in the lower-48 cannot be considered a recovered species appropriate for delisting and subsequent trophy hunting.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Spirit Lake Sioux Tribe (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon

relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Spirit Lake Sioux Tribe adds its voice to that call.

The Spirit Lake Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Sincerely,

Myra Pearson
Spirit Lake Tribe Chairperson

Montana & Wyoming Tribal Leaders Council
175 North 27th Street, Suite 1003, Billings, MT 59101 Ph: (406) 252-2550 Fax (406) 254-6355
Website http://www.mtwytlc.org Email: Cheryl@mtwytlc.com

Open Letter Approved By Official Resolution No. 11Dec2014-04 of the MT WY Tribal Leaders Council on December 11, 2014

The sovereignty and spiritual rights of Tribal Nations in Montana and Wyoming are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Services. Ten of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone are located in Montana and Wyoming, but to date they have not been consulted in this process.

The grizzly bear holds a unique position in the traditional cultures, ceremonies and spiritual practices of the affected tribes. If the Yellowstone grizzly bear is delisted, the management plans of the states of Wyoming, Montana and Idaho propose trophy hunting the grizzly on both the ancestral and current homelands of the affected tribes, which not only represents a threat to tribal sovereignty, but also contravenes the American Indian Religious Freedom Act (AIRFA) PL-95-341.

During this process, the FWS, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175."

The AIRFA states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Prominent spiritual leaders and elders from the affected Tribal Nations have issued statements in opposition to delisting the Yellowstone grizzly bear.

Given the economic challenges faced by the affected Tribal Nations, and the cultural significance of the grizzly bear, the prospect of the states charging anywhere between the quoted figures of $10,000 to $100,000 to trophy hunt this sacred being on ancestral tribal lands is at best disrespectful.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Additionally, the states' grizzly bear management plans also threaten to detrimentally impact tourism initiatives that would aid the economies of the affected Tribal Nations. Recent studies demonstrate that in strictly economic terms, grizzlies are a legitimate "economic powerhouse," worth far more alive than dead.

At the October 2014 meeting of the cross-jurisdictional body, the Interagency Grizzly Bear Committee (IGBC), the State of Wyoming reaffirmed its previously stated position that it wishes to cap the Greater Yellowstone grizzly bear population at 500. Not only is that number inconsistent with the purpose of the ESA, if recent population estimates issued by the tri-states and FWS are accurate, it would result in a virtual cull post-delisting that would have a devastating impact on tribal people relative to the spiritual importance of the grizzly bear.

As of fall 2014, the FWS and tri-states claim that there are now approximately 1,000 grizzlies in the Greater Yellowstone Ecosystem, which, based upon their own estimates, is an increase of 259 grizzlies in one year, which followed an estimated increase of approximately 112 in six months during 2013. The grizzly bear has the second slowest reproduction rate of any mammal, and clearly the Greater Yellowstone population cannot have increased by 35% in one year.

The affected Tribal Nations are entitled to review the raw data the FWS is basing all of its conclusions upon (not just its population estimates) relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. This body echoes those calls.

Every federal agency is required to consult with Tribal Nations before they recommend a course of action that has the potential to affect tribal rights and interests. This must occur in this process, as the affected Tribal Nations cannot permit their sovereignty to be undermined.

The manner is which this process has so far been conducted without the consultation and input of the affected Tribal Nations is representative of the recent history of Yellowstone (post-1872). It must be remembered that Yellowstone was a homeland, a sacred cultural landscape to twenty-six tribes, before it was a National Park. However, a visitor to Yellowstone today would not know that, due to the lack of cultural interpretation. A change in that respect is long overdue. America's first national park should no longer have features named after the proponents and exponents of genocide, as is the case with Hayden Valley and Mount Doane.

Seven months before Lieutenant Gustavus Cheyney Doane, 2nd Cavalry, guided the 1870 Yellowstone Expedition, he had led the massacre of Chief Heavy Runner's Piegan Blackfeet village on the Marias River. On his subsequent application to become Superintendent of Yellowstone National Park, he boasted, "Greatest slaughter of Indians ever made by U.S. Troops." Of the 173 victims killed on January 23, 1870, only 15 were men of fighting age.

Where Doane participated in genocide, Dr. Ferdinand V. Hayden advocated it. "Unless they are localized and made to enter upon agricultural and pastoral pursuits they must ultimately be exterminated," Hayden said of our ancestors who were about to be dispossessed by the establishment of Yellowstone National Park. "If extermination is the result of non-compliance, then compulsion is an act of mercy," he concluded.



January 16, 2015

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Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

RE: Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Enclosed please find both original documents and copies of the aforementioned official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's (FWS) proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act (ESA).

Included among these is a resolution by the Eastern Shoshone Tribe, whom you visited in August 2013, a declaration by the Standing Rock Sioux Tribe, to whom President Obama made an official government-to-government visit in June 2014, and a letter from the Crow Tribe, President Obama's adopted people.

In addition, copies of resolutions recently passed by the Northern Cheyenne Tribe and the Great Plain Plains Tribal Chairmen's Association will be forthcoming. In total, this amounts to every tribe in Wyoming, Montana, South Dakota, North Dakota, Nebraska, and some in Idaho and Oklahoma. GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition, of which I am a co-founder, liaised and coordinated with the respective Tribal Nations and representative bodies in amassing this official documentation.

RECEIVED

As articulated in all of the resolutions, declarations and letters, due to the immense spiritual and religious significance of the grizzly bear in tribal cultures, all of the Tribal Nations cite violations of the American Indian Religious Freedom Act (AIRFA–PL 95-341–1978/PL 103-344 –1994) in FWS's actions to date relative to delisting the grizzly bear.

Similarly, all of the Tribal Nations specify FWS's disregard for established consultation protocols. Standing Rock Sioux Chairman, Dave Archambault II, succinctly articulates this in his tribe's declaration:

"Executive Order 13175 (Nov. 6, 2000) 'Consultation and Coordination with Indian Tribal Governments' signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a 'complete and consistent implementation of Executive Order 13175,' have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, 'Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations.' The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014."

As you are no doubt aware, the Standing Rock Sioux Tribe is one of the 26 Tribal Nations the federal government identifies as having an ancestral connection to the Greater Yellowstone Ecosystem ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), and is, therefore, one of the 26 Tribal Nations that must be consulted in this latest attempt to delist the Yellowstone grizzly bear.

In your statement of 12/19/2014 pertaining to the National Defense Authorization Act, specifically the Resolution Copper Mining provision, you said that you were "profoundly disappointed" with the disregard for tribal spiritual rights and how the provision "short-circuits the long-standing and fundamental practice of pursuing meaningful government-to-government consultation." This is precisely what is occurring with FWS's failure to pursue

"meaningful government-to-government consultation" in the proposed delisting of the Yellowstone grizzly bear.

Further, FWS appears oblivious to your emphasizing that, "the appropriate time for honoring our government-to-government relationship with tribes is before legislating issues of this magnitude."

In response to questions from the press about the lack of tribal consultation, FWS's "Grizzly Bear Coordinator," Dr. Christopher Servheen, recently claimed "we've done what we are required to do" (*Bozeman Daily Chronicle* 1/9/15), and identified four letters he sent in April 2014 as validation, one each to the Eastern Shoshone, the Shoshone-Bannock Tribes of Idaho, the Northern Arapaho, and an unidentified tribe in Idaho. From personal contact GOAL has had with the chairmen of each of the tribes identified, I can attest to the fact that they never had sight of a letter from Dr. Servheen.

Dr. Servheen then repeated to the Associated Press (*New York Times* et al 1/11/15) what he stated to the *Missoula Independent* about consultation with the tribes (12/17/14): "They were all sent those letters, and we haven't heard anything in response to those letters." This is patently false on two counts; one, not all of the 26 affected tribes were sent letters; and two, the Eastern Shoshone Tribe responded to FWS's intent to proceed with delisting by issuing their resolution in opposition on 10/28/14, the Shoshone-Bannock Tribes of Idaho did similarly 11/4/14, and as a member tribe of the Montana & Wyoming Tribal Leaders Council (TLC) the Northern Arapaho did the same when the TLC issued a resolution opposing delisting on 12/11/14.

Dr. Servheen's comment deriding the tribes' position on sovereignty in regard to this issue (*Bozeman Daily Chronicle* 1/9/15), and the context of his remark to the Associated Press that "we asked for their input and ideas" as if he were the arbiter of the validity of the tribes' knowledge of the grizzly bear which has been amassed since time immemorial, speaks to an individual lacking in both cultural sensitivity and knowledge relative to the consultation process required by acts of Congress (AIRFA, etc.), Secretarial Orders, and Executive Orders that define the government-to-government status that exists between Indian tribes and the federal government.

Tribes have a relationship with Congress and the Secretary of the Interior; tribes are not required to report to a department coordinator or follow his instructions, as, for example, Dr. Servheen bade the Eastern Shoshone in his April 2014 letter that Chairman Darwin St. Clair didn't receive, but Servheen released to the press regardless (*Bozeman Daily Chronicle*

1/9/15): "If you are aware of others who should also receive this request, either within your tribe or with another tribe, please forward this letter," he wrote.

The 26 affected Tribal Nations were not consulted by FWS during the process of its previous delisting attempt, a fact Dr. Servheen conceded when he said he "received no comment from the tribes on that proposal" (*Bozeman Daily Chronicle* 1/9/15). Again, this demonstrates a fundamental misunderstanding of the protocols involved; it is the responsibility of the respective federal agency or department to initiate the consultation process with the Tribal Nations that may be impacted by the consequences of federal actions, not vice-versa.

I would be amazed if either you or President Obama would concur that mailing a letter to only four of the impacted Tribal Nations constitutes "meaningful government-to-government consultation," or that either you or the President would agree with Coordinator Servheen that in terms of consultation FWS has "done what they are required to do." Among other tribal leaders, Oglala Sioux Tribal Vice President, Tom Poor Bear, outlined the framework of "meaningful government-to-government consultation" in his tribe's declaration (copy enclosed).

In addition to the abrogation of consultation protocols and the violation of religious and spiritual rights, all of the Tribal Nations have called for FWS to release the raw data from which the Interagency Grizzly Bear Study Team (IGBST) made its recommendation to proceed with delisting the Yellowstone grizzly bear. The American people have funded the collection of this data through their taxes, and as this is not a matter of national security there is no reason why this data should be withheld from public scrutiny. As Chairman Dave Archambault II highlighted in the Standing Rock Sioux Tribe's declaration:

"The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome."

Madam Secretary, I was present on the Wind River Indian Reservation when you visited in August 2013. During your remarks you said, "I want to be helpful, but you are the experts," and you then concluded with "I'm all ears." I sincerely hope that you will listen to the tribes

on this occasion and intervene to ensure that there is a thorough and "meaningful government-to-government consultation" process, and that you will institute a moratorium on the proposed delisting of the Yellowstone grizzly bear until all of the issues raised by the affected Tribal Nations have been fully addressed.

Néá'eše/àho (Thank you).

Respectfully,

R. Bear Stands Last

R. Bear Stands Last –
Co-founder, GOAL Tribal Coalition.

cc. Dan Ashe, Director
US Fish and Wildlife Service,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

Respective Tribal Chairpersons, Presidents and Vice Presidents.

CROW CREEK SIOUX TRIBE

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TRIBAL COUNCIL

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To Whom it May Concern:

The sovereignty and spiritual rights of the Crow Creek Sioux Tribe and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS). The Crow Creek Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, Smutty Bear, Medicine Bear, White Bear, and Two Bears among them.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient

connection. Like all of our spiritual and religious ways, ceremonies related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation

process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Crow Creek Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. As one of those defenders, the respected Lakota Bear Medicine Man, Sword, said, "The grizzly bear is *wakan*."

The Acts and Orders cited herein entitle the Crow Creek Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review, which must happen.

The Crow Creek Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly and call for the FWS to begin the process of consultation to ensure that our sovereignty and spiritual rights are upheld.

Roxanne Sazue
CCST Chairwoman

KJ9

Eastern Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514
(307) 332-3532/4932
Fax: (307) 332-3055

JAN 20 2015

To Whom It May Concern:

The Eastern Shoshone Tribe stands beside the other tribal nations that have offered their support to GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition in their efforts to defend tribal sovereignty and Native American religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341--AUG. 11, 1978).

The drive by the US Fish and Wildlife Service (FWS) and the State of Wyoming to remove the Yellowstone grizzly bear from Endangered Species Act (ESA) protections to enable Wyoming to manage the grizzly as a "trophy game animal" and generate tens of thousands of dollars for the state from trophy hunters' license fees amounts to an infringement of the American Indian Religious Freedom Act.

Even prior to the Richardson Amendments (HR 4230) that President Clinton signed into law in 1994 (PL 103-344, 108 Stat. 3125), PL 95-341 made plain that laws related to "conservation and preservation of natural species" could not, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

The grizzly bear is highly respected by tribal people, and has a prominent role in the traditional spiritual practices of our people – the very lifeblood of our culture. The opposition of tribal members on the Wind River Indian Reservation to the delisting and trophy hunting of the grizzly bear has been apparent since our 55th Annual Eastern Shoshone Indian Days and Powwow, at which GOAL began making our tribal members aware of this issue and its consequences.

The Eastern Shoshone Tribe is among the twenty-six tribal nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS Division of Interpretation, 2010). Therefore, by the federal government's own criteria, the Eastern Shoshone Tribe must be included in any discussions pertaining to the removal of the sacred grizzly bear from ESA protections.

To date there has been no consultation with any of the spiritual leaders of the tribes impacted by the proposed delisting of the grizzly bear, which means that the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities*, and the Endangered Species Act Order state, among other significant clauses:

"The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4)."

The Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

Clearly, the FWS and State of Wyoming have made no provision to abide by the Order.

The State of Wyoming has identified the Wind River Mountains as one area from which it intends to extinguish the grizzly bear. The FWS has already provided Wyoming Game and Fish with the mechanism to do so if the grizzly is delisted, but attempts to prosecute this action would be tantamount to an infringement of the sovereignty of the Eastern Shoshone Tribe.

The Eastern Shoshone Tribe opposes trophy hunting of the grizzly bear in the Wind River Mountains and will not permit the State of Wyoming to inflict its policies on Eastern Shoshone tribal lands. The leadership on the Wind River Indian Reservation rejected proposals to permit the trophy hunting of wolves on our land when the wolf was delisted from the ESA, and we hold that same position in relation to the grizzly bear. The grizzly bear is not recovered by the standard required to fulfill the ESA. A genetically isolated population of approximately 600 grizzlies existing on less than 1.5% of its original range does not meet the criteria of recovery.

Sincerely,

Darwin St. Clair Jr., Chairman
Shoshone Business Council
10/25/2011

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Cyril Scott, President
Willie Kindle, Vice President
Julia M. Peneaux, Secretary
Byron Wright, Treasurer
Glen Yellow Eagle, Sergeant-at-Arms

December 9, 2014

JAN 2 0 2015

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The Rosebud Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Rosebud Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

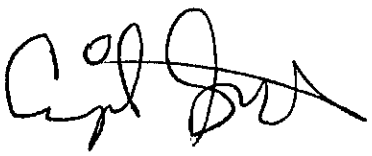
The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

The specter of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The most famous image of the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty – and resulted in the theft of the Black Hills – is the photograph of Custer with the grizzly he killed for a "trophy." We cannot allow a repeat 140-years later on lands our ancestors fought so hard to defend when they opposed the construction of the Northern Pacific

Railroad along the Yellowstone in 1872/73, which was itself a violation of the 1868 Fort Laramie Treaty.

The Rosebud Sioux Tribe (along with the other 25 affected Tribal Nations) is also entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Rosebud Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear.



President Cyril Scott
Rosebud Sioux Tribe

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LEO O'CONNOR, TREASURER

COUNCIL:
QUENTIN "JB" BRUGUIER JR.
JASON COOKE
EVERDALE SONGHAWK
JUSTIN SONGHAWK
MONA WRIGHT

For the attention of:
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned.

The Yankton Sioux Tribe supports Chief Arvol Looking Horse and GOAL Tribal Coalition in opposing the US Fish and Wildlife Service's intention to remove the Yellowstone grizzly bear from Endangered Species Act protections.

Chief Arvol Looking Horse, the 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Nakota, Lakota, and Dakota culture in his November 2014 statement. As Chief Looking Horse demonstrated, the ceremonial significance of the grizzly in our spiritual life way has existed from time immemorial.

The American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994) protects the spiritual and religious ways of the Nakota, Lakota and Dakota people related to the grizzly bear. The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is contravening the Act.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but also the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Nakota, Dakota and Lakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. However, during the proposed delisting process, this framework has also not been followed.

During his official June 2014 visit to the Standing Rock Sioux Tribe, President Obama told the people of the Oceti Sakowin (Great Sioux Nation), "My administration is determined to partner with tribes, and it's not something that just happens once in a while. It takes place every day, on just about every issue that touches your lives. And that's what real nation-to-nation partnerships look like."

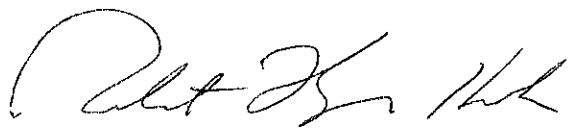
The delisting of the sacred grizzly bear, the subsequent trophy hunting, and the virtual cull proposed by the state of Wyoming, will touch the lives of the Flandreau Santee Sioux people. The cultural, geographic and sacred landscape of the Nakota, Lakota and Dakota people demonstrates the cultural importance of the grizzly bear.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists not only between the Nakota, Dakota and Lakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld.

The Yankton Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). As such,
the Acts and Orders cited herein entitle the Yankton Sioux Tribe to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. We join the other tribes of the Great Sioux Nation that have called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review.

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas. Two small island populations of grizzlies in two isolated ecosystems in the lower-48 cannot be considered to constitute a recovered species.

In the spirit of our ancestors, and to ensure that our children and future generations will grow-up in a world where grizzlies are returning to parts our ancestral homeland where they ranged before they were extirpated post-the Lewis and Clark Expedition, the Yankton Sioux Tribe opposes delisting the Yellowstone grizzly bear – preserving the grizzly equates to cultural preservation.



Robert Flying Hawk
Chairman
Yankton Sioux Tribe
December 11, 2014

SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRPERSON

MYRA PEARSON

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JAN 2 0 2015

December 17, 2014

For the attention of:
Secretary of the Interior, Sally Jewell;
Dan Ashe, Director – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Spirit Lake Sioux Tribe are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Spirit Lake Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" - *Resources & Issues*, NPS, 2010). Ten of the identified associated Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Spirit Lake Sioux Tribe and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Spirit Lake Sioux Tribe rejects the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan* (sacred)."

Today the grizzly bear survives on less than 2% of its original range, with only 2% of its historic population. There is much work to be done before the grizzly bear can be considered recovered. Many areas of biologically suitably habitat exist where the grizzly once roamed, many of them in our ancestral homelands, and the grizzly should be returned to those areas.

Tribal Nations have alternative solutions to the outdated wildlife management practice of killing. Trophy hunting sentient beings appeals only to a tiny minority of the population, a minority that is over 95% white, from high economic strata. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Under such circumstances, estimated carrying capacity in one ecosystem would not result in killing but relocation to ignite new populations that would realize the long-projected need for linkage zones between grizzly populations. Today, the two small island populations of grizzlies surviving in two isolated ecosystems in the lower-48 cannot be considered a recovered species appropriate for delisting and subsequent trophy hunting.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Spirit Lake Sioux Tribe (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon

relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Spirit Lake Sioux Tribe adds its voice to that call.

The Spirit Lake Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Sincerely,

Myra Pearson
Spirit Lake Tribe Chairperson

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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(208) 237-0797

FORT HALL BUSINESS COUNCIL
PO BOX 306
FORT HALL, IDAHO 83203

To Whom It May Concern:

This letter is in strong support of GOAL Tribal Coalition. JAN 2 0 2015

The Fort Hall Business Council of the Shoshone-Bannock Tribes of Fort Hall, Idaho oppose the federal government' s proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service, recognizing that the federal government' s resolve to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

Our Tribe is one of the few of the twenty-six federally recognized tribes which federal government openly acknowledges has an original ancestral connection to the Yellowstone National Park and the Greater Yellowstone Ecosystem regions. The connection between our tribe and this land has existed hundreds and thousands of years and requires the US Fish and Wildlife Service to consult with the Shoshone-Bannock Tribes since the American Indian Religious Freedom Act states that laws pertaining to 'conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the *Endangered Species Act* (ESA) of 1973 (16 U.S.C. 1531) clearly sets forth the framework to be followed when actions taken under authority of the ESA affect tribes. With the proposed delisting of the grizzly bear, the US Fish and Wildlife Service is in contravention of this order which directs the that agency to 'solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes' during the

consultation process, and 'cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes social and cultural impacts on tribal people.'

The Shoshone-Bannock Tribe has been afforded no such consultation throughout the US Fish and Wildlife Service' s process proposing a new Rule to delist the Yellowstone grizzly bear, despite the supposed protection of religious practices of traditional tribal people by PL-95-341.

In respecting our unique cultural imperatives, and the preservation of our sovereignty, the Shoshone-Bannock Tribe renounces the federal government' s desire to delist the grizzly bear from Endangered Species Act protections. We oppose the legislative resolve to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation lands.

Additionally, in recognition that that the Shoshone-Bannock Tribe' s Fish and Wildlife Department has a seat on the IGBC' s (Interagency Grizzly Bear Committee) Yellowstone Subcommittee, this letter of support from the Shoshone-Bannock Tribe countermands any previous votes cast by the Shoshone-Bannock Tribe' s Fish and Wildlife Department in favor of delisting the Yellowstone grizzly bear.

Our council hereby officially strongly opposes this position in delisting the Yellowstone grizzly bear.

Respectfully,

Nathan Small, Chairman
Fort Hall Business Council

OGLALA SIOUX TRIBE

Office of the Vice President

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Steven Hernandez
Administrative Asst.

Tamara Trueblood
Executive Secretary

Don Garnier
Cultural Liaison

Attn: United States Fish and Wildlife Director, Dan Ashe;
All other affected parties.

The sovereignty and spiritual rights of the Oglala Sioux Tribe (Oglala Lakota Nation) and the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Oglala Sioux Tribe is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), and as such must be consulted in this process.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework. Unsolicited correspondence from a federal agency coordinator or similar does not constitute consultation between a tribal nation and the federal government.

Yellowstone and the Greater Yellowstone Ecosystem is a matrix of sacred and cultural sites of great significance to the twenty-six affected tribes, and those tribes' Tribal Historic Preservation Offices (THPOs) must be engaged in an initial process of consultation consistent with the criteria of the THPOs designated mission (Section 101(d)(2) of the National Historic Preservation Act), in addition to consultation with tribal governments (executive and legislative branches), and recognized spiritual leaders.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to the planned delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Sacred sites like Mato Tipila (Devils Tower) and Mato Paha (Bear Butte) are inseparable from our ceremonial connection to the grizzly. Numerous traditional and current family names, along with the names of creeks, rivers

and buttes, were inspired by the grizzly bear. Not without reason were Crazy Horse and his mentor, High Back Bone (Hump), described as "the grizzly and his cub."

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly is an ancient connection. Lakota ceremonies related to the grizzly, historically known as Bear Medicine Ceremonies, are, like all of our spiritual and religious ways, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994). The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." In its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions."

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the FWS during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation) on cultural and religious grounds.

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the context of attempting to delist the Yellowstone grizzly, this equates to the FWS having to consult with respected spiritual leaders such as Chief Arvol Looking Horse.

Chief Arvol Looking Horse describes this present movement to remove ESA protections from the grizzly and allow the states of Wyoming, Montana and Idaho to operate profligate trophy hunts as an extension of the "disease of the mind" that enabled Manifest Destiny; the massacres of our people, and the near extermination of the grizzly, the wolf and the buffalo in the 19th Century. The world will see this in play again if the grizzly is delisted. Each spring and fall, some visitors to Yellowstone National Park will see grizzlies gutted by the sides of the roads leading to Yellowstone, or bloody grizzly carcasses strapped to vehicles.

We reject the designation of the grizzly bear as a "trophy game animal." It is shameful that a sentient being – one our people revere as sacred – is to be killed for "fun" by affluent trophy hunters. Great Lakota holy men like Black Elk, and Lakota Bear Medicine Men like Sword, articulated our feelings when they said, "The grizzly bear is *wakan*." The Oglala Lakota people will not stand idle and watch this sacred being be slaughtered on the lands our ancestors fought to defend.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on other sacred ancestral lands.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue. These Acts and Orders entitle the Oglala Sioux Tribe (and the other 25 affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several nations of the Oceti Sakowin, and other affected Tribal Nations, have already called upon the FWS to release that data not only to the tribes, but also to independent scientists for analysis and review. To date, FWS has refused to do so. If the data is sound, it will not be undermined by scrutiny.

The Oglala Sioux Tribe supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and the work of GOAL Tribal Coalition in bringing this important issue to the fore. We join the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to delisting the grizzly, and call for the federal government to begin the process of thorough consultation in accordance with the existing mandates, to ensure that our sovereignty and spiritual rights are upheld.

Respectfully submitted,

Tom Poor Bear, OST Vice President

CHAIRMAN
Harold C. Frazier

SECRETARY
EvAnn White Feather

TREASURER
Benita Clark

VICE-CHAIRMAN
Ryman LeBeau

CHEYENNE RIVER SIOUX TRIBE

P.O. Box 590
Eagle Butte, South Dakota 57625
Phone: (605) 964-4155
Fax: (605) 964-4151

TRIBAL COUNCIL MEMBERS

DISTRICT 1
Bernita In The Woods
Johnilyn Garrett

DISTRICT 2
Theodore Knife, Jr.

DISTRICT 3
Edward Widow
Ben Elk Eagle

DISTRICT 4
Wayne L. Ducheneaux II
Kevin Keckler
Merrie Miller
Vacant

DISTRICT 5
Ryman LeBeau
Raymond Uses The Knife
Robert Chasing Hawk
Derek Bartlett

DISTRICT 6
Tuffy Thompson
Richard Rousseau

December 09, 2014

Attn: Director Dan Ashe,
US Fish and Wildlife Service.

All Parties Concerned.

The Cheyenne River Sioux Tribe is one of the twenty-six Tribal Nations recognized by the federal government as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). Therefore, under the federal government's own criteria, the Cheyenne River Sioux Tribe should be consulted by the federal departments and agencies presently engaged in attempting to remove of the sacred grizzly bear from Endangered Species Act (ESA) protections.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

This issue extends beyond delisting the grizzly bear, and threatens potentially detrimental consequences for tribal sovereignty and our religious and spiritual rights as defined by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Laws and policies related to "conservation and preservation of natural species" cannot, as had been the norm prior to the Act, be "passed without consideration of their effect on traditional American

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

Indian religions." However, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

In his statement of November 2014, Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture.

The Lakota cultural and geographic landscape demonstrates the cultural importance of the grizzly bear. Many physical features and sacred sites are known by names inspired by the grizzly bear. Our people still carry names that reflect the significance of the grizzly. Throughout our history, numerous great leaders have borne grizzly bear names.

Opposing the removal of ESA protections from the Yellowstone grizzly bear, and the proposed trophy hunting of the grizzly, is consistent with CRST Ordinance 57, the Cheyenne River Sioux Tribe's Cultural Resources Protection Act, which affirms: "The spiritual and physical well-being of the Cheyenne River Sioux Tribe and its members is directly related to the preservation of the historical traditions and cultural heritage of the Lakota people."

In this process to date, FWS is yet to abide by the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which established the protocols to be followed when actions taken under authority of the ESA have tribal implications.

The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people.

The thought of trophy hunters killing grizzly bears on our sacred lands is painful for the Lakota people. The image that came to represent the 1874 Black Hills Expedition that contravened the 1868 Fort Laramie Treaty is the photograph of Custer with the grizzly he killed for a "trophy." That violation of the 1868 Fort Laramie Treaty resulted in the annexation of the Black Hills. We cannot allow a repeat 140-years later on lands our ancestors fought so hard to protect when they opposed the construction of the Northern Pacific Railroad along the Yellowstone in 1872 and 1873, which was also a violation of the 1868 Fort Laramie Treaty. Some of the principal leaders in that resistance were from the Lakota bands that comprise the Cheyenne River Sioux Tribe.

Through the aforementioned Acts and Orders, the Cheyenne River Sioux Tribe (along with the other 25 affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review so that questions of credibility might be answered.

The Cheyenne River Sioux Tribe joins the other affected Tribal Nations that have issued resolutions, declarations and statements in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear. We support the positions expressed by Chief Arvol Looking Horse, and the efforts of GOAL Tribal Coalition to protect the grizzly bear and defend our sovereignty and spiritual rights.

If you should have any questions or concerns, please contact me at 605-964-4155.

Sincerely,



Harold C. Frazier,
CRST Chairman

CC: File

Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891
Fax 605-997-3878
www.santeesioux.com

RESOLUTION NO. 14-142

WHEREAS, the Flandreau Santee Sioux Tribe (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and

WHEREAS, Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and

WHEREAS, Article VIII, Section (a) provides that the Executive Committee may negotiate with Federal, State, and local governments; and

WHEREAS, the Tribe opposes the Federal Government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service; and

WHEREAS, the US Fish and Wildlife Service, Department of the Interior, has so far ignored Executive Order 13175 (Nov. 6, 2000) entiltled "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama requiring a "complete and consistent implementation of Executive Order 13175"; and

WHEREAS, the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act, 42 U.S.C. § 1996 (2014); and

WHEREAS, the American Indian Religious Freedom Act states laws pertaining to "conservation and preservation of natural species and resources" were never intended to impact American Indian religious practices but did "and, therefore, were passed without consideration of their effect on traditional American Indian religions"; and

WHEREAS, in its proposed delisting of the grizzly bear the US Fish and Wildlife Service is in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species

Act (ESA) of 1973, 16 U.S.C. § 1531 (2014), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes; and

WHEREAS, the *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes"; and

WHEREAS, the Order directs the US Fish and Wildlife Service to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people; and

WHEREAS, none of these commitments has been honored; and

WHEREAS, the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections; and

WHEREAS, when considering the intent of the Endangered Species Act, a species cannot be considered sufficiently recovered to warrant removal from Endangered Species Act protection if it presently only survives on approximately 2% of its original range; and

WHEREAS, throughout the US Fish and Wildlife Service's process proposing a new Rule to delist the Yellowstone grizzly bear there has been no discussion related to the impact delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people; and

WHEREAS, the grizzly bear holds a unique position in traditional Dakota culture and the cultures and ceremonial lifeways of the traditional spiritual practitioners of tribes also identified by the federal government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives; and

WHEREAS, those cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral

homelands; and

NOW THEREFORE BE IT RESOLVED, that the Executive Committee hereby officially adopts this position in respect to delisting the Yellowstone grizzly bear, and authorizes President Anthony Reider to sign a letter for support for the cause on the Tribe's behalf.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 11th day of December, 2014 by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

Vice President, Cynthia J. Weddell:	YES	NO	ABSTAIN	NOT PRESENT
Secretary, Gordon Jones, Jr.:	YES	NO	ABSTAIN	NOT PRESENT
Trustee I, Jean Paul Roy:	YES	NO	ABSTAIN	NOT PRESENT
Trustee II, Roxee Johnson:	YES	NO	ABSTAIN	NOT PRESENT
Trustee III, Michael Weston:	YES	NO	ABSTAIN	NOT PRESENT
Trustee IV, Kenny Weston:	YES	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider *(If Required)*:	YES	NO	ABSTAIN	NOT PRESENT

Gordon Jones, Jr., Tribal Secretary

Anthony Reider, Tribal President

Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION

Office of the Tribal Chairman

P.O. Box 509

112554 BIA Hwy 711

Agency Village, South Dakota 57262

Phone: (605)698-3911

December 10, 2014

Dan Ashe, Director – US Fish and Wildlife Service;
Chris Servheen, Grizzly Bear Recovery Coordinator – US Fish and Wildlife Service;
Other Parties Concerned:

The sovereignty and spiritual rights of the Sisseton Wahpeton Oyate and the Lakota, Dakota and Nakota people of the Great Sioux Nation are threatened by the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Sisseton Wahpeton Oyate is one of the twenty-six Tribal Nations the federal government recognizes as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010). In total, ten of those Tribal Nations are from the Oceti Sakowin (Great Sioux Nation), but to date none have been consulted in this process.

Chief Arvol Looking Horse, 19th Generation Keeper of the White Buffalo Calf Pipe of the Great Sioux Nation, detailed the spiritual and ceremonial significance of the grizzly bear in Lakota, Dakota and Nakota culture in his November 2014 statement in opposition to delisting of the Yellowstone grizzly from the ESA.

The cultural, geographic and sacred landscape of the Lakota, Dakota and Nakota people demonstrates the cultural importance of the grizzly bear. Numerous sacred sites, along with the names of creeks, rivers and buttes, were inspired by the grizzly bear. Many of our great historical leaders carried grizzly bear names, and those traditional names are present today among families in our communities.

As Chief Looking Horse has demonstrated, the ceremonial significance of the grizzly in our spiritual lifeway is an ancient connection. Our spiritual and religious ways related to the grizzly are protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

The Act states that laws and policies pertaining to "conservation and preservation of natural species" cannot be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing precisely that.

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the affected Tribal Nations.

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Oceti Sakowin (Great Sioux Nation).

The Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), established the protocols to be followed when decisions related to the ESA had the potential to impact tribes. The Order directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during the consultation process, and "cooperate with affected tribes to develop and implement Recovery Plans in a manner that minimizes" social and cultural impacts on tribal people. In the move to delist the grizzly, this has not been followed.

Ignoring these Acts and Orders contradicts the basis of the the government-to-government relationship that exists between not only the Lakota, Dakota and Nakota Tribal Nations and the federal government, but all of the 26 Tribal Nations affected by this issue.

The Sisseton Wahpeton Oyate opposes the designation of the grizzly bear as a "trophy game animal" to be killed by big game hunters on the lands our ancestors

defended. Revered spiritual leaders from the past, the likes of Black Elk and Sword, articulated the perception of the Lakota, Dakota and Nakota people when they said, "The grizzly bear is *wakan*."

The consultation process that is mandated by the aforementioned Acts and Orders entitles the Sisseton Wahpeton Oyate (and the other nations of the Oceti Sakowin and affected Tribal Nations) to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear. Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review – the Sisseton Wahpeton Oyate adds its voice to that call.

The Sisseton Wahpeton Oyate supports Chief Arvol Looking Horse's position in opposing the removal of the Yellowstone grizzly bear from the Endangered Species Act, and we support the efforts of GOAL Tribal Coalition to protect the sacred grizzly bear and in doing so defend tribal sovereignty and spiritual rights.

Respectfully,

Robert Shepherd
Tribal Chairman
Sisseton-Wahpeton Oyate

Dave Archambault II
Chairman

TRIBAL COUNCIL
(AT LARGE)

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

Paul Archambault

Phyllis Young

Randal J. White Sr.

Jesse McLaughlin
Vice Chairman

Adele M. White
Secretary

Cody TwoBears
Cannonball District

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Duane Claymore
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Frank A. White Bull
Kenel District

Joe White Mountain Jr.
Bear Soldier District

Milton Brown Otter
Rock Creek District

Robert Taken Alive
Running Antelope District

Samuel B. Harrison
Porcupine District

December 8, 2014

Daniel M. Ashe
Director
United States Fish and Wildlife Service

Dear Mr. Ashe:

In his November 2014 statement opposing the proposed delisting and subsequent trophy hunting of the Yellowstone grizzly bear, Chief Arvol Looking Horse outlined the sacred nature of the grizzly bear in Lakota, Dakota and Nakota culture. As the 19th Generation Keeper of the White Buffalo Calf Pipe of the Oceti Sakowin (Great Sioux Nation), Chief Looking Horse's insights are those of a highly respected spiritual leader.

To date, there has been no discussion in this process related to the impact delisting the grizzly bear, and the subsequent trophy hunting of the grizzly, will have on Native American spirituality, namely the religious practices of traditional tribal people, protected by the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Though this proposed action is to take place on defined ancestral lands of the Great Sioux Nation, the Standing Rock Sioux Tribe has yet to be consulted. As one of the 26 Tribal Nations the federal government acknowledges as having an ancestral connection to Yellowstone ("Associated Tribe of Yellowstone" – *Resources & Issues*, NPS, 2010), the US Fish and Wildlife Service (FWS) is required to consult with the Standing Rock Sioux Tribe, as, like many of the other affected tribes, due to the cultural significance of the grizzly bear in Lakota, Dakota and Nakota culture, our people will be detrimentally impacted if the grizzly is delisted and trophy hunted in lands once familiar to our ancestors.

BLDG 1 NORTH STANDING ROCK AVE. P.O.BOX D • FORT YATES, NORTH DAKOTA 58538
PHONE: 701-854-7201 or 701-854-8500 • FAX 701-854-7299

Executive Order 13175 (Nov. 6, 2000) "Consultation and Coordination with Indian Tribal Governments" signed by President Clinton, and the Memorandum for the Heads of Executive Departments and Agencies (Nov. 5, 2009) issued by President Obama, requiring a "complete and consistent implementation of Executive Order 13175," have yet to be followed by the US Fish and Wildlife Service (FWS) during this process.

Executive Order 13647 (June 2013) states, "Greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations." The proposed delisting of the Yellowstone grizzly bear affects the Lakota, Dakota and Nakota people of the Great Sioux Nation.

This lack of consultation by FWS stands in direct contrast to the policy directives of the Obama Administration. President Obama has attempted to strengthen consultation with tribes when federal policies and actions have the potential to affect tribes and have tribal implications. Clearly, removing the Yellowstone grizzly bear from the ESA and permitting states to proceed with high-dollar trophy hunts on our historic cultural landscape fits the criteria.

President Obama made a highly visible commitment to improving dialogue between tribal nations and the federal government when he visited the Standing Rock Sioux Nation in June 2014.

The American Indian Religious Freedom Act states that laws related to "conservation and preservation of natural species" cannot, as was the norm prior to the Act, be "passed without consideration of their effect on traditional American Indian religions." So far, in its attempts to delist the Yellowstone grizzly bear without regard to the religious practices of tribal people, the FWS is doing that.

The Standing Rock Sioux Tribe (and the other affected Tribal Nations) is entitled to review the raw data the FWS is basing all of its conclusions upon relative to delisting the grizzly bear through the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). Several tribes have already called upon the FWS to release that data not only to the affected Tribal Nations, but also to independent scientists for analysis and review. The cultural importance of this issue is such that questions and contradictions must be resolved without bias if tribal members, and the public at large, are to have confidence in the outcome.

efore the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US, many in the environs of the Missouri River where the Standing Rock Sioux Tribe is now located. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until the aforementioned issues have been addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider delisting the iconic Yellowstone grizzly bear from ESA protections. It is imperative that tribal sovereignty and the spiritual rights of our people be upheld. Thank you for your attention to this matter, and please feel free to contact me should further discussion be helpful.

Sincerely,

Dave Archambault II, Chairman
Standing Rock Sioux Tribe

CROW TRIBE EXECUTIVE BRANCH

Bacheeitche Avenue
P.O. Box 159
Crow Agency (Baaxuwuaashe), Montana 59022
Phone: (406) 638-3732/638-3786
Fax: (406) 638-7301

Darrin Old Coyote
CHAIRMAN
Dana Wilson
VICE CHAIRMAN
Alvin Not Afraid Jr.
SECRETARY
Shawn Backbone
VICE SECRETARY

Office of
Chairman Darrin Old Coyote

November 26, 2014

To all parties concerned:

The area now known as Greater Yellowstone lays within the boundaries of Crow Country that were defined by Chief Sits in the Middle of the Land at the 1851 Fort Laramie Treaty Council. For centuries, the Crow people have had a deep spiritual connection to the landscape, a relationship that continues to this day. Today, right in the heart of Crow country, exactly where Chief Sits in the Middle of the Land described, the federal government intends to delist the grizzly bear from Endangered Species Act protections and permit the State of Wyoming to open high-dollar trophy hunting seasons on the grizzly.

In common with the land, the Crow People have an ancient relationship with the grizzly bear. In Crow culture, the grizzly bear is referred to as biiké, elder brother, which connotes great respect for the bear. From the stars to the rocks, images of the bear communicate that sacred relationship the Crow people have with the grizzly, knowledge that was preserved by Crow elders and passed on to future generations. For example, Daxpitcheeishuulissúua, the Bear Song Dance, was one of the most sacred ceremonies of our people. The grizzly bear is a significant symbol for ceremonies for certain families in the Crow Tribe. The symbolic parts of a grizzly bear are used during ceremonies for healing. These parts of the grizzly bear has been handed down generation to generation and also used during competitions such as the handgames and other Crow traditional games. The elders say that a bear symbol can be seen in the palms of hands signifying power of the grizzly bear.

Though this proposed action is to take place on traditional Crow land, the Crow Tribe has yet to be consulted. As one of the 26 tribal nations the federal government openly acknowledges has an ancestral connection to Yellowstone, the US Fish and Wildlife Service (FWS) is required to consult with the Crow Tribe, like many of the other affected tribes. Due to the cultural significance of the grizzly bear, the Crow people will be detrimentally impacted if the grizzly is delisted and subsequently trophy hunted.

The Kiowa Tribe of Oklahoma, the historic allies of the Crow people, articulated the issues arising from the proposed delisting of the grizzly bear in its declaration of 10/10/14 and the Crow Tribe supports those positions.

The Crow Tribe is entitled to review the data the FWS is basing its conclusions on under the Secretarial Order issued by the Secretary of the Interior and the Secretary of commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531). The Crow Tribe joins with the other affected tribal nations that have called upon the FWS to release that data not only to the tribes, but also to independent scientists

for analysis and review. Transparency is essential if tribal members and the public at large are to have confidence in the outcome.

The Guardians of Ancestors Legacy (GOAL) Tribal Coalition is doing valuable work in its efforts to preserve and protect the Yellowstone grizzly bear and in the process defend tribal sovereignty and spiritual rights.

Sincerely,

Darrin Old Coyote, Chairman
Crow Tribe

These names must be changed with the input of the affected Tribal Nations, just as any move to delist the sacred grizzly bear on this ancestral landscape must involve consultation with the affected Tribal Nations.

Pre-the Lewis and Clark Expedition, there were an estimated 100,000 grizzly bears in the Western US. Today the grizzly bear survives on less than 2% of its original range, with possibly 2% of its historic population. The Yellowstone grizzly bear is a genetically isolated, island population that numbers in the hundreds. In a historical context, and by the spirit and intent of the ESA, it cannot yet be considered recovered.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Respectfully submitted,

TLC Board Chairman Ivan Posey

CC: Tribal Chairs, Presidents & Councils

Kiowa Tribe of Oklahoma

P.O. Box 369 · Carnegie, Oklahoma · 73015
Phone: (580) 654-2300 ext. 344 · Fax: (580) 654-8714
OFFICE OF THE LADY CHAIRMAN

October 10, 2014

GOAL Tribal Coalition
PO Box 30,000. #360
Jackson, WY 83002

Respectful GOAL Tribal Coalition Representative,

With Regard to and/or all parties concerned to the GOAL Coalition's efforts towards it's endeavors. The Kiowa Tribe of Oklahoma supports the mission of Guardians of Our Ancestors' Legacy (GOAL) Tribal Coalition to preserve and protect the endangered Yellowstone grizzly bear. In doing so, we will help to ensure that Native American spiritual rights are upheld, and our sovereignty defended.

The area now known as the Greater Yellowstone Ecosystem with Yellowstone National Park at its heart is the ancestral homeland of the Kiowa. It was in this region that our ancestors first established sacred kinship with the grizzly bear.

Our respect and reverence for the grizzly bear is reflected in many Kiowa names; some of the greatest leaders in Kiowa history carried names inspired by the grizzly bear, including Set-tain-te (Satanta) and Set-angya (Satank), and the importance of the bear in our traditional culture can still be heard in our names today.

Narratives pertaining to the grizzly bear are fundamental to many of our sacred sites in what is now Wyoming, and what was once our homeland. We oppose the present attempts by the US Fish and Wildlife Service (FWS) and the states of Wyoming, Montana and Idaho to remove Endangered Species Act (ESA) protections from the Yellowstone grizzly bear.

The Kiowa Tribe of Oklahoma rejects the notion that the sacred grizzly bear should be considered a "trophy game animal" and hunted in our ancestral homeland.

We agree that the FWS's determination to remove the Yellowstone grizzly bear from ESA protection without thorough consultation with the affected tribes identified as possessing an ancestral connection to Yellowstone contravenes the American Indian Religious Freedom Act (PL-95-341). There has been no discussion related to the impact

delisting the grizzly, and the subsequent trophy hunting of the bear, will have on American Indian spirituality, namely the religious practices of traditional tribal people, protected by PL-95-341.

We further agree that by ignoring the affected tribes, the FWS is also in contravention of the Secretarial Order issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531), which sets forth the framework to be followed when actions taken under authority of the ESA affect tribes.

The *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Order* explicitly states: "The Departments shall take into consideration the impacts of their actions and policies under the Act on Indian use of listed species for cultural and religious purposes (Sec. 5 #4). The Order also directs the FWS to "solicit traditional knowledge, and comments from, and utilize the expertise of, affected Indian tribes" during consultation processes. This has yet to happen.

Not consulting with the affected tribes is not only a breach of PL-95-341 and 16 U.S.C. 1531, it constitutes an infringement of our sovereignty.

Clearly the grizzly bear is not recovered under the criteria set forth by the Endangered Species Act. A population of between 500–700 grizzlies surviving on less than 1% of their original range pre-contact could not be considered recovered even if it were not genetically isolated and threatened by the loss of keystone food sources, which the Yellowstone grizzly bear is.

It is essential that the FWS finally makes the data it is basing its conclusions upon available, not only to the affected tribes, but crucially, to the scientific community for independent analysis and review. The affected tribes are entitled to the information under 16 U.S.C. 1531.

By protecting the sacred grizzly bear and in the process defending our religious freedom and sovereignty we honor our ancestors. The tribal heritage of Rain Bear Stands Last, the founder of GOAL, includes Kiowa. One of his ancestors, the great Cheyenne leader, Sleeping Bear, once presented the legendary Kiowa chief, Téh-tóot-sah (Little Bluff), with a famous painted tipi.

This exchange began a tradition amongst our peoples. In supporting GOAL and this effort, we continue that tradition, and in the spirit of our ancestors attempt to ensure that

our children and future generations will grow-up in a world where grizzlies still roam our ancestral homeland so that a large part of our culture and history will remain intact.

Respectfully Submitted,

Amber C. Toppah, Lady Chairman
Kiowa Business Committee
Kiowa Tribe of Oklahoma

THE SHOSHONE-PAIUTE TRIBES
OF THE DUCK VALLEY INDIAN RESERVATION
P.O. Box 219 Owyhee, NV 89832
(208) 759-3100
www.shopaitribes.org

December 18, 2014

For the attention of all parties concerned:

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation stand in solidarity with our sister tribes, the Eastern Shoshone Tribe of the Wind River Indian Reservation, and the Shoshone-Bannock Tribes of Idaho, in opposing the proposed delisting of the Yellowstone grizzly bear from Endangered Species Act (ESA) protections by the US Fish and Wildlife Service (FWS).

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation supports the positions articulated by the Eastern Shoshone Tribe and the Shoshone-Bannock Tribes in their resolution and declarations respectively.

The Shoshone-Paiute Tribes have clear interests to this issue. Many of our tribal members are descended from those whom enjoyed a connection to the landscape now referred to as Greater Yellowstone since time immemorial. In more recent times, our ancestors stood with the Bannock people in defending our homelands in 1878.

The grizzly bear has a significant place in Shoshone-Paiute culture. The grizzly bear is a sacred being, intricately tied to the ceremonies and practices of our people. Such is our respect for the grizzly that we refer to the great bear as our brother.

In its attempts to delist the Yellowstone grizzly bear without regard to the ceremonial and religious practices of tribal people, the FWS is doing so "without consideration of their effect on traditional American Indian religions," which is a violation of the American Indian Religious Freedom Act (PL 95-341–1978/PL 103-344 –1994).

Abrogation of the AIRFA threatens potentially detrimental consequences not only for our religious and spiritual rights, but the sovereignty of all of the Tribal Nations impacted by this issue.

Federally recognized tribes have a unique nation-to-nation relationship with the federal government that requires consultation to be held at a government-to-government level; and government-to-government consultation is conducted under existing protocols and within an established framework.

Given the tremendous concern expressed by many of the Associated Tribes of Yellowstone regarding the potential delisting of the grizzly bear, the FWS should immediately commence consultation with the impacted Tribal Nations regarding the implications of a delisting decision. US government agencies, including FWS, have a duty to consult with tribes regarding policies that have tribal implications. This duty has been embodied in a variety of executive orders, secretarial orders, and memoranda. Executive Order 13175, issued by President Clinton in 2000, was written "to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications." Such policies include "regulations ... and other policy statements or actions that have substantial direct effects on one or more Indian tribes," such as listing and delisting decisions.

A 2009 memorandum issued by President Obama emphasized the importance of President Clinton's Executive Order, noting that "[c]onsultation is a critical ingredient of a sound and productive Federal-tribal relationship" and affirming the Administration's "commit[ment] to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications." President Obama's 2013 Executive Order Establishing the White House Council on Native American Affairs further recognizes that "[g]reater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations."

The US Departments of Interior and Commerce issued an order on June 5, 1997, specifically regarding tribal consultation obligations in the context of the Endangered Species Act. That order provides that FWS "shall coordinate with affected Indian tribes in order to fulfill the Service['s] trust responsibilities and encourage meaningful tribal participation" in listing and delisting decisions.

Ignoring these Acts and Orders contradicts the basis of the government-to-government relationship that exists between the federal government and all of the Tribal Nations impacted by this issue, a situation that must be remedied.

We join our sister tribes in rejecting the designation of the grizzly bear as a "trophy game animal" and the intent of the states to sell licenses and generate multiple

thousands of dollars from trophy hunting the sacred grizzly bear on our ancestral homelands.

Tribal Nations have alternative solutions to the outdated "wildlife management" practices. Trophy hunting sentient beings appeals only to a tiny minority of the population, and is antithetical to the traditional cultures and subsistence practices of tribal people. Just as the buffalo is being returned to reservation homelands with biologically suitable habitat, some Tribal Nations with appropriate land bases have expressed a desire to develop programs to return the grizzly to their sovereign nations.

Grizzly bear management plans post-delisting should be sensitive to the cultures of the affected Tribal Nations. Rather than have the states influence grizzly bear management on tribal lands, the affected Tribal Nations should be provided with the resources to initiate their own management practices and programs that are consistent with their cultural values. By doing so, tribal sovereignty will be upheld and potential employment and economic opportunity provided.

Our people, those of our sister tribes, and the memberships of the other impacted tribes, retain unique insights into this landscape. Our ancestors are the only ones who had practical experience of what it was to live within these ecosystems when they were complete. The knowledge that they retained and passed down is truly the definition of the "best available science" as they lived it – they did not speculate upon the theoretic. Their voices, through us, need to be heard.

Until these issues cited herein are addressed and resolved to the satisfaction of all of the affected Tribal Nations, we believe that it is premature to even consider issuing a new Rule to delist the iconic Yellowstone grizzly bear from ESA protections.

Sincerely,

Lindsey W. Manning

Lindsey W. Manning
Chairman
Shoshone-Paiute Tribes of Duck Valley

-WOHEVIV-
The Morning Star

NORTHERN CHEYENNE TRIBE
ADMINISTRATION
P.O. Box 128
LAME DEER, MONTANA 59043
(406) 477-6284
FAX (406) 477-6210

-WOHEVIV-
The Morning Star

September 12, 2014

To Whom It May Concern:

This letter is in support of the GOAL Tribal Coalition. The Northern Cheyenne Tribe opposes the federal government's proposed removal of the Yellowstone grizzly bear from Endangered Species Act protections through the US Fish and Wildlife Service and we believe the federal government's determination to remove the grizzly bear from Endangered Species Act protection contravenes the American Indian Religious Freedom Act (AIRFA. PUBLIC LAW 95-341--AUG. 11, 1978).

As one of the twenty-six federally recognized tribes the federal government acknowledges has an ancestral connection to the region now known as Yellowstone National Park and the Greater Yellowstone Ecosystem the US Fish and Wildlife Service is thus required to consult with the Northern Cheyenne Tribe, yet the US Fish and Wildlife Service has refused to release the data it has based its conclusions on for independent scientific review, that data being the basis for the federal government's proposal to remove the grizzly bear from Endangered Species Act protections.

The grizzly bear holds a unique position in the traditional cultures and ceremonial life-ways of the traditional spiritual practitioners of tribes identified by the federal

government as possessing centuries old, and in some instances, millennia-long connections to the lands where the grizzly now survives.

Clearly cultural imperatives and the preservation of sovereignty require a repudiation of the federal government's desire to delist the grizzly bear from Endangered Species Act protections; and the legislative resolve to deny the states' determination to see trophy hunting of grizzlies on reservations and the extirpation of the grizzly bear from swathes of reservation and ancestral homelands.

We the Cheyenne Nation stand in support of the grizzly bear, and the right of Native peoples to religious freedom

Yours faithfully,

Llevando Fisher

President of the Northern Cheyenne Nation

From:	Servheen, Chris
To:	Dan Ashe
Cc:	Chris Smith; Matt Hogan; Scott Talbott; Moore,Virgil; Hagener, Jeff; Richard Hannan; Gary Frazer; Michael Thabault; Frank van Manen; Gould,Jeff; Brian Nesvik; Noreen Walsh; kmcdonald@mt.gov
Subject:	Re: Thank You!
Date:	Friday, February 20, 2015 10:02:32 AM
Attachments:	DemographicMgmt_for Yellowstone.pdf

Dan, Scott, Jeff, and Virgil, and everyone else,
Attached is what I presented at the meeting. Please let me know if you have any questions. I hope we can reach agreement on the management of this recovered grizzly population. We have worked together cooperatively for 34 years to get to this point and we are all on the 1 yard line...
Chris

On Thu, Feb 19, 2015 at 4:26 PM, Dan Ashe <d_m_ashe@fws.gov> wrote:

> I know how busy you all are, and I really appreciate the time you dedicated to our discussions yesterday and today. I also appreciate the willingness to listen and to consider how we might move forward together. Many people -- state, NGO, tribal and federal -- have worked hard, dedicating careers to conservation of this iconic (and yes, troublesome!) animal. Their efforts have gotten us to where we are, and we are the last leg of the relay! Let's get across the finish line!!
>
> I look forward to our next step. Thanks!
>
> And a special word of thanks to Chris Smith, for taking on the challenge of facilitating our grizzly-group. Great job Chris!
>
> See you all in Omaha, and beyond.
>
> Dan.
>
> Dan Ashe
> Director, U.S. Fish and Wildlife Service
>
> On Feb 13, 2015, at 3:16 PM, Chris Smith <csmithwmi@msn.com> wrote:
>
> > I want to pass on a few logistic details for our upcoming grizzly bear meeting in Denver on February 18 and 19. We will be meeting at the same hotel where the FWS lined up the block of rooms, the Holiday Inn Hotel & and Suites - Denver Airport, 6900 Tower Rd., Denver. We will start at noon on the 18th and work through the afternoon. Meals are not being provided, so I would encourage you to either grab an early lunch or, if your schedule is tight, feel free to bring it along.
> >
> > Matt Hogan has arranged a group reservation for dinner at a local restaurant which will give us a chance for some informal interaction time, if folks are

up for that.

On the 19th, we will begin meeting at 8:00 a.m. and plan to be done by noon, unless we can wrap up all the issues prior to that. Lunch, again, will be on your own.

I look forward to seeing you all next week and making progress toward our shared goal of reaching agreement on a mutually acceptable path forward for delisting the Yellowstone grizzly population.

Thanks,

Chris

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

From: Servheen, Chris
To: Rebecca Shoemaker
Subject: Fwd: Thank You!
Date: Monday, March 02, 2015 1:08:11 PM
Attachments: DemographicMgmt_for Yellowstone.pdf

---------- Forwarded message ----------
From: **Servheen, Chris** <chris_servheen@fws.gov>
Date: Fri, Feb 20, 2015 at 10:02 AM
Subject: Re: Thank You!
To: Dan Ashe <d_m_ashe@fws.gov>
Cc: Chris Smith <csmithwmi@msn.com>, Matt Hogan <Matt_Hogan@fws.gov>, Scott Talbott <scott.talbott@wyo.gov>, "Moore,Virgil" <virgil.moore@idfg.idaho.gov>, "Hagener, Jeff" <JHagener@mt.gov>, Richard Hannan <richard_hannan@fws.gov>, Gary Frazer <gary-frazer@fws.gov>, Michael Thabault <Michael_Thabault@fws.gov>, Frank van Manen <fvanmanen@usgs.gov>, "Gould,Jeff" <jeff.gould@idfg.idaho.gov>, Brian Nesvik <brian.nesvik@wyo.gov>, Noreen Walsh <Noreen_Walsh@fws.gov>, "kmcdonald@mt.gov" <kmcdonald@mt.gov>

Dan, Scott, Jeff, and Virgil, and everyone else,
Attached is what I presented at the meeting. Please let me know if you have any questions. I hope we can reach agreement on the management of this recovered grizzly population. We have worked together cooperatively for 34 years to get to this point and we are all on the 1 yard line...
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> Dan Ashe
> Director, U.S. Fish and Wildlife Service

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> Thanks,
>
> Chris

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
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University Hall 309
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"Try to learn something about everything and everything about something." - Thomas Huxley.

From: Ivy Allen
To: Chris Servheen
Cc: Marla Trollan; john_bryan@fws.gov
Subject: RE: HIGH IMPORTANCE: Grizzly Bear Responses
Date: Thursday, March 12, 2015 11:25:55 AM

Hi Chris, below is some text to work from or edit. I have to loop Marla and John in on all my emails so that is why they are CC'ed.

> The Tribal Leaders Council (TLC) has requested more to time to consult on the consideration to delist the grizzly bear. The TLC has elevated their concerns to Secretary Sally Jewell. There is widespread Tribal opposition to a delisting. R6 has offered 3 in-person consultation meetings but the Tribes are requesting more time. R6 is proposing to host three consultation meetings in broad areas were Tribes have expressed interest in this issue. We would like to offer three meetings in late winter or early spring. Ideally, the three meetings would occur within the Great Plains, Northern Rocky Mountains, and Idaho geographical areas.

Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | O. 303-236-4575

From: Chris Servheen [mailto:chris_servheen@fws.gov]
Sent: Thursday, March 12, 2015 11:09 AM
To: Ivy Allen
Subject: Re: HIGH IMPORTANCE: Grizzly Bear Responses

Ivy,
Any thoughts on how we can respond as per Mike's request? I am not sure what we can say other than we are happy to meet with them at their convenience.
Chris

Sent from my iPhone

On Mar 12, 2015, at 10:03 AM, Alt, Nicole <nicole_alt@fws.gov> wrote:

> We need a short paragraph for the weekly report. Chris can you prepare a few sentences? Thank you.
>
> Nicole Alt
> Deputy ARD Ecological Services
> Mountain-Prairie Region
> nicole_alt@fws.gov
>
> ---------- Forwarded message ----------
> From: **Michael Thabault** <michael_thabault@fws.gov>
> Date: Thu, Mar 12, 2015 at 6:22 AM
> Subject: Fwd: HIGH IMPORTANCE: Grizzly Bear Responses
> To: Nicole Alt <Nicole_Alt@fws.gov>
>
> Need something from Chris and Ivy. I have not looked at this weeks submissions.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

Begin forwarded message:

> **From:** Noreen Walsh <noreen_walsh@fws.gov>
> **Date:** March 11, 2015 at 8:34:47 PM MDT
> **To:** "Thabault, Michael" <michael_thabault@fws.gov>
> **Cc:** Matt Hogan <Matt_Hogan@fws.gov>
> **Subject: Re: HIGH IMPORTANCE: Grizzly Bear Responses**
>
> Yes, and include in weekly report
>
> Noreen Walsh
> Regional Director
> Mountain-Prairie Region
> U. S. Fish and Wildlife Service
>
> On Mar 9, 2015, at 2:49 PM, Thabault, Michael <michael_thabault@fws.gov> wrote:
>
> > FYI for now. Probably need to discuss next steps.
> >
> > Michael Thabault
> > Assistant Regional Director
> > Ecological Services
> > U.S. Fish and Wildlife Service
> > Mountain Prairie Region
> > 303-236-4210
> > michael_thabault@fws.gov
> >
> > ---------- Forwarded message ----------
> > From: **Ivy Allen** <ivy_allen@fws.gov>
> > Date: Mon, Mar 9, 2015 at 11:35 AM
> > Subject: HIGH IMPORTANCE: Grizzly Bear Responses
> > To: Michael Thabault <michael_thabault@fws.gov>, Chris Servheen <chris_servheen@fws.gov>, Stephen Torbit <Stephen_Torbit@fws.gov>, john_bryan@fws.gov
> > Cc: Marla Trollan <marla_trollan@fws.gov>
> >
> > FYI all, this grizzly bear issue is going back up to DC, Secretary level and to some congressionals. Someone may want to loop the front office in so they are not surprised when it comes back down the pipe. It might be worth noting who they CC'ed on the response below. Two of the attached letters are Tribal responses.

Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | O. 303-236-4575

From: Cheryl Belcourt [mailto:cbelcourt@mtwytlc.com]

Sent: Monday, March 09, 2015 11:22 AM
To: ivy_allen@fws.gov; Sally Jewell
Cc: Cheryl Belcourt; Howlett, Sierra (Indian Affairs); Erik_Nylund@tester.senate.gov; Amanda Peterman (Amanda_Peterman@Daines.Senate.gov); Alex_Sterhan@zinke.house.gov
Subject: Please see attached letter
Importance: High

Hello all at the Department of Interior and Fish Wildlife Service,
Please see the attached letter in response to the letter from the DOI-FWS Mountain Prairie Office (the latter was received by the Tribal Leaders Council office a couple weeks ago dated 2/17/2015 -- RE: FWS/R6/ES/EA ESO-00060852). Both letters as well as the original TLC Resolution to which the letters pertain are attached for your reference.

Although you had requested a response by March 6 (this past Friday), as the subsequent TLC letter reiterates, more time is needed to accomplish the full fledged meaningful consultation process that is required for the Tribes to be able to really engage and be heard on this issue.

My understanding is that ordinarily, Tribal Consultation is announced in the Federal Register 30 days in advance of the first session.

Cheryl Belcourt
Tribal Leaders Council
711 Central Avenue W., 2nd Floor East Wing - **TLC Office HAS MOVED**!!
Billings, MT 59102
406.252.2550 (Phone) 406.697.2438 (Mobile)
406.254.6355 (Fax)
www.mtwytlc.org

<DOI-FWS-Bears-Tribes-by6MARCH-letter.pdf>

<Tribal-Nations-and-Grizzly_TLCRes11Dec2014-04.pdf>

<17Feb2015-letter-fromDOI-FWS_Griz-Tribes.pdf>

<DOI-FWS-Bears-Tribes-by6MARCH-letter.pdf>

From: Annette Naylon
To: Chris Servheen
Subject: RE: HIGH IMPORTANCE: Grizzly Bear Responses
Date: Tuesday, March 17, 2015 3:10:45 PM

Thank you

From: Chris Servheen [mailto:chris_servheen@fws.gov]
Sent: Tuesday, March 17, 2015 2:20 PM
To: Annette Naylon
Cc: Nicole Alt; Michael Thabault
Subject: Re: HIGH IMPORTANCE: Grizzly Bear Responses

The states invoked are MT, WY, and ID. Please note that none of these states are interested in hunting bears on reservation lands.

Sent from my iPhone

On Mar 17, 2015, at 2:10 PM, Annette Naylon <annette_naylon@fws.gov> wrote:

> Hi Chris,
> HQ wants to know what state(s) you are referring to in the below update on the Grizzly Bear response.
> Email me back and I will forward it on.
> Thank you
>
> **From:** Servheen, Chris [mailto:chris_servheen@fws.gov]
> **Sent:** Thursday, March 12, 2015 1:42 PM
> **To:** Alt, Nicole
> **Cc:** Ivy Allen; Seth Willey; Bridget Fahey; Michael Thabault; Jill Naylon
> **Subject:** Re: HIGH IMPORTANCE: Grizzly Bear Responses
>
> Here is a short paragraph due mostly to Ivy's efforts:
>
> The Tribal Leaders Council (TLC) has requested more to time to consult on the consideration to delist the grizzly bear. The TLC has elevated their concerns to Secretary Sally Jewell. There is Tribal opposition to a delisting but some of this may be due to misunderstandings about delisting such as that **the states** plan to institute grizzly hunting seasons on reservation lands. R6 has offered 3 in-person consultation meetings but the Tribes are requesting more time. R6 is proposing to host three consultation meetings in broad areas were Tribes have expressed interest in this issue. We would like to offer three meetings in late winter or early spring. Ideally, the three meetings would occur within the Great Plains, Northern Rocky Mountains, and Idaho geographical areas.
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Nicole Alt
Deputy ARD Ecological Services
Mountain-Prairie Region
nicole_alt@fws.gov

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Ecological Services
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To: Michael Thabault <michael_thabault@fws.gov>, Chris Servheen <chris_servheen@fws.gov>, Stephen Torbit <Stephen_Torbit@fws.gov>, john_bryan@fws.gov
Cc: Marla Trollan <marla_trollan@fws.gov>

FYI all, this grizzly bear issue is going back up to DC, Secretary level and to some congressionals. Someone may want to loop the front office in so they are not surprised when it comes back down the pipe. It might be worth noting who they CC'ed on the response below. Two of the attached letters are Tribal responses.

Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | O. 303-236-4575

From: Cheryl Belcourt [mailto:cbelcourt@mtwytlc.com]

Sent: Monday, March 09, 2015 11:22 AM
To: ivy_allen@fws.gov; Sally Jewell
Cc: Cheryl Belcourt; Howlett, Sierra (Indian Affairs); Erik_Nylund@tester.senate.gov; Amanda Peterman (Amanda_Peterman@Daines.Senate.gov); Alex_Sterhan@zinke.house.gov
Subject: Please see attached letter
Importance: High

Hello all at the Department of Interior and Fish Wildlife Service,
Please see the attached letter in response to the letter from the DOI-FWS Mountain Prairie Office (the latter was received by the Tribal Leaders Council office a couple weeks ago dated 2/17/2015 -- RE: FWS/R6/ES/EA ESO-00060852). Both letters as well as the original TLC Resolution to which the letters pertain are attached for your reference.

Although you had requested a response by March 6 (this past Friday), as the subsequent TLC letter reiterates, more time is needed to accomplish the full fledged meaningful consultation process that is required for the Tribes to be able to really engage and be heard on this issue.

My understanding is that ordinarily, Tribal Consultation is announced in the Federal Register 30 days in advance of the first session.

Cheryl Belcourt
Tribal Leaders Council

711 Central Avenue W., 2nd Floor East Wing -
TLC Office HAS MOVED!!
Billings, MT 59102
406.252.2550 (Phone) 406.697.2438 (Mobile)
406.254.6355 (Fax)
www.mtwytlc.org

<DOI-FWS-Bears-Tribes-by6MARCH-letter.pdf>

<Tribal-Nations-and-Grizzly_TLCRes11Dec2014-04.pdf>

<17Feb2015-letter-fromDOI-FWS_Griz-Tribes.pdf>

<DOI-FWS-Bears-Tribes-by6MARCH-letter.pdf>

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

From:	Servheen, Chris
To:	Robert Segin
Subject:	Re: FW: Yellowstone Grizzly Bear Protection Letter
Date:	Thursday, January 08, 2015 2:27:43 PM
Attachments:	Tribal consultation letter_Chairman St Clair Jr_ signed.pdf USPS Certified Mail_70122920000145245260.pdf

---

Robert,
We did send letters last April to the 4 tribes that we were told to consult with. I attach one of them so you can see what they looked like. We have received no comment from any of these tribes and no request for consolation from any of them. Several of the tribes you list received these letters and these tribes stated in new releases that they were "not consulted". We sent our letters via registered mail so we know they received these letters (example attached).

We did not receive any comments from any tribes to our draft and final delisting in 2007. There was an extensive public comment period and public hearings, and no tribes commented. The Yellowstone grizzly was delisted for 2 years until 2009 and no comments were received from any tribes during this time.

Both tribes on the Wind River reservation and the Shoshone-Bannock Tribes are members of the Yellowstone ecosystem management subcommittee. A Shoshone-
Bannock tribal representative attended the last subcommittee meeting in October, 2014. He made no statements about delisting even though this issue was a major topic of discussion at the meeting.

I copied your response ideas below and comment on the issues I have concerns about:

1. If an official move to delist the Grizzly Bear is implemented then all Tribes that have concerns would be able to have official government to government consultation as required under the law. This is what our letter said in April, 2014.

2. If any tribes within the Gb range are interested in discussing this issue now they are free to do so at any time with the Service.

3. Send a letter to all interested Tribes reassuring them that if delisting is proposed that Tribes will be offered the opportunity for consultation. Since we already sent such a letter to the tribes with treaty rights, this is redundant for these tribes. This letter can be sent to the other tribes.

4. Inform BIA of the facts and that consultation will occur.

5. Have Ivy Allen reach out to her tribal contacts and assure them that they will have an opportunity to consult. Again we have already done that for the tribes with treaty rights. I don't think we should in effect be apologizing as if we have not done what we are supposed to do.

Chris

On Thu, Jan 8, 2015 at 1:45 PM, Robert Segin <robert_segin@fws.gov> wrote:

> Hi Chris,
>
> I am backing up Ivy in the Tribal Relations while she is out. If you look at the email string below there are some concerns from BIA that Tribes are not being offered the opportunity to consult on a potential Grizzly delisting. Here is what I know and propose. See if it makes sense. Matt Hogan has asked for some strategies to deal with this as well.
>
> What I know:
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> I am aware that we did send official consultation letters on a potential delisting to tribes that had treaty interests in the spring of 2014.
>
> I understand that none of these tribes has responded or yet. But, then again nothing has been proposed and no decision has been made to propose delisting. Is that still the case?
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> I understand that there were no tribal concerns during the 2007-2009 delisting.
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> The below email references an article (not the Louisa Willcox stuff) which I am guessing is http://missoulanews.bigskypress.com/IndyBlog/archives/2014/12/17/tribal-coalition-speaks-out-against-yellowstone-grizzly-delisting
>
> What I would propose Marla take to leadership.
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> 1. If an official move to delist the Grizzly Bear is implemented then all Tribes that have concerns would be able to have official government to government consultation as required under the law.
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4. Inform BIA of the facts and that consultation will occur.

5. Have Ivy Allen reach out to her tribal contacts and assure them that they will have an opportunity to consult.

Does this make sense? And what else would you say?

From: Matt Hogan [mailto:Matt_Hogan@fws.gov]
Sent: Thursday, January 08, 2015 10:44 AM
To: Marla Trollan; Michael Thabault
Cc: Kristine Martin
Subject: RE: Yellowstone Grizzly Bear Protection Letter

Thanks Marla. It would be helpful if you and/or Ivy can lay out some options that we can all discuss when we meet. Thanks.

From: Marla Trollan [mailto:Marla_Trollan@fws.gov]
Sent: Thursday, January 08, 2015 10:41 AM
To: Matt Hogan; Michael Thabault
Cc: Kristine Martin
Subject: RE: Yellowstone Grizzly Bear Protection Letter

You bet—I'm in all week.

From: Matt Hogan [mailto:Matt_Hogan@fws.gov]
Sent: Thursday, January 08, 2015 10:38 AM
To: Michael Thabault; Marla Trollan
Cc: Kristine Martin
Subject: FW: Yellowstone Grizzly Bear Protection Letter

Mike/Marla,

Let's sit down next week and discuss a consultation strategy with the tribes on GB. I'll asked Kris

to coordinate a time. Thanks.

From: Dreher, Robert [mailto:robert_dreher@fws.gov]
Sent: Thursday, January 08, 2015 10:29 AM
To: Matt Hogan
Subject: Fwd: Yellowstone Grizzly Bear Protection Letter

Folks in the Assistant Secretary for Indian Affairs office want to talk with us about the concerns being raised by a number of tribes with our intention to pursue delisting the grizzly, and whether we will consult with the tribes before moving forward on this. I hadn't realized there was widespread opposition among the tribes in the Yellowstone ecosystem to delisting the bear. What's your take on this, and what do you think we can do to reach out to the tribes? (b)(5) AC, DPP [redacted]

---------- Forwarded message ----------
From: **Dreher, Robert** <robert_dreher@fws.gov>
Date: Thu, Jan 8, 2015 at 12:18 PM
Subject: Re: Yellowstone Grizzly Bear Protection Letter
To: "Harris, Sarah" <sarah.harris@bia.gov>
Cc: "Cummings, Jody" <jody.cummings@sol.doi.gov>

Happy to talk. I can meet Fri at 9 or anytime from 11 to 1:30 pm.

On Wed, Jan 7, 2015 at 5:37 PM, Harris, Sarah <sarah.harris@bia.gov> wrote:

Hi Bob,

Thanks again for working with us on this matter. Friday is much better for me, as I'm fairly booked tomorrow, but can make time tomorrow, if that works best for you.

Thanks!

On Wed, Jan 7, 2015 at 5:13 PM, Cummings, Jody <jody.cummings@sol.doi.gov> wrote:

(b)(5) AC, DPP [redacted]

(b)(5) AC, DPP [redacted]

http://www.indianz.com/News/2014/015996.asp

On Mon, Dec 15, 2014 at 5:17 PM, Cummings, Jody <jody.cummings@sol.doi.gov> wrote:

Thanks.

(b)(5) AC, DPP [redacted]

On Fri, Dec 12, 2014 at 1:53 PM, Dreher, Robert <robert_dreher@fws.gov> wrote:

(b)(5) AC, DPP [redacted]

On Thu, Dec 11, 2014 at 12:13 PM, Cummings, Jody <jody.cummings@sol.doi.gov> wrote:

Bob --

(b)(5) AC, DPP [redacted]

Jody

---------- Forwarded message ----------
From: **Harris, Sarah** <sarah.harris@bia.gov>
Date: Thu, Dec 11, 2014 at 10:39 AM
Subject: Fwd: Yellowstone Grizzly Bear Protection Letter
To: Jody Cummings <jody.cummings@sol.doi.gov>

Hey Jody,

(b)(5) AC, DPP [redacted]

Happy to discuss.

Thanks!

Sarag

---------- Forwarded message ----------
From: **Washburn, Kevin** <kevin.washburn@bia.gov>
Date: Thursday, December 11, 2014
Subject: Fwd: Yellowstone Grizzly Bear Protection Letter
To: "Harris, Sarah" <sarah.harris@bia.gov>
Cc: Lawrence Roberts <lawrence_roberts@ios.doi.gov>

(b)(5) AC, DPP [redacted]

On Wed, Dec 10, 2014 at 1:47 PM, Harris, Sarah <sarah.harris@bia.gov> wrote:

(b)(5) AC, DPP [redacted]

On Wed, Dec 10, 2014 at 1:24 PM, Washburn, Kevin <kevin.washburn@bia.gov> wrote:

(b)(5) AC, DPP [redacted]

---------- Forwarded message ----------
From: **Maya Peters** <MayaP@swo-nsn.gov>
Date: Wed, Dec 10, 2014 at 12:28 PM
Subject: Yellowstone Grizzly Bear Protection Letter
To: "kevin.washburn@bia.gov" <kevin.washburn@bia.gov>
Cc: Tribal Chairman <Chairman@swo-nsn.gov>

Dear Assistant Secretary Washburn,

I have attached a letter from the Sisseton Wahpeton Oyate concerning the proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act protections by the US Fish and Wildlife Service. Your attention to this matter is greatly appreciated.

Thank you,

Maya Peters-Kwon, Executive Assistant

Sisseton-Wahpeton Oyate

Office of the Tribal Chairman

SWO Tribal Headquarters
12554 BIA HWY 711
PO Box 509

Agency Village, SD 57262

605-698-3911 ext. 8284

605-698-7907 fax
e-mail: MayaP@swo-nsn.gov

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Kevin K. Washburn
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street, NW, MS 4141
Washington, DC 20240
Main number 202-208-7163
Fax 202-208-5320
kevin.washburn@bia.gov

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Chief of Staff

Assistant Secretary -- Indian Affairs

United States Department of the Interior

1849 C St NW

Washington, DC 20036

Phone: (202) 208-6682

Email: sarah.harris@bia.gov

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Jody Cummings

Senior Counselor to the Solicitor

U.S. Department of the Interior

1849 C Street, NW

Washington, D.C. 20240

(202) 208-4423

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Bob Dreher

Associate Director

U.S. Fish and Wildlife Service

(202) 208-4070

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Christopher Servheen, Ph.D.
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From: Robert Segin
To: Chris Servheen
Subject: RE: FW: Yellowstone Grizzly Bear Protection Letter
Date: Thursday, January 08, 2015 2:32:11 PM

Thanks Chris.

Great stuff. I will package this for Marla so she can present to leadership. I will use your comments (I agree we don't need to apologize for doing what we normally do either) so they have some weight.

Hogan just wanted options so I wanted to give him a few courses of Action.

Much appreciated.

From: Servheen, Chris [mailto:chris_servheen@fws.gov]
Sent: Thursday, January 08, 2015 2:28 PM
To: Robert Segin
Subject: Re: FW: Yellowstone Grizzly Bear Protection Letter

Robert,
We did send letters last April to the 4 tribes that we were told to consult with. I attach one of them so you can see what they looked like. We have received no comment from any of these tribes and no request for consolation from any of them. Several of the tribes you list received these letters and these tribes stated in new releases that they were "not consulted". We sent our letters via registered mail so we know they received these letters (example attached).

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Cc: Kristine Martin
Subject: RE: Yellowstone Grizzly Bear Protection Letter

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[redacted]

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From: **Dreher, Robert** <robert_dreher@fws.gov>
Date: Thu, Jan 8, 2015 at 12:18 PM
Subject: Re: Yellowstone Grizzly Bear Protection Letter
To: "Harris, Sarah" <sarah.harris@bia.gov>
Cc: "Cummings, Jody" <jody.cummings@sol.doi.gov>

Happy to talk. I can meet Fri at 9 or anytime from 11 to 1:30 pm.

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(b)(5) AC, DPP

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Bob --

(b)(5) AC, DPP

Jody

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Date: Thu, Dec 11, 2014 at 10:39 AM
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To: Jody Cummings <jody.cummings@sol.doi.gov>

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Happy to discuss.

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Sarag

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From: **Washburn, Kevin** <kevin.washburn@bia.gov>
Date: Thursday, December 11, 2014
Subject: Fwd: Yellowstone Grizzly Bear Protection Letter
To: "Harris, Sarah" <sarah.harris@bia.gov>
Cc: Lawrence Roberts <lawrence_roberts@ios.doi.gov>

(b)(5) AC, DPP [redacted]

On Wed, Dec 10, 2014 at 1:47 PM, Harris, Sarah <sarah.harris@bia.gov> wrote:
(b)(5) AC, DPP [redacted]

On Wed, Dec 10, 2014 at 1:24 PM, Washburn, Kevin <kevin.washburn@bia.gov> wrote:
(b)(5) AC, DPP [redacted]

---------- Forwarded message ----------
From: **Maya Peters** <MayaP@swo-nsn.gov>
Date: Wed, Dec 10, 2014 at 12:28 PM
Subject: Yellowstone Grizzly Bear Protection Letter
To: "kevin.washburn@bia.gov" <kevin.washburn@bia.gov>
Cc: Tribal Chairman <Chairman@swo-nsn.gov>

Dear Assistant Secretary Washburn,

I have attached a letter from the Sisseton Wahpeton Oyate concerning the proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act protections by the US Fish and Wildlife Service. Your attention to this matter is greatly appreciated.

Thank you,

Maya Peters-Kwon, Executive Assistant

Sisseton-Wahpeton Oyate
Office of the Tribal Chairman

SWO Tribal Headquarters

12554 BIA HWY 711
PO Box 509
Agency Village, SD 57262

605-698-3911 ext. 8284
605-698-7907 fax
e-mail: MayaP@swo-nsn.gov

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Kevin K. Washburn
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street, NW, MS 4141
Washington, DC 20240
Main number 202-208-7163
Fax 202-208-5320
kevin.washburn@bia.gov

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Bob Dreher
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Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
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U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

From: Shoemaker, Rebecca
To: Tyson Powell
Cc: Jennifer Fortin-Noreus; Alexandra Kasdin
Subject: A/C privilege - ISSUE 9 response
Date: Friday, September 30, 2016 1:06:25 PM

(b)(5) attorney-client



From: Shoemaker, Rebecca
To: Tyson Powell
Cc: Jennifer Fortin-Noreus; Alexandra Kasdin
Subject: A/C privilege - Issue 6 response
Date: Friday, September 30, 2016 12:31:55 PM

(b)(5) attorney-client

[redacted]

From: Alexandra Kasdin (via Google Docs)
To: jennifer_fortin-noreus@fws.gov
Cc: wayne_kasworm@fws.gov; Jodi_Bush@fws.gov; sarah_hall@fws.gov; serena_baker@fws.gov; seth_willey@fws.gov; maricela_constantino@fws.gov; marjorie_nelson@fws.gov; tyson.powell@sol.doi.gov
Subject: Agenda for Grizz Coordination Call 10/12 - Invitation to edit
Date: Wednesday, October 12, 2016 9:10:34 AM

Alexandra Kasdin has invited you to **edit** the following document:

Agenda for Grizz Coordination Call 10/12

Hi everyone,

Please feel free to add or change anything on the agenda for today's coordination call. My apologies for the delay in sharing this.

Talk to you all at 11!
Alex

Open in Docs

Google Docs: Create and edit documents online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a document with you from Google Docs.

From: Alexandra Kasdin (via Google Docs)
To: jennifer_fortin-noreus@fws.gov
Cc: wayne_kasworm@fws.gov; Jodi_Bush@fws.gov; sarah_hall@fws.gov; serena_baker@fws.gov; seth_willey@fws.gov; maricela_constantino@fws.gov; marjorie_nelson@fws.gov; tyson.powell@sol.doi.gov
Subject: Agenda for Grizz Coordination Call 10/19 - Invitation to edit
Date: Friday, October 21, 2016 9:09:23 AM

Alexandra Kasdin has invited you to **edit** the following document:

Agenda for Grizz Coordination Call 10/19

Hi everyone,
Please add any agenda items you think we should discuss on Wednesday's grizzly coordination call.
Talk soon!
Alex

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From: Alexandra Kasdin (via Google Docs)
To: jennifer_fortin-noreus@fws.gov
Cc: wayne_kasworm@fws.gov; Jodi_Bush@fws.gov; sarah_hall@fws.gov; serena_baker@fws.gov; seth_willey@fws.gov; maricela_constantino@fws.gov; marjorie_nelson@fws.gov; tyson.powell@sol.doi.gov
Subject: Agenda for Grizz Coordination Call 11/9 - Invitation to edit
Date: Monday, November 07, 2016 8:46:55 AM

Alexandra Kasdin has invited you to **edit** the following document:

Agenda for Grizz Coordination Call 11/9

Hi everyone,

Please add your topics for Wednesday's coordination call.

Thanks!
Alex

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From: Powell, Tyson
To: Alexandra Kasdin
Cc: Seth Willey; Dana Jacobsen; Jennifer Fortin-Noreus; Jodi Bush
Subject: Another edit?
Date: Friday, October 07, 2016 10:59:37 AM

(b)(5) attorney-client [redacted]

[redacted]

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus; Fortin-Noreus, Jennifer
Subject:	Briefing Update for Gary/Matt
Date:	Monday, October 10, 2016 4:08:17 PM
Attachments:	20161010_Briefing YES and GB Delisting Update.docx

Hey Jennifer. Here is a draft briefing document in response to Gary's request. Feel free to add or clarify anything to the document you think it needs, particularly in the key points. If you could do it in track changes -that would be awesome. Thanks. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

INFORMATION/BRIEFING MEMORANDUM

DATE: October 10, 2016

FROM: Jodi Bush, Supervisor, Montana Ecological Services Office, (406) 449-5225.

SUBJECT: Update on Yellowstone Grizzly Bear Delisting and YES Committee

The U.S. Fish and Wildlife Service (Service) is working, at all levels of the agency, to get agreement on outstanding issues in the Yellowstone Ecosystem (YES) grizzly bear delisting process. These include issues in the Conservation Strategy (CS), the Recovery Plan (RP) and the Proposed Rule/Federal Register document. Based on our most recent YES meeting (October 3, 2016), we appear to have agreement on all previous outstanding issues except for recalibration. The YES committee deferred any discussion on this topic (recalibration) at that meeting as management at higher levels in multiple agencies remain engaged in discussions.

BACKGROUND

On March 11, 2016 the Service proposed to delist the YES population of grizzly bear. With the proposed rule the Service also released two other documents for public comment, a draft supplement to the 1993 Grizzly Bear Recovery Plan for the Yellowstone grizzly bear population, and a draft conservation strategy. These detail how both grizzly bears and their habitat will be managed in a post-delisting environment. The Conservation Strategy was developed by our State and Federal partners to be the document that identifies and guides management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting. Many of the comments we received during the open comment period pointed to inconsistencies between that document and the Service's proposed rule and RP. In addition, our partners found errors and requested clarifications in that document prior to its finalization. Since April of 2016, a subset of the YES committee –the YES Steering committee, has met regularly to address both the internal partner agency issues (identified at the April YES meeting), and those issues brought up by the public and peer reviewers during open comment period. This has resulted in resolution of most of the issues identified with the exception of recalibration.

Comment [JB1]: Others?

KEY POINTS

- The Service had several issues that needed to be resolved prior to finalizing the delisting rule. These included: (1) clarifying the triggers, (2) addressing NPS concerns with the 1998 baseline, (3) language regarding how long the CS would be in place – revising the perpetuity language, (4) addressing food storage as a benefit to connectivity, and the concept of connectivity in general, (5) clarifying recovery criteria #1 –related to genetic health, and (6) recalibration.
- The Service worked with our partners to address, clarify and revise all of these issues with the exception of recalibration. That issue remains with upper management to resolve. In addition issues that were brought up by the public, the peer reviewers, and the agencies themselves have been addressed in the CS and suggested edits to the Rule made.

Comment [JB2]: ?

- At the last YES meeting (October 3, 2016), the committee was able to work through each chapter of the CS and get to final agreement on the edits and revisions for the entire document.
- We are still working on the Appendices and plan to have draft versions for YES committee review by later this week. As most of the edits in these Appendices (except Appendices C), are tied to changes in the main CS document, we do not feel that these will be controversial.
- The outcome of Appendix C is directly related to discussions on recalibration and as such no changes have been agreed to yet.
- We continue to engage our State, Tribal and other Federal partners and other stakeholders, as well as through YES meetings and coordination calls.

POSITION OF PARTICIPATING AGENCIES

- The U.S. Forest Service is committed to the process, the CS and moving forward with delisting the YES grizzly bear. They have amended their Forest Plans as necessary to include relevant guidance and clarified language in their policies regarding the grizzly bear.
- The National Park Service remains concerned about hunting in the John D Rockefeller Parkway as well as immediately adjacent to both National Parks. They did approve the CS locally (Yellowstone NS and Grand Teton NP) and seem willing to go forward with delisting.
- The Bureau of Land Management seems willing to move forward with delisting and did not bring forward any concerns. They also approved the CS for their 3 state jurisdictions.
- The States have stated that they are unsure resolution on the recalibration will occur. They also approved the CS as edited for all 3 state jurisdictions.
- The Warm Springs Tribe went on record as being against the delisting and abstained from approving the CS.
- The Service is pleased with the progress we have made and is optimistic that a resolution on recalibration can be made.

Comment [JB3]: Is this right?

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Subject: Briefing on YES
Date: Tuesday, October 11, 2016 8:20:51 AM
Attachments: 20161010_Briefing YES and GB Delisting Update_Draft Final.docx

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Made most of your suggested edits but wondering how to address your one about RC # 1. Please take a stab at it and send back. Because we let this go at the YES meeting, I think the only way we may be able to deal with it is in the response to comments or final Rule.

I'm headed to Missoula (for a Fisher meeting) by 930ish so if you could respond quickly that would be great. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

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KEY POINTS

- The Service had several issues that needed to be resolved prior to finalizing the delisting rule. These included: (1) clarifying the triggers, (2) addressing NPS concerns with the 1998 baseline, (3) language regarding how long the CS would be in place – revising the perpetuity language, (4) addressing food storage as a benefit to connectivity, and the concept of connectivity in general, (5) clarifying recovery criterion~~e~~ #1 –related to genetic health, and (6) recalibration.
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Comment [JF1]: I think we should be clear that with removal of all references to genetic health, criterion 1 in the Strategy is no longer consistent with the rule and the recovery plan supplement.

addition issues that were brought up by the public, the peer reviewers, and the agencies themselves have been addressed in the CS and suggested edits to the Rule made.

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From:	Kasdin, Alexandra
To:	Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson; Tyson Powell
Subject:	Call today cancelled
Date:	Thursday, October 20, 2016 12:20:18 PM

We will move this call to next week when we have more to discuss. Stay tuned!

Thanks for your flexibility!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

From: Google Calendar on behalf of Alexandra Kasdin
To: jennifer_fort n-noreus@fws.gov; seth_wil ey@fws.gov
Subject: Ca l with Tyson and Marice a
Attachments: in ite ics

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Call with Tyson and Maricela

When
Wed No 9 2016 11am – 12pm Mountain Time
Where
Call# 877-357-9157 Participant #32153955 Leader #38322013 (HYPERLINK h tps //maps.google.com/maps?q=Call%23 877-357-9157 Par icipant %2332153955 Leader %2338322013&hl=en map)
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From:	Kasdin, Alexandra
To:	Seth Willey; Jennifer Fortin-Noreus
Subject:	Comment Issue and Response Drafts -- as of October 5
Date:	Wednesday, October 05, 2016 1:40:40 PM
Attachments:	GrizzlyIssueSummaries_10-5.docx GrizzlyResponseDrafts_10-5.docx

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Hi Seth and Jennifer,

Just sending around the drafts of issues and responses as of today October 5 for the record.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

Grizzly bear delisting public comment issue summaries

Delisting process and compliance with applicable laws, regulations, and policies

ISSUE 1: Several commenters expressed concern that the opportunity for public involvement was inadequate. Specifically, the commenters requested a longer public comment period, more public hearings, and accommodations for the visually impaired and those without internet access to ensure their ability to provide comments on the rule.

ISSUE 2: We received a public comment regarding the impacts of litigation on the delisting process. Specifically, the commenter expressed concern regarding delays caused by litigation, in addition to the resultant loss of time and money that could be more effectively used elsewhere. The commenter quoted a report from the Department of Interior's Inspector General, which said that "lawsuits should not be driving regulatory decisions." This commenter suggested that Congress update the ESA to address the "legal vulnerabilities" by clarifying a prevailing delisting process that can better recognize success "once a species reaches its recovery goals."

ISSUE 3: A number of commenters noted that Native American interests and concerns were not adequately addressed in the rule. Commenters expressed concern that we did not adequately consider the cultural, spiritual, and ecological significance of the grizzly bear to Native American tribes. Commenters also claimed that we did not appropriately analyze the significance of tribal territory and treaty rights in the GYE. Another commenter stated that we did not fulfill our obligation under Executive Order 13175 to consult with the tribes on the proposed rule.

ISSUE 4: Multiple commenters requested we release the National Environmental Policy Act documentation associated with the proposed rule to delist the GYE population of grizzly bears.

Geographic scope of recovery and delisting

ISSUE 5: Multiple commenters suggested we adjust the boundaries of the DMA. One commenter proposed we remove the Upper Green allotments, and other similar habitat, from the DMA. Another commenter took issue with the fact that the DMA described in the draft Conservation Strategy and proposed rule encompassed the Big Sandy and Popo Agie Management units, "areas outside the 2014 grizzly bear distribution boundary." One commenter advised that we expand the DMA boundaries to "include all designated wilderness lands adjacent to the proposed DMA."

ISSUE 6: Several commenters took issue with the scope of our threats, or "five factor," analysis. They claimed that we failed to fulfill the requirements in Section 4(a)(1) of the Act since we only analyzed the importance of threats inside the DMA and that the threats analysis should not be "limited to suitable habitat." The commenters requested we provide a more thorough threats analysis that considers threats, and their impact on grizzly bears, in the entire GYE DPS because invisible boundaries cannot be used to classify the health of a population.

GYE Grizzly Bears Recovery Criteria and management objectives

ISSUE 7: We received several public comments that expressed confusion and concern about the demographic recovery criteria. Commenters questioned whether the criteria are tied to the model-averaged Chao2 estimate or if the Service retains the discretion to change the method. Others felt that demographic recovery criteria #1 and #2 are not necessary post-delisting, that they will restrict adaptive management, and that only the mortality limits in criterion #3 are necessary to maintain a stable population size. Some suggested additional recovery criteria be added, including: a criterion to monitor the changes in food resources; and a criterion linked to a declining population trend.

Some commenters were concerned about how criterion #1 is measured and the adequacy of triggers associated with this criterion. Several commenters and a peer reviewer asked if the minimum population size of 500 was tied to the Chao2 estimate method. They noted that the method should be clear or a new method would need to be calibrated. Another commenter asked about the biological justification of establishing 500 as the goal for the total population size. Other commenters emphasized that the objective of 500 grizzly bears was based on genetic health (Miller and Waits 2003) with a buffer. However, the second part of the first criterion, which requires 48 females with cubs-of-the-year, equates to a population of 600 and not 500 bears. Thus, commenters suggested that any reference to 500 should be discussed in its historical context of genetic viability or removed to reduce confusion. Several commenters felt that the trigger of 500 grizzly bears is too low. In addition, commenters wondered why three consecutive years of non-compliance led to the criterion not being met in the supplement to the recovery plan, while the Conservation Strategy declared this criterion would not be met if there were two consecutive years of non-compliance.

Some commenters expressed concern with the measurement of demographic recovery criterion #2 and the adequacy of the triggers associated with this criterion. Commenters expressed some confusion on how the three consecutive 6-year sums are calculated; they worried that that this would require 18 years before this criterion is assessed. If female occupancy is not being met, a 6-year sum of observations is a long time to wait to assess the criterion. Some believe that the criterion should apply to the whole DMA, not just the PCA, stratified on flight areas.

Some commenters expressed concern with the measurement of demographic recovery criterion #3 and the adequacy of the triggers associated with this criterion. Many felt that stopping discretionary mortality at a population of 600 bears is too lenient; commenters suggested that the threshold for halting discretionary mortality should be higher than the 95% confidence interval and/or should be the population objective itself (i.e. 674). Commenters expressed that, to be more precautionary, the average around which the population will be maintained should be increased. Suggestions for modification of this criterion included: making exceedance of mortality limits independent of a population minimum; and eliminating the three year wait between the the population dropping below 612 and determining that the criterion is not met. Some suggested that this criterion should be made easier to interpret, such as using an annual index of observed females with cubs to total observed mortality. Lastly, one commenter suggested that the mortality limit for dependent young is unnecessary because it is not currently being measured.

ISSUE 8: We received comments from peer reviewers and the public that expressed confusion about the population management objectives and their scientific basis. Commenters thought that the proposed rule and Conservation Strategy were unclear about whether the population goal is 500, 600, or 674; commenters further opined that, if the population goal is 500 bears, then the states would decrease the current population of grizzly bears by more than 100 bears. Moreover, a peer reviewer emphasized that there is no biological basis for a population goal of 500 bears. Commenters point out that the Service references a management objective of 674 bears within the DMA whereas 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 and 2014) and upon mortality rates to keep the population within this range." Some commenters believed that the goal should be to have a population that is stable or increasing to allow the population to continue to expand into currently unoccupied lands within the DMA. Some commenters and peer reviewers suggested that it is unrealistic to manage the population to a single number when the confidence intervals are large and do not account for all sources of variation. Finally, one peer reviewer recommended that the population goals be periodically re-evaluated to allow for consideration of natural and anthropogenic changes in the ecosystem.

General comments on whether to delist

ISSUE 9: We received comments both supporting and objecting to our conclusion that the grizzly bear is biologically recovered. Some commenters agreed that the grizzly bear is biologically recovered because the GYE population has consistently fulfilled the conditions of the recovery criteria in recent years, the threats in the five factor analysis required under Section 4 of the ESA have been sufficiently ameliorated, bears have the ability to adapt to changes in habitat, and grizzly bears occupy their entire range within the GYE, so much so that young or transient bears have trouble finding space to "establish their own home ranges."

Commenters also presented a number of reasons they disagreed with our assessment that the grizzly bear is biologically recovered. Some of these commenters reference that grizzly bears currently only inhabit less than 2% of their historic range and that populations are less than 3% of their historic abundance. Commenters also claimed that grizzly bears do not even occupy all suitable habitat within the DMA. Other commenters doubted the accuracy of the current population estimates for the GYE population; they also expressed concern that the population "has not increased since the early 2000s." One commenter suggested that the metapopulation in the lower 48 states would have to have 2500-5000 bears to be considered recovered. Commenters also noted that there are only 1200-1800 grizzly bears in the entire lower 48 states, which commenters claimed to be "five times too few individuals to assure long-term persistence of the species." One commenter noted that, even if population numbers had reached adequate levels, merely the demographic recovery of bears based on numbers is not sufficient for recovery. Another commenter suggested that the GYE population still meets the criteria to be listed as "vulnerable" by the IUCN Red List; this commenter also suggested that, "if the GYE population of grizzly bears fell below 533, it would be categorized as endangered by the IUCN." Other commenters claimed that true recovery would not be possible in the GYE without connectivity to healthy, "permanent populations of bears in the Gravelly-Snowcrest-Centennial Mountains, in the Selway-Bitterroot Wilderness, and along the connecting crest of the Bitterroot Range." The Governor of Wyoming believed that we were arguing the GYE population of grizzly bears has achieved recovery because the bears have reached carrying capacity; these commenters noted that carrying capacity is not a proper metric for assessing recovery.

ISSUE 9.5: We received a comment that believes our description of the taxonomy of grizzly bears in the GYE is no longer the best available science. They presented that the GYE grizzly bears are "part of a clade (Clade 4) with an ancient and unique history, a restricted distribution, and warranting consideration as evolutionary unique and threatened genetic linkage." They continued that because this unique taxonomic classification applies to the whole lower 48 grizzly bear metapopulation, recovery must address grizzly bears in the entire lower 48 states.

ISSUE 10: We received comments that both agreed with and disagreed with our assessment that it is appropriate to remove the grizzly bear from the endangered species list. Those who supported our assessment suggested that states will allocate more money towards grizzly bear conservation and management in a post-delisting environment, submitted that the GYE population of grizzly bears has "exceeded social carrying capacity," and claimed that grizzly bear recovery in the GYE is one of the biggest conservation success stories of the ESA.

However, some commenters did not support our assessment that delisting was appropriate. One commenter expressed that the recovery of the GYE population of grizzly bears "is a success story…but still one in the making." Other commenters suggested that delisting was premature and urged the Service to withdraw the proposal to delist. One commenter claimed that, since the grizzly bear has not fully recovered after 40 years of protections under the ESA, the Service should "increase, rather than remove, federal protections." Commenters expressed

concern that the grizzly bear population would start to decline if it was delisted and that delisting contradicted "the precautionary approach to wildlife management mandated under the ESA." Some of these commenters were concerned that grizzly bears would be classified as predators and thus would be shot, poisoned, or killed on sight. Some commenters expressed concern that delisting could negatively impact the economies and cultural experiences of towns within and surrounding the GYE; these commenters claim that visitation to the public lands in the GYE, which is partly motivated by a desire to encounter grizzly bears, "is a multi-million dollar industry that may decline once grizzly bears are allowed to be hunted on park boundaries." Commenters expressed that grizzly bears are a key aspect of a gratifying experience in the GYE; these commenters wanted future generations to be able to see and enjoy grizzly bears. Commenters also cited research from Ohio State University claiming that, in a survey of grizzly bear experts, 60% of grizzly bear biologists "believe delisting would be an incorrect decision, or at the very least a violation of the precautionary principle." Finally, one commenter expressed concern that there was undue political influence in the proposal to delist.

ISSUE 11: One commenter claimed we inappropriately conclude that threats become irrelevant when they "can be managed." This commenter suggested that threats we and others successfully manage (such as genetic health) should still be regarded as a threat during our evaluation.

Measurement of and interpretation of population parameters

ISSUE 12: Some commenters expressed skepticism towards our data and analysis. They opined that the raw data used in our analysis was not made available for independent review. They expressed concern that the "monopoly" the IGBST has on grizzly bear population data prompts groupthink and a general lack of transparency. Another commenter claimed that the peer review process does not sufficiently detect error or bias and that it is no more likely to detect error or bias than by random chance. The same commenter took issue with the proposed rule's reliance on models because there is never one correct model, claiming that model building is "the most bias-prone form of analysis." Another commenter cautioned against committing Type II errors in analysis.

ISSUE 13: We received comments from peer reviewers and the public that expressed concern about the use of the Chao2 estimate method to estimate the grizzly bear population size, questioned whether the Chao2 method is best the available science, and expressed confusion about the application of this method. Some commenters were concerned with the reliability of the Chao2 estimator and suggested that we need to address the disagreement in the scientific community about the accuracy of the Chao2 population estimate as discussed by Doak and Cutler (2014a, 2014b). In addition, one commenter stated that the current population could be as low as 552 bears (Thuermer 2016) with the lower end of the 2015 estimate of 642 and mortalities of up to 90 bears, including unknown/unrecorded mortalities.

We also received several comments from peer reviewers and the public questioning the application of the model-averaged Chao2 estimate. One peer reviewer questioned whether the Chao2 estimator is an estimate of the total number of females with cubs or an estimate of the overall grizzly bear abundance. Additionally, a peer reviewer asked for additional details of how model averaging is used with the Chao2 estimator, given the potential issues with model-averaging (Cade 1995), or if instead we are reporting the average of annual Chao2 estimates of the population, in which case we should not use the term "model-averaged Chao2 estimate."

Several comments were concerned with the measurement and interpretation of unique females with cubs. Comments expressed concerns about the biases associated with the reliance on counts of unique females with cubs. The first source of bias commenters cited stems from increased sightability; over time, it has become easier to find and count individual bears since bears have increased their use of moth sites, which are easy to monitor. These commenters claimed that the increasing trend of the number of females with cubs in IGBST monitoring data could stem from the fact that it has become easier to count bears and not from the fact that there are actually more bears in the GYE. The second source of bias commenters cited relates to increased unreliability of unique sightings of females with cubs. Based on the guidelines for how we count females with cubs, females with differing numbers of cubs are considered unique (e.g. a female spotted with two cubs near where a female with three cubs was also spotted is counted as an additional unique female). However, increased cub mortality increases the difficulty in distinguishing between unique females with cubs because of changing litter sizes; between multiple survey flights, females could lose a cub and thus be counted twice (once as a unique female when she has three cubs and again as a unique female when she is spotted with only two cubs). This can again cause overestimation of the number of females with cubs. The third source of bias comes from increased search effort (i.e., number of hours flown); increasing efforts in surveys could lead to artificially higher counts of females with cubs. To manage for biases in the Chao2 estimator, one commenter suggested that the Service specify that population monitoring will continue indefinitely at the same intensity, the same distribution, and under the same design to account for potential biases in the Chao2 method. Another commenter suggested that we review Ordiz et al. (2007) as an alternative to the Knight rule in distinguishing unique females with cubs. Under the rules for counting unique females with cubs, we do not consider two females spotted within 30 km of each other as unique (these two females would count as one bear). As grizzly bear populations become denser, females will live closer together and this counting rule may cause an underestimation of the actual number of bears on the ground. Eventually, the population of bears will be so dense that there is a maximum number of bears surveyors can possibly count given these rules (i.e. one bear in every 30 km radius); we refer to this maximum number of bears countable under the Chao2 rules as the "density threshold." One commenter worried that once the population exceeds this threshold, managers will not be able to detect a decline in the population, as long as the number of females with cubs remained above the threshold, since the total counts of numbers of females with cubs are artificially stagnant.

Several comments indicated that the application of the Chao2 estimator should be more transparent. One peer reviewer asked if the Chao2 estimator was published in its entirety in a single published article while another asked if the method had been subject to peer review. It was suggested that more details be provided regarding: the demographic inputs and how they are determined; the model assumptions; how the initial population size was estimated; how the sex-age class distributions were estimated; and how natural mortalities were estimated and included. Some commented that the population estimate is influenced and potentially biased by the multipliers used for dependent young, pre-reproductive independent females, and independent males. Some commenters suggested that the population estimate has increased only because the estimated survival rate and the multiplier for independent males increased in the model in 2012 when survival rates actually decreased. In addition, one commenter suggested that the method is insensitive to rapidly changing conditions. Another commenter expressed that the large change in the Chao2 population estimate based on the use of updated survival rates makes evident the high uncertainty in the monitoring of this population and questioned which rates should be used.

Some commenters were concerned with our interpretation of and reliance on the conservativeness of the Chao2 estimate. One comment suggested that the Chao2 is only conservative if the population is indeed increasing; this commenter noted that if the vital rates and mortality rates are incorrectly estimated, then the population could decline undetected. Another commenter worried that managers could misinterpret reaching the density threshold of the Chao2 estimate (an artifact of the counting methodology that creates a cap on the total number of females with cubs surveyors can count) as reaching the carrying capacity of the population. The grizzly bear population can still be growing even once it reaches the density threshold of the Chao2 estimate.

ISSUE 14: We received comments from peer reviewers and the public that expressed concern about how we measure and interpret the population trend. One commenter asked for statistical or theoretical justification for the use of linear and quadratic models in population trend estimation. Another commenter presented the conclusion from a 2012 IGBST workshop that we should not use observations of females with cubs to estimate population trend because this measure was an unreliable method at the high population densities occurring in 2012. One commentator suggested that the smoothing approach employed in the Chao2 method is highly sensitive to the time period being modelled and that only data since 2000, when major changes occurred in the GYE, should be used.

Some commenters were concerned with a potential lag effect (i.e. that the model-averaged approach is insensitive to rapidly changing conditions and that a negative population trend would not be detected in a timely manner). Lag effects between habitat decline and population decline have been reported by Doak (1995) and McLellan (2015). In addition, one commenter was concerned that a negative population trend would not be detected with the current statistical rigor until it is too late.

Some commenters were concerned that the smoothing approach that the IGBST uses in estimating the population trend should not include data from before 2000 because significant

changes occurred in the GYE grizzly bear population in 2000. Additionally, commenters pointed out that the population trend declines significantly to a 0.8% annual increase if modelers only use data from 2007 to the present . Several commenters suggested additional methods to apply in detecting the population trend. One commenter suggested that we compare the annual uncertainty in the population estimates to long-term averages to further inform the population trend. A peer reviewer recommended that we use an independent measure, including independent sampling, to verify model trends. Other commenters stated that the IGBST should use capture-recapture data to estimate population trend rather than the trapping effort data used by van Manen et al. (2016) and Bjornlie et al. (2014).

Several commenters offered alternative interpretations of the population trend. Some commenters believe that the IGBST over-estimated the population growth rate because the method used does not account for senescence in both birth and death rates of females (Doak and Cutler 2014a, 2014b). Other commenters pointed out that the number of older bears in the GYE population is increasing while the number of cubs and younger bears is decreasing; they expressed that this trend in age structure does not bode well for maintaining a healthy population. Some commenters discussed the 6% population decline between 2014 and 2015; these commenters believed that lower cub survival rates and mortalities from conflicts with hunters and livestock caused this decline. Some commenters believe that the population of grizzly bears has not increased since the early 2000s.

Measurement of and interpretation of population parameters

ISSUE 15: Several commenters and a peer reviewer raised concerns over utilizing a new population estimation method in the future in lieu of the current methodology (Chao2). One commenter noted that the use of the Mark-Resight method may provide a less biased estimation of population size than the estimate from Chao2. Several commenters noted that the Service should abandon the "model-based average" method and instead use a model "based on a running average of annual growth rate over" the six preceding years. Some public commenters requested that any new population estimation methodology be open to public comment prior to implementation. Both commenters and peer-reviewers raised questions about how a new population estimation method would be implemented in the future and how new estimates would be reconciled with previous estimates that used the Chao2 methodology. A peer-reviewer noted that if managers were to use a new population estimation method, they would need to calibrate the method "to ensure long-term comparability of data." Commenters noted that mortality limits would also need to be calibrated with this new population estimation method and the status review triggers for review would need to be redefined in response to any new population estimation methodology. However, other public commenters noted that if a new population estimation methodology is implemented, it "should not be used to re-define what the recovered bear numbers are for future management decisions."

ISSUE 16: We received several public comments and a peer review expressing concerns regarding the measurement of grizzly bear mortality. Commenters asserted that using known fate monitoring to measure grizzly bear mortality (with large data sets covering long time periods) reduces the ability to detect short-term trends and produces death rates that do not match reality. Commenters further asserted that the estimation methods we use to estimate unknown/unreported mortality, which are presented in Cherry et al. (2002), underestimate mortality and are susceptible to bias. These commenters claimed this bias originates from (1) the fact that the cause of a grizzly bear death changes the probability of the death being reported and (2) variable effort in bear capture and radio-collaring. In addition, a peer reviewer suggested that, to be conservative in our estimate of independent female mortality, we should use a sex assignment ratio of 50:50, instead of 59% male and 41% female, when determining the sex of probable or unrecorded mortalities; they suggested we could also assign any probable mortality as female.

Commenters also expressed concern regarding recent increases in human-caused mortality. Commenters provided several statistics including: (1) human-caused mortalities increased in 2015, with 59 known mortalities and at least 30 mortalities of unknown cause; (2) hunter-caused mortalities increased over the past 11 years from 3.7 bears to 10.2 bears lost annually; (3) total human-caused mortality has increased since 1994; (4) the limit for female mortality was exceeded in 2015; and (5) mortality limits for males and/or females were exceeded in five out of the last seven years. Contrary to our claims in the proposed rule, commenters asserted that human-caused mortalities continue to rise despite implementation of information and education programs in 2008. Commenters asserted that if the grizzly bear population has stabilized since 2002 while mortality rates have simultaneously increased, then the bear population is actually declining.

Several commenters expressed that, though reported mortality from all causes was 61 bears in 2015, only approximately 50 percent of total mortality is reported, which means actual mortality was higher than these 61 bears in 2015. One commenter contended that mortality could approach 200 bears annually after delisting, if bears are also killed in trophy hunts.

ISSUE 17: Both commenters and peer reviewers raised concerns over our detection and interpretation of trends in vital rates. A peer reviewer noted that monitored individuals may be more susceptible to capture and may not serve as an accurate representative sample in regards to the measurement of vital rates (i.e. sampling bias may be affecting vital rate estimation). Commenters also noted that negative trends in vital rates may not be detected until it is too late. They highlighted the fact that there has been a decrease in cub and yearling survival since the early 2000's, and that there is uncertainty associated with the ecological factors that may be contributing to this decline in vital rates.

ISSUE 18:

Both commenters and peer reviewers presented comments surrounding our discussion and analysis of the carrying capacity for grizzly bears in the GYE. Both commenters and peer

reviewers raised concerns that Figure 1 of the proposed rule is an oversimplification of a population at carrying capacity. They proposed including an explanation of the variables, in addition to those presented in Figure 1, that influence carrying capacity (e.g. food availability and emigration in search of food, mates, or territory). One commenter noted that a graph illustrating how the Chao2 estimate of the GYE grizzly bear population is leveling off might provide a clearer demonstration of carrying capacity. Additionally, commenters doubted our conclusion that the GYE population is approaching carrying capacity; one commenter noted that grizzly bears only occupy 25% of the GYE (i.e. carrying capacity has not been met), and that we acknowledge the inherent difficulty in calculating carrying capacity.

Commenters and peer reviewers suggested alternative hypotheses to our claim that GYE population is approaching carrying capacity. Commenters suggested that a decrease in food availability may be the driver behind a slowing growth rate in the GYE grizzly bear population. Another commenter noted that carrying capacity itself may have declined as a result of decreasing food availability (specifically of the four major grizzly bear food sources). One peer reviewer concurred with this suggestion, noting that the stabilizing trend for grizzly bears in the GYE could be a result of a shrinking biological carrying capacity. This peer reviewer cited Van Manen et al. (2016, page 309), who noted that a decrease in carrying capacity was a possible alternative explanation for the demographic changes apparent in the GYE population; this peer reviewer suggested that we should note this possible explanation in the rule. Another peer reviewer proposed that grizzly bears in the GYE may have reached a human *social* carrying capacity, not a biological one.

ISSUE 19:

Some commenters questioned our interpretation of bear density in the GYE. Commenters claimed that the core population density has decreased because the population has stabilized since the early 2000s while simultaneously the distribution has increased (i.e., the same number of bears are spread across an ever-increasing area). Additionally, one commenter stated that "the density index directly based on the number of bears trapped and radio-marked in a given area during a given year" has not been reviewed to confirm its reliability.

Commenters also took issue with our conclusion from our analysis density-independent and density-dependent effects on grizzly bear population dynamics in the GYE. Several commenters noted that, though we analyzed four factors to determine the relative influence of density-dependent and density-independent effects, only one factor (home range size) differed between the analyses of density-dependence and density-independence. Commenters suggest that both density-dependent and density-independent causes lead to decreased cub and yearling survival, increased age of first reproduction, and decreased reproduction; these factors thus cannot be used to distinguish between the influence of density-independent and density-dependent effects on the grizzly bear population, especially when these effects potentially stem from limited resources. Others commented that the density-dependence analysis failed to account for temporal changes in the abundance of key foods and habitat. Commenters questioned the causal link we suggest between density dependence and declining vital rates;

these commenters expressed confusion as to why we only explained one of the four factors from our analyses, cub survival.

Finally, one peer reviewer suggested that we review our use of the words "cause," suggesting causality, as opposed to "association" in our density-dependence analysis.

Habitat management

ISSUE 20: We received comments from both the public and peer reviewers regarding our definition of suitable habitat. One reviewer asserted that the definition was qualitative and too weak. One public commenter asserted that the definition of suitable habitat did not include lands with sheep allotments and other livestock operations that can increase human-bear conflicts. They suggested that lands with sheep allotments should be included in suitable habitat and that these operations be considered as a potential threat under the five factor analysis. More specific concerns from public commenters included the following: (1) the definition of suitable habitat excluded important potential habitat such as the Wind River Range, the Palisades Wilderness Study Area, and other public lands adjacent to the DMA; (2) the definition of suitable habitat excluded "some habitat outside the DMA that is already occupied;" and (3) the definition was not based on the "best available science" because it excludes currently unoccupied areas based on the potential "social intolerance" for bears in these areas; this commenter asserted that a science-based conclusion cannot compromise on "what is biologically necessary for long-term persistence" in order to cater to potential public intolerance. One commenter suggested we use "spatially dynamic boundaries" in our definition of suitable habitat to allow for geographical shifts in habitat types and changing food locations.

ISSUE 21: A peer reviewer expressed concerns that our discussion of habitat management in the proposed rule focused almost primarily on preventing human-caused mortality, rather than on systematically identifying the biological features characteristic of important grizzly bear habitat. This peer reviewer requested that we provide information on the biological features of habitats that different ages and sexes of grizzly bears use during each season. The peer reviewer referenced a paper by Proctor et al. (2015) to share common quantitative methods researchers use to identify habitat types that grizzly bears preferentially select. The peer reviewer also suggested that these resource selection models could be used to bolster the definition of suitable habitat.

ISSUE 22:

One peer reviewer requested additional rationale for our use of 10 acres as the minimum size in the definition of secure habitat. Another peer reviewer expressed confusion as to our requirements for lake size in defining secure habitat (we state that any lake that is less than one square mile in size is considered secure); this peer reviewer claimed that grizzly bears do not use most open water so any lake, regardless of size, should be classified as insecure. The peer reviewer instead suggested we define a buffer along lake shorelines that "represents the actual area used by grizzly bears" to include in our secure habitat definition.

One commenter noted that we used a definition of secure habitat from the U.S. Forest Service's 2006 Environmental Impact Statement, which does not contain a justification for the definition. Commenters provided alternative means of defining secure habitat. Commenters noted that Mattson (1993) recommended that "microscale" security areas are approximately 28.3 km^2 in size and have a 2-4 km buffer from roads or human facilities. Another commenter recommended increasing minimum core security areas to approximately 10 km^2 to allow for dietary flexibility and to fully encompass the average daily movements of an adult female grizzly bear (Gibeau et al. 2001). Furthermore, they suggested that secure habitat be at least 500 m from areas of high human use, defined as areas with more than 100 human visits per month; currently the 500 m buffer only applies to motorized access routes .

One peer reviewer supported our definition of secure habitat and our policy of having no net loss of secure habitat due to human activities. However, this peer reviewer emphasized that any future changes to secure habitat, and subsequent mitigation efforts, need to ensure that secure habitat is distributed across the landscape in a way that does not cause habitat fragmentation and that facilitates movements of bears both within and between bear management units.

ISSUE 23:

We received several comments from both the public and peer reviewers regarding use and development in secure habitat within the PCA including: (1) projects that temporarily change the amount of secure habitat should not be allowed; (2) recurring low-level helicopter flights and temporary road construction should not be allowed during denning season; (3) hunting should not be allowed in secure habitat (some commenters and a peer reviewer interpreted our description of secure habitat inside the PCA as an area in which hunting would not be allowed); (4) road densities should continue to be limited after delisting to avoid potential increases in bear mortality and in logging activity; (5) the distinction between permanent and temporary roads should be clarified since only the density of permanent roads is limited in the proposed rule, even though temporary logging roads may have higher traffic; (6) increased development on lands surrounding national parks should be considered; (7) the presence of 500 development sites on the five national forests should be addressed; and (8) the exceptions that allow changes to the 1998 baseline for secure habitat and developed sites for administrative and maintenance needs should either be limited or further clarified.

Commenters also noted that mortality risk is not static within secure habitat. Social and dietary changes since 1998 have resulted in increased exposure to human hazards despite no net increase in livestock allotments and human infrastructure. Another commenter suggested that control, reduction, and outreach will be essential to long-term conservation of grizzly bears in the GYE.

ISSUE 23.5:

We received several comments from both the public and peer reviewers concerned with the habitat monitoring. A peer reviewer recommended that managers develop plans to control

Comment [1]: Would this fit better wi h hunting issues?

Comment [2]: These need more information. I'm checking w/ Jennifer. Are they talking about development on private lands or developed sites on public lands? Are they referring to the 500 d sites inside the PCA or outside the PCA in suitable habitat?

Comment [3]: I think this could be deleted or moved.. it's not a habitat issue.

important habitat components (e.g., distribution and abundance of ungulates). One commenter expressed concern that we do not explain what indices will be used to monitor changes in habitat and why these indices are adequate indicators of habitat degradation. This commenter emphasized that further explanation of these indices would be needed to provide adequate assurances that we will employ sufficient monitoring, beyond tracking population size, to detect possible "lag effects." This commenter also requested that the Service provide specific management responses and triggers based on these indices of potential habitat degradation.

ISSUE 24: We received several public comments regarding stressors outside of the PCA. One commenter questioned the scientific basis for allowing different management techniques within and outside the PCA; this commenter asked whether there is evidence of two distinct grizzly populations (one inside the PCA and one outside the PCA) warranting distinct management approaches. Another commenter claimed that it was "disingenuous" for us to state that "suitable habitat outside the PCA provides additional ecological resiliency and habitat redundancy to allow the population to respond to environmental changes" when the same habitat protections do not occur outside of the PCA as inside the PCA. One commenter noted that habitat outside of the PCA has "become a sink for human-caused mortalities." Another commenter expressed concern that the current protections of 60 percent of suitable habitat outside of the PCA would not be sufficient since 40 percent is not protected. One commenter claimed that the Service is "writing off" 25 percent of independent females, since these females live outside the PCA in areas that will have inadequate habitat protections. This commenter noted that, if these inadequate protections fail to ensure the survival of these female bears, mortality limits exceeding the proposed rule's acceptable levels will result (under no circumstance is 25 percent mortality of independent females acceptable in the proposed rule). One commenter expressed concern about potential increased road development outside of the PCA and associated increased grizzly bear displacement, higher mortality, and lower fecundity. Lastly, a commenter suggested that standards should be applied to all federal lands within the DMA for road density, secure habitat, and no surface occupancy (not just inside the PCA).

ISSUE 25: Several commenters raised concerns with our use of the 1998 baseline for habitat. One commenter stated that the 1998 baseline was based on the population growth rate from 1988-1989, which they felt was overestimated, and therefore 1998 does not actually represent a period of population growth. This would thus make the 1998 habitat baseline insufficient to achieve a flourishing grizzly bear population in the GYE. One commenter questioned the validity of the 1998 baseline because it was calculated using a nonparametric Chao2 estimator versus the current model-averaged Chao2 estimator. One commenter felt that the 1998 habitat baseline did not appropriately distinguish between the frequency of contact with humans and the lethality of these encounters with humans (i.e. high use does not necessarily imply high risk to grizzly bears and low use does not necessarily imply low risk to grizzly bears). One commenter expressed concern over whether the 1998 baseline provision would provide sufficient habitat protection in the long term once ESA protection is removed, specifically Section 9 "take"

prohibitions, Section 7 consultation, the 1986 Interagency Grizzly Bear Guidelines, and the ESA citizen suit provision.

There were several comments regarding whether or not the 1998 habitat baseline could be maintained or was even achievable. Some commenters suggested that there have been changes on the landscape, such as the availability of whitebark pine, since 1998 even if the amount of secure habitat has not changed. Another commenter questioned the implementation of the 1998 baseline given the construction of roads and developments since 1998. Commenters suggested that we use an alternative approach to the 1998 habitat baseline. They suggested that the "moving window analysis" from Mace and Waller (1997) should be implemented and is the best available science. This approach recommends open motorized route densities, total motorized route densities, and core amounts of habitat for each BMU.

The 2007 Conservation Strategy identified three BMU subunits as needing improvement from their 1998 secure habitat baseline; these units would thus be maintained at or above the quality levels achieved from the full implementation of the 2006 Gallatin National Forest Travel Management Plan. One commenter recognized that these three subunits received improvements in secure habitat but noted that we do not explain the extent of these improvements; thus, this commenter questioned whether these improvements were sufficient to meet our 1998 baseline requirements.

ISSUE 26: Many comments from the public and peer reviewers expressed concern with the adequacy of our discussion of connectivity of grizzly bear habitat and populations. Several comments emphasized the importance of facilitating connectivity and one peer reviewer suggested that facilitation of movement should be a management objective. Other peer reviewers suggested that, without adequate connectivity, the GYE population will be at higher risk of local extinction and that connectivity of grizzly bear populations will ensure long-term viability of the species.

Commenters expressed concerns that we either did not have or did not share effective plans for facilitating connectivity between the six grizzly bear recovery zones in the lower 48 states. One commenter took issue with the preamble of the proposed rule because it did not contain a sufficiently clear commitment to manage for connectivity post-delisting. Another commenter urged us to consider and address both demographic connectivity and genetic exchange between the six recovery zones.

We received several public comments with suggestions on how to facilitate connectivity, including: (1) create demographic connectivity areas similar to the Northern Continental Divide Ecosystem (NCDE) to allow for connection between the GYE and NCDE and between the GYE and the Bitterroot Ecosystem; (2) implement the same habitat standards in connectivity areas as those that apply inside the PCA; (3) reduce the DPS boundaries to match those of the DMA to more effectively facilitate connectivity; and (4) promote travel corridors to facilitate the emigration/immigration of male bears even where there is not suitable habitat.

Many commenters expressed concerns with the state plans and how they intend to facilitate or discourage movement of grizzly bears. Commenters and peer reviewers both

expressed concerns that, while we characterize the GYE grizzly bear population as a potential source population to recolonize the Bitterroot Ecosystem, 1) we do not consider connectivity to the east, west, or south a relevant issue in the proposed rule, 2) there are no plans to facilitate connectivity, and 3) Idaho's grizzly bear management plan prohibits the movement of grizzly bears into new areas. Another commenter expressed that Montana's plan is noncommittal on the subject of connectivity. Some comments from the public and peer review suggested that Idaho's and Wyoming's state plans do not discuss connectivity at all and will prevent the successful reoccupation of historic range. In addition, they felt that all of the state plans will actively discourage establishment of bears outside the DMA. A peer reviewer requested that we include a discussion in the rule that shares additional details of state plans to facilitate connectivity (especially Montana's plans). One commenter suggested that state plans must manage for connectivity rather than managing towards a minimum population level.

One peer reviewer acknowledged that we discuss distance as a potential barrier to effective connectivity of grizzly bear recovery zones but that the distance barrier would not be insurmountable; however, this peer reviewer suggested that we need to consider other potential barriers to movement, such as topography or man-made structures, in the rule.

Peer reviewers and commenters expressed that the proposed rule should include stronger commitments and clearer partnerships that will ensure grizzly bear habitat connectivity is considered in any new road construction or highway improvement projects. One peer reviewer also questioned whether there is any scientific evidence of grizzly bear use of crossing structures; such references would strengthen our promotion of these structures as a management tool.

One commenter expressed concerns that if the final rule and associated post-delisting management strategies do not provide for connectivity to other grizzly bear populations, it could undermine the conservation strategy for the NCDE. Another commenter claimed that, under Section 7 of the ESA, we must consider lack of connectivity as a threat to other grizzly bear recovery zones. However, the Governor of Montana emphasized that connectivity between the GYE and the NCDE should not be a requirement of delisting since Montana has "committed through its management plan to allow bears to occur where they are tolerated and because they expect the populations to "intermingle" in the future.

Peer reviewers commented on ways we can measure and monitor connectivity. One peer review suggested that monitoring and collecting genetic samples outside the DMA (e.g. through mandatory registration of bears hunted in the GYE) could help detect immigration and emigration. Another peer review suggested exploring environmental DNA (eDNA) analysis techniques to detect movements between grizzly bear populations. A peer reviewer also suggested using the "step-selection function" method in Thurfjell et al. (2014) to "model habitat attributes that facilitate movement and connectivity".

One peer reviewer asked us to explain the relevance of food storage orders to the issue of connectivity. Another peer reviewer requested that we include a map of the grizzly bear recovery zones to help illuminate the issue of connectivity.

ISSUE 27: Public commenters and peer reviewers expressed concerns with the adequacy of our discussion of livestock allotments in the proposed rule and claimed that they potentially remain a threat. Commenters expressed that livestock allotments contribute to habitat fragmentation, create a barrier to grizzly bear movements, and cause population sinks. As a result, one commenter suggested that any habitat with livestock allotments could not be considered suitable habitat. A peer reviewer noted that, while we say federal agencies must conduct "appropriate analysis" to evaluate the impacts of livestock allotments on grizzly bears, we do not suggest a course of action should the agencies discover impacts.

Peer reviewers and public commenters expressed concern with how conflicts with bears and livestock are handled. Commenters noted that livestock conflicts still accounted for 14% of the human-caused mortalities from 2002-2014. These commenters also expressed that there is no requirement to securely store or remove attractants, including livestock carcasses and feed, on private lands in the PCA. A peer reviewer also cautioned that changing environmental conditions could alter the conflict dynamics between grizzly bears and livestock allotments. Commenters suggested a requirement that livestock permits include a conflict prevention measure. Some suggest that these prevention measures include the use non-lethal techniques to avoid grizzly bear conflict on federal public lands (i.e., removal of attractants, construction of barriers, guard animals) before grizzly bear removal can occur. Another commenter suggested that effective counter measures should be implemented to reduce livestock losses, such as protection dogs and electric fences. One commenter noted that federal agencies must complete the Section 7 process before issuing a livestock allotment permit. Another commenter noted that those landowners who have livestock allotment permits on federal land should accept grizzly bear depredation of livestock and not expect retaliatory action towards grizzlies. One commenter commended Wyoming Game and Fish Department's compensation program as a key part of building support for grizzly bear recovery. Commenters and peer reviewers also expressed concern with our discussion of phasing out livestock allotments. A peer reviewer noted that phasing out livestock allotments, especially those where conflicts are common, should be a "management priority." Some commenters noted that we should include stronger language on the subject of phase-out (e.g., mandatory phase-out) or that we work with third parties to buy out allotments. However, one commenter expressed concerns that "voluntary relinquishments" of livestock allotments are primarily "driven by [livestock owners'] inability to withstand the pressure of predation by bears and/or wolves or regulatory constraints imposed by the federal land agencies." Another commenter warned that even if NGOs compensate ranchers for relinquishing allotments, it will "not negate the severe impacts of relinquishments on these ranchers and [the livestock] industry."

One peer reviewer expressed concern that, though the proposed rule contains a limit on the total acreage of cattle allotments, we do not specify the total number of cattle we will allow. A few commenters also expressed that the U.S. Sheep Experiment Station, the only sheep grazing operation on federal land within the PCA, must be closed prior to delisting because it is an important area connecting the GYE to the Salmon-Selway Ecosystem.

ISSUE 28: Both commenters and peer reviewers provided comments regarding oil, gas, and mineral projects and their effects on grizzly bears in the GYE. One peer reviewer noted a concern that 4% of suitable habitat inside the PCA and 19% of suitable habitat outside the PCA (but inside the DMA) allows for surface occupancy. The impacts of such occupancy can extend beyond the footprint itself and commenters suggested that this would necessitate extensive monitoring and mitigation. An additional peer reviewer noted that the effects of honoring existing oil, gas, and other mineral leases are unclear. In addition, the actions that land managers will take to mitigate for potential impacts from existing leases are unclear with the current language, that land managers are "striving" to meet the application rules for changes to secure habitat. They suggest "additional clarification on the number of leases, the location and area of leases, and possible range of effects of these leases".

Some commenters felt that delisting would "lift" restrictions on oil, gas, and mineral leases in the GYE. Commenters stated that no new oil, gas, or mining projects should be authorized within the PCA after delisting. Other commenters questioned whether we would require new oil, gas, or mineral projects that occur within the PCA to mitigate for impacts on secure habitat by replacing the loss with intact secure habitat of similar habitat quality.

Commenters stated that there are "two mining operations in the process of development in and near the PCA (the Crevice Mine and the Emigrant Mine)" and that these threats need to be acknowledged in the rule. One commenter questioned the ability to limit any new mining developments because of the 1872 General Mining Law.

ISSUE 29: We received comments from both the public and peer reviewers expressing concerns regarding our discussion of snowmobiling. Specifically, comments from the public and a peer reviewer asserted that a lack of evidence of impacts does not equate to a conclusion of no impact from snowmobiles. Additionally, they recommended that monitoring alone is insufficient and that active management programs should be initiated to mitigate the potential impacts of snowmobiling, to possibly include minimizing overlap between snowmobiles and denning habitat and/or limiting snowmobiles after den emergence dates. Lastly, public comments suggested that we did not adequately consider impacts from activities associated with snowmobiling, such as the use of artillery to control avalanches.

ISSUE 30: We received several comments from both the public and peer reviewers expressing concern regarding potential impacts of human recreation other than snowmobiling. Public comments cited potential detriments of increased human recreation and visitation in bear habitat including: 1) long-term exposure of bears to humans causing habituation and higher mortality risks; 2) potential impacts to bears feeding on army cutworm moths; and 3) potential exclusion of bears from habitat since grizzly bears are twice as likely to use an area when human activity is restricted or when people are inactive (i.e., nighttime) (Coleman et al. 2013). Comments from the public and peer reviewers also proposed potential management responses to these impacts including: 1) placing a limit on visitation to Grand Teton and Yellowstone National Parks; 2) increasing infrastructure to support increasing park visitation; 3) assessing human visitation as

"take" under Section 9 of the Endangered Species Act because it harasses wildlife and causes displacement from food sources; and 4) to the maximum extent possible within the law, imposing food storage orders on all habitat within the DPS boundaries, especially within the DMA.

ISSUE 31: Comments from the public and peer reviewers expressed concern about the potential future impacts of logging on grizzly bears in the GYE. A peer reviewer noted that 11% of suitable habitat outside the PCA, but inside the DMA, allows timber harvesting. A commenter expressed that timber harvest would increase after delisting since there would no longer be limits on road densities in grizzly bear habitat.

Public comments provided varied perspectives on the impacts of logging on grizzly bears. One comment noted that grizzly bears avoid recently logged forests (McClellan and Hovey 2001; Apps et al. 2004). In addition, comments expressed that timber harvest can degrade habitat quality under "short-rotation management regimes" (Mattson and Knight 1991) and that, although food availability can increase in early successional forests, this does not occur in Yellowstone. Another comment noted that logging could degrade red squirrel habitat and that red squirrels are essential to making whitebark pine nuts available for grizzly bear consumption. One comment noted that our analysis of logging only explores impacts from 2000 to 2002; this commenter noted that we need to analyze impacts of logging after 2002, unless no logging occurred between 2002 and 2016. Another commenter noted that, besides the research on grizzly bear mortalities from roads, there is not currently enough science to determine the impacts of logging on bears.

One comment noted that mitigation for projects that impact secure habitat should not be able to include land that has already been disturbed (e.g., previously logged land).

ISSUE 32: Commenters and peer reviewers expressed concerns with how we approached the impacts to grizzly bears of activities on private land. One commenter cited research by Doak & Cutler (2014) to suggest that increasing development of formerly rural areas has negative impacts on grizzly bear population trends. Another commenter expressed concern that the 1998 baseline does not consider the impacts of edge effects with residential and recreational developments on private lands.

One commenter urged us to examine the impacts of private lands more closely and to include more discussion of how to minimize grizzly bear deaths and conflicts on private lands. Peer reviewers noted that education and mitigation will be key strategies in reducing the likelihood of "attractant sinks" (i.e., increased human-caused grizzly bear mortalities as a result of unsecured attractants) developing on the 9% of suitable habitat outside the PCA that is private land. One commenter expressed that the federal government should use public lands to mitigate for impacts to grizzly bears that are occurring on private lands.

Finally, one commenter expressed concern that the potential privatization of federal land could pose a threat to habitat maintenance; this commenter noted that it would be easier to transfer federal land to private control if it does not contain listed species.

ISSUE 33: Several comments from the public and a peer reviewer raised concerns over habitat fragmentation. One commenter noted that there is already a high degree of fragmentation of suitable habitat within the PCA and, to a greater degree, within the DMA (Forest Service 2006, Schwartz et al. 2010). Another commenter noted that there was no provision in the rule designed to limit habitat fragmentation within the DPS boundary outside of the DMA. Other comments highlighted the fact that private land uses, energy development, timber harvest, off-road vehicle use, etc. are potential sources of further habitat fragmentation outside the PCA and were not adequately analyzed in the rule. One peer reviewer stated that, although we discuss the impacts of livestock and timber harvest on human-caused mortality, we do not adequately address how these competing land uses impact grizzly bears (e.g. the quality and conservation of available habitat).

ISSUE 34: A few public comments assumed that most or all of the GYE is designated as critical habitat for the grizzly bear.

ISSUE 36: One peer reviewer expressed concern that we discussed some of the habitat-based recovery criteria more than others in the proposed rule. This peer reviewer requested that we treat all of the habitat-based recovery criteria equally in our discussion (i.e. provide more detail on habitat-based recovery criteria 1 and 2).

Human-caused mortality

ISSUE 35: One peer reviewer requested citations to justify our statement that "the primary factor affecting grizzly bears at both the individual and population level is excessive human-caused mortality."

ISSUE 37: Public comments expressed opinions both for and against the hunting of grizzly bears in the GYE. Those comments that favored grizzly bear hunting expressed that opportunities to hunt grizzly bears would provide enhanced funding for state grizzly bear monitoring and conservation.

Comments against hunting covered a range of arguments. First, comments expressed concern that there is a lack of scientific basis to allow hunting and not enough data to support discounting hunting as a substantial threat.

Second, comments suggested that hunting would decrease the population of grizzly bears in the GYE. These comments expressed that hunting will only add to the current levels of human-caused mortality, since there is nothing in the rule suggesting that other forms of human-caused mortality will go down after delisting; these comments claim that this additional mortality from hunting could lead to drastic population declines. These comments also expressed that hunting could increase reproductive suppression among females and increase the immigration of males (after hunters remove independent males). Females may avoid these new males, leading

to the use of less suitable habitat and smaller litter sizes. These comments also suggested that the immigrant males could commit infanticide, further depressing population numbers.

Third, comments suggested that hunting could have negative impacts on grizzly bear behavior, including: disrupting activity patterns during hyperphagia, which can be energetically costly; orphaning of young grizzlies; and other behavioral effects. These comments urged researchers to continue to explore the impacts of hunting on grizzly bear social structure. They also noted that there is no evidence that hunting will increase grizzly bears' fear of humans.

Fourth, comments expressed concern that hunting is an ineffective, and potentially damaging, wildlife management strategy because it can cause trophic cascades, can decrease genetic resilience by removing the biggest and strongest males from the population, and can disrupt the sex and age structure of the population. These comments also noted that hunting is not an appropriate tool for managing bear conflicts because hunters will not selectively target nuisance bears. Moreover, comments expressed that the State Fish and Game Commissions already adequately deal with nuisance bears in the absence of a hunting season. One comment expressed the inaccuracy of the theory that hunters can act as a substitute for predators to maintain an ecosystem's prey base at desired levels.

Fifth, comments presented ethical reasons for opposition to a hunting season for grizzly bear. These comments disagreed with trophy hunting on principle and noted that hunting is contrary to the reverence that Native American tribes have for grizzly bears. These comments also cited an April 2016 Humane Society poll to show that the American people oppose trophy hunting of grizzly bears.

Sixth, comments referenced economic arguments associated with trophy hunting. These commenters questioned whether the economic benefits of trophy hunting truly outweigh the costs and noted that hunting would negatively impact "sustainable ecotourism, as visitors typically perceive they cannot safely visit to observe or hike trails shared by armed hunting enthusiasts." These commenters highlighted the economic benefits that tourists bring to local communities when they visit the GYE to see grizzly bears.

Seventh, comments expressed concern that "controlling" or "limiting" the GYE grizzly bear population, especially through hunting, could have negative effects on other grizzly bear populations, such as the Bitterroot Ecosystem population and the NCDE population. One commenter suggested that, instead of hunting "surplus bears," these bears should be used to augment populations in other recovery zones.

Finally, commenters opposed to grizzly bear hunting in the GYE expressed concern that iconic and beloved grizzly bears that seasonally travel outside of NPS boundaries could be killed by hunters, which could spark public outrage that would erode public support for wildlife recovery.

ISSUE 38:

We received many comments from both the public and peer reviewers regarding hunting boundaries. Several comments recommended that no hunting be allowed within the PCA, the DMA (e.g., secure habitat), John D. Rockefeller, Jr. Memorial Parkway, Grand Teton National

Park (including on State or private inholdings), at food aggregate sites, or in other densely populated grizzly areas. Comments and peer reviewers sought clarification regarding whether or not hunting would be allowed within the PCA, since it is defined as a "secure area." Noting that the boundaries of the PCA and "secure habitat" are hard to identify, comments suggested that hunting be limited to zones that are easier to define geographically. Additionally, comments requested that the Service assess the impacts of grizzly bear hunting on park inholdings. Comments also suggested that managers create a buffer around Yellowstone and Grand Teton National Parks in which no hunting would be allowed. Peer reviewers and public commenters suggested that hunting be prohibited in connectivity areas, particularly in suboptimal habitat if these areas provide connectivity between more suitable habitats. In contrast, we also received some public comments recommending that hunting be focused in areas prone to human-grizzly bear conflict, such as the Upper Green, so hunters could remove individual problem bears. Lastly, one public commenter emphasized that hunters represent a minority of the American public and, since public lands belong to everyone, the public should have a say in how grizzly bears that originate from public lands are managed.

ISSUE 39:

We received several comments from peer review and the public that expressed concerns with the scientific basis of the proposed mortality limits. One commenter said that FOIA documents revealed inappropriate political influence in the setting of mortality limits. Some questioned the biological basis for independent female mortality limits greater than 7.6% and the probable population declines that would result. They suggested that the models used to derive these mortality thresholds need to be available for independent peer review. Other comments were concerned with the potential to overshoot the population objective with the current framework of mortality limits and that the population may continue to decline even after the mortality rate is reduced to less than or equal to 7.6%. Some comments suggested that the uncertainty around the estimated mortality limit must be large given the large confidence intervals around vital rates; they noted that this uncertainty should be stated clearly and should be reflected in the mortality limits. Another commenter suggested that the mortality limits should be more conservative to account for the bias associated with the population size and trend. One commenter questioned whether 7.6% is actually sustainable since the age at first reproduction will increase as the population approaches carrying capacity and the mortality rates will not be adjusted accordingly. Lastly, comments suggested that the use of the average estimate for vital rates, mortality rates, and population size means there is a 50% chance that the mortality limits are unsustainable (that they will be too high). They continue on to suggest that the mortality limits should be set at the lower end of the confidence interval for the estimated mortality rates, as opposed to the average; they note that other larger and more connected populations have total human-caused mortality limits much lower than our proposed limits (e.g., some populations have mortality limits of only 4%, of which only 30% can be female).

Several comments from the public and peer reviewers requested clarification on how the mortality limits would be applied. One peer reviewer requested an example; this peer reviewer

asked how many bears would have been available for hunting between 2002 to 2014 and how many years in this period would have resulted in no hunting. Some comments asked for clarification as to what the mortality rate would be at population levels less than 674 bears because the tables in our proposed rule state that the mortality limits would be less than 7.6% but does not specify how much less. Additionally, they asked what the mortality rate would be at population levels less than 600 to ensure population growth; these commenters suggested that merely halting all discretionary mortality would not be a sufficient response. One peer reviewer asked that we clarify whether the mortality limits are annual or not.

Several comments pertained to discrepancies between the proposed rule and the draft Conservation Strategy. First, the footnote in Table 1 of the rule, which states that at a population less than 674 bears the mortality limit would be less than 7.6%, is not present in the draft Conservation Strategy; comments noted that, in order to maintain a stable population, mortality limits should be less than 7.6% when the population estimate is less than 674 bears, not less than or equal to 7.6%. Second, the proposed rule defines total mortality and states that the mortality limits apply to total mortality; comments state that this clarification should also be in the Conservation Strategy. Third, comments suggested that Table 3, the explanation of background mortality, and the example calculations for the number of individual grizzly bears that could be available for hunting harvest (in the proposed rule) should also be in the Conservation Strategy.

We received several comments from the public and peer reviewers suggesting how mortality limits should be adjusted in the future, including: discretionary mortality should be shifted in response to potential shifts in sex-age classes that may be caused by hunting and environmental conditions; hunting limits should consider, and potentially be tempered to account for annual changes in environmental conditions (i.e., drought, fire, or berry crop failures);

Some commenters took issue with the fact that managers will not consider mortality outside the DMA in mortality limits after delisting. They asserted that bears that die outside the DMA likely emigrated from the DMA and consequently should count as losses for the DMA. Otherwise, threats to the population will not be accurately assessed.

Lastly, commenters suggested alternative methods to set or measure mortality limits. One commenter suggested that the hunting targets should be spatially explicit, concentrating mortality in the southern and eastern portions of the GYE while encouraging expansion to the west and north. Several commenters felt that the National Park Service (NPS) should be allocated a percentage of the discretionary mortality based on the percentage of land under their management within the GYE DMA; this would allow for foreseeable mortality under NPS management. One commenter claimed that the strategy proposed by the Service is a "proportional harvesting strategy;" this commenter suggested that, to avoid overharvest when there is uncertainty in population size, only a fraction of the estimated population available for discretionary mortality should be harvested, a strategy known as "proportional threshold harvesting." Another comment suggested that annual total mortality should be a percentage of the Chao2 population estimate with a range based on the lower and upper confidence intervals. Finally, some suggested that if the population goal is stabilization around 674 bears then

discretionary mortality should stop when the population estimate is less than 674 rather than when the population drops below 600 bears. Furthermore, if mortality is allowed at population levels below 674 bears, then total human-caused mortality should be at the threshold proposed in the 2007 Recovery Plan: Supplement to the Demographic Recovery Criteria.

ISSUE 40: Several public commenters raised questions about the calculations used for both background and total mortality rates. One comment noted that the rule needs to address the uncertainty in the number of deaths from natural causes or unreported human-caused mortality. Another commenter stated that the IGBST reports do not include confidence intervals on mortality rates, which are broad depending on the priors used in the model and how the IGBST deals with unexplained and unresolved cases (Cherry et al. 2002); this comment also suggested that the IGBST does not include natural deaths their mortality estimations. One commenter opined that the method the IGBST uses to calculate total deaths underestimates the number of total deaths with an unknown and inconsistent degree of bias. One comment stated that we should account for uncertainty in the calculation of background mortality. In addition, one commenter suggested that background mortality must take into account unknown and unreported mortalities. Another commenter pointed out that emigration out of the DMA does not count towards total allowable mortality in the DMA or towards background mortality when calculating allowable discretionary mortality limits (i.e., if a bear leaves the GYE, it should functionally be treated as a mortality when setting and monitoring discretionary mortality limits).

Some comments raised concerns with the implementation of limitations on discretionary mortality. One commenter noted the difficulty in closing the hunting season when total mortality limits are reached since up to half of individual grizzly bear mortalities are unknown because they occur in non-telemetered bears (McLellan et al. 1999). One commenter posited that cumulative annual mortality should be indexed on a month-to-month or seasonal basis, in-lieu of annually, to be able to alert managers in a more timely manner if annual mortality limits are on track to be exceeded. Furthermore, a trigger could be added to stop discretionary mortality for the current year in light of this information.

Lastly, the Governor of Wyoming requested the removal of the language following Table 3 which explains mortality allocation beginning with "[t]here are mortalities that occur…" through the sentence, "[t]hese examples serve to explain the process…". Another commenter, on the other hand, suggested that the definitions and calculations (i.e., total mortality, background mortality, discretionary mortality, and Table 3) included in the proposed rule should be included in the Strategy for clarity. One comment stated that we need to define the period over which the moving average of background mortality will be calculated.

ISSUE 41:

Public commenters felt that the States' should prohibit black bear hunting within the DMA, or at the very least within the PCA, in order to reduce human-caused mortality from mistaken identification. One comment also noted that Idaho and Wyoming should have a mandatory bear identification test in order to reduce accidental mistaken identity mortalities.

ISSUE 42:

There were several public comments pertaining to the use of traps intended for game other than grizzly bears and the potential negative effects to grizzly bears. Several commenters felt that trapping, as a means of harvest, should be prohibited for any animal within the PCA and/or the DMA to prevent the incidental take of grizzly bears. Several comments pointed out that the state plans do not have a reporting requirement or protocol if/when a grizzly bear is caught in a trap set for other game/nuisance species.

ISSUE 43:

We received a public comment asking that we discuss the trade of grizzly bear parts, including the extent of trafficking in the U.S. and the state of current legislation. The commenter suggested that States pass appropriate laws making such trafficking illegal.

ISSUE 44:

We received many comments from both the public and peer reviewers regarding the management of human-bear conflict. One peer reviewer commented that the current stable population trend of grizzly bears in the GYE may not confirm that the efforts to reduce human caused mortalities are effective.

Commenters and peer reviewers shared a number of ways to reduce human-bear conflict. Commenters noted a need to change attitudes and behaviors of people living in grizzly bear country in order to reduce conflict. Other commenters noted that defense of life and property kills, especially by ungulate hunters, are still a major cause of human-caused mortality. Commenters suggested that ungulate hunting be limited or eliminated to reduce this type of conflict. They further noted that hunters are only required to carry bear spray in Grand Teton National Park and John D. Rockefeller Jr. Memorial Parkway. Comments from the public and a peer reviewer also suggested that managers coordinate and fund programs to reduce bear attractants on public and private lands, including: the removal of dead livestock, the use of electric fencing, the use of bear-resistant garbage and feed bins, and implementation of waste management improvements throughout the GYE.

Commenters and peer reviewers also expressed concerns regarding lethal control of problem bears. In particular, one commenter argued that lethal control does not increase public tolerance nor does it encourage avoidance of future conflict. Another commenter was worried that lethal responses would increase following delisting. One peer reviewer requested we clarify how conflict bears will be treated inside versus outside the PCA.

Commenters and peer reviewers also discussed alternatives to lethal control of problem bears. One commenter recommended that a Grizzly Bear Management Relocation Plan with pre-arranged relocation sites be prepared prior to delisting. One peer reviewer recommended that managers track relocated animals to assess the efficacy of relocating problem bears. One commenter suggested that the Service provide funding to the states to encourage development and use of non-lethal management tools.

One commenter pointed out that the IGBST 2009 Yellowstone Mortality and Conflicts Reduction Report recommended creating a publicly available database of all bear encounters and mortalities; they claimed that this database still does not exist. A peer reviewer noted that researchers could use NDVI data (satellite imagery) to understand bear distribution and how these distributions relate to human-bear conflict. One peer reviewer noted, "given that human occupancy and recreation will likely continue to increase in the GYE...there should be additional review and consideration regarding how factors used to regulate human-caused mortality (e.g., public education, management removal policy or procedures, etc.) might be modified in response to changes in human activity in the GYE." This peer reviewer also suggested we provide a review of "the social aspects of managing large predators."

ISSUE 45: There were a number of comments from the public and peer reviewers related to poaching. Several commenters expressed their opinion that poaching might in fact increase after the grizzly bear is delisted and a legal hunt is established (Treves et al. 2015). One commenter noted that legal trophy hunting of grizzly bears could create an atmosphere where poaching of grizzly bears, though illegal, would be acceptable. Both commenters and peer reviewers stated that we need to provide more support for our assertion that the designation of the grizzly bear as a game animal post delisting may reduce the threat of poaching. Several commenters were concerned that there would not be enough resources to investigate and prosecute poachers without assistance from our special agents. Another commenter opined that poaching is rarely investigated or prosecuted and that the details of mortalities that are "under investigation" are not available to the public. One peer reviewer noted that the level of poaching is an unknown and would need to be monitored.

ISSUE 46:

Public commenters expressed concern about our ability to accurately track natural death and predation. They claimed that most deaths of cubs and yearlings are due to predation and are undocumented. One commenter disagreed with the estimates of natural death we quoted in our proposed rule; this commenter suggested that, based on calculations from vital rates, three bears died from natural causes each year over the period between 1986 and 2015, as opposed to the one bear we quoted in our proposed rule. This commenter also notes that when you look at the data since 2010, a median of six bears die from natural causes each year. This commenter urged us to consider this data in our final rule.

Genetic health

ISSUE 47:

Both peer reviewers and public commenters raised concerns about our analysis of genetic viability. Several comments raised concerns over the scientific basis for our lower limit of 500 bears and our analysis of effective population size. They further stated that our reference to Franklin (1980) is outdated and that more recent critical assessment of the 50/500 rule (Frankham et al. 2014) and the use of effective population size (Ewens 1990) is available. Some

comments stated that an effective population size of 100 and a total population of 400 (Miller and Waits 2003) is the minimum for short-term, but not long-term, genetic fitness and should not be a population goal. Other comments suggested that a population size of 500-5000 is the minimum for long-term genetic viability. One comment stated that, in our analysis of effective population size, we selectively chose to report the upper end of the effective population estimate of 469 bears when we should have chosen the more conservative estimates discussed by Kamath et al. (2015). In addition, one commenter pointed out that Kamath et al. (2015) stated that the effective population size (N_e) is approaching, but hasn't reached, the long-term viable population criterion of more than 500 bears, as defined by Franklin (1980). They also said that restoration of gene flow would increase fitness. One commenter pointed out that if the "effective population size is approximately 25-27 percent of total population size (Allendorf et al. 1991, p. 650; Miller and Waits 2003; Groom et al. 2006, 405)" then the finding by Kamath et al. (2015) of an effective population size of 469 would mean that the population size is actually 1876 grizzly bears. They continue that, "In reality, the current population estimate of 717 corresponds to an effective population size of 179." Several comments stated that the current metapopulation of 1200-1800 animals is "5-11 times too few individuals to assure long-term persistence (Frankham et al. 2013)".

There were a suite of public comments regarding the maintenance of genetic diversity and its effect on long-term population viability. Commenters pointed out that genomic changes are slow and take decades to detect, declines in the GYE grizzly bear population will deplete extant levels of genetic diversity, and that reintroductions into other ecosystems are the best option to expand the gene pool. Another commenter suggested that we model the rate of allele loss due to genetic drift at various population sizes. One commenter noted that the most commonly measured indices of genetic health and microevolution are heterozygosity, allelic diversity, and effective population size. They continued that the long-term fitness implications of changes in allelic diversity are not well understood. One commenter felt that we conflated the need for genetic diversity in the GYE population with the need for the maintenance of genetic diversity of all the current and future subpopulations of grizzly bears. They continued that the Service should clearly state 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." One commenter felt that the long-term evolutionary health of the grizzly bear population should be projected and considered.

Several public commenters raised concerns over connectivity issues. One commenter felt that all five of the extant grizzly populations in the lower 48 are genetically isolated from each other. One comment stated that we dismissed the need for immigration in the GYE in our proposed rule with a promise from the State of Montana to "manage discretionary mortality in [connectivity] area[s] in order to retain the opportunity for natural movements of bears between ecosystems." One commenter asked us to provide more justification behind our assertion that one to two immigrants or transplants per generation is an adequate level of gene flow into the GYE (Miller and Waits 2003). Lastly, one commenter felt that management should place more

effort on facilitating natural dispersal instead of relying on potential future translocations between core grizzly bear populations.

Food resources

ISSUE 48:

Public commenters challenged the validity of our analysis of the effects of food availability on grizzly bear health. Commenters pointed out potential flaws in the research we used in our analysis of grizzly bear body condition. One commenter cited a study by Schwartz et al (2013), which found a recent decline in body fat among female grizzly bears. They noted that the study we referenced in the proposed rule in our discussion of grizzly bear body condition "included bears that were not captured specifically for monitoring change in body fat levels" and only "included female grizzly fat level data from spring and summer;" the commenter noted that even if females have adequate levels of body fat in the spring and summer, they could still be fat deficient in the fall. Other commenters worried about the defensibility of the IGBST's models analyzing the effects of food availability on grizzly bear populations; these commenters noted that much of the IGBST's data for these models comes from observational studies, which makes it difficult to isolate the effects of individual variables or rule out other confounding drivers of birth and death rates. One commenter specifically expressed concern that the IGBST fails to account for spatial and temporal correlations in its food models and how these relate to birth and death rates. One commenter expressed concern that the Food Synthesis Report does the minimum to satisfy the requirement of the Ninth Circuit ruling; the commenter argued that researchers should have done a robust assessment of the four key food sources, at the very least, to detect diet changes.

ISSUE 49:

Both public commenters and peer reviewers suggested additional monitoring and analysis of the availability of food sources and the potential impacts to grizzly bear health. Peer reviewers recommended completing a regular review of the whole grizzly bear diet in the GYE. In addition, they recommend that we analyze the movements and home-ranges of females with cubs; if the home ranges are decreasing, it could bolster claims that the population is approaching biological carrying capacity. Both public commenters and peer reviewers expressed the need to continue monitoring the relationship between the availability of the four main food sources, grizzly bear use of the four main food sources, vital rates for the GYE population, and body condition of grizzly bears. One public commenter suggested we discuss the different hazard levels associated with acquiring different types of high quality food and whether these hazards are primarily relevant to dependent young, independent bears, or both. Another commenter claimed that, in their models, the IGBST and the Service "fail to account for potential interactions between spatial distributions of and temporal trends in key food resources." Finally, one commenter claimed that the three IGBST papers (Bjornlie et al. 2014, Costello et al. 2014, and van Manen et al. 2015) did not account for long-term weather trends or changes in the

abundance of key foods (i.e., army cutworm moths, cutthroat trout, and ungulates) other than whitebark pine in their analysis of vital rates.

ISSUE 50:

Several public commenters asserted that we inaccurately downplayed the importance of the four main food sources. One commenter contended that, since the IGBST continues to monitor only these four food sources, they must be of critical importance to grizzly bears. Commenters noted that the nutritional value (i.e., fat, protein, and gross energy), seasonal abundance, and risk and energetic cost of obtaining of any alternative food sources must be comparable to the four main food sources. Of these qualities, commenters stated that fat is especially important and is uniquely abundant in army cutworm moths, whitebark pine seeds, and late-season ungulates (Mattson et al. 2004, Erlenbach et al. 2014). Furthermore, they stated that, historically, grizzly bears have relied on the four main food sources and only fed on other foods opportunistically. Commenters asserted that the list of more than 200 grizzly bear foods cited in Gunther et al. (2014) is inflated because to a bear "a grass is a grass." They also asserted that, although researchers documented that grizzly bears used false truffles during poor whitebark pine years, the use of false truffles was only documented in the core of the ecosystem and there was also no indication of the nutritional value of this food source. Lastly, commenters noted that bear densities vary widely depending on habitat productivity (Mowat et al. 2013), which they suggested ran counter to our claims that grizzly bears are extremely flexible in their diet and thus resilient to changes in food abundance.

ISSUE 51:

We received several comments from both the public and peer reviewers regarding the potential impacts of declines in food resources. One peer reviewer expressed concern that a decline in major food sources could result in a corresponding decline in a habitat's carrying capacity for grizzly bears. Commenters noted that as whitebark pine and cutthroat trout decline, bears may increase home range size and dispersal distance in an effort to find food, which could lead to increased bear mortalities. Commenters also suggested that reduced food resources are impacting both the birth (i.e., reduced health of reproductive females) and death rates (i.e., "ecological traps") in the GYE population of grizzly bears. Commenters attributed the decline in the population growth rate from the 4-7 percent annual increases to 0.3-2.2 percent annual increases to declines in food sources.

Peer reviewers and commenters also provided input on potential management of declining food sources. A peer reviewer disagreed with our statement that "land managers have little influence on how calories are spread across the landscape" and suggested a few examples of management actions that affect food distribution, including: "increasing ungulate densities through improving habitat and controlling hunting harvest; improving fish stocks and habitat; controlling invasive species to protect native food resources desired by grizzly bears;" and increasing bison populations by limiting lethal control of bison as a means of managing brucellosis.

ISSUE 52:

Several commenters and one peer reviewer had concerns about army cutworm moths, an important food resource for grizzly bears. Several commenters raised questions about the alpine habitat on which the moths depend. One commenter said that all documented moth feeding sites are in the alpine fell fields. One commenter stated that it is unknown how moths will respond if up to 90% of subalpine and alpine environment is lost, as is predicted in some climate change models. Similarly, one commenter noted that the moths depend on flowers in the tundra which are disappearing with warmer temperatures. Another commenter raised concerns about the potential impacts of pesticide use and new farming technologies on cutworm moths. One public commenter expressed that the forest service needs to address the issue of human activity at moth aggregation sites and the potential disturbance to grizzly bears feeding at those sites.

One commenter explained that grizzly bears have become increasingly reliant on cutworm moths (a high fat content food source) since they had almost no consumption of the moths in the 1980s but had high sustained use in the 1990s. This commenter maintained that we did not account for the effect of this dietary shift on birth (fatter females leads to greater fecundity) and death rates (remote locations means less potential for conflict with people). One commenter stated that the remoteness of most moth sites has led to a reduction in human-caused mortality. In contrast, another commenter noted that there is a high correlation between moth habitat and grazing allotment location, thus potentially increasing the risk of human-caused mortality.

Lastly, one peer reviewer noted that "bear use of army cutworm moth sites may not be a good measure of cutworm moth relative abundance because grizzly bears may return to areas where they've found abundant food sources in the past even though those resources are not present."

ISSUE 53:

A suite of commenters had concerns about the status of cutthroat trout and the related impacts to grizzly bears. Several comments stated that there has been a decrease in the cutthroat population due to declines in winter snowfall, increased drought, and subsequent reductions of in-stream flows that could result in the blockage of stream outlets. Additionally, they said that this trend is likely to continue. One comment pointed out that cutthroat trout have stopped spawning in all tributaries to Yellowstone Lake. One commenter stated that, although warmer temperatures in trout streams may result in faster growing trout, warmer temperatures could also result in a potential increase in incidents of whirling disease.

Several commenters noted how declining cutthroat populations (i.e., food availability) have affected diet selection by grizzly bears. Citing Haroldson et al. (2005), one commenter challenged our assertion that only a small portion of GYE bears use cutthroat trout, claiming that as many as 15% of GYE grizzly bears eat cutthroat trout, and that the data producing this percentage is outdated. One commenter noted that the loss of cutthroat trout has left a seasonal

gap in the diet of grizzly bears; grizzly bears have filled this gap by consuming elk calves and lower-quality vegetation (Fortin et al. 2013, Middleton et al. 2013, Ebinger et al. 2016). One commenter questioned the disparity between males and females in their use of cutthroat trout that Mattson and Reinhardt (1995) discuss in contrast to the disparity that Haroldson et al. (2005) and Felicetti et al. (2004) discuss. Additionally, commenters stated that the decline in cutthroat trout has impacted females the most, resulting in more female consumption of terrestrial meat (especially elk calves), which has likely led to decreases in cub and yearling survival. Lastly, comments suggested that the decline in cutthroat trout has almost certainly decreased carrying capacity in the core of Yellowstone National Park.

ISSUE 54:

We received public comments both in support of and critical of our analysis that declining abundance of whitebark pine seeds does not constitute a threat to the GYE grizzly DPS. One commenter, who concurred with our analysis, expressed that whitebark pines will eventually regenerate, ameliorating the losses that have occurred. Another supportive commenter emphasized that if the whitebark pine decline, which began in 2001, was negatively impacting grizzly bears, then the population would not have continued to increase over the same period. Some commenters suggested that the cone production on remaining whitebark pine trees has doubled in recent years, potentially as a result of warmer temperatures, but cautioned that this extra production may only be temporary.

However, other public commenters suggested that the decline in whitebark pine is a more serious stressor on the GYE grizzly bear population than we acknowledged in our proposed rule. Some of these commenters expressed concerns over the methods of our analysis, including: concern that our analysis of whitebark pine availability did not account for the loss of whitebark pine that occurred in a 1988 fire and the subsequent lack of regeneration; a request that we provide additional detail on the protocol we use to monitor the location and availability of whitebark pine, suggesting that our protocol may be inadequate or outdated; concern that the three IGBST papers analyzing whitebark pine (Bjornlie 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 food sources (army cutworm moths, cutthroat trout, elk, and bison); and concern that the method that the IGBST uses to measure whitebark pine abundance (remote sensing) underestimates the extent of whitebark pine loss and the historic use of whitebark pine by grizzly bears.

Other commenters were concerned with the conclusions of our analysis. Some commenters expressed concern that, in claiming loss of whitebark pine is not a serious threat at this time, we overlooked how whitebark pine die-offs and grizzly bear vital rates declined simultaneously. Additionally, one commenter noted that even if the population currently has a positive growth rate, it does not mean the population is healthy nor that the threat of declining whitebark pine is insubstantial. Another commenter took issue with our analysis of female body fat levels and their correlation to whitebark pine levels, noting, “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;" this commenter cautioned against Type II error, that even though there was not a statistical correlation between the decline in whitebark pine and body fat does not mean the relationship does not exist. This commenter continued to discuss how the use of pooled data and small sample size can contribute to type II errors. Other commenters cautioned that we have not yet observed the impacts of the recent declines in whitebark pine; the most severe losses in whitebark pine have occurred too recently to detect long-term population impacts, especially considering grizzly bear's slow reproductive rate. In addition, Costello et al. (2015) only detected a decline in the use of whitebark pine at the end of her study, which is not enough time to detect population-level impacts. Other commenters took issue with our conclusion that the GYE population of grizzly bears will adapt to losses of whitebark pine simply because the NCDE population of grizzly bears has continued to grow in the absence of whitebark pine. Commenters also expressed concerns over potential future decline in whitebark pine due to disease, insects, fire, reproductive failure, climate change, and competition from lower elevation species; these commenters expressed concern that whitebark pine cannot adapt rapidly enough to changing environmental conditions given its long generation length. Additionally, they say that climate change models predict the terminal loss of whitebark pine from the Yellowstone ecoregion. Other commenters expressed concerns about potential future impacts of the higher human-caused mortality that occurs during years of low whitebark pine production.

Finally, commenters and peer reviewers suggested additional analyses we may consider conducting. One peer reviewer emphasized the potential utility of an analysis comparing the vital rates of grizzly bears that feed on whitebark pine to the vital rates of those that do not. A public commenter suggested the creation of a cone availability index for use in our analysis to more accurately assess availability. Another public commenter suggested we analyze the fungi that grow symbiotically with whitebark pine, since the health and survival of the pine and the fungi are closely related.

ISSUE 55:

We received many comments from both the public and peer reviewers regarding the decline in the availability of ungulates as a food source. Commenters asserted that the decline in ungulates as a food source is more of a threat than we acknowledged. They noted that all elk herds in the GYE (excepting the Upper Madison herd) have declined due to increased calf depredation, drought, chronic wasting disease, and human hunters. Commenters also suggested that any food monitoring effort must include data on the numbers of elk and bison in various ecosystem herds. One commenter also asserted that the effects on elk from hunters are "super-additive" because hunters preferentially target top breeding individuals (Vucetich et al. 2005, Wright et al. 2006, Mallonee 2011).

Commenters suggested that bison have likely become a more prominent part of grizzly bear diets in recent years. However, they asserted that we neglected to include a discussion of bison population trends. They claimed that we thus did not account for the impacts to grizzly

bears of planned herd reductions in the Interagency Bison Management Plan, Yellowstone National Park's bison management plan, and Montana's new bison management plan. They also asserted that we incorrectly assumed grizzly bears do not depend on bison from the Northern Range herd (which is experiencing population increase) because of Fortin et al.'s (2013) findings that grizzlies do not frequently feed on bison in the the Central herd (which is experiencing population decline).

Commenters also suggested that drought impacts forage conditions for ungulates—affecting pregnancy rates and calf survival "with unknown effects on herd numbers," and thus has potential indirect impacts on grizzly bears. Commenters noted that winter severity and length have decreased with climate change, which has decreased the availability of winter-killed carrion in the spring. In addition, they claim that we failed to present the data from the IGBST Annual Reports that shows the decline in the availability in spring carrion.

Lastly, commenters expressed concerns regarding the potential side-effects of grizzly bear reliance on ungulates as a food source. They noted that as bears consume more livestock and hunter-killed carcasses instead of traditional food sources, more conflicts occur with ranchers and hunters. They also noted that male and female bears now eat more comparable amounts of meat, due to decreased availability of whitebark pine and cutthroat trout. Commenters claimed that increased female bear reliance on ungulate consumption has led to a decline in cub and yearling survival rates due to more deadly confrontations between females with cubs and other predators, including adult male grizzly bears. A peer reviewer suggested researchers analyze cub survival from 2002-2014 to assess predator-prey relationships, which may have a time-lag in detectability. Commenters also recommended that agencies manage for higher wild ungulate populations to decrease livestock depredation. One peer reviewer stated that "carcass remains from hunter kills can be an important seasonal food source;" in order to monitor this food source, this peer reviewer suggested that managers track how many ungulates are killed by hunters, monitor which species of ungulates hunters successfully target, and and estimate the average quantity of carcass remains because these measures "would be a better metric than counting the number of hunters."

ISSUE 56:

One commenter cited Bjornlie et al. (2014) to suggest that huckleberries are currently less abundant as a result of warming temperatures and a persistent drought pattern in the GYE. Another commenter referenced McLellan (2015) to warn that the impacts of huckleberry decline on grizzly bear populations could be delayed; the grizzly bear population in Canada and northern Montana did not start to decline until eleven years after the huckleberry abundance started to drop.

Climate change

ISSUE 57:

We received many comments from both the public and peer reviewers regarding impacts to grizzly bears as a result of climate change. Overall, they asserted that our discussion of

climate change was inadequate, mentioning the following concerns: (1) we reviewed the current literature regarding climate change, but did not link effects to grizzly bears or their habitat; (2) we should consider future impacts from climate change, despite the fact that the exact extent of impacts is unknown; (3) the "downscaled" projection we used to analyze climate change may have underestimated impacts; (4) climate change may reduce snowpack and shorten the winter season, which may impact the timing and success of denning, potentially affecting reproductive success and increasing conflict; (5) less snowpack could result in fewer avalanche chutes; (6) we should have assessed impacts from the changing hydrological regime; (7) drought has affected death rates; and (8) increased frequency and extent of fire as a result of climate change could alter plant and animal composition (Westerling et al. 2011) and affect the frequency of human-grizzly bear interactions and conflicts. One commenter cited Servheen and Cross (2010) who stated that "climate change may play a significant role in driving grizzly bear/human interactions and conflicts," noting that we inaccurately summarize their publication in the rule when we say that "most grizzly bear biologists in the United States and Canada do not expect habitat changes predicted under climate change scenarios to directly threaten grizzly bears." In addition, this commenter asked why surveyed biologists believed that climate change is not a threat to grizzly bears and that climate change "may even make habitat more suitable and food sources more abundant."

Commenters suggested that several issues related to climate change require monitoring. Commenters and peer reviewers recommended both monitoring and modeling potential impacts of climate change on habitat suitability and the abundance and distribution of grizzly bear foods. One commenter noted that grizzly bear foraging is both temperature and moisture dependent. A peer reviewer also suggested that we should monitor possible effects of climate change on grizzly bear vital rates. Lastly, commenters and peer reviewers noted that the frequency of diseases and parasites will likely change in the context of climate change; therefore, we should be monitoring for emerging diseases.

Other potential threat factors

ISSUE 58:

Some commenters raised questions about wolves and their effects on grizzly bears in the GYE. One commenter stated that wolves have decreased the availability of spring carrion since their reintroduction, disproportionately affecting females, and decreasing elk populations. One commenter noted that wolves have been known to kill grizzly bear cubs, though this phenomena is very difficult to detect and quantify. One comment maintained that female grizzly bears rarely usurp wolf kills (this behavior is mostly reserved for male grizzly bears) (Gunther & Smith 2004).

ISSUE 59:

One peer reviewer cited the geological instability of the GYE as a potential remaining threat factor affecting the grizzly bears. He urged us to strongly consider the geological risk of the area before making a decision on delisting.

ISSUE 60:

We received some comments from both the public and peer reviewers requesting increased efforts towards public Information and Education (I&E) campaigns regarding grizzly bears. Specifically, commenters recommended I&E on bear safety, bear identification for hunters, the importance of bear spray, and effective coexistence with bears. One commenter claims that I&E, specifically bear identification training, has failed to reduce human-caused mortality from hunters. A peer reviewer noted that modern media, such as phone applications, could be useful tools for I&E.

ISSUE 61:

We received a public comment stating that social acceptance of grizzly bears will not improve if we allow more discretion in bear management; instead, the commenter suggested that increased acceptance will come from rigid enforcement of laws and expanded tourism.

ISSUE 62:

One commenter expressed concern that we did not adequately acknowledge the grizzly bear mortalities associated with the annual elk hunt in Grand Teton National Park as a continuing threat. This commenter cited a recent court decision that allowed "an increase in the number of grizzly bears that could be 'incidentally' killed in association with the annual elk hunt in Grand Teton National Park."

Cumulative impacts of threats

ISSUE 63:

Both commenters and peer reviewers expressed concern that the synergistic effects of climate change, changing food availability, and the impacts from invasive species and disease are unknown and may not be detected for decades. The commenters and peer reviewers recommended a more complete analysis of this suite of impacts and consideration of their potential interactions.

Adequate regulatory mechanisms and post-delisting monitoring

ISSUE 64:

Both peer reviewers and public commenters expressed concern that the language in the Factor D section of the proposed rule was too non-committal. They requested we remove words such as "may," "anticipate," or "expect" if we hope to suggest a firm commitment to ensuring effective management post-delisting.

ISSUE 65:

A number of public comments questioned what we can legitimately consider an "adequate regulatory mechanism" and what we can thus factor into our analysis. A number of commenters claimed that our analysis was flawed because it relied on management regimes that

are outdated or not yet final. These commenters emphasized that the analysis surrounding Factor D (inadequacy of existing regulatory mechanisms) must be based on existing regulatory mechanisms; thus, we must have finalized State plans, State regulations, Conservation Strategy, and MOA to consider in our final rule. One commenter suggested that, though the 2006 Forest Service Plan "no longer represents the best available science," any needed updates would only take effect after delisting occurs. This commenter argued that we thus could not consider the Forest Service management plans in our analysis of the adequacy of existing regulatory mechanisms since the final version is not yet available nor is it currently in effect. Another commenter noted that Yellowstone National Park currently includes the outdated 2007 Conservation Strategy in its Superintendent's Compendium; this commenter requested additional clarity on whether the 2016 Superintendent's Compendium would incorporate the provisions in the revised 2016 Conservation Strategy. One commenter opined that the Conservation Strategy cannot be considered a regulatory mechanism because it is not enforceable.

Based on legal precedent (e.g., Norton v. Southern Utah Wilderness Alliance), other commenters noted that land use plans, State management plans, Memorandums of Agreement, and conservation strategies cannot be considered adequate regulatory mechanisms since they are not "legally binding documents."

Comment [4]: cite?

ISSUE 66:

Multiple commenters weighed in on the adequacy of the State management plans and the States' ability to appropriately manage grizzly bears. Some of the commenters critical of State plans and management practices focused on the difficulties surrounding coordination of management between all the political entities in the GYE. One commenter stated that the three States "have shown little if any ability to be in agreement when it comes to managing wolves or other species" and that "there needs to be uniformity, consistency, and communication among these three States to prevent elimination of the bear from certain landscapes." Another commenter expressed specific concerns about the complications associated with coordinating management of grizzly bears between three State entities, tribes, and federal land managers; these potential complications include "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." Another commenter asked us to describe the measures in place that "ensure that grizzlies within the DMA but outside the PCA will be managed in a consistent method between the three States" and guarantee that total mortality limits are not exceeded, recovery criteria are not violated, and genetic connectivity is facilitated. Another commenter requested the inclusion of additional detail in the Conservation Strategy describing the processes States will use to coordinate with each other. Other commenters worried that State management would be more susceptible to political influences on decision-making; one commenter suggested that the processes that require legislative approval of management plans and allow amendments from state legislatures would subject the management plans to inappropriate "political pressure." Similarly, another commenter opined that allowing the States to manage grizzly bears would "relegate the bear's

importance to only a few special interest stakeholders" while another suggested that "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." One commenter asked who would "be the watchdog" for State wildlife management agencies. Other commenters claimed state management would be harmful or ineffective, based on evidence from past State management of large carnivores and the content of the State management plans. One commenter expressed concern that Montana and Idaho have no plans to update their old grizzly bear management plans, which the commenter considered to be inadequate. Another commenter expressed concern that the Wyoming Game and Fish Department has not thoroughly explained and recognized the stressors on the grizzly bear population outside of national parks. One commenter suggested that at least two of the States involved in grizzly bear management have "clearly demonstrated non-precautionary management of large carnivores, as exemplified by unsustainable harvest levels of the [Northern Rocky Mountain] gray wolf (Creel and Rotella 2010; Ausband et al. 2015)." Another commenter opined that States will inappropriately make management decisions based on what is "socially acceptable," "politically popular," or profitable. A peer reviewer noted that instead of "establish[ing] population targets and associated specific harvest criteria," the States only identified a minimum population size for the total GYE grizzly bear population; the peer reviewer was concerned this oversight could lead to "overharvest" and that "a lag in management response could drive the population below the desired minimum." Commenters suggested that decision-makers develop a means to share tourism dollars with state wildlife managers to relieve the financial burden of post-delisting grizzly bear management.

Those commenters supportive of state management expressed confidence in the states' abilities to maintain a recovered population of grizzly bears. The Governor of Montana shared, "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." The Governor of Wyoming stated, "Since 1975, Wyoming has spent more than $40 million on grizzly bear management. Wyoming remains committed to robust grizzly bear population and ensuring they never warrant protection under the ESA again." One commenter suggested that the proposed rule also included "every possible safety net, including triggers for relisting." In a joint comment from the Idaho Department of Fish and Game, Montana Fish, Wildlife, and Parks, and Wyoming Game and Fish Department, the three states emphasized that they have agreed to collectively manage the GYE population at the ecosystem scale to maintain recovery through the Tri-State MOA.

ISSUE 67:

Both public commenters and peer reviewers raised concerns about the adequacy of funding moving forward. One commenter noted that implementation of the Conservation Strategy is dependent on funding. Another commenter stated that funds generated from the sale of hunting licenses (for grizzly bears) will not provide adequate funding to the States to manage

grizzly bears. They felt that we should continue to assist our state partners in funding field biologists and other programs to minimize bear conflicts. One commenter asked whether or not we have made any financial commitments to assist with management or monitoring. Lastly, a peer reviewer pointed out that the draft rule is based on the assumption that sufficient federal and state funds will be available into the foreseeable future "to monitor and detect population changes with enough resolution to trigger management fallback mechanisms (e.g., no discretionary mortality if population is less than 600 bears)".

ISSUE 68:

A number of public commenters believed that the five requirements for state hunting regulations that we laid out in the proposed rule were inadequate. One commenter noted that it would be difficult for the average hunter to distinguish between a male and female grizzly in the field, implying that the regulatory requirements are insufficient to protect female grizzlies. Other commenters opined that the measures give the states too much latitude in manner of take (e.g., baiting, hounding, trapping, stalking), bag limits, seasons, and sex ratios and age limits for grizzly bear hunting; commenters were concerned that this flexibility would lead to hunting regulations that are too liberal. Commenters were concerned that the gaps in our regulatory requirements would not provide for adequate ecosystem-wide coordination and consistency in regulations.

A number of commenters proposed additional content for the state regulatory requirements. One commenter suggested prohibiting the shooting of any grizzly bear traveling with other bears to further ensure females with dependent young are not killed. Another commenter suggested we require states to coordinate season dates through the Yellowstone Grizzly Coordinating Committee and time seasons to minimize risks to females. One commenter suggested that timing the hunt to minimize female mortality was not a legally binding requirement; this commenter also noted that creating such restrictions would be logistically challenging since denning times are highly variable with weather and food conditions and because males usually emerge from dens only two or three weeks earlier than females. Another commenter suggested that normal licensing and hunting procedures should apply to any grizzly bear hunt (i.e., hunts should be open to the public and non-resident hunters); this commenter thought that the hunts should not be special limited or controlled hunts. One commenter stated that regulations should impose heavy fines or the threat of license revocation for hunters that fail to carry bear spray. Another commenter desired more stringent restrictions on the types of grizzly bear take that will be permitted; this commenter asked there to be a ban on baiting, trapping, and the use of hounds for grizzly bear hunting in the GYE in all three states before delisting. This commenter noted that Montana's proposed regulations prohibit baiting grizzlies, hunting grizzlies with dogs, and the use of scents to attract grizzlies; in addition, Montana's proposed regulations set conservative fall and spring seasons to reduce female mortalities. This commenter questioned why the Service did not require comparable provisions in Wyoming and Idaho's regulations. The Governor of Wyoming argued that a restriction on bear trapping should

not be a foundation for grizzly delisting; this commenter requested we remove the language in the rule that discusses bear trapping as part of legal take.

One commenter asked that we explain what will be considered "human safety purposes" when deciding whether to allow additional grizzly bear mortality, suggesting that the distinction between human conflict and human safety is unclear. Another commenter asked that we clearly explain the difference between the terms "hunting" and "discretionary mortality" and use each term consistently.

ISSUE 69:

A few comments from peer reviewers and the public suggested that our status review triggers are too low or unclear; these commenters also proposed additional triggers. Commenters pointed out that it is unclear what "significantly" means in our trigger "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." Commenters provided two suggestions for revising the current status review triggers. First, in the proposed rule, we stated that we would initiate a status review if the population estimate fell below 500 bears in any year; commenters suggested increasing the population size in this trigger so we would initiate a Service status review if the Chao2 population estimate fell below 600 bears in any given year. Second, in the proposed rule, we state that we would initiate a status review "if independent female mortality limits as per tables 1, 2, and 3...are exceeded for three consecutive years and the population is fewer than 600;" commenters expressed concern that this trigger could allow states to exceed mortality limits in 7 out of every 10 years (as long as the years in which mortality limits are exceeded never occur three times in a row), which would allow the population to decline until it drops below 600 bears. As such, these commenters suggested changing this trigger so that the Service would initiate a status review if the mortality limits for independent females are exceeded for two consecutive years and the population is below 600 bears. Commenters and peer reviewers also expressed concern that there will be a lag in a decision-making response to population declines that drop below 600, which may be especially true in high mortality years. Additional suggested triggers included: lack of funding; triggers related to habitat standards and monitoring protocols, including food monitoring; lack of connectivity between the GYE and NCDE at least once during every 6-year period; and if the States list grizzly bears as a predator in the future. Some expressed concern about the meaningfulness of our triggers and whether the Service would be willing to relist the grizzly bear, should it become necessary. Commenters also noted that the Service triggers need to be standardized in the rule, the Conservation Strategy, and other management plans.

ISSUE 70:

A few comments from peer reviewers and the public suggested that the triggers for an IGBST Biology and Monitoring Review are too low or are unclear; these commenters and peer reviewers proposed additional triggers. It was suggested that lack of funding should be a trigger

for a Biology and Monitoring review. The Biology and Monitoring Review triggers need to be standardized in the rule, the Conservation Strategy, and other management plans.

ISSUE 70.5:

One peer reviewer suggested that because the generation length for grizzly bears is close to 10 years the proposed timeline of 5-10 years for a demographic monitoring review by the IGBST should be 5 years to be consistent with precautionary management.

ISSUE 71:

Several peer reviewers raised concerns about limiting monitoring to the DMA. One peer reviewer noted that less monitoring outside the DMA may produce "less data about individual bears that may behave differently than those within the DMA." One reviewer commented that mortality rates may be misinterpreted when bears whose home ranges overlap the DMA boundary are killed outside the DMA (i.e., mortality rates could be underestimated). Lastly, reviewers point out that catastrophic events within the DMA (e.g. fire like in 1988), "could displace grizzly bears forcing some to shift home-ranges to outside the DMA boundaries," which would require sampling outside of the DMA.

ISSUE 72:

Public commenters presented differing perspectives on whether the content of the proposed rule represented an overreach of Service authority or too little federal government involvement. Commenters took issue with the fact that the rule compromised the States' management authority by requiring the states to pass particular hunting regulations before a final rule; they explained that the Service does not have the authority to demand management provisions from the States. One commenter expressed concern that the "tone" and some content of the proposed rule "indicate[s] a level of continued Service engagement that exceeds their authority under the ESA."

Other commenters did not think the proposed rule allowed for enough federal involvement. One commenter wondered what the role of the federal government would be in a post-delisting environment while another stated, "Management should continue to be the responsibility of the USFWS." Another commenter questioned whether the Service can require states to classify grizzly bears as "non-game," which would prevent trophy hunting.

ISSUE 73:

A number of public commenters expressed concern about our use of the term "conservation reliant" species in reference to grizzly bears. These commenters requested additional clarity about what the term "conservation reliant" species means, what "authority accompanies such a designation," why this designation should apply to grizzly bears, and how management differs for "conservation reliant" species in comparison to those that are not given this descriptor. The State wildlife management agencies note that Scott et al. 2005 "recommends against perpetual requirements and for 'necessary management actions as long as necessary.'"

The State wildlife management agencies proposed their own clarifying definition of a "conservation reliant" species as "simply those requiring management post-delisting;" they claimed we related "conservation reliance" to a "low resiliency to excessive human-caused mortality," even though "the Tri-State MOA and the States' commitment in many forms to mortality limits and the regulatory mechanisms to maintain a recovered population all work to prevent 'excessive' human caused mortality." The State wildlife management agencies continued to suggest that they successfully manage "a wide array of 'conservation reliant species' in the absence of ESA listing" and that "mere 'conservation reliance' does not mandate ESA protection or extension of federal requirements post-delisting."

ISSUE 74:

Public commenters presented differing points of view on the implementation period of the Conservation Strategy. Many commenters suggested that the Conservation Strategy should be in effect beyond the statutorily required five year minimum, including "in perpetuity." One commenter expressed, "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."

However, the states of Idaho, Montana, and Wyoming stated that the proposed rule went "too far" in declaring the Conservation Strategy would be in place "in perpetuity" or indefinitely. The Governor of Wyoming expressed concern that such a lengthy post-delisting monitoring period was "unprecedented in the context of the ESA." The Governor of Montana emphasized that "The Endangered Species Act (ESA) requires the U.S. Fish and Wildlife Service to recover and delist imperiled species, after which management reverts back to states and tribes." The Idaho Office of Species Conservation called this language "an overreach" and claimed it contradicted the Ninth Circuit Court's opinion on the 2007 delisting (16 U.S.C. § 1523(3)). The Governor of Wyoming requested that, instead of saying the the Conservation Strategy will be in effect "in perpetuity" or "indefinitely," we state that it will "remain in effect beyond the 5-year monitoring period." Other commenters asked for full removal of the terms "in perpetuity" or "indefinitely" in reference to the duration of the Conservation Strategy because they thought the Conservation Strategy should expire after the five year period required by the ESA; this would allow the states to completely take over management after five years. Another commenter thought we "inappropriately" required an unlimited Conservation Strategy because we declared the grizzly bear to be "conservation reliant."

Other commenters discussed the difference between post-delisting monitoring and post-delisting management. One commenter emphasized the need for "robust monitoring and research post-delisting." Another commenter recognized the value in continuous monitoring but thought "post-delisting should not require management" since this is a costly endeavor for which there is currently no "biological or scientific need."

ISSUE 75:

A few commenters requested additional clarity in the Conservation Strategy. One commenter asked us to explicitly note that the Conservation Strategy's preamble is subject to change given the availability of new research. This commenter also asked us to always refer to the Conservation Strategy as the "2016 Conservation Strategy," to clearly distinguish it from any past and future versions. Another commenter asked that we "clarify that the Conservation Strategy is a cooperative agreement and that the Service's role is not to oversee management but [rather to] evaluate the five factors under the ESA should it be necessary."

ISSUE 76:

One commenter expressed concern that we do not discuss the Bureau of Land Management's (BLM) sensitive species program in the proposed rule. This commenter wanted us to describe "how grizzly bears will be classified for planning and management purposes on BLM lands post-delisting."

DPS/SPR comments

ISSUE 77:

A number of commenters took issue with what they claim to be an illegal simultaneous designation and delisting of the GYE DPS. Commenters asserted that designating the GYE as a DPS violated the law because we are purportedly not allowed to designate a DPS for the purposes of delisting it. Commenters alleged that no provision in the ESA allows this and legislative history weighs heavily against such an action. In addition, the commenters contended that our proposed action (designating a DPS for the purposes of delisting) has repeatedly been rejected by Federal Courts. Commenters referenced the December 2014 D.C. District Court Opinion on a challenge of our 2012 final rule delisting gray wolves in the Great Lakes region in which the judge stated, "the creation or initial designation of a DPS operates as a one-way ratchet to provide ESA protections to the covered vertebrates." One commenter cited several additional statements from the Court Opinion supporting their claim that the ESA does not permit delisting a threatened species by individual sub-population if the species is not listed as individual sub-populations in the first place (e.g., we can only delist entities as they are listed). Commenters took issue with our position that the designation of the DPS in the proposed delisting rule is consistent with Service's past practice. They pointed out that some of our supporting examples of past practice relate to listings that predate the DPS Policy and most of our "relevant" examples of past practice resulted in lawsuits that reinstated protections for the species. Commenters contended that none of our prior actions justify our current approach because the federal courts have already determined that our approach is not a reasonable interpretation of the law (citing the 2014 WGL DPS Opinion). Commenters believed our reliance on the 2008 Solicitors' opinion supporting the approach of designating a DPS and delisting said DPS at the same time is not legally binding in a court of law and that the Solicitors' reasoning is refutable under the plain language of the ESA.

Comment [5]: cite

ISSUE 78:

Even if we were allowed to designate the GYE as a DPS at the time of delisting, commenters claimed our analysis did not adequately justify such a designation. First, in the opinion of some commenters, the Service's DPS policy requires that we consider three factors when determining whether a DPS designation is valid -- discreteness, significance, and status; these commenters contended that we only considered discreteness and significance and left out the status analysis. The commenters argued that our DPS policy only allows designation of a DPS if the DPS in isolation qualifies for listing as either endangered or threatened; this is the "status" portion of the DPS designation analysis and these commenters contend that we "skipped" this portion of the analysis. We instead, they argued, "rolled" the status analysis into the proposed rule's five factor analysis. These commenters suggested that if we had followed the "requirement" that the status analysis be done in the context of the DPS designation, we could not have designated the DPS because we would have concluded that the population does not qualify as threatened or endangered. One stated that our conclusion that the GYE DPS does not qualify as an endangered or threatened species meant that the GYE DPS does not qualify as a "species" under the Act.

Second, commenters suggested that we did not make a satisfactory argument for the "discreteness" of the DPS (another of the DPS policy's requirements for designation). These commenters pointed out potential inconsistencies in our discreteness analysis. First we determined that the GYE population is "markedly separated" from other populations of grizzly bears because connectivity to other populations has yet to occur, thereby justifying our conclusion that the population is sufficiently "discrete" to warrant a DPS designation. However, in the proposed rule, we also acknowledged that future connectivity is desirable and will be actively facilitated; we then concluded that such "future connectivity" would not undermine our discreteness analysis because absolute separation of the populations is not required. Commenters contended that it is well accepted in the scientific community that the GYE grizzly population will need to be well connected with other populations across the western landscape in order to foster the species' true recovery. Commenters thus found it illogical to use the GYE population's current lack of connectivity to other grizzly bear populations to justify DPS designation and subsequent delisting. Additionally, one commenter found our "reliance on genetic data to justify" our conclusion that the GYE population is adequately discrete "unconvincing" and inconsistent. The proposed rule notes that GYE grizzly bears are separated from other populations because they show 60% heterozygosity, while NCDE bears show 67% heterozygosity. Commenters found our position with respect to genetics inconsistent because we make the opposite argument when asserting, in our DPS analysis of significance, that the GYE grizzly bear population's genetics likely do not differ 'markedly' from other grizzly bear populations.

Third, commenters largely agreed with our analysis of the third aspect of DPS designation--significance. However, they found our conclusion that the population's "loss would represent a significant gap in the range of the taxon" to be hypocritical. This conclusion supports

the designation of the DPS, which in turn results in the delisting of the GYE DPS; commenters thus felt that this conclusion, with its implications for delisting, thus hypocritically would make the loss of bears more likely. Commenters also argued that our DPS significance determination undermines our duty to recover the "species as a whole;" they argue that we cannot simultaneously assert that the GYE population of grizzly bears is essential to the species as a whole and that it should be delisted. Commenters contended that the Service's duty under the ESA is to get listed species to a point where the law's protections are no longer required, not to undermine recovery efforts for the remainder of the listed entity by using conflicting interpretations of scientific data.

Several commenters wanted greater certainty about our intentions for grizzly bear recovery in the remainder of the listed entity (lower 48 states outside of the GYE DPS). Some stated that prior to taking action on any individual population, the Service must designate multiple DPSs encompassing the entire range of the subspecies, set recovery goals for each DPS, and evaluate the status of each DPS for listing. Others recommended that we explain our intentions for the remainder of the grizzly bear listed entities in a Notice of Proposed Rulemaking, which should set forth a timeline for initiating and completing such reevaluation and allow solicitation of public comment on possible ways the remainder of the listed entity could be reclassified.

One commenter disagreed with the scope of our DPS, suggesting that all grizzly bears in the state of Montana should be removed from the list of threatened and endangered species. Another commenter suggested that, because the grizzly bear is currently listed as a DPS (grizzly bears are only listed in the lower 48), we cannot designate the GYE population as a DPS because this would be creating a DPS of a DPS.

ISSUE 79:

Commenters expressed discontent with the Service's 2014 policy on interpreting the phrase ''significant portion of its range'' (SPR) in the ESA's definitions of ''endangered species'' and ''threatened species;" this policy was the basis for our analysis of SPR in the proposed rule. One commenter cited several statements from the 2001 9th Circuit Court Opinion in Defenders of Wildlife v. Norton and the 2009 9th Circuit Court Opinion in Tucson Herpetological Society v. Salazar to support their contention that the Service's 2014 SPR Policy is fatally flawed. Some commenters did not believe the Service's 2014 SPR Policy is reflective of Congressional intent. They cited a 1978 Congressional record stating that "the term 'range' is used in the general sense, and refers to the historic range of the species;" commenters thus believed that the Service erroneously interpreted "range" to mean only the range in which the species currently exists; they took issue with the exclusion of historic range from any SPR analysis. Commenters also referred to the Western Great Lakes Wolf DPS 2014 court opinion which states that the Service's interpretation of range renders "meaningless the word 'curtailment' in 16 U.S.C. §1533(a)(1)(A), since it is impossible to determine the 'present…curtailment of [a species'] habitat or range' without knowing what the species' historic range was prior to being curtailed." Commenters also believed that the Service's requirement

Comment [6]: https://www.fws.gov/endangered/improving_ESA/SPR.html

Comment [7]: From Maricela: I did not include all of them here because my expecta ion is that we would refer to the 2014 FR notice for the SPR policy (79 FR 37578) to address past court decisions. If we want to address each specific quote hen we'll need to take a look at the Wild Ear h Guardian comment.

that individuals living in the significant portion of the species' range must be essential to ensuring that the species is not endangered or threatened across its entire range is too stringent.

Comment [8]: what does this mean? Can we word it more simply?

ISSUE 80:

Several commenters expressed concern about our "significant portion of its range" analysis. Specifically, commenters instructed the Service to consider historic range in our SPR analysis and to conduct an evaluation of whether the habitat lost from the historic range is a significant portion of that range. A commenter expressed concern that the proposed rule relegates grizzlies to small portions of the lower 48 states and ignores the species' lost historic range in the remainder of the lower 48 states. Commenters specified that our analysis of lost historic range should consider the entire population of grizzly bears across the lower 48 states. Further, assuming that our proposed DPS delisting process is legal, commenters instructed us to also consider lost historic range of the GYE DPS, including an analysis of what constitutes the GYE DPS' historic range, how that compares with the GYE DPS' current range, and whether or not the loss of historic range is significant. They further directed the Service to consider threats in areas where the population is either extirpated or home to only a few individuals; they claimed that it is insufficient to focus analysis entirely on an area where a population persists to support a finding that threats elsewhere are not significant. Commenters noted that many activities that have potentially adverse effects on bears are only found outside of Yellowstone National Park, outside of the PCA, or outside the DMA. They expressed concern that the Service acknowledges some of these threats but discounts their importance. Commenters stated that the standard we seemed to apply (localized threats must threaten extinction of the GYE DPS as a whole) was inappropriate and illegal. They further stated that the Service's SPR analysis ignores the fact that loss of bears in the peripheral areas would result in significant range contraction and that, according to our own policy, such lost range may never be reclaimed or considered in future listing decisions.

Forest Service issues

ISSUE 81: We received some comments from peer reviewers and the public in reference to the Forest Service designation of the grizzly bear as a "sensitive species" or "species of conservation concern" upon delisting. This designation by the Forest Service was considered to be an important component of ongoing management of grizzly bears. Some asked for specific statutory and regulatory definitions for "sensitive species" and "species of conservation concern." There was concern about the authority provided by the Forest Service designations and that the new designation of "species of conservation concern" under the 2012 Planning Rule does not provide the same project-level prohibitions as the "sensitive species" designation.

ISSUE 82: Some commenters were concerned with the Service's portrayal of the Forest Service designations of wilderness, wilderness study areas, and roadless areas and the protections each of these areas provide. Some felt that these designations are not restrictive enough to assume that

there will be no impact on grizzly bears living in those areas. In roadless areas, energy development or road construction can occur in conjunction with oil and gas leases that pre-date the effective date of the roadless rule. In addition, roadless areas allow for off-road vehicle use, motorized ATV trails, and human recreation, which may impact habitat. Moreover, it cannot be assumed that there will be no changes to the roadless rule as it is currently under judicial review. 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.

ISSUE 83: Some commenters expressed concern with the 2006 Gallatin Travel Management Plan implementation and whether it was approved. "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."

ISSUE 84: Some public commenters expressed concern about the Forest Service plans and how they will be implemented. One commenter expressed that the Forest Service's 2005 guidelines for habitat outside the PCA are not legally enforceable. While some comments expressed that that the Forest Service plans are not regulatory because of the 2012 Planning Rule, others expressed that 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. Another commenter suggested that, once delisting is finalized, the 2006 Amendment cannot simply be reinstated; the Forest Service needs to do a new planning and public review process to amend their plans because the new Conservation Strategy changes the habitat protection provided by existing forest plans. The forest plans that currently implement the habitat-based recovery criteria may no longer be implemented once delisting occurs and the current tools and incentives are removed.

Make sure we include an issue that says something like: "Issue 1—Numerous comments suggesting corrections to facts and data in the proposed rule such as correcting typographical errors, including omitted cooperators, and modifying the presentation of statistical results." (taken from 2007 rule)

Grizzly bear delisting public comment issue response drafts

Delisting process and compliance with applicable laws, regulations, and policies

Response 1: We appreciate the time and thought put into comments on the proposed rule to delist the GYE grizzly bear. We provided several opportunities for public involvement. Notifications of comment periods, meetings, and hearings were provided in the proposed rule, which was published in the Federal Register, posted on our website, and publicized in news articles. To the maximum extent possible, these postings were compliant with the requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d)). We also provided access information for persons using a telecommunications device.

Initially, we allotted 60 days for submittal of written comments and additional information. We offered a variety of options for submitting comments; the public could submit their comments electronically, using a specified website, or in hard copy, via U.S. mail or hand delivery. Those without internet access could mail hard copy comments. During the first comment period we received more than 290,000 comments. Subsequently, we reopened the comment period for an additional 30 days during September and October 2016. During the second comment period we received an additional XXXXX comments.

We also scheduled two public meetings and two public hearings in Cody, WY and Bozeman, MT, where verbal or written comments could be submitted. These two cities were selected because of their proximity to the Greater Yellowstone Ecosystem. We again provided access information for persons using a telecommunications device. We noted that persons with disabilities wanting to participate in a public meeting or hearing, including the need for American Sign Language or English as a second language interpreter, could be accommodated.

Collectively, we believe the public had ample opportunity for input. Additional public comment periods nor additional methods to comment were not necessary to adequately comment on the proposed rule. **(COMPLETE)**

Response 2: This rulemaking has not been litigated, has not been driven or delayed by litigation. General comments on our administration of the ESA, not specific to this rulemaking, and the impact of litigation, are beyond the purview of this rulemaking. **(COMPLETE? I think this is enough detail. Sent an email to Marj asking - her draft text saved in word document of Rebecca's)**

Response 3: We take our relationships with Tribes very seriously. In accordance with the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951), E.O. 13175, and the DOI manual at 512 DM 2,

we readily acknowledge our responsibility for meaningful communication with Federal Tribes. In accordance with Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we also acknowledge and continuously work to fulfill our responsibilities to Tribes to develop programs for healthy ecosystems, to recognize that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Tribal culture, and to make information available to Tribes.

In the proposed rule, we noted over 65 instances of discussion related to Tribes or Tribal issues prior to the issuance of the proposal. We regularly work with directly affected Tribes as active participants in recovery and management of the GYE grizzly bear. The Northern Arapahoe and Eastern Shoshone Tribes are participants in the Yellowstone Ecosystem Subcommittee of the IGBC as they manage nearly 3 percent of suitable habitat (1,360 sq km/525 sq mi), although no Tribally managed land occurs within the PCA. We also recognized our partnership with Tribal agencies and others in the 2016 Conservation Strategy. The Yellowstone Grizzly Bear Coordinating Committee will be the interagency group coordinating implementation of the 2016 Conservation Strategy and will include representatives from the Shoshone Bannock, Northern Arapahoe, and Eastern Shoshone Tribes. Hunting on the Wind River Reservation will be at the discretion of these sovereign Tribes.

Following publication of the proposed rule, the Grizzly Bear Recovery Program sent invitation letters to the four Tribes having known direct interests in the proposed GYE grizzly bear delisting area: Northern Arapaho, Eastern Shoshone, Northwestern Band of the Shoshone Nation, and Shoshone-Bannock Tribes. After other interested Tribes came forward, we sent letters in February of 2015 offering government-to-government consultation with 26 Tribes. In June of 2015, we sent a second round of letters to 48 Tribes, offering another opportunity for consultation, followed by personal phone calls or emails to the same 48 Tribes, personally inviting their participation in government-to-government consultation. In August of 2015, the Service met with the Rocky Mountain Tribal Leaders Council in Billings, MT, and invited Tribal representatives to engage in consultation. In October of 2015, the Service sent letters to all 53 Tribes that have contacted the Service regarding the GYE grizzly bear population inviting their participation in government-to-government consultation. We also offered informational webinars to Tribes and other interested parties. We have been very clear that our phone calls, webinars, and letters do not themselves constitute consultation, but were merely to provide timely information, answer questions, and explain possible next steps.

Once the proposed delisting rule was published, the Service held two consultation meetings - one in Bozeman, Mont., and one in Rapid City, SD - and invited all tribes west of the Mississippi River to attend. The Service announced the consultation meetings in the Federal Register notice for the proposed delisting and contacted tribes directly to ensure that they were invited to these meetings. We also conducted private government-to-government consultations

with Tribes that requested it. In total, the Service has conducted seven Tribal consultations in response to the above communications.

We considered issues of cultural, spiritual, and ecological importance that Tribes raised and we are sensitive to those concerns. However, the ESA requires the Service to make decisions based on the biological status of the species as informed solely by the best scientific and commercial data available, not based on spiritual and cultural concerns. That said, once this action becomes effective, Tribes will have the right to manage grizzly bears on their Tribal lands in accordance with their spiritual, cultural, and historic traditions. **(SHARED WITH TRIBAL FOLKS FOR THEIR INPUT, BY SETH)**

Response 4: This delisting rule is promulgated under section 4(a) of the Act and consequently is exempt from NEPA procedures. Our decision that NEPA does not apply under section 4(a) is based on the reasoning in *Pacific Legal Foundation* v. *Andrus*, 657 F.2d 829 (6th Circuit 1981). In this case, the court determined that a NEPA document cannot serve the purposes of the Act because the Secretary must make listing and delisting decisions based only on the five factors described in section 4(a). We cannot consider environmental impacts beyond those addressed by the five factors and must use only the best scientific and commercial data available in evaluating those factors. After this ruling, we officially determined that NEPA documents are not required for regulations adopted pursuant to section 4(a) of the Act and published that determination in the Federal Register (48 FR 49244, October 25, 1983). Therefore, this delisting decision is based solely on the five factor analysis described in section 4(a) and there is no NEPA documentation to release. **(COMPLETE)**

Geographic scope of recovery and delisting

Response 5: The DMA boundaries are based on the best available science from the Interagency Grizzly Bear Study Team (2012, pp. 41-44). While the Recovery Plan identified the Recovery Zone as the "area within which the population and habitat criteria…will be measured" (U.S. Fish and Wildlife Service 1993, p. 17), the Study Team recommended that maintenance of a grizzly bear population that extends outside of those boundaries into adjacent suitable habitat would help "ensure the long-term viability of this population" (IGBST 2012, p. 41). The IGBST then examined the Service's suitable habitat boundary, population monitoring data, and mortality data to identify boundaries that would be "…sufficiently large to support a viable population in the long term, such that mortalities beyond it could be excluded from consideration" (IGBST 2012, p. 42). Because the Service's suitable habitat line is based largely on mountainous ecoregions, the IGBST recommended including valley floors surrounded by suitable habitat in the DMA so that the disproportionate mortality that may occur in those areas is not excluded from the overall picture of population health and monitoring. The IGBST used the average annual activity radii of independent female grizzly bears to buffer and smooth the boundaries of suitable habitat so that the DMA would encompass areas outside of suitable habitat that were likely to be used by

grizzly bears on a regular basis. This is the process by which areas like the Upper Green River were included within the DMA boundaries. Conversely, because this quantitative technique smoothed the boundaries of suitable habitat and did not attempt to define suitable habitat itself, it is also the reason some areas in the southern Wind River Range were not included in the DMA even though they are found within Wilderness Areas. These were areas that did not meet the definition of suitable habitat because they possessed high mortality risk because of large, contiguous blocks of sheep allotments. The Service proposed to adopt the IGBST's recommended DMA boundaries in the Revised Demographic Criteria (U.S. Fish and Wildlife Service 2016, entire) . The Big Sandy and Popo Agie areas are included in the DMA because we consider most of the Wind River Range to be suitable habitat for grizzly bears in the GYE due to the large percentage of Wilderness. **(COMPLETE)**

Response 6: Our threats analysis focused on those portions of grizzly bear range that currently contribute meaningfully to the GYE grizzly bear population or have the potential to in the foreseeable future (i.e., suitable habitat, as defined and discussed in the Suitable Habitat section above). In total, Grizzly bears are currently found across 22,515 sq mi (58,314 sq km) of land within the GYE DPS boundaries. Seventy-two percent of this population occurs within areas we consider suitable habitat and seventy-seven percent are found within the DMA boundaries. The DMA and suitable habitat provide more than enough suitable habitat to provide for a large, robust, healthy and viable population and will continue to do so for the foreseeable future. Put another way, the DMA contains sufficient numbers and distribution of reproductive individuals to maintain the population's recovered status. Additional occupancy beyond this area is beyond what is needed to maintain recovery. Therefore, we believe focusing on this area is a reasonable and defensible approach. The approach taken here was also taken in our 2007 GYA grizzly bear delisting determination, and was upheld by the in the United States District Court, District of Montana. Specifically, the court agreed that we "provide[d] a reasoned explanation for the conclusion that unsuitable habitat is not a significant portion of the bears' range." (GYC vs. Servheen et al., CV 07-134-M-DWM, September 21, 2009, p. 43).

To the extent that this comment requests consideration of threats outside of the suitable habitat, we offer such an analysis here (considering Factors A, B, C, D, and E). Although grizzly bears once occurred throughout the area within the Yellowstone DPS boundaries (Stebler 1972, pp. 297-299), records indicate that even in the early 19th century, grizzly bears were less common in these eastern prairie habitats than in mountainous areas to the west and south (Rollins 1935, p. 191; Wade 1947, p. 444). Today, these habitats are no longer biologically suitable for grizzly bears as they lack adequate natural food resources (i.e., bison) and land use changes have altered the suitability of the habitat for grizzly bear persistence (considering Factors A, B, C, D, and E). These marginal, peripheral areas are either unoccupied or occupancy is largely the result of the strong, dispersing core source population within the PCA, DMA, and suitable habitat. While grizzly bears that do establish or move into these unsuitable habitats will face a reduced probability of persistence (considering Factors A, B, C, D, and E), such impacts

are anticipated to be restricted to a small percentage of the population and, thus, of minimal importance to the sustainability of the overall population. Such peripheral impacts will not compromise the viability of the population and do not either singularly or in combination with other factors mean the population is in danger of extinction nor is it likely to become so within the foreseeable future in all or a significant portion of its range. **(REVISED TEXT SHARED WITH THE TEAM VIA EMAIL, BY SETH)**

GYE Grizzly Bears Recovery Criteria and management objectives

Response 8: The Service and our partners have all agreed to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014. This population target was selected because: it was a time period where the recovery goals were met; it represents a population level which is sufficiently robust to provide for the viability of the species; and it represents a period where the ecosystem was likely at or near long-term carrying capacity. As measured by the the model-averaged Chao2, this equated to 674 grizzly bears. However, we agree that it is not practical or even possible to manage for an exact population target as populations naturally and inevitably fluctuate through time. Add to that, our belief that partners should reasonably be given some management flexibility recognizing the complexities of the system and the complexities of managing grizzly bears (provided that said flexibility maintains recovery and viability, which we believe stability around the 2002-2014 period does achieve).

Therefore, the Service and our partners agreed to allow flexibility around this population target by creating a population management range of between 600 and 747 grizzly bears, as measured by the the model-averaged Chao2. In our professional opinion, management within this range, as measured by the the model-averaged Chao2, will maintain recovery and a large, robust, healthy and viable population. We also believe that the ecosystem can and will continue to support such populations. Put another way, habitat quality and management (discussed further under Factors A and D) provide us with sufficient assurance that habitat is unlikely to be the limiting factor in determining whether these targets are met now or within the foreseeable future.

With this as the backdrop, we set human caused mortality limits that the best scientific and commercial information available indicated would allow slow, and measured declines at the higher end of this range, and capped total mortality limits to allow no worse than population stability at the lower ends of this range. Although we did not feel a need to micromanage this issue beyond the regulatory requirement for at least stability at the lower end of this range, practically, we anticipate managers will further limit mortality the closer they get to the population floor of 600 grizzly bears, as measured by the the model-averaged Chao2.

We recognize and regret confusion caused by recovery criterion 1's inclusion of a population goal of 500 grizzly bears. This goal was developed as the minimum necessary to

support the population's short-term genetic fitness. However, management will exceed this genetic health minimum. Recovery criterion 3 further clarifies our management floor of 600 grizzly bears, as measured by the the model-averaged Chao2. Specifically, recovery criterion 3 indicates the population's demographic recovery goals will not be met if the population falls below 600, as measured by the the model-averaged Chao2. Therefore, no discretionary mortality will be allowed, except as necessary for human safety, in the very unlikely scenario that the population falls below 600 grizzly bears, as measured by the the model-averaged Chao2.

It is also worth noting…

Comment [1]: This is the one piece that might change based on final high level discussions… specifically, mention trigger around 600 intended to clarify our targets, etc.

We recognize that some parties support continued population growth in perpetuity. We believe this is impractical, that the system has biological limits, that the average population estimate for the period of stability achieved during 2002-2014 likely approximates or approaches those limits, that expansion into unsuitable habitat is largely unsustainable, and that continued population growth is beyond what is required by the ESA as it is unnecessary for viability or sustainability. Therefore, we did not require human caused mortality limits that achieve continued population growth. **[Seth took a stab at drafting; I didn't see anything in this comment that required us waiting for the results on the ongoing discussions, IMHO]**

General comments on whether to delist

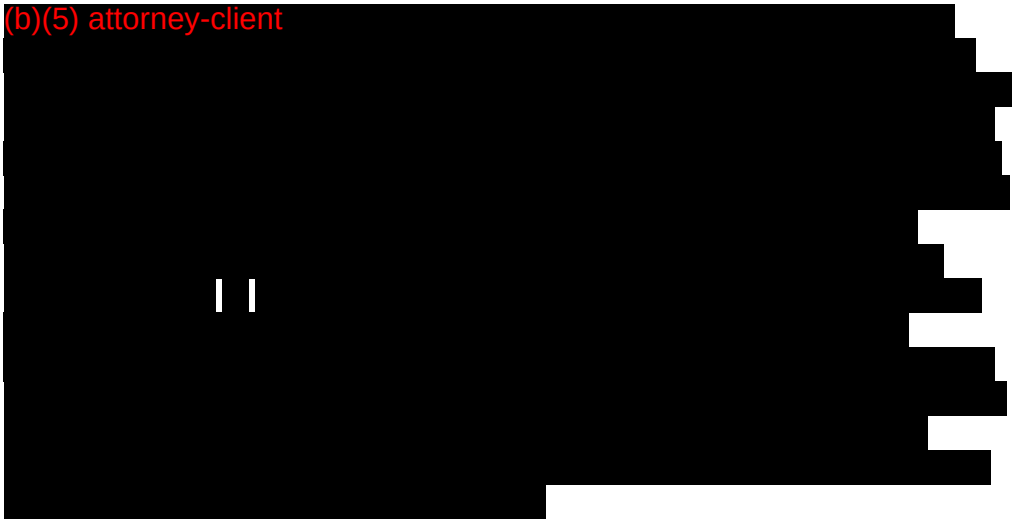
Response 9: The Service believes, based on the best available science and commercial data, that the GYE population of grizzly bears is recovered and no longer meets the definition of threatened or endangered under the Endangered Species Act. While grizzly bears do currently only occupy a fraction of historic habitat in the lower 48 states, the Service does not believe that restoration of grizzly bears to all historic habitats (particularly those no longer capable of supporting grizzly bear populations) within the DPS boundaries or within the lower 48 States is necessary or possible. The purpose of the Act is to conserve endangered species and the ecosystems on which they depend. We have recovered the GYE grizzly bear population in areas where portions of the ecosystem on which they depend still exist or could be restored. We have restored grizzly bears to most of their suitable habitat within the DPS and anticipate the State management plans will lead to re-occupancy of the remaining suitable habitat in the near future.

(b)(5) attorney-client

[redacted]

Comment [2]: (b)(5) attorney-client [redacted]

(b)(5) attorney-client



We also disagree with the claim that we have focused only on demographic recovery. While demographic factors such as mortality control and population monitoring are critical to recovery, we have also established habitat-based recovery criteria to address habitat security (i.e., motorized access), developed sites on public lands, and livestock allotments while implementing extensive habitat monitoring programs for grizzly bear foods, human recreational use, and elk hunter numbers. Additionally, the IGBST monitors genetic diversity and trends in grizzly bear conflicts throughout the ecosystem annually. This comprehensive approach to recovery has led to reduced mortality, increasing population numbers, and significant increases in range and has allowed grizzly bears to reoccupy habitat they have been absent from for decades while ensuring demographic and habitat security into the foreseeable future.

Regarding the assertion that the GYE grizzly bear population meets the definition of "vulnerable" under the IUCN Red List criteria, we have reviewed these criteria and, while it is true this population meets one of the criteria for vulnerable (population size less than 1,000 mature individuals), we still conclude that the extensive protections in place if the population is delisted will adequately ensure a recovered population is maintained and prevent extinction. Our recovery and post-delisting management goals were designed to provide for the long term conservation of the GYE grizzly bear population by ensuring sufficient control of human-caused mortality and maintenance of suitable habitat. We have expended considerable effort to develop, repeatedly reevaluate, and, when necessary, modify, these recovery goals. In the end, the Service is legally bound by the definitions and processes described in the Act, not by the IUCN, and must act accordingly.

Finally, regarding carrying capacity, this has never been one of our recovery criteria because it is impossible to quantify with any degree of certainty. While there are multiple lines of evidence suggesting the population is at or near carrying capacity (decreased cub and yearling survival, increased generation interval, decreased home range size) we have not used this

information to assess recovery. Instead, this information has helped us understand some of the more recent demographic changes the IGBST has documented such as a lower population growth rate between 2002 and 2011 than that documented between 1982 and 2001.

Response 9.5: We have determined that the GYE population of grizzly bears is discrete and significant, meeting the definition of a DPS under the ESA. Therefore, the GYE grizzly bear is a listable entity under the act, and may be delisted (per this rule). In the event that a taxonomic change occurs based on genetic differentiation between brown bears in North America (Waits et al. 1998), the GYE grizzly bear population still would meet the Service's definition of a DPS and would have reached recovery. There is genetic evidence suggesting four different evolutionary significant units (ESU) in North America (Waits et al. 1998), Clade IV representing brown bears in Southern Canada and the coterminous lower 48. The current listing under the ESA reflects the suggested ESU *defacto*, as the grizzly bear in the lower 48 are listed under the ESA while "grizzly bears" in mainland Alaska (Clades II and III) are not listed under the ESA. The potential unique genetic heritage that may be present in grizzly bears in the coterminous lower 48, is protected by the ESA in the other five extant populations, and wouldn't change our determination that the GYE population of grizzly bears has reached recovery and no longer warrant protection under the act.

Response 10: The principal goal of the Act is to return listed species to a point at which protection under the Act is no longer required (50 CFR 424.11(d)(2)). A species may be delisted on the basis of recovery only if the best scientific and commercial data available indicate that it is no longer endangered or threatened within all or a significant portion of its range (50 CFR 424.11(d)). As described later in this rule, we believe the GYE DPS meets neither of these definitions for listing, thereby justifying delisting due to recovery. The basis for our determination, as required by the Act, is the best scientific and commercial information available, which indicates that the GYE grizzly bear population is recovered and does not meet the definition of threatened or endangered. This decision is not based on political and stakeholder pressure, nor has our support for hunting biased our decision. Furthermore, very little of the Service's budget and none of the Endangered Species program's budget comes from hunting revenue. While we respect the moral and ethical reasons some members of the public may have for disapproving of this decision, delisting is the appropriate decision based on the statutory requirements of the Act.

To be clear, the Act does not contain a mandate or requirement that we institute a "precautionary approach to wildlife management." Instead, the Act mandates that we make decisions about conservation status based on its definitions of threatened and endangered. That being said, this rule, the Conservation Strategy, and the protective measures in Montana, Wyoming, and Idaho implement a precautionary management approach by establishing science-based population criteria identical to the demographic recovery criteria used by the Service while the GYE grizzly bear DPS is listed under the Act. While these criteria could lead to small decreases in relative population size from current levels (717) to the long-term average

population size (674), these will only be allowed if population size and distribution criteria are simultaneously being met. Providing this flexibility to the states is biologically sound and reasonable. The adaptive management system in the Strategy incorporates the results from intensive monitoring of population vital rates, habitat standards, and major foods into management decisions and ensures the GYE grizzly bear DPS will remain recovered under the management frameworks now in place in Wyoming, Idaho, and Montana. In short, the regulatory frameworks now in place give us great confidence that this success story for American conservation and the Act will be maintained and that future generations will be able to see and enjoy grizzly bears in the GYE.

Strict regulations and regulatory mechanisms within state statute and/or codified regulation are in place to protect grizzly bears within the DPS boundaries. The states of Wyoming, Montana, and Idaho have classified grizzly bears throughout the entire GYE DPS boundaries as a game animal and have never suggested they will be classified as predators (W.S. 23-1-101 (a)(xii)(A). Game animal status is much more protective than predator status which would allow private citizens to kill grizzly bears using any method, at any time of the year, regardless of sex or age, and not have to report it. In contrast, game animals may only be taken via specific methods (not trapped or poisoned) during a designated hunting season by a hunter with a hunting license; females with young may not be killed; dependent young may not be killed; and any mortalities must be reported within 24 hours (WGFD 2016, pp. 46-47). Any grizzly bear found outside of the DPS boundaries would be protected under the Act as threatened. If the states reversed course and decided to classify grizzly bears as predators, resulting in grizzly bear mortality that exceeds the appropriate limits outlined in this rule and in the Conservation Strategy, we would consider this a significant departure from current state laws and regulations and would conduct a status review.

We are not allowed to consider economic impacts in listing decisions. That being said, we do not anticipate any negative economic impacts to the tourism industry related to grizzly bear viewing once delisting occurs and there are no data to indicate this source of eco-tourism is linked to listed status. The increasing distribution of grizzly bears allowed for a very successful tourist and guide industry to develop in the past decade, especially associated with areas near Grand Teton National Park. It should be noted that opportunities to view grizzly bears are due to recovery efforts, the Conservation Strategy, and relevant jurisdictional management plans all working toward the goal of maintaining a recovered grizzly bear population. The vast majority of this viewing occurs inside National Parks (see Richardson et al. 2014), where bears will not be hunted. While there is some evidence suggesting hunting on the periphery of Yellowstone N.P. reduced viewing opportunities for wolves inside the Park (Borg et al. 2016), we question the applicability of this research to the GYE grizzly bear population because of its preliminary nature. Although this work is interesting, the authors "…caution[ed] that our results from YNP were based on a limited sample size" (Borg et al. 2016, p. 13) of only 3 years, one of which was censored from the results because the 2 wolves that died that year did not live along road corridors and therefore were not frequently observed by Park visitors. When these 2 wolves

were included, Borg et al. (2016, p. 11) found the likelihood of sighting wolves was not different between years following hunting and those without hunting. This study identified harvest that reduces population size to be the biggest risk to subsequent viewing opportunities inside adjacent Parks (Borg et al. 2016, p. 11) and the states have demonstrated that hunting will not appreciably reduce the population size inside the DMA through a coordinated approach to managing mortalities within the DMA at levels that result in long-term, relative population size stability. The states have made regulatory assurances (through legislative and commission regulations) that grizzly bear management, including hunting, will be heavily regulated and in accordance with the multiple recovery criteria to ensure a recovered grizzly bear population. Hunt area boundaries will be developed in order to direct harvest where appropriate if hunting occurs (WGFD 2016, p. 16). Therefore, we do not anticipate harvest will reduce viewing opportunities because we are confident there will continue to be abundant bears inside the DMA.

Regarding the Ohio State Survey referenced by commenters, we believe its utility is limited because of its anonymity. While we would be interested in speaking with the respondents directly to understand their concerns more fully and address them, that is not an option. We do not know the expertise or qualifications of the respondents but we are confident many of them also commented on the Proposed Rule and we hope to address their concerns here.

Response 11: In our five factor analysis of threats to the GYE population of grizzly bears, we do not claim that managed stressors are irrelevant but rather that these threats have been ameliorated to the level that they no longer could result in the extinction of the species in the foreseeable future. Please see the "Determination" section at the end of the threats analysis for more information.

Comment [3]: make sure this is consistent with agreed upon language

Comment [4]: could we cite the final CS here?

Comment [5]: assuming this is what he "proposed determina ion" section will be called in the final rule

Measurement of and interpretation of population parameters

Response 12: (IGBST FLAG - need their review and input) We have a responsibility to rely upon the best scientific and commercial data available. In this case, we relied upon numerous peer reviewed and published documents that we made available upon request. This information was publicly available when we published our proposed rule and during our public comment period. For example, mortality information, including date of death, sex, age, certainty of death, if the bear was marked or not, and location are published annually in the Study Team's annual reports, available at: https://www.usgs.gov/centers/norock/science/igbst-annual-reports?qt-science_center_objects=1#qt-science_center_objects It is important to note that we did not rely upon any of this raw data to make our decisions, but rather on the peer-reviewed published interpretations of that raw data. We did not have any additional data than what was available to the public.

Data used to calculate population size are available in the tables provided by Keating et al. (2002, p. 171), included in the Supplement to the Reassessing Methods Document (Interagency Grizzly Bear Study Team 2007, p. 7). Estimates of sustainable mortality limits recommended in the Reassessing Methods Document are based on survival and associated

population growth rates analyzed by Harris et al. (2006, p. 50). All results of Harris et al. (2006, p. 48) where estimates of population growth were made can be duplicated from data available in the other chapters of the Monograph. Data used to calculate transition probabilities are included in the Supplement to the Reassessing Methods Document (Interagency Grizzly Bear Study Team 2007, pp. 19-21). The Interagency Grizzly Bear Study Team also released the raw data files and digital records from 1975-1998 in response to a Freedom of Information Act request. The Interagency Grizzly Bear Study Team replied to a later request for such data but has not received a formal Freedom of Information Act request for these. Requests received for exact locations of grizzly bears obtained via radio-telemetry and GPS radio-collars (i.e., ''raw data'') could not be honored because this information was not in our possession. Additionally, without the permission of the Secretary of the Interior, the Omnibus Parks and Public Lands Act of 1998 (16 U.S.C. 5937) prohibits the release of specific locations of threatened species that spend any part of their lives within National Parks.

The peer-reviewed scientific journal articles used in the final rule represent the best available science. The science available on the Yellowstone grizzly bears and their habitat is the best information available on any bear population in the world. Regarding the comment that the peer review process in general is flawed, we would love to hear a better alternative. Peer review is an integral part of the scientific process. It is designed to detect biases and flawed assumptions by allowing an objective, often anonymous, reviewer to examine the methods, results, and conclusions of colleagues to identify weaknesses and suggest improvements before publication.

Regarding our reliance on modeling, we agree that modeling can be prone to Type II errors. Simply put, this means models are only as good as the variables you include and if a variable is missed, you may not get an accurate picture of what is going on. To combat these potential concerns with modeling, the IGBST uses a quantitative process to select variables… To suggest that models shouldn't be used or relied upon is directly counter to the Act's requirement that we base our decisions on the best available science

Response 13: The Chao2 estimate method is the best available science that is currently available and can apply under the current monitoring schemes. Additional details were added to the Rule (*see* Demographic Recovery Criterion 1) to clarify the application of the Chao2 method. Although there are other methods that would likely result in greater precision and lower bias (e.g., DNA sampling), the annual implementation of these methods would be prohibitive both in costs and logistics. The IGBST estimated that the costs for a *single* DNA-based population estimate for the entire GYE would be approximately $11 million. The IGBST will continue to investigate cost-effective techniques that may result in relatively unbiased estimates with greater precision. Revisions to the Rule (*see* Demographic Recovery Criteria 1) address the critique of Doak and Cutler (2014). Based on the rebuttal by van Manen et al. (2014) there was no justification to account for "bias associated with the method or disagreements in the scientific community about the population estimate of ~700"; particularly given the demonstrated underestimation bias of the rule set (Schwartz et al. 2008) and the Chao2 estimator (Cherry et al. 2007). Both sources of known negative bias contribute to conservative population estimates.

This comment disregards the notion of the central tendency of data and abuses the scientific concept of uncertainty. We answer this using a relevant quote from Schwartz et al. (2006), who addressed the issue of uncertainty in demographic estimates as they relate to management: *"Thus, we see no escape from uncertainty. To claim that no decision about what has occurred should be adopted until uncertainty is removed or to claim that the only acceptable decision adopts some lower confidence limit as truth is to reject the role of science. If the possibility of population decline is treated as the fact of population decline (even where overwhelming evidence suggests otherwise), there is no need to spend money on research or monitoring because the management approach would be identical regardless of what data were produced. Because it is impossible to absolutely reject the hypothesis of decline, one would always manage as though a decline had occurred. To us this would seem poor policy."* -- Schwartz et al. 2006.

We have provided clarifications in the Rule (*see* Population and Demographic Recovery Criteria) and the 2016 Conservation Strategy (*see* Chapter 2) to address comments concerning the application of the definition of the Chao2 estimator. The model-averaged Chao2 provides an estimate of the number of females with cubs-of-the-year, rather than an estimate of the overall grizzly bear abundance, which is then used to derive a total population estimate. In response to a comment about potential issues with model-averaging, our interpretation of Cade (2015) and others (e.g., Fieberg and Johnson 2015) is that model-averaging of the regression coefficients is not recommended but that model-averaging of predictions (i.e., in this instance, annual estimates of the number of females with cubs-of-the-year based on a linear and quadratic model) is appropriate. Thus, the term "model-averaged Chao2 estimate" is appropriate and should be continued.

The critique of increased search effort and sightability were addressed in substantial detail in the response by van Manen et al. (2014) to the critique article by Doak and Cutler (2014). Specifically, in figure 1 of the Supplemental file from van Manen et al. 92014), they demonstrated that the number of flight hours increased as flight observation areas were added to accommodate range expansion from 1986–2010. The correlation coefficient suggested this was a near 1-to-1 relationship: $r = 0.916$, $P < 0.001$. One key aspect of the Chao2 estimator is that it reduces bias due to variation in sightability among different females with cubs-of-the-year. Additionally, model averaging smooths annual variations in counts that are due to both sampling and process variation, with the process variation coming from the proportion of females that have cubs at the side in any particular year. If anything, changes in litter size would increase underestimation bias and thus be conservative. Moreover, while cub mortality has increased, the geographic distribution of observed litter size has not. The suggestion that we continue the current method of population monitoring indefinitely, including intensity, distribution, and design, is addressed in the Rule (*see* Population and Demographic Recovery Criteria) and in the 2016 Conservation Strategy (*see* Chapter 2). In response to the suggestion that we review Ordiz et al. (2007) as an alternative to the Knight rule, there are multiple techniques and different rule sets can be developed to estimate unique females with cubs-of-the-year. The Ordiz et al. (2007) paper does not describe a rules set but examines relationships among distances and number of

days of individual females with cubs-of-the-year; data on litter size were not incorporated. Schwartz et al. (2008) investigated similar distance and time relationships for GYE female grizzly bears with cubs-of-the-year but no adjustments to the Knight et al. (1995) were made to reduce the probability of Type I errors (i.e., mistakenly identifying sightings of the same family as different families). The IGBST may consider alternatives to the existing rule set in the future; if those alternatives are deemed to improve the best available science, new procedures will be adopted per the process outlined in the Rule and the 2016 Conservation Strategy. Although it is true that changes in the estimates of females with cubs-of-the-year may be more difficult to detect once above a density threshold, this is again a conservative approach. The analogy is a thermometer that does not register temperatures above 102 degrees; as long as the value of interest is below 102, it still registers when it drops to that point.

We have provided clarifications in the Rule (*see* Population and Demographic Recovery Criteria) and the 2016 Conservation Strategy (*see* Chapter 2) to address comments concerning the transparency of the definition of the Chao2 estimator. Although the details of the Chao2 estimator are not published in their entirety in a single article, we have expanded the description of the Chao2 estimator to include all relevant literature, which has been subject to peer review. All of the details are provided in the literature regarding the application of the Chao2 estimator and the inputs and would be too technical and cumbersome to include in the Rule and Conservation Strategy, which were revised to provide all relevant references for the Chao2 estimate technique. The derivation of total population size introduces additional uncertainty into the total population estimate, but we have no data that suggest that bias would increase. Indeed, the vital rates (i.e., survival and fecundity) derived from the IGBST's large sample of radio-marked bears monitored annually, which form the basis for the multipliers, have been published in multiple peer-reviewed papers using well-established techniques (e.g., Schwartz et al. 2006, van Manen et al. 2016). The most recent analyses by van Manen et al. (2016) showed that male survival rates increased from 1983–2001 to 2002–2012. The survival estimates are not inflated and, in fact, may be underestimates because IGBST assigns the month of death as the last month an individual bear was known to be active when a bear was lost from monitoring and the date of death was unknown. If some of these individuals were lost the following month, the overall estimate of survival would be higher (Haroldson et al. 2006). Regarding insensitivity to rapidly changing conditions, IGBST is currently investigating the power of the current population estimation protocol to detect a declining trend (*see* ISSUE 14). One commenter referred to the findings of the demographic review conducted by IGBST in 2011, which was triggered by the monitoring system indicating a change in population trend had occurred. That demographic review was based on 2002-2011 data and indicated that population growth had slowed starting in the early 2000s and, importantly, also indicated that several vital rates had changed (e.g., lower survival of cubs and yearlings, greater survival of independent-aged males). Because IGBST uses vital rates to extrapolate population estimates of females with cubs-of-the-year to a total population estimate, the relative proportions of different population segments changed. Due to the increase in survival of independent-aged males, the sex ratio of independent males and

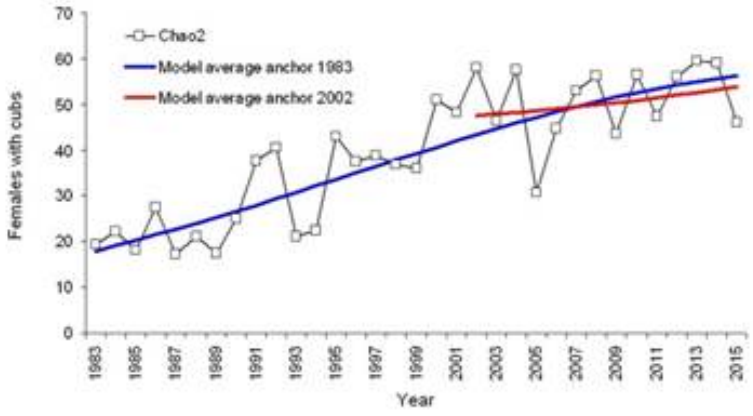
females is now 1:1, which means the independent male segment in the population is now proportionally greater than what was documented in 1983-2001. Thus, while population growth indeed slowed down, a given estimate of the number females with cubs-of-the-year based on 2002-2011 vital rates translates into a larger total population compared to 1983-2001 data because of the greater proportion of independent males in the population. These observations are not an indicator of the "high uncertainty in the monitoring of this population". In fact, IGBST concluded that the monitoring system was effective: 1) IGBST developed set up a population monitoring system and established triggers that indicate when a change has occurred; 2) a change in population growth was detected; 3) IGBST studied the demographic factors (i.e., vital rates) associated with that change (i.e., lower cub and yearling survival, greater independent male survival; slight reduction in fecundity); 4) IGBST tested hypotheses regarding these changes in vital rates (effects of change in food resources vs. density dependence); and 5) the findings were published in peer-reviewed journals and other outlets so that managers can adjust management accordingly.

The Chao2 and associated rule set for identifying unique females with cubs-of-the-year is conservative and relatively more with a greater number of unique females with cubs-of-the-year (i.e., population level determines the level of bias, not population growth). Although the Chao2 estimate does become increasingly negatively-biased with increasing density, the IGBST uses additional data for demographic inference (i.e., to determine the population trend and if the population is reaching carrying capacity). The IGBST used multiple data sources to assess demographic changes, including: 1) another estimator based on mark-resight technique (Higgs et al. 2013); 2) a population reconstruction technique; and 3) population projections based on known-fate monitoring (Schwartz et al. 2006). Combined with recent analyses (van Manen et al. 2016), these data suggest that density-dependent factors may be operating and are an indicator of the population at or near carrying capacity.

Response 14: In response to a request for a justification of our use of linear and quadratic models in population trend estimation, a detailed explanation and justification was provided in the peer-reviewed publication Harris et al. (2007). Another comment seems to reference the following statement in the IGBST (2012) report: "We believe that obtaining an unbiased estimate of the true number of animals from unduplicated counts is difficult because it becomes increasingly challenging to distinguish unique animals from duplicates as density increases." This statement in the 2012 report remains true; however, it would be incorrect to conclude that "it is not possible to rely on FCOY observations as a trend indicator at the current high densities". Although changes in the estimate of females with cubs-of-the-year may be more difficult to detect as density increases, the current protocol represents a conservative monitoring approach. We have previously used the analogy of a thermometer that does not register temperatures above 102 degrees; as long as the value of interest is below 102, it still registers when it drops to that point. Additionally, IGBST is currently investigating the power of the current population estimation protocol to detect a declining trend. Primary findings will be submitted to a peer-reviewed journal during fall 2016.

For large vertebrate populations, lag effects can occur, if there is indeed habitat decline and animals are affected by that decline. With 2016 being approximately 10 years after the peak years of whitebark pine decline and about 20 years since the decline of cutthroat trout, there is currently little evidence of a lag effect either at the population level (population remains stable) or at the individual level (lack of evidence of changes in survival, litter size, fecundity, etc. during the last 10-15 years). It should be noted that observed changes in vital rates (i.e., lower cub and yearling survival, slight suppression of reproduction) occurred during the late 1990s and early 2000s. Even without a lag effect, these changes in vital rates occurred prior to, or close to, the onset of whitebark pine decline; thus, there is little support for a lag effect due to changes in food resources. IGBST is currently investigating the power of the current population estimation protocol to detect a declining trend. Primary findings will be submitted to a peer-reviewed journal during fall 2016.

IGBST investigated the influence of "anchoring" the time series in 1983 versus 2002. The difference in model-averaged Chao2 estimates was negligible. For example, the 2014 estimate of females with cubs-of-the-year using the time series of 1983-2014 was 60, whereas the 2002-2014 time series resulted in an estimate of 57 for 2014. Similarly, the 2015 estimate of females with cubs-of-the-year based on the 1983-2015 time series was 56, whereas the 2002-2015 times series produced and estimate of 54 (see figure below). It should be noted that the graph below also shows no statistical trend based on the 2002-2015 data, supporting the interpretation of population being stable during this time period.



Although not specifically presented in the Proposed Rule, the IGBST uses 4 independent methods to estimate population size and/or trend: 1) Chao2 method (IGBST annual reports), 2) mark-resight estimator (IGBST annual reports); 3) population projections from known-fate

analysis (Schwartz et al. 2006; IGBST 2012), and 4) population reconstruction (IGBST, unpublished data) . These 4 methods support the interpretation that the Yellowstone grizzly bear population experienced robust population growth from the mid to late 1980s through the late 1990s, followed by a slowing of population growth since the early 2000s. Neither van Manen et al. (2016) nor Bjornlie et al. (2014) estimated population size. van Manen et al. (2016) used radio-monitored bears in their analysis of known-fate data to estimate vital rates and Bjornlie et al. (2014) was based on home-range data of grizzly bears. Although the IGBST continues to investigate the mark-resight method (i.e., capture-recapture data), implementation is contingent on the ability of the technique to detect changes in population trend over time. A preliminary assessment of the ability of the mark-resight method concluded that *"current sample sizes are insufficient to provide early detection of changes in population trend"* (Peck 2016).

In a rebuttal to the critique by Doak and Cutler (2014a, 2014b), van Manen et al. (2014) showed that Doak and Cutler's choice of extreme mortality risk beyond age 20 and their incompatible estimate of baseline fecundity led to erroneous conclusions. Commenters make a valid point that the number of older bears in the GYE population is increasing while the number of cubs and younger bears is decreasing, and supports the notion that GYE grizzly bears may be nearing carrying capacity in portions of the ecosystem. As van Manen et al. (2016) point out, observations or more, older bears and suppression of recruitment support the notion of density-dependence in the GYE grizzly bear population. One consequence of density dependence indeed is that trends stabilize or possibly even decline. In response to comments that there was a 6% population decline between 2014 and 2015, for a long-lived vertebrate, such as grizzly bears, inference of trend based on model-averaged Chao2 estimates from one year to the next is inappropriate. Trends should be investigated over longer time periods; based on unpublished IGBST analyses of 2000-2015 data, analyses do not indicate a population decline. Trend analyses and population projections based on known-fate data indicate the population has indeed remained stable to slightly increasing since the early 2000s. So far, no analyses have indicated evidence of a population decline.

ISSUE 15 (waiting…/Jennifer)

ISSUE 16 (Jennifer/IGBST)

- The IGBST does not use known-fate monitoring to measure grizzly bear mortality. They do use known-fate monitoring to understand what levels of mortality the grizzly bear population can endure without long-term decline to establish sustainable mortality limits.
- From 2007 delisting: Recovery plans are intended to provide guidance and are subject to revision as new data are reported. They are not regulatory documents. Recovery of species requires adaptive management that may, or may not, fully follow the guidance provided in a recovery plan. That said, we no longer consider 1993 Demographic Recovery Criterion 3 to represent the best scientific and commercial data available nor the best technique to assess recovery of the Yellowstone grizzly bear population. Therefore, the 1993 mortality management system for the Yellowstone grizzly bear

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population has been reevaluated and revised using a recent and more accurate model (Harris et al. 2006, pp. 51–55). This approach was consistent with a 1995 court order to reevaluate this issue (Fund for Animals v. Babbitt) and Recovery Plan Task Y11, which suggested we work to ‘‘determine population conditions at which the species is viable and self sustaining,’’ and to ‘‘reevaluate and refine population criteria as new information becomes available’’ (U.S. Fish and Wildlife Service 1993, p. 44). Under the revised methods for calculating sustainable mortality, female mortality was not exceeded in either 2004 or 2005. These changes have been appended to the Recovery Plan and the Strategy.

ISSUE 17 (Jennifer/IGBST)

- From 2007 delisting: Harris et al. (2006, p. 48) provided estimates of population growth in the GYA using estimates of reproduction and survival obtained from radio collared bears. His results indicate that, on average, the bear population was increasing at a rate between 4 and 7 percent per year from 1983 to 2002. His estimates were not based on counts of females with cubs. Schwartz et al. (2006a, p. 19) observed 104 cub litters over 329 bear years, for an estimate of 3.16 years/litter. These data do not indicate any significant reduction in interbirth intervals from the Craighead data set. Estimates of sustainable mortality provided in the Reassessing Methods document link estimates of female survival with those of reproduction. If female reproduction were to decline, or if survival of dependent young were to change, ongoing monitoring would detect these changes and result in revised estimates of sustainable mortality. It is recommended that these estimates be revised every 8-10 years to reflect any changes in demographic parameters (Interagency Grizzly Bear Study Team 2005, p. 45). The ongoing monitoring of female reproduction and cub survival using radio collars from a sample of bears provides consistent, detailed data that will capture any changes in these vital rates.

ISSUE 18 (IGBST)

To partially address comments from the public and peer reviewers surrounding our discussion and analysis of the carrying capacity for grizzly bears in the GYE we made clarifications in the language of the rule (*see* Population Ecology—Background; Population and Demographic Recovery Criteria; and Changes in Food Resources) and the 2016 Conservation Strategy (*see* Population Trend). Although figure 1 of the proposed rule is a simplification of a population at carrying capacity, it is necessary to explain the general principles behind the concept of K. In addition, the narrative of the carrying capacity addresses the complexity of this issue, including an explanation of the variables that some commenters proposed we include (i.e., density-dependent and density-independent effects) and the difficulty in measuring carrying capacity. In response to the suggestion that a graph illustrating how the Chao2 estimate of the GYE population is leveling off may be a clearer demonstration of carrying capacity, we believe that actual data would not be conducive to conveying the concept of K. One commenter noted that grizzly bears only occupy 25% of the GYE; however, suitable habitat is roughly 24 percent

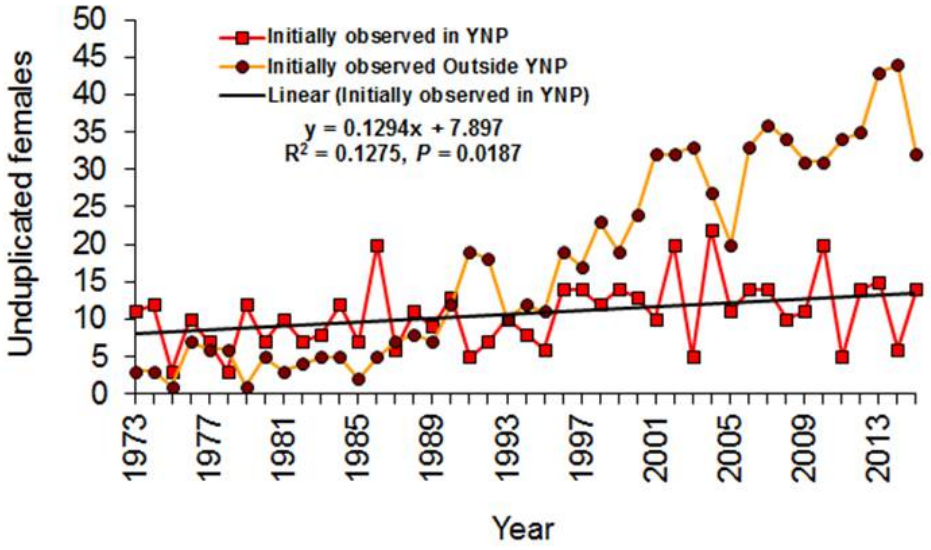
of the total area within the GYE DPS boundaries, of which grizzly bears occupy 90 percent (*see* ISSUE 9).

Studies by the IGBST provide strong support for a density-dependent effect for the leveling off of the population. Discussion of the Food Synthesis Report (*see* Factor E of the Rule) addresses comment that suggested that a decrease in food availability may be the driver behind the slowing growth rate of the GYE grizzly bear population. Although van Manen *et al.* (2016, p. 309) recognized that a decreased carrying capacity was an alternative explanation for demographic changes in the GYE population, they also indicate the scientific evidence is not strong: *"If bears were responding to a decline in carrying capacity, however, we would have expected home-range size and movements to have increased (McLoughlin et al. 2000), bears to have relied on lower energy food resources (McLellan 2011), and body condition to have declined as a consequence (Rode et al. 2001, Robbins et al. 2004, Zedrosser et al. 2006). To date, there is little support for these conditions in the Yellowstone Ecosystem: female home ranges have decreased in size and are less variable in areas with greater bear densities (Bjornlie et al. 2014b), daily movement rates and daily activity radii have not changed for either sex during fall (Costello et al. 2014), bears continue to use high-quality foods (Fortin et al. 2013), and body mass has not declined (Schwartz et al. 2014). As we discussed previously, percent body fat among adult females has not declined since the early 2000s (IGBST 2013, Schwartz et al. 2014) and, regardless, this effect would be consistent with either interference or exploitation competition and would not explain the changes in vital rates that occurred much earlier than the declines in foods. Current evidence indicates bears showed a functional response to declines in whitebark pine (Costello et al. 2014) and cutthroat trout (Fortin et al. 2013) and compensated for the loss of these particular foods through diet shifts Schwartz et al. 2014)."* The IGBST data does not support the alternative hypothesis that human social carrying capacity has been reached and is contributing to the slowing of population growth. On average, total mortality rates over the last 10 to 15 years have not exceeded established mortality thresholds and there is no evidence of an increase in poaching, which has remained low for several decades.

ISSUE 19 (IGBST)

The hypothesis that population density in the core area has decreased and that the same number of bears is spread across an increasing area is not supported by the data: (1) The number of females with cubs-of-the-year in Yellowstone National Park showed a gradual but study increase from 1973 through 2015, while the number of females with cubs-of-the-year observed outside of Yellowstone National Park increased at a much higher rate starting in the late 1980s (IGBST, unpublished data) (*see* figure below); (2) home-range and movement data do not support the interpretation that bears are leaving the core of the ecosystem, additionally, from a live history aspect range fidelity for adult female grizzly bears is high and female offspring also tend to establish their ranges adjacent to or near their maternal ranges; (3) recent range expansion has occurred beyond the DMA, and thus beyond the area where IGBST conducts population monitoring—with a relatively constant population size and high bear densities in portions of the DMA, continued range expansion can occurs through bear dispersal; and (4) the IGBST uses 4

independent methods to estimate population size and/or trend (Chao2 method (IGBST annual reports), mark-resight estimator (Higgs et al. 2013; IGBST annual reports), population projections from known-fate analysis (Schwartz et al. 2006; IGBST 2012), and population reconstruction (IGBST, unpublished data). All 4 methods support the interpretation that the Yellowstone grizzly bear population experienced robust population growth from the mid to late 1980s through the late 1990s, followed by a slowing of population growth and relatively constant population size since the early 2000s. The density index was peer-reviewed, contrary to the comment submitted that it was not. It was published and presented in detail in Supplemental Materials in Bjornlie et al. (2014) and was again presented and reviewed in van Manen et al. (2016). The basis for the density index is a spatially explicit population reconstruction—thus it incorporates capture and home range information from much more then bears trapped in any one year.



In response to comments about our conclusions from our analysis of density-independent and density-dependent effects on grizzly bear population dynamics in the GYE we added clarifying language in the rule (*see* Population Ecology—Background *and* Changes in Food Resources) and Conservation Strategy (*see* Population Trend).

We reviewed our use of "cause," as opposed to "association," in our density-dependent analysis as was suggested by a peer reviewer.

Habitat management

ISSUE 20 (Seth)

Our analysis of suitable habitat was a quantitative, broad-scale habitat assessment. As such, its purpose was to provide an understanding of the broad trends in habitat distribution, not to address the nuances of changing food sources or dynamic mortality risk as "spatially dynamic boundaries" would. While we appreciate this commenter's suggestion, we believe the spatially explicit survival modeling done by the IGBST is adequate to address these concerns (see Schwartz et al. 2010). We have not assigned numerical quality scores to habitats based on grizzly bear body condition or productivity because of the uncertainties surrounding such calculations. We thought it was appropriate to use a more generalized, coarse-scale interpretation of what habitat would meet grizzly bear needs. Other models predicting where suitable grizzly bear habitat occurs within the GYE produced results similar to ours (Noss et al. 2002, p. 903; Merrill and Mattson 2003, pp. 182, 184).

Our definition of suitable habitat is based on biological criteria and the results of previously published research about grizzly bear mortality risk and biological needs. We used the Middle Rockies Ecoregion as a surrogate for habitat quality/capacity. This approach is supported by many previous studies which have found that mountainous regions generally possess the habitat components necessary for grizzly bear persistence, including hiding cover, topographic variation necessary to ensure a wide variety of seasonal foods, steep slopes used for denning, and remoteness from humans (Craighead 1980, pp. 8–13; Knight 1980, pp. 1–3; Judd et al. 1986, pp. 114–115; Peek et al. 1987, 160–161; Aune and Kasworm 1989, pp. 29–58; Merrill et al. 1999, pp. 233–235; Pease and Mattson 1999, p. 969; Linnell et al. 2000, pp. 403–405; Mattson and Merrill 2002, p. 1128).

Our determination that large, contiguous blocks of sheep allotments were not suitable for grizzly bears was based on mortality rates, which is a biological issue. Scattered, small, and/or isolated sheep allotments were included in suitable habitat and considered in our threats analysis under Factor A below. The sheep allotments outside suitable habitat are not necessary to ensure that this population avoids becoming threatened within all or a significant portion of its range in the foreseeable future. Because of the habitat protections inside the PCA and the large percentage of suitable habitat outside the PCA (60 percent) that is currently a Designated Wilderness Area (6,799 sq km/4,225 sq mi), Wilderness Study Area (708 sq km/440 sq mi), or Inventoried Roadless Area (6,179 sq km/3,839 sq mi), the long-term persistence of the Yellowstone grizzly bear population is assured without their occupancy of these areas that currently contain large, contiguous blocks of sheep allotments. Even with the exclusion of these large, contiguous blocks of sheep allotments, most of the Wind River Range met the definition of suitable habitat. The Palisades may be outside of suitable habitat but the Idaho grizzly bear management plan specifically identifies this area as "likely to be inhabited by grizzly bears" (Idaho Yellowstone Delisting Advisory Team 2002, pp. 8-9). States have no plans or intentions of excluding non-conflict grizzly bears from Wilderness Areas, WSAs, or IRAs on public lands and have made it clear their management efforts outside of suitable habitat and the DMA will focus on conflict response in areas with higher human densities such as subdivisions (Idaho

Yellowstone Grizzly Bear Delisting Advisory Team 2002, pp. 8-9; MFWP 2013, p. 44; WGFD 2016, pp. 12, 20).

The presence of grizzly bears in places with high levels of human activity and human occupancy results in biological impacts to grizzly bears in terms of increased mortality risk and displacement. The level of this impact is directly related to the location and numbers of humans, their activities, and their attitudes and beliefs about grizzly bears. The consideration of human activities is fundamental to the management of grizzly bears and their habitat. While it is true that the current distribution of grizzly bears extends outside of the DMA into unsuitable habitat, the records of grizzly bears in these areas are generally due to recorded grizzly bear/human conflicts or to transient animals, not reproductive females with offspring. For instance, between 1985 and 2014, only 2.1 percent of all sightings of unduplicated females with cubs-of-the-year were outside of the DMA (Haroldson in litt. 2016). These areas are defined as unsuitable due to the high risk of mortality resulting from these grizzly bear/human conflicts. These unsuitable habitat areas do not permit grizzly bear reproduction or survival because bears that repeatedly come into conflict with humans or livestock are usually either relocated or removed from these areas.

ISSUE 21 (Nathan) Rebecca reviewed. IGBST FLAG - need IGBST to review summary of Schwartz et al. 2010 and comparison to Proctor.

Our habitat management standards rely heavily on reducing anthropogenic influences and minimizing grizzly bear-human conflicts because excessive human-caused mortality and subsequent population decline was the primary factor that lead to the original listing as threatened in 1975. For a detailed explanation of this rationale please refer to the "Habitat-Based Recovery Criteria" section of this Final Rule and Chapter 3 of the Draft 2016 Conservation Strategy. Schwartz et al. (2010, p. 658) used 21 years of data and nearly 12,000 known grizzly bear locations to create a habitat-based risk model that accounted for the habitat features affecting grizzly bear survival throughout the GYE. This risk model examined how motorized use, productivity and seasonality of high calorie foods, site developments, livestock allotments, number of homes on private lands, elk hunting units, and season influenced grizzly bear survival on the landscape (Schwartz et al. 2010, pp. 656-658). The resulting models identified source and sink habitats throughout the GYE and further supported our management approach of limiting motorized use and developed sites to improve grizzly bear survival (Schwartz et al. 2010, p. 659). Schwartz et al. (2010) did not use Resource Selection Functions to develop their model because resource selection functions are not always proportional to the true probability of use are, therefore, are not always the best way to describe habitat relationships (Keating and Cherry 2004, p. 788). We have reviewed Proctor et al. (2015) and, while we acknowledge it is a useful tool for predicting areas of grizzly bear use, we find the results of Schwartz et al. (2010) more helpful for making management decisions because they linked habitat features to actual grizzly bear survival on the landscape.

ISSUE 22 (Seth) Rebecca reviewed.

Comment [6]: (b)(5) deliberative process

[redacted]

There are different definitions of secure habitat in different ecosystems because the IGBC recommended that each ecosystem develop its own motorized access standards based on research in that ecosystem and that's what they did.

Our definition of secure habitat includes areas as small as 10 acres in size and was not limited to very large areas because this would eliminate protection for all secure habitat areas of smaller size. While we recognize there are many different ways and recommendations for the minimum size of secure habitat as pointed out by commenters, the IGBST and Yellowstone Ecosystem Subcommittee decided that all secure habitats are important for grizzly bears in the GYE, regardless of size and particularly in peripheral areas. We remain confident in our definition of secure habitat because Schwartz et al. (2010, p. 661) were able to demonstrate a direct link between this definition and grizzly bear survival in the GYE. If we heeded the recommendations of commenters and enlarged the minimum size of secure habitat to 28.3 sq km or 10 sq km, the end result would be that thousands of acres of secure habitat would no longer be considered secure and would therefore not be subject to the no net loss standard. By using a smaller minimum acreage requirement, we are not excluding any of the larger blocks of secure habitat. The negative impacts of humans on grizzly bear survival and habitat use are well documented (Harding and Nagy 1980, p. 278; McLellan and Shackleton 1988, pp. 458–459; Aune and Kasworm 1989, pp. 83–103; McLellan 1989, pp. 1862–1864; McLellan and Shackleton 1989, pp. 377–378; Mattson 1990, pp. 41–44; Mattson and Knight 1991, pp. 9–11; Mattson et al. 1992, pp. 436–438; Mace et al. 1996, p. 1403; McLellan et al. 1999, pp. 914–916; White et al. 1999, p. 150; Woodroffe 2000, pp. 166–168; Boyce et al. 2001, p. 34; Johnson et al. 2004, p. 976; Schwartz et al. 2010, p. 661). In light of this, the importance of secure habitat, simply defined as a function of distance from roads, is indisputable.

Lakes are not automatically considered secure habitat. Instead, secure habitat is based on the presence or absence of motorized access. Lakes larger than 1 sq mi are removed from the analysis and are not considered either secure or non-secure habitat. Security of lakes smaller than 1 sq mi, is evaluated by the presence/absence of motorized roads and trails within the general vicinity. If a small lake is farther than 500 meters from a motorized access route, it is deemed secure habitat; otherwise, portions of lakes within 500 meters of motorized access routes are considered non-secure habitat.

We agree with the comment that any changes to secure habitat should ensure it is distributed across the landscape in a way that does not cause habitat fragmentation. The Conservation Strategy directs that on the rare occasions when there are projects inside the PCA that require the construction of new roads (i.e., permanent changes to secure habitat), any replacement secure habitat must be of equivalent quality and quantity (U.S. Fish and Wildlife Service 2016, p. 62). One of the many factors that would be assessed in determining if that replacement habitat was of equivalent quality would be grizzly bear habitat connectivity. Additionally any project on public lands within suitable habitat outside the PCA that requires road construction would evaluate the impacts of this motorized use on grizzly bear habitat connectivity (U.S. Fish and Wildlife Service 2016, p. 86).

Finally, we do not think it is necessary to modify our definition of secure habitat to exclude areas within 500 m of high human use. Federal agencies lack sufficient resources and data needed to measure the intensity of human-use for every road and trail throughout the

ecosystem. Instead, for grizzly bear purposes, motorized access is a surrogate measure of human presence on the landscape and one that can be reliably tracked via GIS. Those areas farther than 500 meters from the nearest motorized access are considered secure habitat. Research indicates that non-motorized trails do not significantly affect grizzly bear survival, and that survival was better explained by the presence of motorized routes (Schwartz et al. 2010, p. 659).

ISSUE 23 (Seth)

- projects that temporarily change the amount of secure habitat should not be allowed;
    - If the use of an existing developed site is to be increased, expanded, or changed in nature, the impacts will be mitigated by reducing the capacity or eliminating another developed site in that bear management subunit. Any such changes will be analyzed with a biological evaluation or biological assessment. The existing level of site development within the PCA has allowed the grizzly population to increase 4-7 percent per year. The management system in the Conservation Strategy limits increases in amenity site developments inside the PCA to assure adequate secure habitat and no increase in mortality risk for the grizzly population.
    - Temporary changes in secure habitat may reduce secure habitat for a period no longer than 3 years and can be no larger than 1 percent of the largest subunit size within that Bear Management Unit. All secure habitat would be restored upon completion of a temporary project. There will be no net loss of secure habitat in any subunit. The reason the 1 percent level was deemed acceptable was that there were limited ongoing timber harvest activities that temporarily affected secure habitat throughout the 1990s while the population was increasing at a rate between 4 and 7 percent per year. There are no biological data that demonstrate that the temporary 1 percent level of secure habitat disturbance in any subunit has had any detrimental impact on the grizzly bear population.
    - The requirement to maintain secure habitat for 10 years is considered a minimum, and cannot be eliminated after the 10 years unless mitigated by an equal quantity and quality of secure habitat that then must be retained for at least 10 years. There will be no net loss of secure habitat in any subunit. Temporary changes in secure habitat may reduce secure habitat for a period no longer than 3 years and can be no larger than 1 percent of the largest subunit size within that Bear Management Unit. All secure habitat would be restored upon completion of a temporary project. There are no biological data that demonstrate that the temporary 1 percent level of secure habitat disturbance in any subunit has had any detrimental impact on the grizzly bear population.
- **recurring low-level helicopter flights and temporary road construction should not be allowed during denning season;**
- **hunting should not be allowed in secure habitat;**

- **road densities should continue to be limited after delisting to avoid potential increases in bear mortality and in logging activity;**
    - The intent of the 1998 habitat baseline is to prevent or mitigate those cumulative effects on bear habitat within the PCA, where 84 to 90 percent of the females with cubs occur. By maintaining the amount of secure habitat and restricting increases in the total mileage of roads, the number of developed sites, and livestock allotments, the PCA will be able to support a stable to increasing bear population. The USDA Forest Service will continue to apply and improve the Cumulative Effects Model and run this model at least every 5 years to assess the cumulative effects of development on bears. The Study Team will continue to pursue improved methods to assess cumulative impacts.
- **the distinction between permanent and temporary roads should be clarified since only the density of permanent roads is limited in the proposed rule, even though temporary logging roads may have higher traffic;**
    - Limiting motorized recreation is a fundamental component of the Strategy, hence the requirement for no net decrease in secure habitat inside the PCA. This measure directly limits the total area impacted by motorized recreation, so that grizzly bears have adequate secure habitat regardless of the number of people using motorized trails. Limitation of non-motorized recreation throughout the GYA is not currently necessary, as evidenced by the increasing grizzly bear population since the 1980's (Harris et al. 2006, p. 48). The adaptive management approach in the Strategy will allow managers to respond to detrimental levels of non-motorized recreation on a case-by-case basis and also provide managers with the data necessary to determine if ecosystem-wide limitations may be necessary in the future.
    - The intent of road closures is to improve habitat security and reduce mortality risk and displacement. The newly secure habitat may not provide any additional food or cover after road closure, but it will reduce the chance of human/grizzly conflicts, which is a primary source of mortality.
- **increased development on lands surrounding national parks should be considered;**
- **the presence of 500 development sites on the five national forests should be addressed**
    - Regarding developed sites, the habitat standard in the Strategy states that there will be no net increase in the capacity or number of developed sites from the 1998 baseline (U.S. Fish and Wildlife Service 2007, p. 42). Any proposed expansion of an existing developed site or any new developed sites will be analyzed, with the potential detrimental and positive impacts on grizzly bears documented, through a biological evaluation or assessment. This evaluation/assessment would determine the mitigation necessary for any proposed increases in number or capacity of developed sites. The final EIS states that any project that changes the number or

capacity of developed sites must follow specific application rules requiring that any new sites be mitigated by removing an existing site within that subunit to offset any increases in human capacity, habitat loss, or human access to surrounding habitats (USDA Forest Service 2006a, p. 36). The application rules allow for an expansion of developed campgrounds if an equivalent capacity of dispersed campsites is eliminated.

- **the exceptions that allow changes to the 1998 baseline for secure habitat and developed sites for administrative and maintenance needs should either be limited or further clarified.**
    - Administrative site expansions are exempt from human capacity mitigation expansion only if they are necessary for enhancement of management of public lands and other viable alternatives are not available.
- **mortality risk is not static within secure habitat**
- **control, reduction, and outreach will be essential to long-term conservation of grizzly bears in the GYE**

ISSUE 23.5 (Seth)

- **managers develop plans to control important habitat components (e.g., distribution and abundance of ungulates)**
    - The multiple indices used to monitor both bear foods and bear vital rates provide a dynamic and intensive data source to allow the agencies to respond to results that might indicate problems. The monitoring system in place in the GYE under the Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 25-60) is one of the most detailed monitoring systems developed for any wildlife species.
- **concern that we do not explain what indices will be used to monitor changes in habitat and why these indices are adequate indicators of habitat degradation (adequate to detect lag effects)**
    - Since we will be monitoring a suite of vital rates including survival or radio-collared bears, mortality of all conflict bears, and fecundity, we feel confident that we will be able to detect the consequences of significantly reduced habitat productivity.
- **requested that the Service provide specific management responses and triggers based on these indices of potential habitat degradation**
    - Due to the natural annual variation in abundance and distribution in the 4 major food sources, there is no known way to calculate minimum threshold values for grizzly bear foods. We consider the establishment of habitat thresholds for food sources to be unrealistic. The 1998 baseline will address these issues adequately through access management and limitations on site development. Managers will use an adaptive management approach that addresses poor food years with responsive management actions such as limiting grizzly bear mortality, increasing Information and Education (I & E) efforts, and long-term habitat restoration (i.e.,

revegetation, prescribed burning, etc.) as appropriate. The multiple indices used to monitor both bear foods and bear vital rates provide a dynamic and intensive data source to allow the agencies to respond to potential problems. We believe the adaptive management system described in the Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 25-60) is one of the most detailed monitoring systems developed for any wildlife species and ensures the maintenance of a recovered grizzly bear population in the GYE.

Comment [7]: update citation to Conservation Strategy (include page numbers)

- To address the possibility that we could be monitoring the ''wrong surrogates,'' the responsible agencies also will be monitoring a suite of other factors including habitat parameters, population criteria, mortalities, and conflicts. Our partners will improve the technique for the monitoring of habitat as better methods become available and as the relationships between habitat quality and vital rates are better documented.
- The Strategy commits the agencies to intensive monitoring of all grizzly bear vital rates and the relationship of these vital rates to changes in major foods and levels and types of human activities in their habitat. This monitoring does not solely rely on vital rate monitoring to indirectly infer changes in habitat. Annual habitat monitoring will produce results on any changes in habitat values and key food production and possible disease in key foods. Thus, the system in place will not rely on indirect measures of habitat values but will produce direct measures of habitat values annually. Since our partners will be monitoring a suite of vital rates including survival of radio-collared bears, mortality of all conflict bears, and fecundity, we feel confident that we will be able to detect the consequences of significantly reduced habitat productivity.

ISSUE 24 (Seth/Jennifer)

- scientific basis for allowing different management techniques within and outside the PCA; this commenter asked whether there is evidence of two distinct grizzly populations (one inside the PCA and one outside the PCA) warranting distinct management approaches
- "disingenuous" for us to state that "suitable habitat outside the PCA provides additional ecological resiliency and habitat redundancy to allow the population to respond to environmental changes" when the same habitat protections do not occur outside of the PCA as inside the PCA
- habitat outside of the PCA has "become a sink for human-caused mortalities."
- the current protections of 60 percent of suitable habitat outside of the PCA would not be sufficient since 40 percent is not protected
- the Service is "writing off" 25 percent of independent females, since these females live outside the PCA in areas that will have inadequate habitat protections
- concern about potential increased road development outside of the PCA and associated increased grizzly bear displacement, higher mortality, and lower fecundity

- standards should be applied to all federal lands within the DMA for road density, secure habitat, and no surface occupancy (not just inside the PCA)

(the paragraphs below cover a number of the bullets above but not completely)

The Service has applied a reserve design approach by designating the PCA. The PCA, which is a subset of the suitable habitat, contains between 84 to 90 percent of the females with cubs (the population's most important age and sex group) (Schwartz et al. 2006b, p. 64). The population has been growing at 4 to 7 percent per year since the 1990s (Harris et al. 2006, p. 48), with most of the growth occurring inside the PCA (Schwartz et al. 2006b, p. 64). The best available information demonstrates that the PCA contains the habitat necessary for a healthy and viable grizzly bear population in the long-term. Strict habitat protection within the PCA is guaranteed to assure the future of the population. Sixty percent of suitable habitat outside the PCA is Designated Wilderness, Wilderness Study Area, or Inventoried Roadless Area. This amount of protected habitat combined with the GYA National Forests' commitment to manage habitat for a viable grizzly bear population, forest-wide food storage orders, and designation of the grizzly bear as a species-of-concern on GYA National Forests, gives the Service reasonable assurance that grizzly bears outside of the PCA will continue to be protected adequately. In addition, allowable hunting mortalities will be determined and limited by the total sustainable mortality limit.

Outside the PCA, nearly 60 percent of all suitable habitat is either Designated Wilderness Area, Wilderness Study Area, or Inventoried Roadless Area. These designations will prevent many extractive projects from occurring (see Factor D below). All projects on Federal lands are required to comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) process, which includes a section on the cumulative effects of the proposed project. Any NEPA process for a project on National Forest lands also will include an analysis of the impacts of the proposed project on USDA Forest Service species of concern, which will include the grizzly bear upon delisting (USDA Forest Service 2006b, p. 26)

ISSUE 25 (Alex, Jennifer help with last paragraph)

The year 1998 was chosen because secure habitat and site developments had been roughly the same during the previous ten years (USDA Forest Service 2004, p. 27) and the population was increasing during these years (Eberhardt and Knight 1996, p. 419; Harris et al. 2006, p. 48). The selection of any other year between 1988 and 1998 would have resulted in approximately the same baseline values for roads and developed sites. We did not select baseline habitat values from years before 1988 because habitat improvements that occurred after the implementation of the Interagency Grizzly Bear Committee Guidelines (USDA Forest Service 1986, pp. 6–21) would not have been reflected.

Habitat conditions relating to the habitat standards described in the Strategy (U.S. Fish and Wildlife Service 2007, pp. 38–56) have either remained stable or improved since 1998 for road densities, levels of secure habitat, site developments, and livestock allotments. The 1998 baseline was not developed to address specific projects such as oil and gas development or timber harvest. The 1998 baseline does not contain threshold values for any of the major foods

due to the natural variability in their abundance and distribution that occurs annually. The 1998 baseline attempted to establish realistic habitat standards that ensure adequate habitat security and minimum livestock conflicts within the PCA. We consider the establishment of habitat thresholds for human population growth, food sources, and specific projects to be unrealistic and that the 1998 baseline will address these issues adequately through access management and limitations on site development.

The habitat identified by the Draft Conservation Strategy that was in need of improvement was on the Targhee and Gallatin National Forests. The high road density values and subsequently low levels of secure habitat in these subunits is primarily due to motorized access on private land (see U.S. Fish and Wildlife Service 2007, pp. 145-153). Managers have made improvements in these areas and the improvements are sufficient to meet the 1998 baseline.

The Gallatin National Forest is working on several land exchange efforts with private parties in these subunits. These land exchanges allow management of the roads on these private parcels and increase the secure habitat in these subunits. The Gallatin Range Consolidation and Protection Act of 1993 (Pub. L 103-91) and the Gallatin Range Consolidation Act of 1998 (Pub. L 105-267) will result in trading timber for land in Gallatin No. 3 and Hilgard No. 1 subunits. The private land involved will become public land under the jurisdiction of the Gallatin National Forest. Upon completion of this sale and land exchange, secure habitat and motorized access route density in these subunits will improve from the 1998 baseline (see U.S. Fish and Wildlife Service 2007, pp. 133-144). The timing and amount of improvement will be determined through the Gallatin National Forest travel management planning process. The Travel Plan for the Gallatin National Forest was revised and the Final Environmental Impact Statement and Record of Decision approved (Gallatin National Forest 2006, pp. 82-85) on December 6, 2006. The Travel Plan amended the Gallatin Forest Plan and set a 1998 baseline for access values in these subunits.

The Conservation Strategy identified several subunits within the boundaries of the Targhee National Forest inside the PCA that need improvement in terms of motorized access (Plateau No. 1, Plateau No. 2, and Henry's Lake No. 1). The Conservation Strategy states that upon full implementation of the access management changes in the revised 1997 Targhee Forest Plan, those subunits will have acceptable levels of road densities and secure habitat due to the decommissioning of roughly 433 miles of roads within the PCA (U.S. Fish and Wildlife Service 2007, pp. 43-44). As of 2005, the Targhee National Forest completed this decommissioning work (USDA Forest Service 2006a, pp. 200-202). The 1998 baseline for these subunits was modified to reflect these anticipated road closures upon full implementation of the 1997 Targhee Forest Plan (U.S. Fish and Wildlife Service 2007, pp. 133-144). Henry's Lake subunit No. 1 and No. 2 still have high levels of motorized access density and a low secure habitat level dues to motorized access routes on private lands as well as county roads, State and Federal highways, and roads to species use sites (e.g., Federal Aviation Administration radar site on Sawtell Peak) that cannot be closed.

Comment [8]: check the paragraphs below with Jennifer and update the names of documents

Comment [9]: is his where they were identified?

Comment [10]: insert citation for 2007 CS or current CS, if more updated

Comment [11]: true?

Comment [12]: insert citation for 2007 CS or current CS, if more updated

Comment [13]: update?

Comment [14]: update

Comment [15]: Update?

Comment [16]: update?

Overall, the improvements made to degraded habitat on these two National Forests have increased the amount of secure habitat available to grizzly bears to the levels recommended in the Final Conservation Strategy. These levels of secure habitat will continue to support a stable to increasing population of grizzly bears.

- **Basis for claim that 1998 period of population growth (population estimates between 1988-1989) overestimated so 1998 not actually a period of population growth**
- **Basis for claim that 1998 period of population growth not using Chao2 model-averaged population estimation method**
- **1998 sufficient in long-term without ESA protections?**
- **Frequency of human encounters vs. lethality of human encounters →**
- **Alternative "moving window analysis" from Mace and Waller (1997) →**

Comment [17]: is this a typo? Did they mean 1998-1999?

ISSUE 26 (Seth/Jennifer)

- Facilitating connectivity should be a management objective
- without adequate connectivity, the GYE population will be at higher risk of local extinction and that connectivity of grizzly bear populations will ensure long-term viability of the species
    - While some have suggested recolonization of historically suitable habitat to achieve ''ecological effectiveness'' (Trombulak 2006), the Act neither requires us to consider ecological effectiveness, nor do we have any objective way of measuring this type of success currently. We do not believe the restoration of the grizzly bear as a top predator and scavenger throughout all historically occupied habitat is feasible or required. Instead, we have restored grizzly bears to most of their suitable habitat within the DPS and anticipate the State management plans will lead to re-occupancy of the remaining suitable habitat in the near future. Other issues such as linkage are only relevant to this rulemaking to the extent that they impact the Yellowstone DPS. For example, connectivity or a lack thereof, has the potential to impact this population's genetic fitness. As such, this issue is discussed and addressed in our five factor analysis (see Factor E below) and in the Strategy.
    - The Service has considered population viability in considerable depth (Boyce et al. 2001, p. 2). Boyce et al. (2001, p. 1) concluded that the available data ''provide optimistic projections of the likelihood of persistence for grizzly bears in the GYE; a 99.2% probability that the GYE grizzly bear population will persist for 100 years.'' Boyce et al. (2001, pp. 30–31) discuss the implications of several types of stochastic (random) events on the likelihood of persistence for the Yellowstone grizzly bear population. Catastrophes were believed merely to represent extreme environmental events that had a low probability of occurrence and were unpredictable. They believe that there are insufficient data on grizzly bear genetics to understand or model genetic stochasticity, such as inbreeding depression or genetic drift. Boyce et al. (2001, p. 30) believe that demographic

Comment [18]: This issue had a lot of potential resources, and a lot of facets. I have bulleted the elements of the issue summary in black and put the potentially helpful response text in blue (to help you distinguish the response text from the issue summary bullets)

stochasticity, such as chance events associated with births and deaths, only affects viability when populations are very small (e.g., 30 to 50 bears). Similarly, Harris et al. (2006, p. 50) found that demographic stochasticity had little effect on the growth rate estimates unless population size fell below 100 females. Environmental stochasticity is generally thought to be more important than demographic stochasticity when calculating extinction risk (Lande 1988, p. 1457). In light of this, Boyce et al. (2001, pp. 31–32, 34) recommend that the best possible analysis of population viability for the Yellowstone grizzly bear population would be based on relationships between grizzly bear vital rates (survival and reproduction) and habitat factors (a habitat-based PVA). However, the range of possible outcomes of such a modeling exercise, based on compound uncertainties, provides little management value and minimal confidence about future viability. Instead, the Strategy will ensure monitoring of multiple indices and use an adaptive management system that allows rapid feedback about the success of management actions designed to address the maintenance of a viable population. Because it is generally accepted that isolated populations are at greater risk of extinction over the long-term, we will continue efforts to reestablish natural connectivity between the GYA and other grizzly bear ecosystems. Although natural connectivity is the best possible scenario, isolation does not constitute a long-term threat to the Yellowstone grizzly bear population because of intensive monitoring and adaptive management strategies that will remain in effect post-delisting.

- Due to the habitat protections, population standards, mortality control, outreach efforts, and the adaptive management approach described in the Strategy, we do not believe isolation is a threat to the Yellowstone grizzly bear population and, therefore, does not preclude delisting.

- We either did not have or did not share effective plans for facilitating connectivity between the six grizzly bear recovery zones
  - A process to identify, maintain, and improve wildlife movement areas between the large blocks of public land in the Northern Rocky Mountains is ongoing (Servheen et al. 2003, p. 3). This interagency effort involves 13 State and Federal agencies working on linkage facilitation across private lands, public lands, and highways (Interagency Grizzly Bear Committee 2001, pp. 1–2). To date, this effort has included: (1) Development of a written protocol and guidance document on how to implement linkage zone management on public lands (Public Land Linkage Taskforce 2004, pp. 3–5); (2) production of several private land linkage management documents, including ''Making Connections from the Perspective of Local People'' (Parker and Parker 2002, p. 2), and the Swan Conservation Agreement (U.S. Fish and Wildlife Service 1997), which is a collaborative linkage zone management document; (3) analyses of linkage zone

Comment [19]: update this list of work

management in relation to highways, including identification of multiple linkage areas in southeast Idaho from Idaho Falls to Lost Trail Pass (Geodata Services Inc. 2005, p. 2) and the effects of highways on wildlife (Waller and Servheen 2005, p. 998); and (4) a workshop in the spring of 2006 on implementing management actions for wildlife linkage, the proceedings of which are available online at: www.cfc.umt.edu/linkage. The objective of this work is to maintain and enhance movement opportunities for all wildlife species across the northern Rockies. This linkage work is not directly associated with the Yellowstone grizzly population and will continue to address ways to improve cooperation and affect management on public lands, private lands, and highways in linkage areas across the northern Rockies regardless of the listed status of the Yellowstone grizzly bear DPS.

- Preamble of the proposed rule did not contain a sufficiently clear commitment to manage for connectivity post-delisting
- Consider both demographic connectivity and genetic exchange
- Suggestions on how to facilitate connectivity:
    - create demographic connectivity areas between GYE and NCDE and GYE and Bitterroot
    - implement the same habitat standards in connectivity areas as those that apply inside the PCA
    - reduce the DPS boundaries to match those of the DMA to more effectively facilitate connectivity
    - promote travel corridors to facilitate the emigration/immigration of male bears even where there is not suitable habitat
- Concerns with states:
    - Bitterroot: not adequate regulatory mechanisms or management considerations to allow for recolonization
        - We prefer natural reconnection as well and are actively involved in efforts to maintain and expand the opportunities for grizzly bears to move into and out of the Yellowstone ecosystem via the linkage zone program. However, we cannot control bear movement and as discussed in the final rule (see Behavior section above), they have limited dispersal mechanisms. By working to maintain current movement opportunities while implementing conservation actions to recover populations in other grizzly bear ecosystems, we anticipate that bears will naturally reestablish themselves between recovery ecosystems and achieve connectivity. We agree that the establishment of a grizzly bear population in the Bitterroot Recovery Zone would contribute to recovery of the grizzly bear in the Lower 48 States (Boyce 2000, p. 6–243). However, the lack of natural connectivity will not threaten the Yellowstone DPS because of the genetic

management plan described in the Strategy (U.S. Fish and Wildlife Service 2007, p. 37).
        - Delisting of the Yellowstone grizzly bear population should have no effect on the potential for natural recovery of grizzly bears through the Bitterroot Ecosystem. Both the GYA and NCDE populations are increasing in size and expanding their geographical ranges, increasing the likelihood of eventual dispersal to the Bitterroot Ecosystem.
    - Montana's plan non-committal on subject of connectivity
    - WY/ID plans don't discuss connectivity at all
        - The Idaho Plan does not limit or restrict bears in the Palisades. The Idaho Plan acknowledges this area as one of many outside the PCA where grizzly bear occupancy is anticipated in the next 5 to 10 years (Idaho's Yellowstone Grizzly Bear Delisting Advisory Team 2002, pp. 8–9). The Wyoming Plan calls for management emphasis to limit conflicts in the southern Wind River and the Wyoming Ranges by discouraging grizzly bear dispersal and occupancy of these areas. The Wyoming Grizzly Bear Management Plan (WGFD 2005, pp. 12–16) does not exclude grizzlies from the southern Wind Rivers; rather, it recognizes a higher potential for grizzly bear/human conflicts if they move into areas such as the southern Wind River or Wyoming Mountain ranges. The presence of grizzly bears in places where there are high levels of human activity and occupancy results in biological impacts to grizzly bears in terms of increased mortality risk and displacement. Consideration of these potential biological impacts was a critical element in the determination of suitable habitat. As the grizzly population increases in area and density, an emphasis will be placed on education, conflict prevention, relocation, or removal of bears to limit conflicts.
    - all of the state plans will actively discourage establishment of bears outside the DMA
    - In the final rule, share more details of state plans to facilitate connectivity
    - state plans must manage for connectivity rather than managing towards a minimum population level
- we need to consider other potential barriers to movement, such as topography or man-made structures, in the rule
- stronger commitments and clearer partnerships that will ensure grizzly bear habitat connectivity is considered in any new road construction or highway improvement projects
- any scientific evidence of grizzly bear use of crossing structures? Include references
- Connection to NCDE

    - Inadequate consideration of connectivity in this rule could undermine conservation strategy for NCDE
        - The delisting of the Yellowstone DPS will not have detrimental impacts on grizzly bear recovery actions in other recovery zones, as the grizzly bears in these areas remain threatened under the Act. As such, coordinated recovery efforts will continue in these areas
    - under Section 7 of the ESA, we must consider lack of connectivity as a threat to other grizzly bear recovery zones
        - Delisting a recovered species is a non-discretionary duty and not subject to the provisions of Section 7(a)(2) of the Act.
    - another commenter emphasized that connectivity between the GYE and the NCDE should not be a requirement of delisting since Montana has committed to allow bears to occur where they are tolerated and because they expect the populations to intermingle in the future
- Measuring and monitoring connectivity
    - monitoring and collecting genetic samples outside the DMA to detect immigration and emigration
        - The current cost of a onetime, point population estimate using DNA is roughly $3.5 million to $5 million (Interagency Grizzly Bear Study Team 2005, p. 12). The Yellowstone Ecosystem Subcommittee decided in 2001 that such funds would be spent more effectively on other management actions. The Service and the Study Team recognize the need to improve methods to estimate population size and calculate sustainable mortality limits and will continue to consider ways in which this might be accomplished. As the costs associated with DNA amplification and analysis decrease with time, the Study Team may revisit this possibility. The Study Team will continue to take DNA samples opportunistically from all bears trapped for research or management and all known mortalities so that future analyses of other genetic or demographic parameters are possible. For now, as long as mortality continues to remain within the sustainable mortality limits as evidenced by a Chao2 estimate of at least 48 females with cubs of the year, there are no data to indicate that this method is inadequate to manage for a stable to increasing Yellowstone grizzly bear population.
    - exploring environmental DNA (eDNA) analysis techniques to detect movements between grizzly bear populations
    - using the “step-selection function” method in Thurfjell et al. (2014) to “model habitat attributes that facilitate movement and connectivity”
- explain the relevance of food storage orders to the issue of connectivity

- include a map of the grizzly bear recovery zones to help illuminate the issue of connectivity

ISSUE 27 (Alex)

We have thoroughly analyzed the issue of habitat and range and conclude that livestock allotments are not a threat to the population now or in the foreseeable future. Commenters suggested that livestock allotments should not be considered suitable habitat. In our rule, livestock allotments are not considered suitable habitat: "because urban sites and sheep allotments possess high mortality risks for grizzly bears, we did not include these areas as suitable habitat...Due to the negative edge effects of this distribution of sheep allotments on the periphery of grizzly bear range, our analysis did not classify linear strips and isolated patches of habitat as suitable habitat" (13185 in proposed rule). The sheep allotments *outside* suitable habitat are not necessary to ensure that this population avoids becoming threatened within all or a significant portion of its range in the foreseeable future. Because of the habitat protections inside the PCA and the large percentage of suitable habitat outside the PCA (60 percent) that is currently a Designated Wilderness Area (6,799 sq km/4,225 sq mi), Wilderness Study Area (708 sq km/440 sq mi), or Inventoried Roadless Area (6,179 sq km/ 3,839 sq mi), the long-term persistence of the Yellowstone grizzly bear population is assured without the sheep allotments.

Comment [20]: update to reflect final rule

Comment [21]: update this info

- **Course of action should agencies discover impacts →**
- **No requirement to remove attractants**
- **Changing environmental conditions alter conflict dynamics**
- **Permits require conflict prevention measures**/implement conflict prevention techniques (dogs, fences)
    - From 2007 habitat-based recovery criteria: "Through the coordinated monitoring of grizzly bear/human conflicts, the IGBST identifies areas of concentrated conflicts annually (Gunther et al. 2006, pp. 58-59). Managers can then focus efforts to prevent grizzly bear/human conflicts in these areas in subsequent years. All three State management plans contain direction on reducing grizzly bear/livestock conflicts and cooperating with private landowners to reach this goal (Idaho's Yellowstone Grizzly Bear Delisting Advisory Team 2002, pp. 15-16; MTFWP 2002, pp. 46-48; WGFD 2005, pp. 29-30)."

Comment [22]: update citations

The Federal and State management agencies emphasize preventative measures and non-lethal techniques whenever possible (Idaho's Yellowstone Grizzly Bear Delisting Advisory Team 2002, pp. 15–16; MTFWP 2002, pp. 46–49; U.S. Fish and Wildlife Service 2007, pp. 59–60; WGFD 2005, pp. 28, 31). Inside the PCA, numerous sheep allotments have been retired or relocated to other, less-conflict-prone areas to accommodate grizzly bears (USDA Forest Service 2006a, p. 170). As of 2006, there is only one remaining active sheep allotment inside the PCA (USDA Forest Service 2006a, p. 168). In areas inside the PCA, managers will give grizzly bears involved in any livestock conflict a second chance and will relocate them at least once before using removal (U.S. Fish and Wildlife Service 2007, p. 59). Management removal will only be used as a last resort inside the PCA. The respective State wildlife agency's grizzly bear

Comment [23]: update these cita ions

management plan will guide management of grizzly bear conflicts with livestock grazing on public lands outside of the PCA. Thus, removals as a result of these conflicts will remain within the sustainable mortality limits established in the Conservation Strategy. As such, this source of mortality will not threaten the Yellowstone grizzly bear population.

The Service must make its decisions based on scientific data. In light of this requirement, the Service focuses on whether or not grizzly bear mortalities resulting from conflicts with livestock affect overall population trajectory. The Service has established nuisance bear guidelines that are strategic in nature and provide managers with a framework to assess conflicts on a case-by-case basis. Grizzly bears depredating on lawfully present livestock on public lands may or may not be removed from the population, depending on several factors such as location of the conflict, severity of the incident, age and sex of the bear, and conflict history of the bear (U.S. Fish and Wildlife Service 2007, p. 59). While not required by the Act, State, Tribal, and Federal managers will continue to use a combination of management options in order to reduce grizzly-human conflicts, including nonlethal forms (Bangs et al. 2006). However, these methods are only effective in some circumstances, and no single tool is a cure for every problem. Lethal control will still be required in many circumstances. Lethal control used in combination with nonlethal methods can improve the overall effectiveness of both management options (Bangs et al. 2006, p. 8; Brietenmoser et al. 2005, p. 70). To further ensure that human-caused grizzly bear mortality does not negatively impact the population, the IGBST has established biologically sustainable mortality limits (Interagency Grizzly Bear Study Team 2005, pp. 31-41) that Federal and State agencies in the GYE have agreed to adhere to by signing the Conservation Strategy and that States have incorporated into their regulations.

Comment [24]: update citation

Comment [25]: update citation

- **Section 7 before livestock allotment permit? →**
- **Landowners should accept depredation and not expect retaliatory action** → covered enough by above text?

Some commenters thought we needed stronger language on necessary phaseouts of livestock allotments. The Service has established a management system in the Conservation Strategy (U.S. Fish and WIldlife Service 2007, p. 45) that balances livestock grazing on public lands with the needs of grizzly bears. The vast majority of public lands in grizzly bear habitat in the GYE are managed with no livestock grazing. While livestock grazing allotments are a legitimate use of some public lands, we recognize that such grazing, especially sheep grazing, can lead to some grizzly bear mortality. In light of this, and past management experience, the Service endorses an approach that includes minimizing livestock allotments with recurring conflicts. The U.S. Forest Service has stated that "Inside the PCA, no new active commercial livestock grazing allotments would be created and there would be no increases in permitted sheep AMs from the identified 1998 baseline. Existing sheep allotments would be monitored, evaluated, and phased out as opportunities arise with willing permittees...Inside the PCA, cattle allotments or portions of cattle allotments with recurring conflicts that cannot be resolved through modification of grazing practices may be retired as opportunities arise with willing permittees. Outside the PCA in areas identified in state management plans as biologically

Comment [26]: update this citation

suitable and socially acceptable for grizzly bear occupancy, livestock allotments or portions of allotments with recurring conflicts that cannot be resolved through modification of grazing practices may be retired as opportunities arise with willing permittees" (USDA Forest Service 2006a, pp. 36-37). This approach to livestock grazing is a logical and responsive way to manage grizzly/livestock conflicts. There are three livestock allotments within Grand Teton National Park, all of which are cattle allotments with no recurring conflicts with grizzly bears in the last decade. These allotments do not represent a significant source of mortality for grizzly bears. As of 2014, there is only one active sheep allotment within the PCA, on the Caribou-Targhee National Forest. Because it has been demonstrated that grizzly bears and cattle are more likely to coexist without conflict than grizzly bears and sheep, the phasing out of cattle allotments inside the PCA will only occur when there are recurring, irresolvable conflicts on these allotments or if willing permittees volunteer to waive their permits back to the government. Because there will continue to be no net increase in cattle or sheep allotments allowed on public lands inside the PCA, we do not expect that livestock allotments inside the PCA will constitute a threat to the GYE grizzly bear DPS now, or in the future.

The Final Environmental Impact Statement (EIS) for the Forest Plan Amendment for Grizzly Bear Habitat Conservation for the Greater Yellowstone Area National Forests includes an analysis of the potential economic impacts of implementing the Conservation Strategy, including the strategy surrounding livestock allotments (USDA Forest Service 2006a, pp. 242-254). This Final EIS concludes that the negative economic impacts of implementing the Conservation Strategy would be minimal to livestock operators and do not outweigh the positive effects to grizzly bears (USDA Forest Service 2006a, pp. 251-252).

- **Don't specify total allowable cattle →**
- **Close U.S. Sheep Experiment station →**

ISSUE 28 (Alex)

We have thoroughly analyzed the issue of habitat and range and conclude that extractive industries (e.g., oil, gas, mining) are not a threat to the population now or in the foreseeable future. Inside the PCA, the potential for increased oil and gas development in the future is guided by the Strategy and its limitations on road density and development (U.S. Fish and Wildlife Service 2007, p. 41). We do not anticipate a dramatic increase in resource extraction outside of the PCA either due to the quantity of National Forest land designated as Wilderness Area (6,799 sq km (2,625 sq mi)), Wilderness Study Area (708 sq km (273 sq mi)), or Inventoried Roadless Area (6,179 sq km (2,386 sq mi)). Approximately 79 percent of all suitable habitat on National Forest lands outside the PCA falls into one of these categories. There are also moderate to low potentials for both oil and gas occurrence and development throughout most of the six GYE National Forests, with the exception of the Bridger-Teton National Forest (USDA Forest Service 2006a, pp. 210– 213). Even with the high potential for occurrence and development in the Bridger-Teton, only 14 active oil and gas wells are currently inside that National Forest and none are within Service defined suitable grizzly habitat. In fact, there are no

Comment [27]: Cite FOREST PLAN AMENDMENT FOR GRIZZLY BEAR HABITAT CONSERVATION FOR THE GREATER YELLOWSTONE AREA NATIONAL FORESTS FINAL ENVIRONMENTAL IMPACT STATEMENT

Comment [28]: is this still true?

Comment [29]: Can we remove passive voice here? Who has demonstrated his?

Comment [30]: number still accurate?

active oil and gas wells in Service-defined suitable grizzly habitat. There has never been any high-density oil and gas development in suitable grizzly habitat in the GYE.

Under the conditions of the draft 2016 Conservation Strategy, any new oil, gas or mineral project will be approved only if it conforms to secure habitat and developed site standards (U.S. Fish and Wildlife Service 1993, p. 5–6; U.S. Fish and Wildlife Service 2016, Chapter 3). For instance, any oil, gas or mineral project that reduces the amount of secure habitat permanently will have to provide replacement secure habitat of similar habitat quality (based on our scientific understanding of grizzly bear habitat), and any change in developed sites will require mitigation equivalent to the type and extent of the impact, and such mitigation must be in place before project initiation or be provided concurrently with project development as an integral part of the project plan (U.S. Fish and Wildlife Service 2016, chapter 3). For projects that temporarily change the amount of secure habitat, only one project is allowed in any subunit at any time (U.S. Fish and Wildlife Service 2016, chapter 3). Mitigation of any project will occur within the same subunit and will be proportional to the type and extent of the project (U.S. Fish and Wildlife Service 2016, chapter 3). In conclusion, because any new mineral or energy development will continue to be approved only if it conforms to the secure habitat and developed site standards set forth in the 2016 Conservation Strategy, we do not expect that such development inside the PCA will constitute a threat to the GYE grizzly bear DPS now, or in the future.

- **Impacts of oil and gas can extend beyond footprint of operations; need mitigation and monitoring →**
- **effects of honoring existing oil, gas, and other mineral leases are unclear**
- **actions that will be taken to mitigate for potential impacts are unclear**
- **additional clarification on the number of leases, the location and area of leases, and possible range of effects of these leases**
- **no new oil, gas, or mining projects should be authorized within the PCA after delisting**
- **Discuss Crevice Mine and the Emigrant Mine**
- **questioned the ability to limit any new mining developments because of the 1872 General Mining Law**

ISSUE 29 (Alex)

We have thoroughly analyzed the issue of habitat and range and conclude that snowmobile use is not a threat to the population now or in the foreseeable future. The Forest Plan Amendment includes guidance that inside the PCA, localized area restrictions are to be used to mitigate conflicts, where conflicts occur during denning or after bear emergence in the spring. Much of the grizzly bear denning habitat identified in the Forest Plan Amendment Final EIS as being open to snowmobiling is not actually used by snowmachines (USDA Forest Service 2006a, p. 92). Bears tend to den in remote areas with characteristics that are not conducive to snowmachining (i.e., steep, forested habitats). Eighty-eight percent of the known dens in the Yellowstone ecosystem are located in areas where snowmachine use does not occur (USDA Forest Service 2006a, p. 92). Suitable denning habitat is well distributed on the forests. Five of

Comment [31]: can we replace his word wi h snowmobiles?

the six GYA National Forests consulted with us in 2001 regarding the effect of snowmachines on denning grizzly bears. While the potential for disturbance exists, USDA Forest Service and Study Team monitoring over the last three years has not documented any disturbance (Gallatin National Forest 2006, p. D–68). Our best information suggests that current levels of snowmachine use are not appreciably reducing the survival or recovery of grizzly bears. As we state in the rule, the available data about the potential for disturbance while denning and den abandonment from nearby snowmobile use are extrapolated from studies examining the impacts of other human activities and are identified as ''anecdotal'' in nature (Swenson et al. 1997, p. 37) with sample sizes so small they cannot be legitimately applied to assess population-level impacts (in their entirety: Harding and Nagy 1980; Reynolds et al. 1986; Hegg et al. 2010). Because there are no data or information suggesting snowmobile use in the GYE is negatively affecting grizzly bear population, or even individual bears, we determine that snowmobiling does not constitute a threat to the GYE grizzly bear DPS now, or in the future. Yet, because the potential for disturbance and impacts to reproductive success exists, monitoring will continue to support adaptive management decisions about snowmobile use in areas where disturbance is documented or likely to occur.

- **we did not adequately consider impacts from activities associated with snowmobiling, such as the use of artillery to control avalanches.**

ISSUE 30 (Alex)

We have thoroughly analyzed the issue of habitat and range and conclude that human recreation is not a threat to the population now or in the foreseeable future. Human use of the GYE, as measured by the annual number of people visiting Yellowstone National Park, has increased since the grizzly was listed as threatened in 1975 (Gunther 2000, p. 48). During the 1970s, the average annual number of people visiting the Park was 2,243,737. In the 1990s, this number was 3,023,916 (Gunther 2000, p. 48). However, during that period, the grizzly population also has increased, and the bears within Yellowstone National Park appear to have reached the carrying capacity of the Park habitat (Schwartz et al. 2006c, p. 29).

The Service considers the establishment of habitat thresholds for human population growth and recreation to be unrealistic and feels that the 1998 baseline will address these issues adequately through access management and limitations on site development. Using the adaptive management approach described in the Strategy, management agencies will respond with adequate restrictions and enforcement if recreation on public lands due to increased human populations in the GYA becomes detrimental to the Yellowstone grizzly bear population.

- **Potential management responses: increasing infrastructure to support increasing park visitation**
- **Potential management responses: assessing human visitation as "take" under Section 9 of the Endangered Species Act because it harasses wildlife and causes displacement from food sources**

As human populations and recreational activity have increased in the GYE National Forests, additional regulations have been implemented to limit bear/human conflicts such as the

Comment [32]: update

Comment [33]: update

Comment [34]: do we want to say this?

Comment [35]: more clearly explain we are referring to caps on visitation?

food storage orders in all suitable habitat on National Forest lands and comprehensive State and Federal information and education programs that explain how to coexist with bears. These efforts will continue so that the potential negative impacts of increasing human populations and recreationists on the GYE grizzly bear population are adequately mitigated. Extensive collaborative efforts involving State wildlife agencies, NGOs, waste management companies, and private landowners to improve garbage storage and to avoid future grizzly bear/human conflicts on private lands will continue (Servheen et al. 2004, pp. 6–7). Over two-thirds of the suggested budgets created by the States and Federal agencies responsible for managing the grizzly bear post-delisting are for managing grizzly bear/human conflicts and Information and Education efforts (U.S. Fish and Wildlife Service 2007, p. 154). This level of commitment by responsible agencies demonstrates their understanding that I & E efforts and conflict management and prevention are crucial elements of maintaining a healthy Yellowstone grizzly bear population.

Comment [36]: is this a thing?

ISSUE 31 (Alex)

- **A commenter expressed that timber harvest would increase after delisting since there would no longer be limits on road densities in grizzly bear habitat.**
- **Debate in comments about impacts to grizzlies from logging**
- **mitigation for projects that impact secure habitat should not be able to include land that has already been disturbed (e.g., previously logged land)**

Timber is the primary resource extracted in grizzly bear habitat. Habitat quality (as a function of road density and timber harvest) has improved as a result of declining timber harvest, decreasing road construction, and increasing road decommissioning since the mid-1990s (USDA Forest Service 2006a, pp. 156, 200). Timber harvest volumes and road construction have declined since the mid-1990s. Under the 1998 level of secure habitat, the Yellowstone grizzly bear population has been increasing at between 4 to 7 percent per year (Harris et al. 2006, p. 48). From 1986 to 2002 there has been a net reduction of more than 1,600 km (1,000 mi) of road on the six GYA National Forests (inside and outside the PCA). Inside the PCA on National Forests, there was an average reduction (elimination) of 59.9 km (37.2 mi) of road per year from 1986 to 2002 (USDA Forest Service 2006a, p. 200). Similarly, outside the PCA, there was an average reduction of 40.7 km (25.3 mi) of road per year for this time period (USDA Forest Service 2006a, p. 200).

Comment [37]: update

Comment [38]: update

ISSUE 32 (Alex)

Private lands comprise 2.1 percent of the PCA. The consideration of private land activities on grizzly/human conflicts is fundamental to the proper management of grizzly bears and to human safety. Because a disproportionate number of grizzly bear/human conflicts occur at site developments on private lands (see Servheen et al. 2004, p. 15) and the Service has no direct authority over private lands, the Service recommends that private landowners become involved in efforts to reduce these conflicts. These conflicts often lead to grizzly bear mortality so the Service makes such recommendations based on its responsibility and jurisdiction to

promote grizzly bear conservation and welfare. However, the vast majority of suitable grizzly bear habitat is secure in public land (i.e. National Parks or National Forests). Thus, despite the conflicts that arise on private lands, we do not anticipate these issues will constitute a threat to the GYE grizzly bear DPS now, or in the future.

One commenter suggested that the potential privatization of federal public land could pose a threat to grizzly bears in the GYE. While changes to the protected status of grizzly bear habitat on these public lands is theoretically possible, such an outcome is highly improbable, especially at the scale that would be necessary to affect the viability of the GYE grizzly bear population.

Comment [39]: is this he response we want?

Limits on developing private lands to reduce conflicts with resident wildlife are the responsibility of the counties and the States. County representatives are members of the Coordinating Committee and will insure that efforts to limit conflicts on private lands will continue. Their cooperation with the State wildlife agencies to promote outreach, education and management of land development activities in grizzly habitat to reduce bear/human conflicts will continue upon delisting. These efforts to limit conflicts on private lands will continue under the Coordinating Committee's management.

- **increasing development of formerly rural areas has negative impacts on grizzly bear population trends**
- **1998 baseline doesn't consider edge effects with private land**
- **examine the impacts of private lands more closely and to include more discussion of how to minimize grizzly bear deaths and conflicts on private lands**
- **education and mitigation will be key strategies in reducing the likelihood of "attractant sinks" developing on suitable habitat that is private land**
- **federal government should use public lands to mitigate for impacts to grizzly bears that are occurring on private lands**

ISSUE 33 (Alex)

All the biological evidence demonstrates that the PCA, within the suitable habitat line, contains the habitat necessary for a healthy and viable grizzly bear population in the long-term. Furthermore, the Service believes that the habitat outside the suitable habitat line has minimal biological value to grizzly bears and is not necessary to maintain a biologically recovered population in a significant portion of its range in the forseeable future. Because habitat inside the PCA will be protected by the habitat standards in the Conservation Strategy, areas outside of suitable habitat will not affect the trajectory and health of the Yellowstone population now or in the future.

Moreover, if managers plan to increase, expand, or change in nature the use of an existing developed site, they will need to mitigate the impacts by reducing the capacity or eliminating another developed site in that same bear management subunit. Any such changes will be analyzed with a biological evaluation or biological assessment. The existing level of site developments within the PCA has allowed the grizzly population to increase at 4-7 percent per

Comment [40]: still true?

year. The management system in the Conservation Strategy will ensure adequate secure habitat and no increases in mortality risk for the grizzly population.

- **Already high degree of fragmentation**
- **no provision in the rule designed to limit habitat fragmentation within the DPS boundary outside of the DMA/private land uses, energy development, timber harvest, off-road vehicle use, etc. are potential sources of further habitat fragmentation outside the PCA and were not adequately analyzed in the rule**
- **although we discuss the impacts of livestock and timber harvest on human-caused mortality, we do not adequately address how these competing land uses impact grizzly bears (e.g. the quality and conservation of available habitat).**

ISSUE 34 (Marj)

Critical habitat was never designated for the grizzly bear because their listing pre-dated the requirement. I know we have a canned response for this.

Comment [41]: Find response!

ISSUE 36 (Jennifer)

Human-caused mortality

ISSUE 35 (Jennifer/Rebecca)

ISSUE 37 (Alex)

- **Hunting will provide enhanced funding for conservation**

Commenters expressed concern that there was not enough data to discount grizzly bear hunting as a substantial threat to the GYE population. Because the sustainable mortality limits for independent males and females include mortalities from all sources (Interagency Grizzly Bear Study Team 2005, pp. 6– 7), including hunting, and are applied ecosystem-wide within the Conservation Strategy Management Area (Figure 1), hunting should never threaten the GYE grizzly bear population. Hunting is a discretionary mortality source and will occur only if the mortality limits from all causes have not been exceeded (U.S. Fish and Wildlife Service 2007, p. 31). Hunting permits will not be issued by the States if mortality limits are exceeded. Commenters also expressed concern about the potential for infanticide from immigrant males, if hunting is allowed. Sexually selected infanticide is the practice by which a territory vacated by an adult male is filled by a newly arrived subadult male, which then kills any cubs in the territory (Swenson et al. 1997b, p. 450). That behavior can reduce the population growth rate through cub mortality (Swenson et al. 1997b, p. 450). It has been documented in two European brown bear populations (Swenson et al. 2001, pp 75–77), and instances of infanticide by North American grizzly bears of both sexes also have been documented (McLellan 1994, pp.15–16). However, Miller et al. (2003, p. 144) and McLellan (2005, pp. 153–154) could not find evidence of population level effects of sexually selected infanticide in North American grizzly populations. If

Comment [42]: do we need to respond to his?

Comment [43]: revise these citations

sport hunting preferentially removes adult male bears, and if sexually selected infanticide is common, sport hunting might result in some reduction in cub survival in localized areas. However, this would likely have little impact on overall population growth rate because hunting mortality on males would be limited in numbers and extent. We thus do not anticipate that the male to female ratio would change markedly under the adopted mortality limits or that sexually-selected infanticide would become an issue affecting population trajectory of the GYE grizzly bear population. Continued monitoring of the population through radio-telemetry and observations of unmarked reproductive females will alert the Interagency Grizzly Bear Study Team to any substantial changes in cub survival or production and appropriate management responses.

- **there is a lack of scientific basis to allow hunting and not enough data to support discounting hunting as a substantial threat**
- **comments suggested that hunting could increase reproductive suppression among females**

Commenters also worried that hunting would have negative impacts on grizzly bear behavior. Because hunting in the GYE will be limited, it is unlikely to have an impact on the population dynamics or behavior of the GYE population.

- **hunting could have negative impacts on grizzly bear behavior, including: disrupting activity patterns during hyperphagia, which can be energetically costly; orphaning of young grizzlies. Continue to explore impacts on grizzly bear social structure** *(or is the above paragraph sufficient response…)*
- **no evidence that hunting will increase grizzly bears' fear of humans**

Commenters also explained that hunting is an ineffective, and potentially damaging, wildlife management strategy. The States have control over when and where a grizzly bear permit holder may hunt, so the targeting of bears in specific areas, or even specific individual bears, is possible. Sport hunting could be used in that way as a compensatory mortality source, by killing bears that would otherwise have to be removed by management action. However, hunting will be allowed only as long as the overall mortality limits are not exceeded. We also believe that it would be useful to compare grizzly bear/human conflicts before and after the implementation of a hunting season to demonstrate its effects on the frequency of grizzly bear/human conflicts. The Study Team and State agencies collect data on grizzly bear/human conflicts, and will continue to do so after delisting. These data are reported and displayed spatially in the Study Team's Annual Report. If the effects of any change in the frequency, location, or nature of grizzly bear/human conflicts are detectable, the data will indicate these changes.

- **hunting is an ineffective, and potentially damaging, wildlife management strategy (see examples in issue summary)** *(or is above paragraph sufficient)*

While we respect the values and opinions of all commenters, we are required by law to make decisions based on the best available science. As such, the various values that people hold about sport hunting are outside the scope of our decisionmaking authority. The Study Team has established sustainable mortality limits for the Yellowstone grizzly bear population that ensure

that hunting will not threaten the overall status of the population (Interagency Grizzly Bear Study Team 2005, pp. 5–9)

- **economic arguments associated with trophy hunting**

The DPS policy was carefully followed in designating the GYE DPS. The delisting of the GYE DPS, and the changes in grizzly bear management associated with this action, will not have detrimental impacts on grizzly bear recovery actions in other recovery zones, as the grizzly bears in these areas remain threatened under the Act. As such, coordinated recovery efforts will continue in these areas.

- **"controlling" or "limiting" the GYE grizzly bear population, especially through hunting, could have negative effects on other grizzly bear populations (use surplus bears to augment other populations) (or is above paragraph sufficient)**

ISSUE 38 (Nathan/Rebecca)

Hunting is regulated by the States', and is not under the legal purview of this rule. All hunting remains prohibited within the borders of Yellowstone National Park which comprises 39.4% of the PCA, hunting will be prohibited within Grand Teton National Park. Hunting will be allowed on private lands and other public lands within the PCA. Within the John D.Rockefeller Jr. Memorial Parkway, the Secretary of the Interior is required to permit hunting in accordance with applicable Federal and State law, with exceptions for public safety, administration, or public use and enjoyment.

"Secure habitat" is defined in the rule as areas that are more than "500 m (1,650 ft) from a motorized access route and greater than or equal to 4 hectares (ha) (10 acres (ac) in size (U.S. Fish and Wildlife Service 2016, Chapter 3)). Thus "secure habitat" is an area where the risk of human- grizzly bear conflicts is reduces, however hunting may occur on "secure habitat" where authorized by applicable federal and state laws.

The total annual mortality limits inside the DMA by definition include any grizzly bear legally harvested on park inholdings. Any grizzly bears occupying private land inholdings within park service boundaries are inside the DMA and are a part of both the annual population estimate and annual mortality limits. As such, those grizzly bears occupying private inholdings within park service boundaries were explicitly considered during the analysis' conducted in the preparation of this rule.

In effect, the PCA represents a management level "buffer" around the park boundaries. However, hunting is regulated by the States' and is not under the legal purview of this rule.

Though hunting is regulated by the States', in order to increase the likelihood of occasional genetic interchange between the GYE grizzly bear population and the NCDE grizzly bear population , the State of Montana has indicated they will manage discretionary mortality in this area (corridors between the the GYE and the NCDE) in order to retain the opportunity for natural movements of bears between the GYE and NCDE ecosystems.

The management of nuisance bears within the GYE grizzly bear DPS boundaries would be based upon existing laws and authorities of State wildlife agencies and Federal land management agencies, and directed by protocols established in the draft 2016 Conservation

Strategy and State management plans. Inside the National Parks, Yellowstone or Grand Teton National Park grizzly bear biologists will continue to respond to grizzly bear human conflicts. In all areas outside of the National Parks, State and Tribal wildlife agencies will continue responding to grizzly bear-human conflicts. The States' could focus legal harvest in certain areas to reduce grizzly bear-human conflicts through the creation of Hunt Management Units or other management designations, as long as the tag numbers stayed within the tri-state annual total mortality limits.

In a post de-listing scenario, the States' have management authority over wildlife. In most cases the public has opportunities for input when the State is adjusting hunting and management regulations.

ISSUE 39 (IGBST/Jennifer)

ISSUE 40 (IGBST)

The IGBST does not report credible intervals for the estimate of unknown/unreported mortalities. When estimates of unknown/unreported mortalities were first implemented by the IGBST, it was discussed if and how the credible intervals would be used. The conclusion of those discussions was that this would substantially complicate implementation (i.e., a range of mortality thresholds is not practical for managers) and to instead rely on the central tendency of the data. For decision making, relying on the central tendency of the data is justified. Uncertainty is often interpreted to reflect a possibility of worst-case scenarios (i.e., the low end of the credible interval that underestimates unknown/unreported mortality in this instance) but it should be noted that the tendency is towards the median and that about 50% of estimates will be conservative (i.e., above the median and thus overestimating unknown/unreported mortality). All reported mortalities for independent-aged bears, including those from natural cause, are used in the estimate of unknown/unreported mortality. The method of estimating unknown/unreported mortalities indeed has a slight underestimation bias. However, all other estimations associated with calculation of mortality rates are conservative, and in several cases very conservative, such as the Knight et al. (1995) Rule set (*see* Schwartz et al. 2008). Thus, the slight low bias associated with estimation of unknown/unreported mortalities is relatively inconsequential. Contrary to the public comment, background mortality includes unknown/unreported mortalities as based on methodology developed by Cherry et al. (2002), with specific application of the method provided by the IGBST (2005, 2006). The assertion that emigration out of the DMA should count towards total allowable or background mortality is incorrect. Emigration out of the DMA, if it occurred, would result in a lower population estimate, which would result in a higher mortality rate if the number of mortalities were the same.

The IGBST uses a similar method as McLellan et al. (1999) to estimate unknown/unreported mortalities but our estimates of unknown/unreported mortalities are actually higher (as discussed in the preceding paragraph): for every reported mortality, our

estimates are closer to 2 unreported mortalities. The estimate of unknown/unreported mortalities allows a full accounting of total mortality and thus ensures that hunting mortality does not contribute to exceeding allowable mortality thresholds. In response to the suggestion of a monthly or seasonal mortality index, the IGBST already summarize mortalities on a continuous basis, i.e., as records come in and would allow for managers to be alerted in a timely manner if mortalities were exceeded. This information is posted on the IGBST website (under mortality tables) and is available to both the public and managers. In addition, the IGBST is able to calculate unknown/unreported mortality every time a mortality is added to the mortality database so that the hunting season can be closed if allowable total mortality is exceeded.

In response to comments about Table 3 in the proposed rule and the definitions (i.e., total mortality, background mortality, and discretionary mortality) we modified the language and tables in the rule to make these example calculations and definitions clearer. It is important to note that Table 3 in the proposed rule was only an example. The period over which background mortality was 4 years in the example presented in the proposed rule. However, as stated in the Tri-State MOA, the states will annually to calculate allowable discretionary mortality using the previous year's population estimate and the previous year's total mortality. To reduce confusion, the Strategy and the rule no longer refer to background mortality but rather total, discretionary, non-discretionary, and hunting mortality.

ISSUE 41 (Nathan)

Hunting is regulated by the States', and is not under the legal purview of this rule. All hunting remains prohibited within the borders of Yellowstone National Park which comprises 39.4% of the PCA. All grizzly bears harvested legally or by mistaken identity, will count towards the annual mortality limits. If a grizzly bear is taken via mistaken identity and the current years' mortality limit has already been reached, the mortality will count towards the annual limit for the next year. Idaho and Wyoming provide a voluntary bear identification test online, and all three States include grizzly bear encounter management as a core subject in their basic hunter education courses.

ISSUE 42 (Joy)

Based on the available information, we do not find any persuasive information to indicate that trapping for species other than grizzly bears will affect the viability of the GYE grizzly bear population. The Act requires that we make our determination based on the status of the GYE grizzly bear—is it recovered and will State management retain that recovered status if the Act's protections are removed. The Act does not allow us to consider the manner in which individuals will be killed after delisting unless it would affect the overall determination of viability.

The 2016 Conservation Strategy identifies, defines, and requires adequate post-delisting monitoring to maintain a healthy GYE grizzly bear population, with clear State and Federal management responses if deviations occur. Total mortality limits, which would include accidental mortality from trapping, and State regulations to manage GYE grizzly bears within

agreed-upon mortality limits, will ensure that mortality will continue to be managed at levels that do not result in long-term population decline.

ISSUE 43 (asked the states...otherwise Seth)

Comment [44]: this issue did not have an helpful text in he 2007 materials

ISSUE 44 (Joy)

We agree that nonlethal control of grizzly bears is the preferred option for managing human-bear conflict. However, no single management tool can resolve all issues associated with human-bear conflict. Therefore, State, Tribal, and Federal managers will continue to use a combination of management options, including nonlethal forms of management. The current methods we use to reduce human-caused grizzly bear mortality by preventing conflicts and addressing conflicts in a systematic, fair, and prompt manner have accommodated an increasing GYE grizzly bear population and range since 2002. Efforts to address grizzly bear conflicts will continue to comprise the majority of money spent post-delisting.

As previously noted, the 2016 Conservation Strategy identifies, defines, and requires adequate post-delisting monitoring to maintain a healthy GYE grizzly bear population, with clear State and Federal management responses if deviations occur. Agreed-upon total mortality limits will ensure that mortality will continue to be managed at levels that do not result in long-term population decline. Notably, more than two-thirds of all suggested funding to implement the Conservation Strategy is designated to managing conflicts and conducting outreach to minimize conflicts, especially by decreasing attractants on private lands. Nonlethal means of addressing conflict such as relocation of nuisance bears are included in the Conservation Strategy.

The Conservation Strategy prioritizes outreach and education programs to minimize human-bear conflicts. These programs work to change human values, perceptions, and beliefs about grizzly bears and Federal regulation of public lands. For example, hunter education courses and other educational materials strongly encourage hunters to carry pepper spray, and information and education programs educate the public about potential grizzly bear attractants and how to properly store them. A stable to increasing GYE grizzly bear population despite large increases in people living and recreating in the GYE over the last three decades is evidence of the success of programs implemented under the Conservation Strategy.

In addition to public outreach and education, the States have implemented programs to help reduce conflicts with people directly affected by grizzly bears including: livestock carcass removal, electric fencing subsidies for apiaries and orchards, and cost-sharing for bear-resistant garbage bins. Removal of nuisance bears is still sometimes necessary. Removal is lethal to the individual bear, but promotes long-term conservation of the GYE grizzly bear population by minimizing illegal killing of bears, providing an opportunity to educate the public about how to avoid conflicts, and encouraging tolerance of grizzly bears by responding promptly and effectively when bears pose a threat to public safety. In our proposed rule, we describe the YGCC's development of a comprehensive encounter, conflict, and mortality database. The IGBST also maintains a USGS database of known and probable GYE grizzly bear mortalities.

ISSUE 45 (Joy)

After delisting, GYE grizzly bears will continue to be protected by State, Tribal, and Federal laws and regulations, and enforcing agencies will continue to cooperate in the investigation of poaching incidents. There is no data that suggests that the jurisdiction under which poaching is prosecuted affects the willingness of poachers to commit the crime. We are aware of at least 22 intentional, illegal killing of grizzly bears in the GYE between 2002 and 2014, which constituted seven percent of known grizzly bear mortalities during the same period. We do not expect poaching to significantly increase post-delisting because State and Tribal designation of the grizzly bear as a game animal means that poaching will remain illegal and subject to prosecution. Fortunately, poaching is not significant enough to impact the stability of the GYE grizzly bear population.

ISSUE 46 (IGBST/Jennifer)

Genetic health

ISSUE 47 (Seth, Jennifer addressing in rule)

- Concerns over effective population size and 500 number for genetic fitness
  - **Concerns over lower limit of 500 bears and effective population size analysis (our reference to Franklin (1980) is outdated and more recent critical assessment of the 50/500 rule (Frankham et al. 2014) and the use of effective population size (Ewens 1990) is available)**
  - **an effective population size of 100 and a total population of 400 (Miller and Waits 2003) is the minimum for short-term, but not long-term, genetic fitness and should not be a population goal**
  - population size of 500-5000 is the minimum for long-term genetic viability
    - Although the effective population size (i.e., the number of breeding individuals in an idealized population that would show the same amount of dispersion of allele frequencies under random genetic drift or the same amount of inbreeding as the population under consideration) of the Yellowstone grizzly bear population is lower than recommended for evolutionary success in the absence of management in published literature on evolutionary theory (e.g., Franklin 1980, p.136), the genetic program for the Yellowstone grizzly bear population will effectively address future genetic concerns (Hedrick 1995, p. 1004; Miller and Waits 2003, p. 4338).
  - **we selectively chose to report the upper end of the effective population estimate of 469 bears when we should have chosen the more conservative estimates discussed by Kamath et al. (2015)**
  - **Kamath et al. (2015) stated that the effective population size (N_e) is approaching, but hasn't reached, the long-term viable population criterion of more than 500 bears**

Comment [45]: This issue had a lot of potential resources, and a lot of facets. I have bulleted the elements of the issue summary in black and put the potentially helpful response text in blue (to help you distinguish the response text from the issue summary bullets)

- **In reality, the current population estimate of 717 corresponds to an effective population size of 179**
- **Several comments stated that the current metapopulation of 1200-1800 animals is "5-11 times too few individuals to assure long-term persistence**

- maintenance of genetic diversity and its effect on long-term population viability
  - restoration of gene flow would increase fitness
    - Indicators of fitness in the Yellowstone population demonstrate that the current levels of genetic heterozygosity are adequate, as evidenced by measures such as litter size, little evidence of disease, high survivorship, an equal sex ratio, normal body size and physical characteristics, and an increasing population. These indicators of fitness will be monitored annually, in perpetuity. The very low rate of loss of heterozygosity over the 20th century, in combination with the introduction of 1 or 2 effective migrants per generation (naturally or through augmentation), will ensure long-term genetic viability, and the recovered status, of the Yellowstone grizzly bear DPS (Miller and Waits 2003, p. 4338).
  - **genomic changes are slow and take decades to detect**
  - **declines in the GYE grizzly bear population will deplete extant levels of genetic diversity**
  - **model the rate of allele loss due to genetic drift at various population sizes; long-term fitness implications of changes in allelic diversity are not well understood**
    - Although allelic diversity has declined in the GYA population over the 20th century, the decline was not as precipitous as previously anticipated (Miller and Waits 2003, p. 4338). As measured by Miller and Waits (2003, p. 4337), allelic richness decreased from approximately 5.89 alleles per locus at the beginning of the 20th century (1910s) to 5.50 at the end of the century (1990s). Considering all of the information available that examines heterozygosity and allelic diversity of grizzly bears in the GYA, Miller and Waits (2003, p. 4338) conclude that ''the viability of the Yellowstone grizzly bear population is unlikely to be compromised by genetic factors in the near future * * *'' and that ''* * * one to two effective migrants per generation from the NCDE to the YE (Yellowstone ecosystem) is an appropriate level of gene flow.'' We considered these conclusions pertinent to the genetic management of the DPS and incorporated them into the Strategy (U.S. Fish and Wildlife Service 2007, p. 37).
  - **the long-term evolutionary health of the grizzly bear population should be projected and considered**

    - **conflated the need for genetic diversity in the GYE population with the need for the maintenance of genetic diversity of all the current and future subpopulations of grizzly bears → just reference Conservation Strategy for management implications**
- Connectivity issues
    - all five of the extant grizzly populations in the lower 48 are genetically isolated from each other
        - Because it is generally accepted that isolated populations are at greater risk of extinction over the long-term, we will continue efforts to reestablish natural connectivity between the GYA and other grizzly bear ecosystems. Although natural connectivity is the best possible scenario, isolation does not constitute a long-term threat to the Yellowstone grizzly bear population because of intensive monitoring and adaptive management strategies that will remain in effect post-delisting.
        - The placement of bears into the Yellowstone by augmentation would be a precautionary approach to assure that genetic issues are not a factor in the survival of the Yellowstone population. As stated by Miller and Waits (2003, p. 4338)—''The viability of the Yellowstone grizzly population is unlikely to be compromised by genetic factors in the near future.'' Although we view the NCDE as the most likely source population, many other appropriate grizzly bear populations in Canada could serve as source populations, should the NCDE population not be adequate for some unforeseen reason. We have previously cooperated with international partners to translocate bears from the North Fork of the Flathead River in Canada to the Cabinet-Yaak ecosystem (Kasworm et al. 1998, p. 148).
        - Regarding isolation of the Yellowstone grizzly bear population, those potential threats are related to genetic concerns and changes in the population's habitat. Based on the best available science (Miller and Waits 2003, p. 4338), the Service concludes that the genetic diversity of the Yellowstone grizzly bear population will be adequately maintained by the immigration or relocation of one to two effective migrants from the NCDE every 10 years. This movement of grizzly bears between ecosystems may occur naturally or through management intervention. Regardless of the method, the Service is confident that genetic impoverishment will not threaten the Yellowstone grizzly bear population. The source population for augmentation, if augmentation becomes necessary, will be the NCDE population. The NCDE bears are those most closely related to the Yellowstone grizzly bear DPS, having been separated for roughly 100 years (Miller and Waits 2003, p. 4334). Offspring of individuals from these two populations are unlikely to experience outbreeding depression.

- **we dismissed the need for immigration in the GYE in our proposed rule with a promise from the State of Montana to "manage discretionary mortality in [connectivity] area[s] in order to retain the opportunity for natural movements of bears between ecosystems."**
- provide more justification behind our assertion that one to two immigrants or transplants per generation is an adequate level of gene flow into the GYE
    - This issue is discussed in the Supplemental Information Appended to the Recovery Plan, its supporting literature, and the literature cited in this final rule. Both the Strategy and this final rule recognize that declines in genetic diversity due to inbreeding effects are expected in isolated populations (Ralls et al. 1986, p. 35; U.S. Fish and Wildlife Service 2007, p. 37). We agree that inbreeding depression has the potential to negatively affect the Yellowstone grizzly bear DPS if genetic diversity declines below current levels. For this reason, we have reviewed relevant literature about this topic (Ralls and Ballou 1983, pp. 147–179; Allendorf and Leary 1986, pp. 72–76; Ralls et al. 1986, pp. 35–37; Lande 1988, pp. 1455–1456, 1460; Roelke et al. 1993, pp. 344–348; Hunter 1996, pp. 88–90; Wang et al. 1999, pp. 168–176) and, upon the recommendation of Miller and Waits (2003, p. 4338), our partners will translocate grizzly bears from other populations into the GYA to maintain current levels of genetic diversity if natural movement of grizzly bears into the GYA from other areas is not documented by 2020.
    - Our recommendation to augment the population with one migrant per generation is based on Miller and Waits (2003, p. 4338), who conclude that one to two effective migrants per generation is appropriate to maintain current levels of genetic diversity. ''The viability of the Yellowstone grizzly population is unlikely to be compromised by genetic factors in the near future as we hypothesized based on modern samples. Rather, the genetic consequences of inbreeding and isolation are likely to transpire over longer time periods (decades or centuries)'' (Miller and Waits 2003, p. 4338). Regarding our definition of an ''effective migrant'' as one which remains in the area, survives, and successfully reproduces, we recognize that a more complete definition involves measures of relatedness between the source and recipient population, as well as other genetic measures (Wang 2004, p. 335). If translocation is required in the future, our partners will consult with geneticists and use the best available science to determine how many bears must be translocated from the source population to equal one effective migrant to the Yellowstone grizzly bear DPS. Regarding the effects of other selective forces on the one-migrant-pergeneration rule, Wang (2004, p. 341) concluded that, ''In general, the

onemigrant-per-generation rule is robust to the systematic forces of selection and mutation.’’

- management should place more effort on facilitating natural dispersal instead of relying on potential future translocations
  - As Miller and Waits (2003, p. 4338) recommend, we will continue efforts to reestablish natural connectivity, but our partners will transplant one to two effective migrants per generation if no movement or genetic exchange is documented by 2020 (U.S. Fish and Wildlife Service 2007, p. 37).
  - The feasibility of translocating grizzly bears for genetic augmentation is not untested. Translocation has been successfully employed in the Cabinet-Yaak Ecosystem (Kasworm et al., in press, p. 6). Kasworm et al. (in press, pp. 6, 8) were only able to document successful reproduction by one of the three bears that remained in the area after being translocated; confirmation of successful reproduction events for the other two bears was not possible because they lacked reference genetic material. Any bear that is translocated from the NCDE into the GYA will be radio-collared and monitored to determine whether it remains in the area and survives. As in the Cabinet-Yaak Ecosystem, genetic analysis will be used in subsequent years to confirm whether a transplanted bear has successfully reproduced in the GYA. The exact number of translocated migrants into the GYA will be determined through these monitoring activities. Any bear translocated from the NCDE to the GYA would be counted as an NCDE mortality. Please see our response to Issue 12 in this section below for more discussion about the adequacy of the NCDE to serve as a source population. Augmentation in the GYA may not be necessary if natural immigration occurs before 2020.
  - We prefer natural reconnection as well and are actively involved in efforts to maintain and expand the opportunities for grizzly bears to move into and out of the Yellowstone ecosystem via the linkage zone program. However, we cannot control bear movement and as discussed in the final rule (see Behavior section above), they have limited dispersal mechanisms. By working to maintain current movement opportunities while implementing conservation actions to recover populations in other grizzly bear ecosystems, we anticipate that bears will naturally reestablish themselves between recovery ecosystems and achieve connectivity. We agree that the establishment of a grizzly bear population in the Bitterroot Recovery Zone would contribute to recovery of the grizzly bear in the Lower 48 States (Boyce 2000, p. 6–243). However, the lack of natural connectivity will not threaten the Yellowstone DPS because of the genetic

management plan described in the Strategy (U.S. Fish and Wildlife Service 2007, p. 37).

- The Act does not require a ''hands off'' approach as a prerequisite for delisting. In fact, the presence of adequate regulatory mechanisms to ensure that appropriate management and monitoring activities continue is required before delisting can occur. For the Yellowstone grizzly bear DPS to remain unthreatened in all or a significant portion of its range in the foreseeable future, active management is necessary to limit mortality, provide adequate habitat, respond to grizzly bear/human conflicts, and maintain genetic diversity either through natural connectivity or through translocation. In this way, the Yellowstone grizzly bear DPS is a ''conservation-reliant species'' (Scott et al. 2005, p. 383). Augmentation is proposed as a precautionary measure based on the recommendations of Miller and Waits (2003, p. 4338) to maintain current levels of genetic diversity, should grizzly bear movement into the GYA not occur over the next 20 years.
- The effects of genetic isolation can be mitigated by either natural immigration or augmentation. There is an ongoing process to identify and implement management on linkage areas for wildlife in order to maintain and improve the potential for wildlife movement between all the large blocks of public land in the Northern Rocky Mountains (Servheen et al. 2003, p. 3). This interagency effort involves 13 State and Federal agencies working on linkage facilitation across private lands, public lands, and highways (Interagency Grizzly Bear Committee 2001, pp. 1–2). To date, this effort has included: (1) Development of a written protocol and guidance document on how to implement linkage zone management on public lands (Public Land Linkage Taskforce 2004, pp. 3–5); (2) production of several private land linkage management documents, including ''Making Connections from the Perspective of Local People'' (Parker and Parker 2002, p. 2), and the Swan Conservation Agreement (U.S. Fish and Wildlife Service 1997), which is a collaborative linkage zone management document; (3) analyses of linkage zone management in relation to highways, including identification of multiple linkage areas in southeast Idaho from Idaho Falls to Lost Trail Pass (Geodata Services Inc. 2005, p. 2) and the effects of highways on wildlife (Waller and Servheen 2005, p. 998); and (4) a workshop in the spring of 2006 on implementing management actions for wildlife linkage, the proceedings of which are available online at: www.cfc.umt.edu/linkage. The objective of this work is to maintain and enhance movement opportunities for all wildlife species across the northern Rockies. This linkage work is not directly associated

Comment [46]: update this list of work

with the Yellowstone grizzly population and will continue to address ways to improve cooperation and affect management on public lands, private lands, and highways in linkage areas across the northern Rockies regardless of the listed status of the Yellowstone grizzly bear DPS.

- Efforts to promote connectivity between existing populations will continue after delisting as these programs are independent of the delisting of the GYA population.

- **reintroductions into other ecosystems are the best option to expand the gene pool**

Food resources

ISSUE 48 (Alex)

- **Flaws in our analysis of grizzly bear body condition**
- **defensibility of the IGBST's models analyzing the effects of food availability on grizzly bear populations**
- **Concerns with adequacy of Food Synthesis Report**

ISSUE 49 (Alex)

The amounts of major foods for grizzly bears will likely fluctuate due to possible changes in average temperature, precipitation, forest fires, introduced species, and resident insects. Changes in environmental conditions and resulting changes in foods for grizzly bears have been recognized by management agencies throughout the recovery process. That such changes will occur is neither exceptional nor unexpected. The key issue is determining how management agencies will quantify and respond to such changes. Presently, a system has been implemented to monitor changes in the production and distribution of foods in relation to grizzly bear vital rates (U.S. Fish and Wildlife Service 2007, pp. 25–60). The Study Team will report the monitoring results on food production, extent and impact of insect and disease on food production, bear mortality, reproductive success, and age-specific survival annually to the Coordinating Committee. The relationships between these factors will detect any impacts of changes in foods on bear viability in the ecosystem and will be the basis for an adaptive management response by the Coordinating Committee.

The monitoring program does annually monitor litter size and cub survival. These data are compared to indicators of habitat quality such as annual production and availability of major foods.

The extent to which natural foods will change across the landscape and the resulting impacts on bears is impossible to calculate with any degree of certainty. With the exception of whitebark pine, there are not any documented relationships among grizzly bear demographic rates and the consumption of the other major grizzly bear foods (cutthroat trout, army cutworm moths, and ungulates). The response of bears in years of low whitebark pine sees production suggests that the loss or near extirpation of whitebark pine trees could reduce survivorship for

some grizzly bears, especially those involved in grizzly/bear human conflicts (Mattson et al. 1992, p. 439; Haroldson et al. 2006, p. 39). It is important to note that the annual abundance and distribution of whitebark pine seeds vary naturally and are not predictable. During years with little or no whitebark pine seed production, grizzly bears switch to alternative foods. The compound uncertainties associated with projections of possible future habitat changes, predicted responses of grizzly bears to multiple possible future conditions, and assumed changes to vital rates in response to any such possible future habitat changes create a wide realm of possible responses. Rather than such a compound uncertainty approach, the management system outlined in the Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 25-60) depends on monitoring of multiple indices including production and availability of all major foods; and monitoring of grizzly bear vital rates including survival, age at first reproduction, reproductive rate, mortality cause and location, dispersal, and human-bear conflicts. These data will allow managers to use and adaptive management approach that addresses poor food years with responsive management actions such as limiting grizzly bear mortality, increasing I & E efforts, and long-term habitat restoration (i.e., revegetation, prescribed burning, etc.), as appropriate. The continued monitoring of these multiple indices will allow rapid feedback on the success of management actions to address the objective of maintaining a recovered population.

There is no biological way to define ‘‘baseline’’ levels for various foods because the natural foods for grizzly bears naturally fluctuate, annually and spatially, across the ecosystem. Instead of establishing artificial baseline values for major grizzly bear foods, the protocol in place for the monitoring of major foods will provide annual indices of the variation of these foods, and will compare changes in these foods to grizzly bear vital rates such as mortality causes and locations, cub production and survival, adult female survival, and numbers and distribution of bear/human conflicts. The results will guide adaptive management responses to changes in foods such as enhanced Information and Education (I & E) efforts, limiting grizzly bear mortality, planting whitebark pine, controlling exotic species, and/or prescribed burning.

- **Regular review of whole grizzly bear diet in GYE**
  - *Covered by paragraphs above?*
- **Analyze movements and home ranges of females with cubs**
  - *Covered by paragraphs above?*
- **continue monitoring the relationship between the availability of the four main food sources, grizzly bear use of the four main food sources, vital rates for the GYE population, and body condition of grizzly bears**
  - *Covered by paragraphs above?*
  - *Or add this:* The Strategy commits the agencies to intensive monitoring of all grizzly bear vital rates and the relationship of these vital rates to changes in major foods and levels and types of human activities in their habitat. This monitoring does not solely rely on vital rate monitoring to indirectly infer changes in habitat. Annual habitat monitoring will produce results on any changes in habitat values and key food production and possible disease in key foods. Thus, the system in

place will not rely on indirect measures of habitat values but will produce direct measures of habitat values annually. Since our partners will be monitoring a suite of vital rates including survival of radio-collared bears, mortality of all conflict bears, and fecundity, we feel confident that we will be able to detect the consequences of significantly reduced habitat productivity.

- **discuss the different hazard levels associated with acquiring different types of high quality food and whether these hazards are primarily relevant to dependent young, independent bears, or both**
- **fail to account for potential interactions between spatial distributions of and temporal trends in key food resources.**
    - *Covered by paragraphs above?*
- **the three IGBST papers (Bjornlie et al. 2014, Costello et al. 2014, and van Manen et al. 2015) did not account for long-term weather trends or changes in the abundance of key foods (i.e., army cutworm moths, cutthroat trout, and ungulates) other than whitebark pine in their analysis of vital rates.**

ISSUE 50 (Alex)

Aside from the well-documented association between whitebark pine cone crop size and subsequent management actions on grizzly bears (Mattson et al. 1992, p. 432), we have not been able to detect any cause-effect relationships between abundances of the three other major foods and grizzly bear vital rates. Those foods have either fluctuated (e.g., ungulates, army cutworm moths) or declined (e.g., cutthroat trout) during the period in which the GYE grizzly population grew at a rate of between 4 percent and 7 percent

Comment [47]: update?

While we agree that the extent to which grizzly bears might be able to compensate for the loss of one of the four major foods is unknown, the rule reflects the best scientific and commercial data available. Future food source availability and the possible grizzly bear reaction to those possible future changes are discussed under Factor E below and in the Summary to Public Comments' sections J, K, L, and M above. We also agree that human-caused mortality is probably the major factor limiting grizzly populations, although mortality can be mediated by food availability (Mattson et al. 1992, p. 432). The Study Team will continue to monitor major food abundance and grizzly bear conflicts and mortalities. The combination of results and Study Team analyses from these multiple monitoring indices on foods, bear vital rates, and bear/human conflicts will allow managers to respond to changes as necessary. Managers will respond to poor food years with reductions in allowable mortalities and with increased I & E efforts that forewarn the public about the increased potential for grizzly bear/human conflicts.

Comment [48]: update

- **nutritional value (i.e., fat, protein, and gross energy), seasonal abundance, and risk and energetic cost of obtaining of any alternative food sources must be comparable to the four main food sources**
- **the list of more than 200 grizzly bear foods cited in Gunther et al. (2014) is inflated because to a bear "a grass is a grass."**

- **use of false truffles was only documented in the core of the ecosystem and there was also no indication of the nutritional value of this food source**
- **bear densities vary widely depending on habitat productivity (Mowat et al. 2013), which they suggested ran counter to our claims that grizzly bears are extremely flexible in their diet and thus resilient to changes in food abundance**

Not sure if we need to address the above bullets more specifically or if they are adequately covered by the above paragraph

ISSUE 51 (Alex)

Comment [49]: this issue didn't really have any helpful text in the 2007 materials

ISSUE 52 (Alex)

The final rule contains a discussion of the potential effects of global climate change and pesticides on army cutworm moths. There is no evidence to suggest that spraying of army cutworm moths has any population-level effects on grizzly bears (Robison et al. 2006b, pp. 1706-1710). The Study Team is sponsoring research on the geospatial prediction of army cutworm moth sites that will help managers identify sites that are potentially exposed to human recreational use. It is highly unlikely that any of the high-elevation sites used by the moths, all of which are on public lands, will be exposed to development.

Comment [50]: did this already happen? is it still happening?

(does this paragraph adequately cover the three bullets below?)

- Alpine habitat of moths and climate change
- Impacts of pesticide use and new farming technologies
- Human disturbance at moth aggregation sites

There is no accurate method available to monitor moth numbers across thousands of square kilometers of alpine habitat. The method currently used quantifies bear use of moths sites as an index of moth presence and distribution. Although it is known that moth abundance fluctuates in the spring on agricultural lands on the plans (Burton et al. 1980, pp. 4-5) and that moth flights vary in magnitude along their migration routes (Hendricks 1998, p. 165), we are not able to predict where army cutworm moths will occur on the landscape each year except by observing where bears use this food source. The Interagency Grizzly Bear Study Team is currently sponsoring the development of spatial models to predict where potential army cutworm moth habitat is (Robison et al., 2006a, p. 88). The Interagency Grizzly Bear Study Team has not documented an association between grizzly bear use of moth aggregation sites and variation in vital rates and the direct monitoring of army cutworm moth abundance and status is not necessary at this time.

(does this paragraph adequately cover the two bullets below?)

- Effect of increased reliance on moths on grizzly bear health
- "bear use of army cutworm moth sites may not be a good measure of cutworm moth relative abundance because grizzly bears may return to areas where they've found abundant food sources in the past even though those resources are not present."

- **Moth sites correlating with higher or lower human-caused mortality?**

ISSUE 53 (Alex)

Only a small proportion of the Yellowstone grizzly bear DPS eat cutthroat trout and the nutritional contribution of cutthroat trout to the overall diet of those few bears is minimal (Felicetti et al. 2004, p. 496). Overall, we do not foresee a decline in the GYE cutthroat trout as a threat to the GYE grizzly bear population in all or a significant portion of its range in the foreseeable future (see Factor E below).

- **No longer spawning in Yellowstone Lake**
- **Whirling disease**
- **Outdated data about the percentage of grizzly bears that use cutthroat trout**
- **seasonal gap in diet filled by eating elk calves or lower-quality vegetation**
- **male/female disparity in use of cutthroat trout**
- **Decline in trout disproportionately affecting females → decreases in cub and yearling survival**

ISSUE 54 (Jennifer)

ISSUE 55 (Joy)

The availability of ungulate prey such as elk and bison is not a threat to the persistence of GYE grizzly bears, and future changes in prey abundance are not expected to change this conclusion. There have been documented declines in some ungulate populations and we expect fluctuations in ungulate populations to continue in the future. As generalist consumers, GYE grizzly bears have demonstrated flexibility in meeting their dietary needs and are accustomed to successfully finding alternative natural foods.

The population decline in the northern elk herd has been attributed to a variety of factors including severe winters, drought, hunter harvest, and increased predation on elk calves by grizzly bears, black bears, and wolves. However, it is noteworthy that during this same time period the grizzly bear population has continued to increase. This suggests that there is no detectable cause and effect relationship between elk population declines and grizzly bear population trends.

The GYE grizzly bear consumes bison primarily as winter-killed carrion, but also kills calves opportunistically and preys on weakened adults. The Yellowstone bison population size has remained within the IBMP's recommended range of 2,500-4,500 bison since the year 2000, with the exception of 2005 and 2007 years when numbers exceeded 4,500. Therefore, we do not anticipate that bison as a potential food source will be a limiting factor for GYE grizzly bears in the future.

Areas with a high risk of grizzly bear mortality due to repeated conflict with humans or livestock are not considered suitable habitat and are not included in our quantification of habitat available to meet the needs of a recovered grizzly bear population. Within the PCA, there is a mandatory restriction on creating new livestock allotments and a voluntary phasing out of

livestock allotments with recurring conflicts. One of our demographic recovery criteria is to maintain a population size of at least 500 bears including at least 48 females with cubs in the demographic monitoring area. If numbers drop below these established thresholds for three consecutive years, the criterion will not be met. However, this recovery criterion has been met since 2003.

The Conservation Strategy will continue monitoring multiple indices including production and availability of all major foods and grizzly bear vital rates—survival, age at first reproduction, reproductive rate, mortality cause and location, dispersal, and human-bear conflicts. These data will allow managers to use an adaptive management approach that addresses poor food years with responsive management actions such as limiting grizzly bear mortality, increasing I & E efforts, and long-term habitat restoration as appropriate. The continued monitoring of these multiple indices will maintain the recovered population.

ISSUE 56 (Nathan)

- **Huckleberries less abundant**
- **Impacts of huckleberry decline will be delayed**

(maybe covered by paragraph below?)

The extent to which natural foods will change across the landscape and the resulting impacts on bears is impossible to calculate with any degree of certainty. With the exception of whitebark pine, there are not any documented relationships among grizzly bear demographic rates and the consumption of the other major grizzly bear foods (cutthroat trout, army cutworm moths, and ungulates). The compound uncertainties associated with projections of possible future habitat changes, predicted responses of grizzly bears to multiple possible future conditions, and assumed changes to vital rates in response to any such possible future habitat changes create a wide realm of possible responses. Rather than such a compound uncertainty approach, the management system outlined in the Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 25-60) depends on monitoring of multiple indices including production and availability of all major foods; and monitoring of grizzly bear vital rates including survival, age at first reproduction, reproductive rate, mortality cause and location, dispersal, and human-bear conflicts. These data will allow managers to use and adaptive management approach that addresses poor food years with responsive management actions such as limiting grizzly bear mortality, increasing I & E efforts, and long-term habitat restoration (i.e., revegetation, prescribed burning, etc.), as appropriate. The continued monitoring of these multiple indices will allow rapid feedback on the success of management actions to address the objective of maintaining a recovered population.

The rule reflects the best scientific and commercial data available. Future food source availability and the possible grizzly bear reaction to those possible future changes are discussed under Factor E below and in the Summary to Public Comments' sections J, K, L, and M above.

Comment [51]: update

Climate change

ISSUE 57 (Seth)

- **we reviewed the current literature regarding climate change, but did not link effects to grizzly bears or their habitat**
- **we should consider future impacts from climate change, despite the fact that the exact extent of impacts is unknown**
- **the "downscaled" projection we used to analyze climate change may have underestimated impacts**
- **climate change may reduce snowpack and shorten the winter season, which may impact the timing and success of denning, potentially affecting reproductive success and increasing conflict**
- **less snowpack could result in fewer avalanche chutes**
- **we should have assessed impacts from the changing hydrological regime**
- **drought has affected death rates**
- **increased frequency and extent of fire as a result of climate change could alter plant and animal composition (Westerling et al. 2011) and affect the frequency of human-grizzly bear interactions and conflicts**
- **We inaccurately summarize Servheen and Cross (2010) in the rule**
- **asked why surveyed biologists believed that climate change is not a threat to grizzly bears and that climate change "may even make habitat more suitable and food sources more abundant."**
- **Monitoring**
    - **recommended both monitoring and modeling potential impacts of climate change on habitat suitability and the abundance and distribution of grizzly bear foods**
    - **monitor possible effects of climate change on grizzly bear vital rates**
    - Monitor for emerging diseases
        - Approximately 10 percent of the Yellowstone grizzly population is currently tracked using radio collars. The Study Team examines all bears captured for research or management purposes, and performs post mortem examinations on the carcasses of dead bears. If a disease outbreak were to occur, it would be identified promptly. Due to the lack of evidence that diseases and parasites play any significant role in grizzly bear population dynamics in the GYE (see Factor C below), we do not view developing a management plan to respond to a potential outbreak as necessary.

Comment [52]: update

From 2012 WY wolf rule: This issue is discussed in our Factor E analysis below. We continue to conclude that wolves are unlikely to be threatened by climate change. Wolves are one of the most adaptable and resilient land mammals on earth, once ranged across most of North America from central Mexico to the Arctic Ocean and from coast to coast, and can prey on every type of ungulate in their worldwide northern hemisphere range. Thus, wolves are among the least likely species to be threatened by this factor.

Other potential threat factors

ISSUE 58 (Joy)

There have been documented declines in some ungulate populations; however, overall, prey numbers remain healthy. Intraspecific conflict between wolves and grizzly bears over competition for carrion does occasionally occur. Grizzly bears sometimes displace wolves from carcasses, and wolves sometimes displace grizzly bears. We are aware of 339 wolf-grizzly bear interactions in the GYE, which resulted in eight known grizzly bear mortalities. However, these interactions usually do not result in any injury to either bears or wolves and do not threaten the grizzly bear population. Recent models and field investigations suggest that since they were reintroduced to the GYA in 1995, wolves have had little effect on ungulate availability to GYE grizzly bears.

ISSUE 59 (Nathan)

The GYE has experienced several exceedingly large volcanic eruptions in the past 2.1 million years. Super eruptions occurred 2.1 million, 1.3 million, and 640,000 years ago (Lowenstern *et al.* 2005, pp. 1–2). Such a similar event would devastate the GYE ecosystem. While one could argue ''we are due'' for such an event, scientists with the Yellowstone Volcano Observatory maintain that they ''see no evidence that another such cataclysmic eruption will occur at Yellowstone in the foreseeable future * * * [and that] recurrence intervals of these events are neither regular nor predictable'' (Lowenstern *et al.* 2005, p. 6). We agree and do conclude that such an event is not likely within the foreseeable future.

More likely to occur is a nonexplosive lava flow eruption or a hydrothermal explosion. There have been 30 nonexplosive lava flows in YNP over the last 640,000 years, most recently 70,000 years ago (Lowenstern *et al.* 2005, p. 2). During such an eruption, flows ooze slowly over the surface, moving a few hundred feet per day for several months to several years (Lowenstern *et al.* 2005, p. 2). Any renewed volcanic activity at YNP would most likely take this form (Lowenstern *et al.* 2005, p. 3). In general, such events would have localized impacts and be far less devastating than a large eruption (although such an event could also cause fires; fire as a threat is discussed above). Hydrothermal explosions, triggered by sudden changes in pressure of the hydrothermal system, also occasionally affect the region. More than a dozen large hydrothermal explosion craters formed between about 14,000 and 3,000 years ago (Lowenstern *et al.* 2005, p. 4). The largest hydrothermal explosion crater documented in the world is along the north edge of Yellowstone Lake in an embayment known as Mary Bay; this 2.6-km (1.5- mile) diameter crater formed about 13,800 years ago (Lowenstern *et al.* 2005, p. 4). We do not consider either a nonexplosive lava flow eruption or a hydrothermal-explosion likely within the foreseeable future, but even if one of these did occur, the impact to grizzly bears would likely be localized, temporary, and would not threaten the viability of the GYE grizzly bear population.

Earthquakes also occur in the region. The most notable earthquake in YNP's recent history was a magnitude 7.5 in 1959 (Lowenstern *et al.* 2005, p. 3). Similarly, a magnitude 6.5

Comment [53]: Up to yall- we could add this language to the rule itself or just leave it here to respond to this comment- he language was pulled from he 9/10/12 Wolf Rule its all on page 55598. I did EDIT it some- i switched GYA to GYE, I swapped out wolves for grizzly bears. And in the last paragraph I had to remove a reference/brief discussion as the model was constructed for wolves specifically.

Comment [54]: note- i deleted the last paragrpah entirely- discussing the Carrol et al paper 2003

earthquake hit within YNP in 1975 (Lowenstern *et al.* 2005, p. 3). The 1959 earthquake killed 28 people, most of them in a massive landslide triggered by the quake (Lowenstern *et al.* 2005, p. 3). Such massive landslides and other earthquake-related impacts could also affect wildlife. But as with other potential catastrophic events, the impact of a large earthquake to grizzly bears would likely be localized, temporary, and would not threaten the viability of the GYE grizzly bear population.

ISSUE 60 (Alex)

The Strategy prioritizes outreach and education to minimize grizzly bear/human conflicts (U.S. Fish and Wildlife Service 2007, pp. 57–62). The State plans also contain direction on ways to minimize grizzly bear/hunter conflicts (Idaho's Yellowstone Grizzly Bear Delisting Advisory Team 2002, p. 15; MTFWP 2002, pp. 24, 62; WGFD 2005, pp. 31–35). Although the States do not currently require hunters to carry pepper spray, it is strongly encouraged in hunter education courses and other educational materials. Elk hunters in Grand Teton National Park are required to carry bear spray, and this may prove to be a research opportunity to quantify how much, if any, this requirement reduces grizzly bear conflicts with elk hunters.

Between 1980 and 2002, 19 percent (50/257) of human-caused grizzly bear mortalities were related to hunting (Servheen et al. 2004, p. 21), so an increase in backcountry user awareness would be beneficial. The affected states of Wyoming, Montana, and Idaho have cooperated with the Service to address conflicts between grizzly bears and hunters through extensive I&E programs. The Wyoming Game and Fish Department (WGFD) coordinates with its information specialists to help people avoid grizzly bear/human conflicts. The WGFD has held over 150 workshops and programs throughout 18 communities in Wyoming, attended by over 6,000 people (Servheen et al. 2004, p. 3). Grizzly bear encounter management is a core subject in basic hunter education courses taught by the WGFD and outfitters and guides teach a bear encounter class designed specifically for other in their field annually (Servheen et al. 2004, p. 3). Additionally, all limited quota big game license holders hunting in occupied grizzly bear habitat are mailed bear encounter and conflict management informational materials. In Montana, black bear hunters are required to pass a bear identification test before obtaining their license. The Montana Department of Fish, Wildlife, and Parks (MTFWP) tries in numerous ways to communicate with hunters, including airing public service announcements on local media stations, talking with hunters at hunter check stations, posting informational signs at trailheads, distributing numerous brochures about avoiding grizzly bear/human conflicts, and backcountry patrols of hunting camps (Servheen et al. 2004, p. 5-6, 8). Because Idaho has experienced less grizzly bear activity and subsequent conflicts than Montana or Wyoming, educational outreach in Idaho has focused on educating community members of the Island Park area. The IDFG has conducted at least 20 "Living in Bear Country" workshops in the upper Snake River region (Servheen et al. 2004, p. 10). These I&E efforts will continue to be the primary way in which agencies to attempt to reduce conflicts between grizzly bears and hunters.

Comment [55]: update these stats

Comment [56]: update

Comment [57]: update

Comment [58]: update MT info, if necessary

Comment [59]: update

We recognize the importance of outreach and I&E efforts to the long-term conservation of the GYE grizzly bear population. The details related to implementing effective outreach

efforts and preventing and responding to grizzly bear/human conflicts are in the final Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 59-62) and the State management plans (CITE CURRENT MANAGEMENT PLANS). Over two-thirds ($2,393,200 of $3,496,337) of the anticipated costs of managing the GYE grizzly bear population are for managing grizzly bear/human conflicts and I&E efforts (CITE CONSERVATION STRATEGY). This level of commitment by responsible agencies demonstrates their understanding that I&E efforts and conflict management and prevention are crucial elements of maintaining a healthy Yellowstone grizzly bear population.

Comment [60]: update

- **claims that I&E, specifically bear identification training, has failed to reduce human-caused mortality from hunters**
- **Use modern media as I&E tool**

ISSUE 61 (Alex)

- From 2007 delisting (but doesn't cover this whole issue): We agree that there is no scientific literature documenting that delisting would or could build public support and tolerance for grizzly bears. This result is inferred by professional wildlife biologists familiar with local community attitudes in the Yellowstone ecosystem. We have eliminated this rationale from the final rule.

ISSUE 62 (Alex)

Comment [61]: this issue did not have any helpful text in he 2007 materials

Cumulative impacts of threats

ISSUE 63 (Alex)

Our assessment of threats considered potential risk factors individually and cumulatively. Our threats assessment is organized sequentially, consistent with how section 4(a) of the Act is organized. We then discuss the overall finding, which considers the cumulative impacts of all potential threat factors. We considered and weighed the cumulative effects of all known and reasonably foreseeable threat factors facing the population when reaching the conclusion that the grizzly bear population in the GYE no longer meets and is unlikely to ever again meet the definition of a threatened species. When considering the population's recovered status, it is important to remember that the minimum recovery criteria require

[wolf rule then made a lengthy argument about how the population is indeed recovered. Not sure if we need or want this but here is the example: When considering the population's recovered status, it is important to remember that the minimum recovery criteria require Idaho, Montana, and Wyoming to each maintain at least 10 breeding pairs and at least 100 wolves in mid-winter. After delisting, Wyoming has committed to maintain at least 10 breeding pairs and at least 100 wolves outside of YNP and the Wind River Indian Reservation at the end of the year, and will maintain a buffer above these minimum levels so that the minimum targets are not compromised. Thus, Wyoming intends to manage for the entire recovery goal outside of YNP.

These statewide totals will be further buffered by wolves in YNP which experience extremely low rates of human-caused mortality allowing the population essentially to be naturally regulated at carrying capacity. From 2000 to the end of 2011 (the most recent official wolf population estimates available), the wolf population in YNP ranged from 96 to 174 wolves, and between 6 to 16 breeding pairs. The YNP wolf population appears to be settling around the lower end of this range (Service et al. 2000–2010, Table b; Smith 2012). Specifically, YNP biologists expect that the park will settle between 50 to 100 wolves and 5 to 10 packs with 4 to 6 of these packs meeting the breeding pair definition annually (Smith 2012). Given the above, the minimum recovery criteria for Wyoming will always be greatly exceeded. Additionally, the GYA wolf population will be further buffered by wolves in Idaho and Montana's portion of the GYA. Since 2002, Montana's GYA wolf population ranged from 55 to 130 wolves since recovery was achieved in 2002, and Idaho's ranged from 0 to 40 wolves in its portion of the GYA (Service et al. 2003–2012, Tables 1b, 2)."]

Comment [62]: edit to be about grizzly bears

All three States have maintained, and are expected to continue to maintain, a sizable population in their portion of the GYE. We expect the population will be managed around the 2002-2014 population average of 674 grizzly bears across portions of Montana, Idaho, and Wyoming. Overall, the GYE grizzly bear population's expected abundance and geographic distribution (occurring in both protected and unprotected portions of the GYE and occurring across multiple management jurisdictions) provides the GYE grizzly bear population with substantial representation, resiliency, and redundancy. Additional representation, redundancy, and resiliency is also provided across the other grizzly bear recovery areas. These factors provide us with confidence the population can withstand the types of impacts mentioned in the above comments. Wolves are very resilient and can withstand and recover from most of the specific events noted in the above comments. Such events are likely to cause localized impacts, which would not affect all or even a majority of the population in Wyoming, the GYA, or the NRM DPS. For example, when disease hit the YNP wolf population in 2005 and 2008 there were substantial, temporary impacts, but they were experienced only on a local scale and the YNP population quickly rebounded. No similar large-scale events have been documented in other portions of Wyoming. It should be noted that wolves' natural reproductive capacity and dispersal ability, State commitments to monitoring and adaptive management, and the regional population's representation, resiliency, and redundancy would not provide total protection from catastrophic events. For example, as noted in the rule, a cataclysmic eruption underneath YNP would devastate the GYA ecosystem. However, events such as these are extremely unlikely within the foreseeable future.

Comment [63]: provide similar example for grizzly bears

Regarding management, the States do not intend to manage the population at minimum agreed-upon targets. Instead, the State intends to manage for a buffer, recognizing that some unforeseen events could affect the population. Furthermore, Wyoming, Montana, and Idaho intend to carefully monitor the population and will adjust all controllable mortality factors, such as mortality resulting from harvest and depredation control, in response to measured mortality from all causes in order to ensure established mortality limits are not exceeded (CITE MOA

Comment [64]: from the wolf rule. Is this something we want to say here?

AND STATE REGS). The management measures in the State regulations and the Tri-State MOA provide that impacts related to human-caused mortality are appropriately managed and will not singularly, or in combination with other factors, compromise the population's recovered status.

Adequate regulatory mechanisms and post-delisting monitoring

ISSUE 64 (Grant)

The proposed rule's discussion of Factor D (the inadequacy of existing regulatory mechanisms) describes laws and regulations of Federal, State, and Tribal governments that govern management of grizzly bear habitat and populations. State grizzly bear management plans direct that grizzly bears would be managed as a game animal throughout the DPS in the event of delisting. Detailed regulations for grizzly bear hunting seasons (e.g., quotas, hunting seasons, licenses and fees, closures) may be approved and promulgated at the discretion of State wildlife commissions, but as stated in the proposed rule, such game regulations would need to be in place and consistent with specific mortality and population targets identified in the management framework in order for delisting to occur.

Because such modifications to State game regulations had not been approved at the time the proposed rule was published, we were able to describe them only in conditional terms. Thus, we believe the terms "anticipate", and "expect" were used appropriately in this section of the proposed rule. However, this does not imply a lack of commitment to ensuring effective management. Because the management framework provides specific standards for evaluating State game regulations, and the decision to delist the GYE grizzly bear DPS is contingent on meeting these standards, we could reasonably anticipate that in the event of delisting State regulations would restrict take of grizzly bears consistent with the mortality limits identified in the management framework.

[**not sure what has happened with state regs since proposed rule… will that affect this discussion? Language of specific comment letters might indicate a more detailed response. - GC***]

ISSUE 65 (????)

Potentially helpful text from 2007 rule:

- The Strategy and the Habitat-Based Recovery Criteria supplement to the Recovery Plan have been finalized (72 FR 11376; 72 FR 11376–11377). There have been no significant changes from the drafts of Habitat-Based Recovery Criteria, the Strategy, and the Forest Plan Amendment for Grizzly Bear Habitat Conservation for the GYA National Forests. All the supporting documents have been available for full public review, in accordance

with the Administrative Procedure Act (62 FR 47677, September 10, 1997; 64 FR 38464, July 16, 1999; 64 FR 38465, July 16, 1999; 70 FR 70632, November 22, 2005). The proposed rule also noted that these draft documents were available online at—http://mountainprairie fws.gov/species/mammals/ grizzly/yellowstone.htm. As envisioned by the Administrative Procedure Act, changes to the Reassessing Methods Document were made in response to public comments. These changes did not affect our final determination from that described in the draft rule. We responded to comments in the final documents. The Strategy and the Forest Plan Amendment are existing regulatory mechanisms that are currently in existence and take effect upon implementation of this final rule. Therefore, we considered these mechanisms when determining if the regulatory mechanisms were sufficient to protect the Yellowstone DPS' recovered status.

- By signing the Strategy, responsible agencies demonstrate that they are committed to implementing the features within their discretion and authority. The Strategy provides adequate assurance that the participating agencies will implement the agreement, which is sufficient to meet the reasonableness required for regulatory mechanisms. Furthermore, the USDA Forest Service finalized the Forest Plan Amendment for Grizzly Bear Habitat Conservation for the GYA National Forests and has incorporated this Amendment into the affected National Forests' Land Management Plans (USDA Forest Service 2006a, 2006b, p. 4). This amendment was completed pursuant to the 1982 planning regulations and supported by full Environmental Impact Statement analysis under the National Environmental Policy Act and would not be invalidated by a revision of the Forest Plan pursuant to the 2005 planning regulations. Yellowstone and Grand Teton National Parks appended the habitat standards to their Park Superintendent's Compendiums, thereby assuring that these National Parks would manage habitat in accordance with the habitat standards (Grand Teton National Park 2006, p. 1; Yellowstone National Park 2006, p. 44). These issues, and the use and impact of the various forest planning regulations (1982 and 2005), are discussed under Factor D below.

ISSUE 66 (Tyson)

Potential Content:

- (from 2012 WY wolf) While Wyoming can support more wolves than the agreement requires, the Act does not require managing the species at carrying capacity. Instead, it requires achieving and maintaining recovery and providing reasonable assurance of long term viability so that the population does not again become threatened or endangered. We have determined that Wyoming's approach to wolf management after delisting will achieve these goals and, when considered in the region's larger management scheme, will maintain recovery in Wyoming, the GYA, and across the NRM DPS. Furthermore, the addendum notes Wyoming's authority to revise, reduce, or close hunting seasons if necessary (WGFC 2012, pp. 6–7). Such flexibility allows the State to adaptively respond to population problems should its assumptions on susceptibility to human-caused mortality prove overly optimistic. Overall, we conclude that this approach of managing,

monitoring, and regulating and limiting human-caused mortality, including adjustments throughout the year as necessary, so that minimum management targets will be achieved, the population's recovered status will not be compromised, and the population will not again become endangered within the foreseeable future throughout all or a significant portion of its range.

- State agencies have the authority and the necessary State laws to limit human-caused mortality (U.S. Fish and Wildlife Service 2007, pp. 72– 76) and have committed to do so by signing the Strategy (U.S. Fish and Wildlife Service 2007, p. 13).
- It is true that States cannot compel Federal agencies to manage their lands in accordance with their State plans. However, as participants in the Strategy, both State and Federal agencies have agreed to carry out all provisions of the Strategy, including the appended State plans.
- All monitoring, reporting results, and management actions are centralized under the Coordinating Committee and the Study Team, as described in the Strategy (U.S. Fish and Wildlife Service 2007, pp. 25–67), which all the State and Federal agencies have signed and agreed to implement. The agencies responsible for managing the Yellowstone grizzly bear population upon delisting helped develop the Strategy and have been effectively cooperating and communicating with each other about grizzly bear management decisions for the last 25 years.
- In response to those questioning ability intentions of states/ability to manage → The States are committed to manage grizzlies in accordance with the Strategy and its appended State grizzly bear management plans. By signing the Strategy, all management agencies have agreed to adhere to the sustainable mortality limits.

ISSUE 67 (Joy)

We believe that combined State and Federal commitments will provide for adequate management of the GYE grizzly bear after delisting. Federal funding is dependent on year-to-year allocations whether or not the species is listed. Therefore, we cannot predict with certainty how future governmental appropriations will be directed, and we cannot commit Federal funds beyond those appropriated (21 U.S.C. 1341(a)(1)(A)). Federal funding and management will continue on Federal lands such as the National Parks and Forests, although it may not be to the extent that it was when the GYE grizzly bear was listed. We will also continue to assist the States in securing adequate funding for grizzly bear management,

The Conservation Strategy provides adequate assurance that State and Federal management agencies will implement the agreement, which is sufficient to meet the reasonableness required for regulatory mechanisms. By signing the Conservation Strategy, participating agencies have committed to implementing the protective features that are within their discretion and authority, and to secure adequate funding for implementation. In the unlikely event that grizzly bear management is inadequately funded to carry out the commitments in the Conservation Strategy, the lack of management would trigger a status review for possible relisting under the Act.

ISSUE 68 (Alex/Seth)

Even if hunters mistakenly kill a female grizzly, this grizzly will still count towards the total allowable mortality for females. All three states will require prompt reporting and registration of any grizzly bear mortality; this will ensure that managers appropriately account for the sex of any taken bear. According to the States' regulations, any grizzly bear hunting season will immediately halt if the number of females killed (through any means, discretionary or non-discretionary, by mistake or on purpose) exceeds the allowable mortality limits outlined in the MOA. If a hunter kills a female by mistake and causes an exceedance of the total allowable mortality limits for female bears, managers will subtract this mortality from the total allowable number of kills in the subsequent year, ensuring the number of female grizzly bear mortalities stays in check.

Comment [65]: can we say this? This is explici ly in MT and WY's regs but not Idaho's.

We believe, based on the best scientific and commercial data available, that the regulatory requirements we outlined in our proposed rule, and that the States incorporated into regulation, will maintain a recovered population of grizzly bears in the GYE. We do not believe the hunting regulations in Montana, Wyoming, and Idaho are too liberal but rather believe that their provisions requiring adherence to strict mortality limits, with the additional safeguard of subtracting any excess mortality in subsequent years, will ensure the GYE grizzly bear population remains at healthy levels.

The Conservation Strategy and the Tri-State MOA demonstrate Wyoming, Montana, and Idaho's commitment to coordination in grizzly bear management. We believe the provisions outlined in the Conservation Strategy and the Tri-State MOA are adequate to ensure that the three states coordinate regularly to reconcile mortality statistics, plan appropriate conservation actions, adapt management, and generally assure the continued recovery of grizzly bears in the GYE.

- **Distinguishing between male and female grizzlies**
- **too much latitude in manner of take (e.g., baiting, hounding, trapping, stalking), bag limits, seasons, and sex ratios and age limits for grizzly bear hunting → hunting regulations that are too liberal**
- **gaps in our regulatory requirements would not provide for adequate ecosystem-wide coordination and consistency in regulations**

(above three bullets covered by above paragraph?)

- Additional regulations:
  - **prohibiting the shooting of any grizzly bear traveling with other bears to further ensure females with dependent young are not killed**
  - **coordinate season dates through the Yellowstone Grizzly Coordinating Committee and time seasons to minimize risks to females**
  - **normal licensing and hunting procedures should apply to any grizzly bear hunt (i.e., hunts should be open to the public and non-resident hunters); hunts should not be special limited or controlled hunts**

- **heavy fines or the threat of license revocation for hunters that fail to carry bear spray**
  - RESPONSE: Although the States do not currently require hunters to carry pepper spray, it is strongly encouraged in hunter education courses and other educational materials. For more information on hunter education and public information efforts, see Issue [insert I&E issue #].
- ban on **baiting**, trapping, and the **use of hounds** for grizzly bear hunting in the GYE
  - RESPONSE: We recognize and respect that many find some or all forms of human-caused grizzly bear mortality as morally or ethically objectionable. However, the Act requires that we make our determination based on the status of the subject species (is it recovered and will State management retain that recovered status if the Act's protections are removed) and does not allow us to consider the manner in which individuals will be killed after delisting unless it would affect this overarching viability determination. The manner of take is subject to State control once grizzly bears are delisted. Based on the available information, we do not find any persuasive information to indicate that the manner of killing will affect the viability of the GYE grizzly bear population. Protection of the GYE grizzly bear population and maintenance of the ecosystems on which bears depend has been, and will continue to be, protected to the extent necessary.

- **explain what will be considered "human safety purposes" when deciding whether to allow additional grizzly bear mortality**
- clearly explain the difference between the terms "hunting" and "discretionary mortality" and use each term consistently
  - RESPONSE: The proposed rule defines "discretionary mortality" as "mortalities that are the result of hunting or management removals;" thus, hunting is a form of discretionary mortality. We made changes to the discussion of human-caused mortality in Factor B to clarify this issue.

ISSUE 69 (waiting...then Alex)

Comment [66]: might be more appropriate to draft this after end of this comment period

To respond to request for additional triggers on habitat or food monitoring:

Due to the natural annual variation in abundance and distribution in the 4 major food sources, there is no known way to calculate minimum threshold values for grizzly bear foods. We consider the establishment of habitat thresholds for food sources to be unrealistic. The 1998 baseline will address these issues adequately through access management and limitations on site development. Managers will use an adaptive management approach that addresses poor food years with responsive management actions such as limiting grizzly bear mortality, increasing Information and Education (I & E) efforts, and long-term habitat restoration (i.e., revegetation,

prescribed burning, etc.) as appropriate. The multiple indices used to monitor both bear foods and bear vital rates provide a dynamic and intensive data source to allow the agencies to respond to potential problems. We believe the adaptive management system described in the Conservation Strategy (U.S. Fish and Wildlife Service 2007, pp. 25-60) is one of the most detailed monitoring systems developed for any wildlife species and ensures the maintenance of a recovered grizzly bear population in the GYE.

ISSUE 70 (waiting...then Alex)

ISSUE 70.5 (Alex)

ISSUE 71 (Alex)

ISSUE 72 (Grant)

We believe that the Service's involvement in grizzly bear management, as described in the proposed rule, is appropriate in scope and is consistent with statutory requirements. Under section 4 of the Endangered Species Act, in order to remove a species from the List of Endangered and Threatened Wildlife we must determine whether it is endangered or threatened because of any of the following factors: (A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. For grizzly bears, our analysis of Factors B and D identifies human-caused mortality and the regulations governing it as crucial determinants of whether grizzly bear populations in the GYE will meet the definition of an endangered or threatened species. Therefore, regulatory mechanisms that adequately address these threats are a necessary component of the path to delisting; the proposed rule thus describes standards for evaluating State game regulations and confirming that they are consistent with grizzly bear mortality targets, under the management framework of the interagency 2016 Conservation Strategy. The authority for promulgating hunting regulations for game animals remains with State wildlife commissions; nonetheless, it remains the Service's statutory responsibility to analyze threats to the species under the five listing factors and evaluate whether such regulations are consistent with a delisting determination under the ESA. The State, Federal, and Tribal partner agencies implementing the 2016 Conservation Strategy continue to work together to implement a regulatory framework that allows grizzly bears in the GYE to be recovered and delisted under the ESA, with continuing habitat and population management under the authorities of the individual agencies.

After the delisting of grizzly bears in the GYE, the regulatory protections of the ESA will be withdrawn but the Service will continue to evaluate the species' status through post-delisting monitoring as described in the interagency 2016 Conservation Strategy. Because grizzly bears are vulnerable to excessive human-caused mortality, we anticipate that after delisting there will be a continuing need for grizzly bear conservation measures under the Conservation Strategy to

Comment [67]: update citation to Conservation Strategy (include page numbers)

Comment [68]: might be more appropriate to draft this after end of this comment period

Comment [69]: might be more appropriate to draft this after end of this comment period

Comment [70]: might be more appropriate to draft this after end of this comment period

be implemented actively under the jurisdiction and authority of the various Federal, State, and Tribal agencies. With continuing interagency cooperation in implementing the Conservation Strategy, we fully expect that it will be feasible to maintain healthy grizzly bear populations in the GYE without the protections of the ESA. As is the case for any non-listed species, the Service could potentially review the grizzly bear for re-listing in response to petitions, or at our discretion if we believe it may meet the definition of a threatened or endangered species (e.g., if population and mortality targets in the Conservation Strategy should consistently fail to be met). [****check this language for legal consonance with listing process and standards****]

We anticipate that the Federal government will continue to be involved in grizzly bear management after delisting. As discussed in the proposed rule, the National Park Service, Forest Service, and Bureau of Land Management are responsible for land management over much of the GYE, and will continue to be actively involved in interagency groups implementing the Conservation Strategy. The Service plans to remain informed about grizzly bear status and population trends, and to remain engaged with partners as the Conservation Strategy is implemented. [****please revise if more specific details about future Service role are needed****] However, with delisting, the ESA will no longer provide a statutory mandate for the Service to hold primary responsibility for grizzly bear management; primary authority for population management will rest with State wildlife commissions and fish and game agencies under State laws and regulations. As noted previously, land management actions affecting grizzly bears will continue to be implemented by various State and Federal agencies under their respective legal authorities, as well as by Tribal and private landowners. As participants in the Strategy, both State and Federal agencies have agreed to carry out all provisions of the Strategy, including the appended State plans.

As discussed in the proposed rule, we believe that limited and well-regulated hunting of grizzlies can be compatible with meeting mortality targets under the Conservation Strategy, and thus maintaining a healthy population that does not require ESA protections. Therefore, we do not believe that State classification of grizzly bears as a nongame species is a necessary prerequisite for delisting.

ISSUE 73 (Grant)

The proposed rule uses the term “conservation-reliant species” in reference to Scott et al. (2005), who originally defined these as “species that can maintain a self-sustaining population in the wild only if ongoing management actions of proven effectiveness are implemented” (p. 386). While this term is not a statutory or regulatory designation under the ESA, we believe the concept has practical implications for the process of delisting a species under the ESA. Species “that are threatened by clear and remediable threats that are highly unlikely to occur” (p. 386) might be readily delisted without ongoing management agreements once certain discrete recovery actions are complete. Conservation-reliant species, on the other hand, because they are likely to require ongoing maintenance, are likely to require some assurance that ongoing

management will be implemented. This distinction would be reflected in the analysis of Factor D (the inadequacy of existing regulatory mechanisms) within a delisting rule.

Because grizzly bears have naturally low reproductive rates, they are vulnerable to depletion by non-sustainable harvest levels, and prior to their listing this factor was a major contributor to their decline[***cite best reference?***]. For grizzly bears in the GYE, as stated in the proposed rule, we expect that "(t)he need to carefully manage human-caused bear mortality and to coordinate management of the population across multiple land ownerships and jurisdictions will always remain." We believe that appropriate game regulations, if adequately implemented and enforced, will be able to maintain viable grizzly bear populations in the GYE. Thus we consider it appropriate to characterize them as "conservation-reliant". The 2016 Conservation Strategy was developed with the commitments of multiple signatory agencies due to this ongoing need for coordinating interagency management and ensuring that mortality limits are not exceeded. We fully expect that this Conservation Strategy will be able to successfully maintain a viable grizzly bear population in the GYE, but at the same time we anticipate that the need for active interagency coordination and commitments to implementing this Conservation Strategy and monitoring its success will remain into the future. If threats continue to be managed such that mortality targets are successfully met, we do not anticipate a need for renewed listing under the ESA.

- Excerpts from proposed rule:
  - "The 2016 Conservation Strategy will remain in effect in perpetuity, beyond delisting and the 5-year monitoring period required by the Act as grizzly bears, like many other species, will always be ''conservation-reliant'' (Scott et al. 2005, p. 384) because of their low resiliency to excessive human-caused mortality. The need to carefully manage human-caused bear mortality and to coordinate management of the population across multiple land ownerships and jurisdictions will always remain." (13209)
  - "Conservation-reliant species can maintain recovered, self-sustaining wild populations with ongoing management actions (Scott et al. 2005, p. 383). These management actions are detailed in the draft 2016 Conservation Strategy and will be informed and updated as necessary by all the habitat and population parameters that will be annually monitored by the IGBST." (13223)
- Excerpts from Scott et al. 2005 (paper referenced in proposed rule):
  - "Conservation-reliant species" can maintain self-sustaining wild populations with ongoing management actions (383)
  - Criteria for assessing whether a species is conservation-reliant (384)
    - Threats to the species' continued existence are known and treatable
    - The threats are pervasive and recurrent, eg nest parasites, nonnative predators

        - The threats render the species at risk of extinction, absent ongoing conservation management
        - Management actions sufficient to counter threats have been identified and can be implemented, eg prescribed fires, restrictions on grazing or public access, predator or parasite control
        - Federal, state, or local governments – often in cooperation with private or tribal interests – are capable of carrying out the necessary management actions as long as necessary. ("In perpetuity" is a lightning rod)
    - "We suspect that the only "walkaway" species are likely to be those few that are threatened by clear and remediable threats that are highly unlikely to recur. Most listed species will require continuous management action in order to maintain their recovered status. They are "conservation-reliant" species, in other words, species that can maintain a self-sustaining population in the wild only if ongoing management actions of proven effectiveness are implemented. A "self-sustaining" population should be able to remain stable or increase over time without human assistance to reproduction or dispersal in the wild. Although occasional translocations to maintain genetic diversity would not violate this notion of a self-sustaining population, frequent translocations to overcome anthropogenic dispersal barriers or to compensate for losses due to predation, disease, or other mortality factors would. Examples of management actions that would meet our criteria for defining "conservation-reliant" include control of invasive species, the recurring use of prescribed fire to maintain suitable habitat, restrictions on grazing or public access, predator control, regularly scheduled water releases from dams, or limited translocations to maintain genetic diversity. We would not consider species to be conservation-reliant if they are dependent upon releases of captive-reared individuals (eg California condor or hatchery-reared salmon; Myers et al. 2004) or manipulation of large portions of a species' population rather than manipulation of its habitat (eg barging of salmon smolts across dams to overcome migration barriers; Ward et al. 1997; Levin and Tolimieri 2001; Figure 7). Considering a species to be recovered on the basis of populations sustained only through captive propagation, removal from the wild, or artificial migration is inconsistent with the objective of the ESA to conserve ecosystems [ie ESA sec 2(b)]." (386)
    - "The conservation-reliant species concept serves at least two purposes. First, it explicitly acknowledges that the simplistic model of recovery – a species is listed, steps are taken to resolve the threats, the species is delisted and lives happily ever after – is unrealistic. Most rare species are dependent upon ongoing conservation management. Second, and more important, the conservation-reliant species concept can assist in recovery by allowing a species whose population has stabilized at or above its recovery goals to be delisted, even though the threats to

its existence can only be successfully mitigated rather than eliminated by ongoing conservation management...For these threatened, conservation-reliant species, statutory restrictions could be replaced with more flexible regulations as long as the needed management is being supplied." (387)

ISSUE 74 (waiting…)

ISSUE 75 (Alex)

ISSUE 76 (BLM helping)

Upon delisting of the GYE grizzly bear, they will be added classified as a sensitive species by the Bureau of Land Management for at least 5 years. This information has been added to both the rule (*see* Factor A) and the Conservation Strategy (*see* Chapters 3 and 6).

DPS/SPR comments

ISSUE 77 (Maricela)

ISSUE 78 (Maricela)

ISSUE 79 (Maricela)

ISSUE 80 (Maricela)

Limited gene flow, as suggested here, would not compromise the required level of discreteness for DPS status, as the DPS policy does not require complete separation of one DPS from other populations, but instead requires ''marked separation.''

Forest Service issues

ISSUE 81 (Jennifer/Forest Service)

ISSUE 82 (Jennifer/Forest Service)

In response to concerns about our portrayal of the Forest Service designations of wilderness areas, wilderness study areas, and roadless areas in the proposed rule, revisions were made to the Rule (*see* Factors A and D) that provide clarification to our description of the Forest Service designations of wilderness, wilderness study areas, and roadless areas and the protections each of these designations provide. Although it is true that development can occur in conjunction with oil and gas leases that pre-date the roadless rule, these claims must be valid to be pursued and the plans of operation are subject to reasonable regulations to protect roadless characteristics with mitigation to offset potential impacts from development. Although

motorized roads and trails may occur in roadless areas, they are subject to forest travel management plans. The roadless rule is no longer under judicial review and was upheld by the 10th Circuit Court of Appeals (*Wyoming v. United States Department of Agriculture,* 661 F.3d. 1209 (10th Cir. 2011)). If valid mining claims are pursued, the plans of operation are subject to reasonable regulations to protect wilderness values with mitigation to offset potential impacts from development. Although pre-existing livestock permits are allowed under these designations, new livestock allotments are not permitted in these areas.

ISSUE 83 (Jennifer/Forest Service)

ISSUE 84 (Jennifer/Forest Service)

Calibration response

IGBST will evaluate any new method to estimate population size within the DMA. If accepted, the new method will be used in conjunction with the model-averaged Chao2 method until it is calibrated to the model-averaged Chao2 method. The population objectives, confidence intervals, and mortality limits will also be reset to be consistent with the goal of maintaining a stable population around the 2002-2014 population average, as measured by the new method. The recovery objective for the GYE population of grizzly bears is to maintain the population at the average size between 2002 and 2014. A new method may produce a different population average between 2002 and 2014. This new average would be the new population objective. Determining the correlation or correction between the model-averaged Chao2 method and any new estimation method (and appropriately resetting the population objective, confidence intervals, and mortality limits) is critical to maintaining the population at the 2002-2014 average. *From Forest Service position statement: Consistent with this objective, the best science available should be utilized to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014, regardless of which population estimator is used.*

From: Jodi Bush (via Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Draft Statement - Invitation to edit
Date: Friday, October 28, 2016 10:58:39 AM

Jodi Bush has invited you to **edit** the following document:

Draft Statement

Open in Docs

Google Docs: Create and edit documents online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a document with you from Google Docs.

From: wayne_kasworm@fws.gov
To: Fortin-Noreus, Jennifer
Subject: Email lost
Date: Friday, September 30, 2016 12:25:49 PM

I sent you an email at the UM address and now I have lost it on this phone. If you could find and send back it would be much appreciated. Wilcox draft response.
Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT. 59923
406.293.4161. ext 205

From:	Fortin-Noreus, Jennifer
To:	jennifer_fortin-noreus@fws.gov
Subject:	FW: USFS Position Statement
Date:	Thursday, September 29, 2016 4:50:36 PM
Attachments:	USFS Statement of Interest GYE Population Objective_15Sept2016.docx ATT00001.htm USFS Statement of Interest GYE Population Objective_15Sept2016.pdf ATT00002.htm

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Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu

_____

From: Erickson, Mary C -FS [mcerickson@fs fed.us]
Sent: Thursday, September 22, 2016 2:40 PM
To: Fortin-Noreus, Jennifer
Subject: Fwd: USFS Position Statement

Hello Jennifer. I wanted to be sure you had received this.

Thanks, Mary

Sent from my iPad

Begin forwarded message:

From: "Landenburger, Lisa A -FS" <lalandenburger@fs fed.us<mailto:lalandenburger@fs fed.us>>
Date: September 22, 2016 at 1:58:48 PM MDT
To: "Erickson, Mary C -FS" <mcerickson@fs fed.us<mailto:mcerickson@fs fed.us>>
Subject: USFS Position Statement

Mary,
At Dan's direction, and per your request, attached is a copy of the USFS Position Statement pertaining to GYE grizzly bear population objectives. This is the document that was sent to and approved by Dave Schmid. It is ready to be delivered to USFWS.

p.s. – pdf and Word doc formats

Lisa Landenburger
Grizzly Bear GIS Database Coordinator, Greater Yellowstone Ecosystem
USGS Northern Rocky Mountain Science Center
USFS Affiliate, Region 1
Email: lalandenburger@fs fed.us<mailto:lalandenburger@fs fed.us>
phone: 406-994-7430

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US Forest Service Statement of interest in management objectives for the GYE grizzly bear
9/15/2016

In March 2016, the U.S. Fish and Wildlife Service (USFWS) published a Proposed Rule to remove the Greater Yellowstone Ecosystem (GYE) grizzly bear population from the Federal List of Endangered and Threatened Wildlife. As stated in the May 13, 2016, letter from Leslie Weldon (Deputy Chief, National Forest System) to the USFWS, the Forest Service supports the Proposed Rule, inclusive of the statements that the Yellowstone grizzly bear population is stable and that the threats to this population are sufficiently minimized. However, as also indicated in that letter, the Forest Service has concerns regarding language in the Proposed Rule and Conservation Strategy associated with population management objectives. Principally, these concerns involve language consistency between the two documents and clarity in stated objectives.

In recent decades, the Forest Service has contributed significantly to the successful multi-agency program to recover and conserve the GYE grizzly bear. These efforts have resulted in a demonstrative increase in secure habitat and a biological recovery of the population. In light of this commitment, the Forest Service has a vested interest in implementing a Conservation Strategy that provides the best framework for managing the GYE grizzly bear population into the future. To that end, it is in the best interest of all partner agencies, as well as the grizzly bear, that an overall population objective is clearly stated and in a manner consistent between the Final Delisting Rule and the Conservation Strategy. To ensure transparency in a delisting process and to withstand legal challenge, the Forest Service leadership supports providing a post-delisting management objective that promotes maintaining a stable grizzly bear population. Consistent with this objective, the best science available should be utilized to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014, regardless of which population estimator is used.

The Forest Service affirms the commitment to manage GYE habitat commensurate with this population objective. It also intends to manage habitat in a manner that promotes natural movement and genetic exchange between GYE grizzly bears and nearby populations.

Recovering the Yellowstone grizzly bear population has been a 40-year lesson in cooperation and commitment toward a common goal. In that spirit, the Forest Service is similarly committed to working with partner agencies to see the legacy of this remarkable accomplishment secured by attending to the conservation of the GYE grizzly bear population.

US Forest Service Statement of interest in management objectives for the GYE grizzly bear
9/15/2016

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From:	Matt Hogan
To:	Jodi Bush; Jennifer Fortin-Noreus
Subject:	FW: YES Conference Call and November Meeting Reminder
Date:	Monday, October 24, 2016 3:55:54 PM
Attachments:	image003.png image004.png image005.png image006.png

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I just left Mary a VM. No resolution yet.

From: Erickson, Mary C -FS [mailto:mcerickson@fs.fed.us]
Sent: Monday, October 24, 2016 9:33 AM
To: Brian Nesvik (brian.nesvik@wyo.gov); Jodi_Bush@fws.gov; Matt Hogan, FWS; Jennifer Fortin-Noreus, FWS
Cc: O'Connor, Patricia -FS
Subject: FW: YES Conference Call and November Meeting Reminder

Custer Gallatin National Forest

Good morning. Just a check in to see whether there has been progress on the unresolved issues? I've had a few inquiries on this and whether we are going to be ready to have our conference call this Friday.

Thanks, Mary

Mary C Erickson
Forest Supervisor

Forest Service
Custer Gallatin National Forest

p: 406-587-6949
f: 406-587-6758
mcerickson@fs.fed.us

10 East Babcock
Bozeman, MT 59715
www.fs.fed.us

Caring for the land and serving people

From: Erickson, Mary C -FS
Sent: Monday, October 17, 2016 3:28 PM
To: Alexander, Joseph G -FS <jgalexander@fs.fed.us>; 'Ben Snyder, Wind River Tribal F&G' <fishandgame@wyo.com>; 'Brian Nesvik, WY G&F' <brian.nesvik@wyo.gov>; 'Cornie Hudson, BLM MT' <chudson@blm.gov>; 'Dan Wenk, YNP' <Dan_Wenk@nps.gov>; 'David Vela, GT NP'

<david_vela@nps.gov>; 'Delissa Minnick, BLM WY' <dminnick@blm.gov>; Erickson, Mary C -FS <mcerickson@fs.fed.us>; 'Frank van Manen, USGS IGBST' <fvanmanen@usgs.gov>; Glossa, Melany I -FS <mglossa@fs.fed.us>; 'Gregg Losinski, ID F&G' <gregg.losinski@idfg.idaho.gov>; 'Jeff Gould, ID F&G' <jeff.gould@idfg.idaho.gov>; 'Jennifer Fortin-Noreus, FWS' <jennifer.fortin-noreus@mso.umt.edu>; 'Jim Hart, MACO' <madco@madison.mt.gov>; 'Jim White, ID F&G' <jim.white@idfg.idaho.gov>; Jodi_Bush@fws.gov; 'Kerry Gunther, YNP' <kerry_gunther@nps.gov>; 'Leander Watson, Shoshone-Bannock' <lwatson@sbtribes.com>; 'Lee Miller- ID, Fremont County Commissioner' <lmiller@co.fremont.id.us>; 'Loren Grosskopf, WY CCA-Park Co.' <lgrosskopf@parkcounty.us>; 'Matt Hogan, FWS' <matt_hogan@fws.gov>; O'Connor, Patricia -FS <poconnor@fs.fed.us>; Rupert, Susan -FS <srupert@fs.fed.us>; 'Sam Sheppard, MT FWP' <SSheppard@mt.gov>; 'Sandi Fisher' <sandi_fisher@fws.gov>; Smelser, Garth -FS <gsmelser@fs.fed.us>; 'Sue Consolo-Murphy' <sue_consolo-murphy@nps.gov>; 'Tom Rice, MACO' <trice@beaverheadcounty.org>; Tyers, Daniel - FS <dtyers@fs.fed.us>; 'Tyler Abbott, USFWS, WY' <tyler_abbott@fws.gov>; 'Wayne Kasworm, FWS' <wayne_kasworm@fws.gov>

Cc: Barndt, Scott A -FS <sbarndt@fs.fed.us>; Benson, Chad W -FS <cwbenson@fs.fed.us>; Bode, Pam -FS <pbode@fs.fed.us>; Canfield, Jodie E -FS <jecanfield@fs.fed.us>; Castro, Jose V -FS <jcastro@fs.fed.us>; 'Cecily Costello, MT FWP' <cecostello@mt.gov>; Daley, Marna -FS <mdaley@fs.fed.us>; Darnell, Jane D -FS <jdarnell@fs.fed.us>; 'Dave Gustine, NPS' <dave_gustine@nps.gov>; Dawe, Christine -FS <cdawe@fs.fed.us>; 'Deb Frauson, NPS' <deb_frauson@nps.gov>; Dixon, Bev -FS <bdixon@fs.fed.us>; 'Fletcher, Tammy -FS' <tammyfletcher@fs.fed.us>; Griebel, Randall L -FS <rgriebel@fs.fed.us>; Jackson, Scott -FS <sjackson03@fs.fed.us>; 'Kate Wilmot, NPS' <katharine_wilmot@nps.gov>; 'Ken McDonald - FWP' <kmcdonald@mt.gov>; 'Kevin Schneider, NPS' <kevin_schneider@nps.gov>; 'Mark Haroldson, USGS' <mharoldson@usgs.gov>; Marten, Leanne - FS <lmarten@fs.fed.us>; 'Mike Wrigley, NPS, Lakewood' <mike_wrigley@nps.gov>; Schmid, David -FS <dschmid@fs.fed.us>; Swiader, Jennifer E -FS <jennifereswiader@fs.fed.us>

Subject: YES Conference Call and November Meeting Reminder

Custer Gallatin National Forest

Fellow Committee members: a reminder that we set aside ***Friday October 28th from 1 to 3 p.m.*** for a full Committee conference call.
The intent is to review and seek agreement on final Conservation Strategy language for key points in Appendix C that have been under discussion between the Department of Interior and the States. We expect to get you any revised language before the call.

Call in information is as follows:

Conference Line: 888-844-9904, Passcode 7621437#

In Bozeman, we will gather at the Fish, Wildlife and Parks Office for the call.

The November YES Meeting will be November 16th and 17th in Cody. It will be preceded by the GYCC meeting on the 15th and 16th. The YES meeting will start at 1 p.m. on the 16th and end at noon on the 17th.

We will be at the Buffalo Bill Center of the West. There are several motels in Cody. We have held a block of rooms at the Holiday Inn, under the "Greater Yellowstone Coordinating Committee" with a $104/night government rate. Their phone number is 307-587-5555.

Thanks to all for your attention to this.
Mary

Mary C Erickson
Forest Supervisor

Forest Service
Custer Gallatin National Forest

p: 406-587-6949
f: 406-587-6758
mcerickson@fs.fed.us

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Caring for the land and serving people

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From: Fortin-Noreus, Jennifer
To: jennifer_fortin-noreus@fws.gov
Subject: FW: snow mobiling
Date: Thursday, October 20, 2016 3:00:45 PM
Attachments: Report to GNF for Grizzly Bear Den Sites 2015-16 wFigure.doc
Report to GNF for Grizzly Bear Den Sites 2014-15 wFigure.doc
Report to GNF for Grizzly Bear Den Sites 2013-14.doc
Hegg et al 2010 A Summary of Monitoring a Grizzly Den on Togwotee Pass.pdf

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Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu

_____

From: Haroldson, Mark [mharoldson@usgs.gov]
Sent: Friday, October 14, 2016 1:15 PM
To: Fortin-Noreus, Jennifer
Subject: Re: snow mobiling

We have no documented records of grizzly bears abandoning dens do to snowmobile activity. Since the winter of 2013-2014, I have been responsible for documenting potential conflicts between denning and/or emerging grizzly bears and snowmobile use on the Gallatin National Forest. For the last 3 denning seasons there have been no reports of grizzly bear active during the winter/early spring seasons by agency personnel (IGBST or MTFWP) that indicated potential conflicts between denning and/or emerging grizzly bears and snowmobile use. Reports to the Gallatin National Forest for the winters of 2013-14, 2014-15, and 2015-16 are attached.

Additionally, during the winter of 2009-2010, a grizzly bear was observed digging a den in the Squaw Basin, Bridger-Teton National Forest in a area heavily used by snowmobiles. The attached reports documents over winter snowmobile activity near the den site. The grizzly bear remained in the den throughout the winter and emerged 20 April 2010 with one cub-of-the-year.

On Thu, Oct 13, 2016 at 3:36 PM, Fortin-Noreus, Jennifer <jennifer fortin-noreus@mso.umt.edu<mailto:jennifer fortin-noreus@mso.umt.edu>> wrote:
Has the IGBST documented any disturbance of grizzly bears from snowmobiling since 2000?

Thanks!

Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994

jennifer.fortin-noreus@umontana.edu<mailto:jennifer fortin-noreus@umontana.edu>

--
Mark A. Haroldson
USGS Northern Rocky Mountain Science Center
Interagency Grizzly Bear Study Team
2327 University Way, Suite 2
Bozeman MT 59715
Phone 406-994-5042
Cell 406-570-7754
Fax 406-994-6416

Report to GNF for Grizzly Bear Den Sites 2015-16.

5) New Grizzly Bear Den Site Locations Relative to Snowmobile Use.

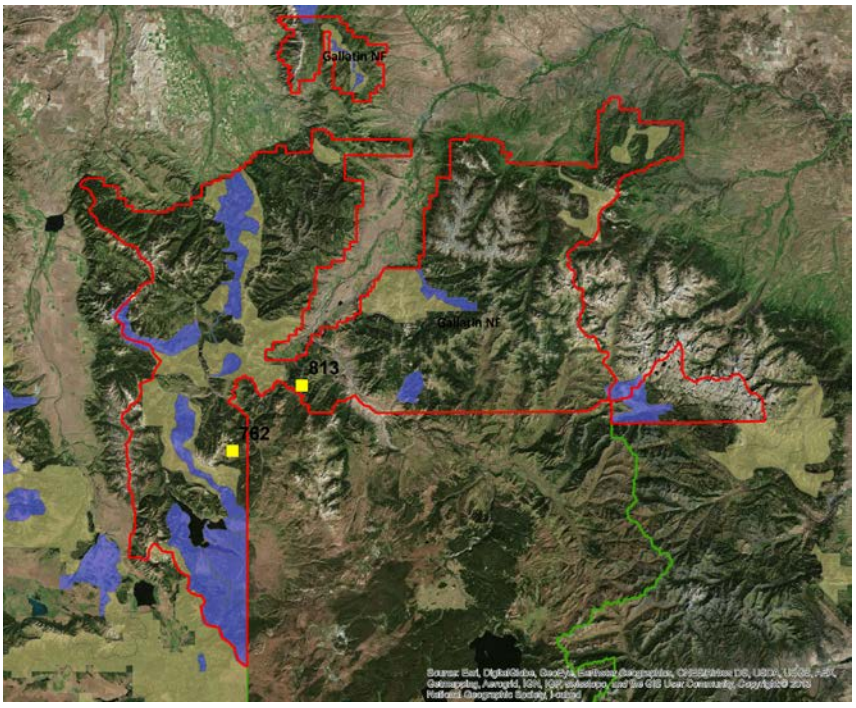
Two den sites from radio-marked grizzly bears were located on the Gallatin National Forest during the winter of 2015–16. Both den sites were in areas closed to snowmobiling.

6) Grizzly Bear Detections in Winter/Early Spring.

There were no grizzly bear sightings, nor detections of grizzly bear activity in the winter or early spring seasons throughout this reporting period by any GNF personnel. Further, there were no reports of bears active during the winter/early spring seasons by other agency personnel (IGBST or MTFWP) that indicated potential conflicts between denning and/or emerging grizzly bears and snowmobile use on NFS lands within the Gallatin Forest boundary.

7) Grizzly Bear Population Trends and Potential Impacts from Snowmobile Use

Mark Haroldson, Supervisory Wildlife Biologist for the IGBST was contacted (personal communication, Bozeman, MT, 25 August 2016) and he indicated that IGBST has no data to indicate that snowmobile use on the Gallatin National Forest is having any impact on grizzly bear demographics in the GYA.



Report to GNF for Grizzly Bear Den Sites 2014-15.

5) New Grizzly Bear Den Site Locations Relative to Snowmobile Use.

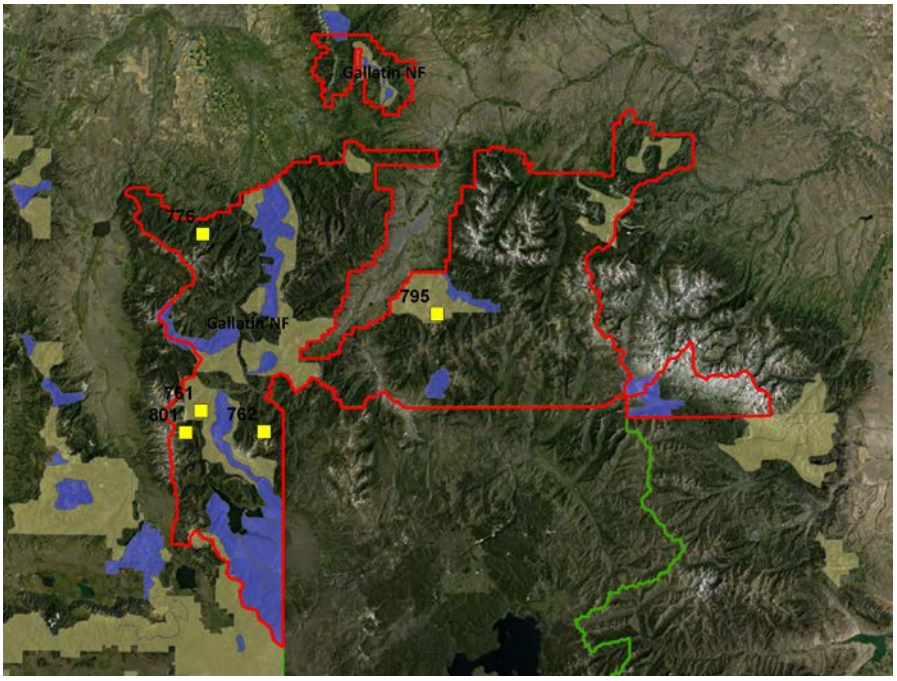
Five den site locations from radio-marked grizzly bears were located on the Gallatin National Forest during the winter of 2014–15. Two den sites were in areas open to snowmobiling. However there was no immediate concern for snowmobile use causing issues with either den site as both were located in relatively inaccessible areas, and additionally, 1 was also in heavy timber (M. Haroldson personal communication, Bozeman, MT, 23 June 2014).

6) Grizzly Bear Detections in Winter/Early Spring.

There were no grizzly bear sightings, nor detections of grizzly bear activity in the winter or early spring seasons throughout this reporting period by any GNF personnel. Further, there were no reports of bears active during the winter/early spring seasons by other agency personnel (IGBST or MTFWP) that indicated potential conflicts between denning and/or emerging grizzly bears and snowmobile use on NFS lands within the Gallatin Forest boundary.

7) Grizzly Bear Population Trends and Potential Impacts from Snowmobile Use

Mark Haroldson, Supervisory Wildlife Biologist for the IGBST was contacted (personal communication, Bozeman, MT, 23 June 2015) and he indicated that IGBST has no data to indicate that snowmobile use on the Gallatin National Forest is having any impact on grizzly bear demographics in the GYA.



Report to GNF for Grizzly Bear Den Sites 2013-14.

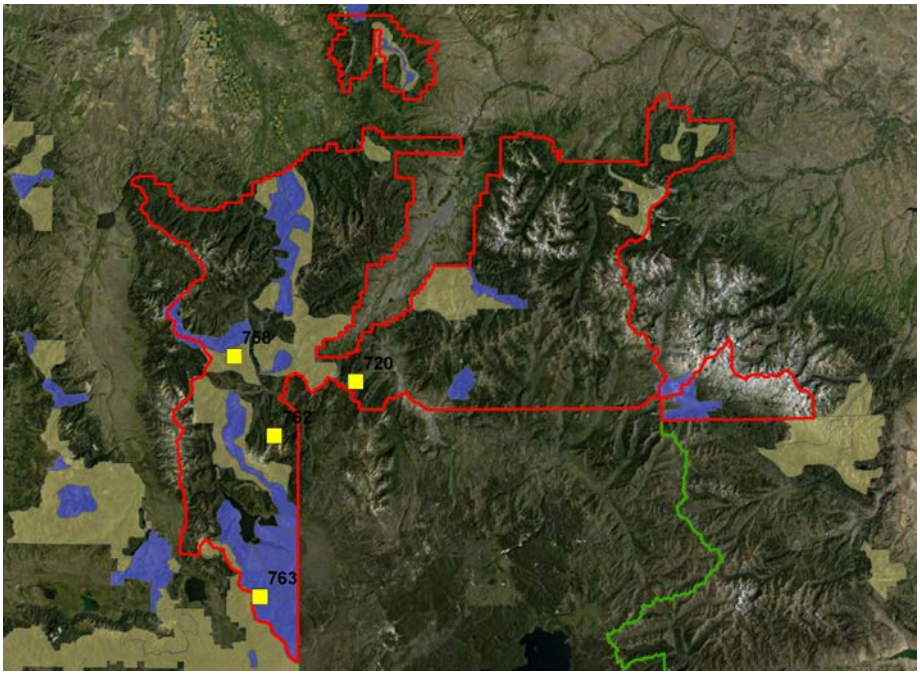
H. New Grizzly Bear Den Site Locations Relative to Snowmobile Use.

Four new den site locations were discovered during the winter of 2013–14 on the Gallatin National Forest. Two were in areas open to snowmobiling. However there was no immediate concern for snowmobile use causing issues with either den site because both were in heavy timber (>40% canopy closure) and in relatively inaccessible locations (M. Haroldson personal communication, Bozeman, MT, 28 July 2014).

I. Grizzly Bear Detections in Winter/Early Spring.

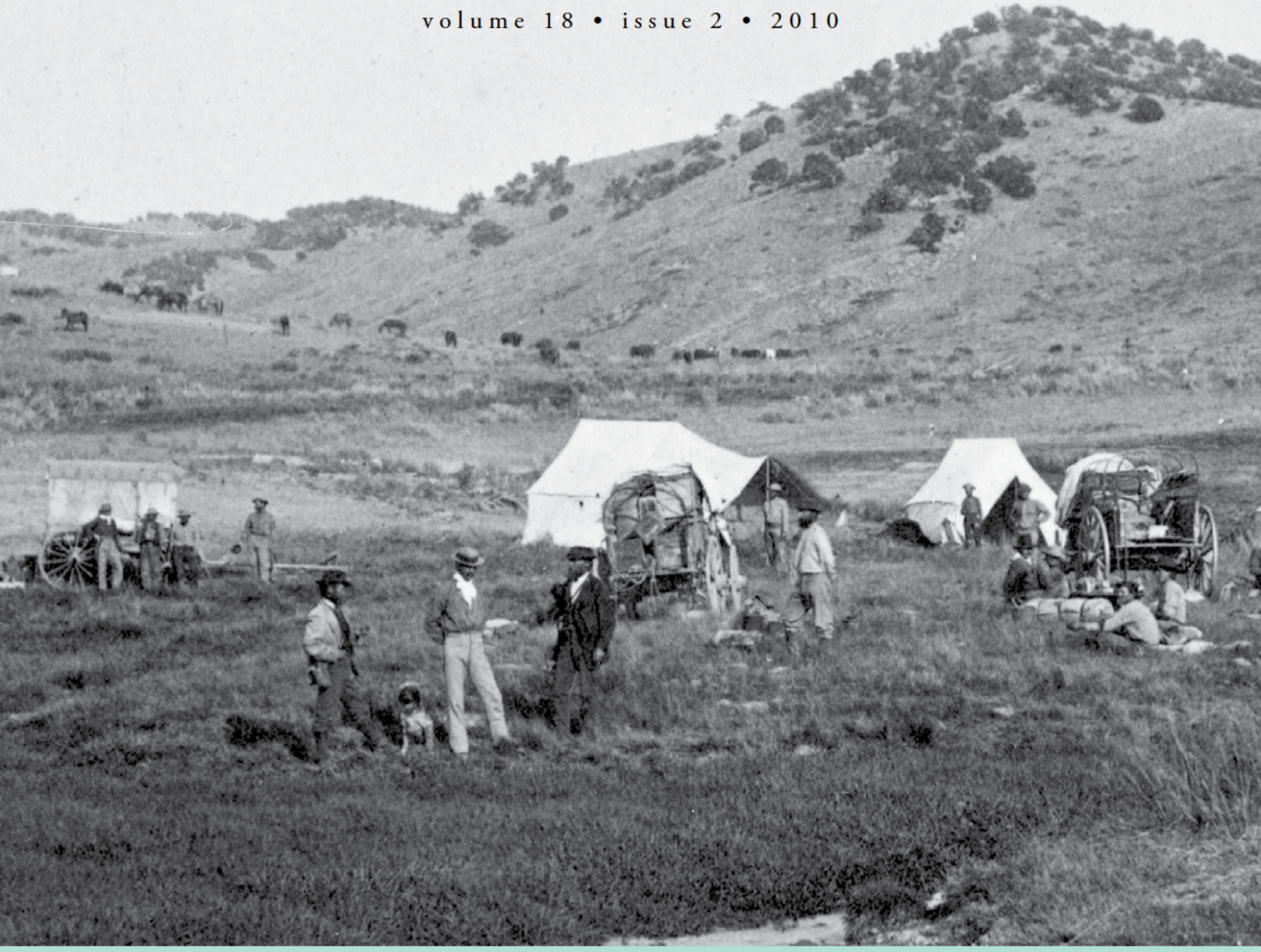
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Yellowstone Science

volume 18 • issue 2 • 2010



Greater Yellowstone Science: Past, Present, and Future

Science Agenda for the Greater Yellowstone Area

Grizzly Bears and Snowmobile Use



LYNN WELLS

A grizzly sow and her cub emerge from their den and wander away amidst snowmobile tracks.

The *Aww* of Science

This photo from Sarah Hegg's article of a grizzly sow and her cub is compelling for its *aww* factor, a reminder of why we live and work here. It is also an image of the resilience of nature that Paul Schullery talked about at a November 2009 science agenda workshop focused on climate change, land use change, and invasive species. Hegg's study provides an example of the tolerance that a bear can have for human activities. It also illustrates how scientific information can be used to manage a situation for the benefit of both wildlife and humans.

With all the uncertainty that climate change brings, getting scientific information that can inform decision making into the hands of managers is as relevant as ever. Managers and scientists agree that in the face of these global issues, cross-boundary partnerships and increased communication are critical to efforts to discuss management options in future scenarios. The November workshop was one of many current efforts to bring people together to develop viable, long-term, integrated approaches to ecosystem management. Tom Olliff et al. present some of the results from that workshop here as a Greater Yellowstone Area Science Agenda.

As Schullery reminds us in his talk, crises in the Yellowstone area have come and gone. Climate change opens a new chapter and offers new opportunities for mucking around, adaptive management, and plain old observation. How we make these choices will frame how historians speak of us.

Please join us at the 10th Biennial Scientific Conference on the Greater Yellowstone Ecosystem, *Questioning Greater Yellowstone's Future: Climate, Land Use, and Invasive Species*, October 11–13 at Mammoth Hot Springs, for lively discussions on these topics. For more information go to: www.greateryellowstonescience.org/gyesciconf2010.

We hope you enjoy the issue.



YELLOWSTONE SCIENCE

a periodical devoted to
natural and cultural resources

volume 18 • issue 2 • August 2010

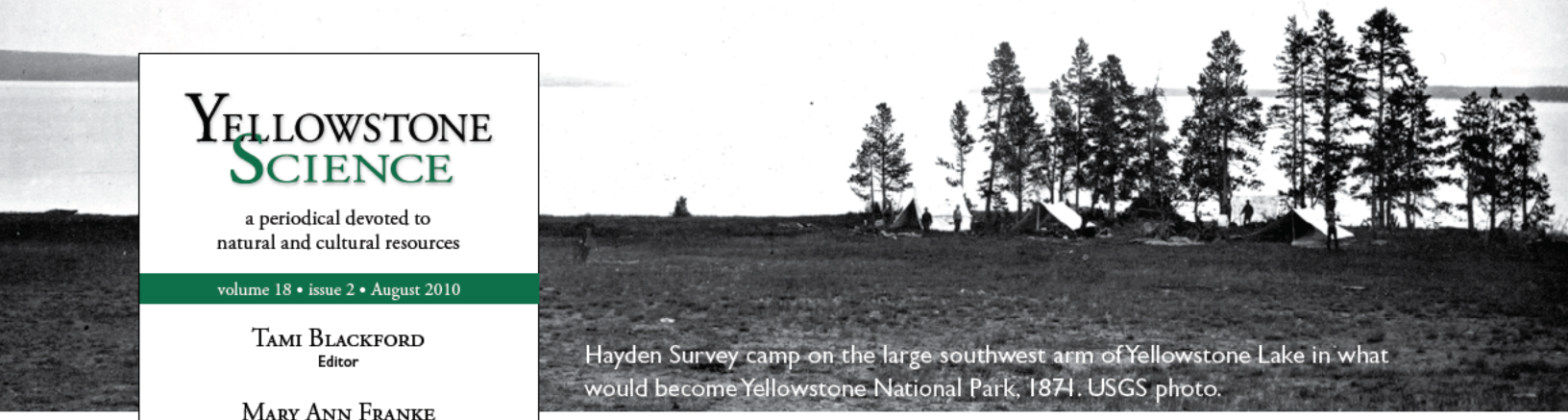
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Hayden Survey camp on the large southwest arm of Yellowstone Lake in what would become Yellowstone National Park, 1871. USGS photo.

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Submissions are welcome from all investigators conducting formal research in the Yellowstone area. To submit proposals for articles, to subscribe, or to send a letter to the editor, please write to the following address: Editor, *Yellowstone Science*, PO Box 168, Yellowstone National Park, WY 82190. You may also email: yell_science@nps.gov.

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Cover photo:
Camp of Hayden Survey party at Three Springs, Yellowstone National Park. USGS photo by William Henry Jackson, 1871.

FEATURES

7 **Greater Yellowstone Science: Past, Present, and Future**
Presented at the Greater Yellowstone Area Science Agenda Workshop, Montana State University, November 4, 2009
Paul Schullery

14 **A Science Agenda for the Greater Yellowstone Area**
The first part of an agenda from the November 2009 workshop, "Climate Change, Invasive Species, and Land Use Change as Drivers of Ecological Change in the Greater Yellowstone Area."
Tom Olliff, Glenn Plumb, Jeffrey Kershner, Cathy Whitlock, Andy Hansen, Molly Cross, and Scott Bischke

23 **Grizzly Bears and Snowmobile Use: A Summary of Monitoring a Grizzly Den**
During winter 2009–2010, a grizzly bear was observed digging a den in the Squaw Basin area of Togwotee Pass near a popular Continental Divide snowmobile trail.
Sarah J. Hegg, Kerry Murphy, and Dan Bjornlie

DEPARTMENTS

2 **News & Notes**
ESA Protections Reinstated for Wolves • New Researcher Check-in Program • Bison Population Estimate • 10th Conference Registration Available • Lehnertz Named Pacific West Regional Director • Lewis Receives Rachel Carson Award • Plumb Accepts New Position • 9th Conference Proceedings Available

5 **Shorts**
Clarks Fork Bighorn Sheep • *East of Yellowstone* • *Knowing Yellowstone* • DNA Genotyping Suggests Brucellosis Outbreaks in the Greater Yellowstone Area Originated from Elk

Grizzly Bears and Snowmobile Use

A Summary of Monitoring a Grizzly Den on Togwotee Pass

Sarah J. Hegg, Kerry Murphy, and Dan Bjornlie

During winter 2009–2010, a grizzly bear was observed digging a den in the Squaw Basin area of Togwotee Pass, providing a unique opportunity to monitor a grizzly bear den and the bear's reaction to snowmobile use. Togwotee Pass is located on the Bridger-Teton National Forest, in the southern part of the Absaroka mountain range in northwestern Wyoming. This majestic mountain range forms a part of the southern and eastern border of Yellowstone National Park. Squaw Basin is an open meadow area, approximately 500 meters (1,640 ft) from State Highway 26/287 and 1,300 meters (4,265 ft) from the popular Continental Divide snowmobile trail. The Togwotee Pass area is well known by snowmobile recreationists and there are almost 402 kilometers (250 mi) of groomed snowmobile trails in the area. With the exception of designated Wilderness areas and a handful of ungulate winter ranges that require humans to stay on designated trails, much of the terrain on Togwotee Pass is open to off-trail snowmobile use. Squaw Basin is one of those popular places for snowmobilers to freely explore large open meadows and hillsides.

Much of the snowmobile activity in the Greater Yellowstone Ecosystem occurs on the same federal lands that are also home to the Yellowstone grizzly bear population. In order to properly manage federal lands, wildlife biologists have tried to analyze the possible effects of snowmobiling on the bears of the Greater Yellowstone Ecosystem. Studies have found that bears are potentially sensitive to disturbance by roads, human habitation, and industrial activity (Linnell et al. 2000). Also, grizzly bears may prefer den sites in remote areas with little human use or activity within 1–2 kilometers (0.62–1.24 mi) (Goldstein et al. 2010; Craighead and Craighead 1972). While these studies may seem to point to a possible sensitivity by bears to other general disturbances, very little is known specifically about a bear's reaction to snowmobiles. Due to the scarcity of information, the US Fish and Wildlife Service recommends monitoring known grizzly bear dens in snowmobile recreation areas.

Methods

In December 2009, the Interagency Grizzly Bear Study Team notified the Bridger-Teton National Forest of the Squaw Basin den. It was occupied when it was first reported by hunters in November and it was observed from a distance by Wyoming Game and Fish Department biologists



Camera set-up used to monitor snowmobile and grizzly bear activity at a den site on Togwotee Pass, Bridger-Teton National Forest, January–April 2010. Camera #1 on the left and Camera #2 on the right. The camera site is located approximately 175 meters north of the den.


SARAH HEGG

Photo of the hillside supporting the grizzly bear den and snowmobile activity near Togwotee Pass, Bridger-Teton National Forest, taken from the camera site on January 19, 2010. The collapsed breathing hole that was observed on January 12, 2010 is circled.

throughout the next several months. In January 2010, two RECONYX® cameras were deployed on a rocky outcrop approximately 175 meters (574 ft) north of the den to remotely monitor bear and snowmobile activity in the area. The cameras were positioned to obtain a panoramic view of the den, encompassing an area of approximately 5 hectares.

The RECONYX® cameras were programmed to take pictures every 5 minutes during daylight hours. Due to their distance from the den, the cameras were not triggered by movement on the hillside that supported the den. During January through April the camera site was visited every 1–2 weeks, during which visual observations were made and memory cards were collected.

Observations and track counts were gathered using a variety of procedures. Most of the general observations were taken from the camera site, using both binoculars and plain sight. The snowmobile track counts were made using the RECONYX® photos. The photos were viewed individually and a new track was counted when it became visible. The tracks were counted in two categories. One category was for tracks that drove directly over the den area, defined as within a 25-square-meter (83 ft^2) area of the den entrance. The other category counted any tracks that could be seen around the hillside that supported the den, including those directly over the den.

Some discrepancies were found between the number of snowmobile tracks captured by the two cameras. Due to glare from the sun and snow, and camera lenses being occasionally covered by drifting snow, each camera captured close but slightly different track numbers. For consistency, only the track numbers counted by Camera #1 were used in the graphs and statistics reported in the following sections.

Results

The den was first reported to Wyoming Game and Fish Department biologists in early November 2009. The den was then monitored from Highway 26/287 by the Wyoming



Photo of the hillside supporting the grizzly bear den near Togwotee Pass, taken from Highway 26/287 on April 21, 2010, a few days after bear emergence, showing the entrance hole and both bear and snowmobile tracks. The den entrance is circled and bear tracks are marked with an arrow.

Game and Fish Department several times thereafter through December 2009. The Wyoming Game and Fish Department found that the den entrance was covered by snow on December 3, 2009. A few kite-skiing tracks were observed near the den in early November and again in early December. No snowmobiles were observed near the den until the end of December, although there was some snowmobile use reported in the general Squaw Basin area during those months.

On January 12, 2010, the RECONYX® cameras were installed and monitoring with photos began. On that same day, a hole was first observed over the den entrance. This was presumed to have been caused by snow collapsing into the den hole when a snowmobile user drove directly over the den. It was the first sign of den presence since it was initially covered with snow in early December. The den entrance was subsequently covered by snow after an ensuing winter storm and there was no other sign of den occupation until bear emergence in April.

We visited the camera site on Monday, April 19, to recover photos and make visual observations of the den site. The RECONYX® photos revealed that the den entrance was first exposed by the bear at 4:36 PM on Sunday, April 18. At 2:00 PM on Tuesday, April 20, we observed a sow with one cub of the year 10 meters (32 ft) from the den entrance, prompting the Buffalo District Ranger to initiate an emergency closure of the area surrounding the den to help ensure public safety and bear security. On Wednesday, April 21 at 1:00 PM, the sow and cub were observed leaving the den area, moving west across a large (approximately 50 hectares) treeless area toward conifer cover 1 kilometer from the den.

At 9:00 AM on Thursday, April 22, we located the family's tracks leaving the den and followed them to the treed area. We also followed the tracks back to the den area where three bed sites were found on an east-facing hillside approximately 130 meters (426 ft) west of the den. We collected hair from those bed sites and sent them to the Interagency Grizzly Bear Study Team for DNA analysis. This may



LYNN WELS

The grizzly sow and cub of the year emerge from the den on April 19, 2010.

provide individual bear identification and lineage of the bear when included in the full Greater Yellowstone Ecosystem grizzly bear DNA database.

We monitored the den site intermittently from the highway for six days following emergence. There was no sign of the bears' return to the den area, despite ample fresh snow that would clearly indicate use of the site by the family. The closure was then lifted and the cameras removed.

Snowmobile use occurred in the general vicinity of Squaw Basin meadow (approximately a 370 hectares), the den hillside itself (approximately 2.5 hectares), as well as at the den entrance (figs. 1 and 2). All recreation use observed was by snowmobiles, with the exception of one snow-kite skier. Snowmobile use increased at the end of December and continued throughout the rest of the winter. There was an increase in use on weekends—65% of tracks occurred on weekend days versus weekdays. April 12 was the last time a snowmobile was observed on the den hillside—six days before bear emergence. The average number of new tracks per week was 11.5, ranging from a minimum of 0 to a maximum of 23. The total number of tracks directly over the den area for the entire winter was 48.

Discussion

The denning period is a vulnerable time for bears. On average, lactating females lose 30%–40% of their body weight during the winter (Schwartz et al. 2003). Studies on black bears have shown that body weight can decrease an additional 3%–20% if dens are abandoned (Tietje and Ruff 1980). Of the potential reactions to disturbance, the abandonment of a den by a sow with a neonatal cub carries the highest energy cost (Linnell et al. 2000), since it exposes the cub to many risks and greatly decreases its chance for survival. Therefore, females with cubs should be expected to withstand the greatest levels of disturbance without abandonment (Cherry 2001), and it may be expected that maternal females may tolerate snowmobile activity, even directly on top of the den.

Our observations suggest tolerance by some bears to disturbance from both highway and snowmobile traffic. The sow and her cub experienced high levels of disturbance by snowmobiles during the winter—an average of 11.5 snowmobile tracks on the den hillside per week. Although significant snowmobile use likely did not occur until mid-late

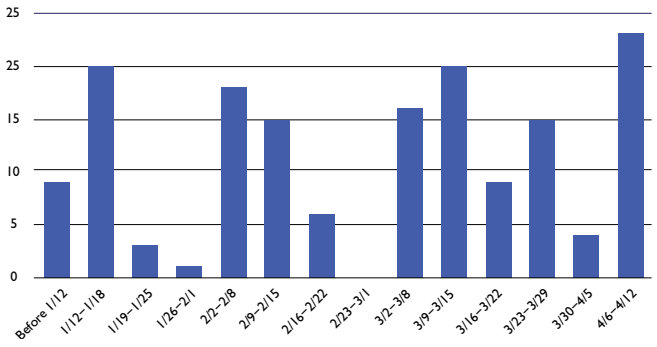


Figure 1. The weekly number of total snowmobile tracks observed within a 2.5 hectare area around the grizzly bear den at Togwotee Pass, including tracks directly over the den entrance. The number of snowmobile machines associated with the weekly counts was not estimated.

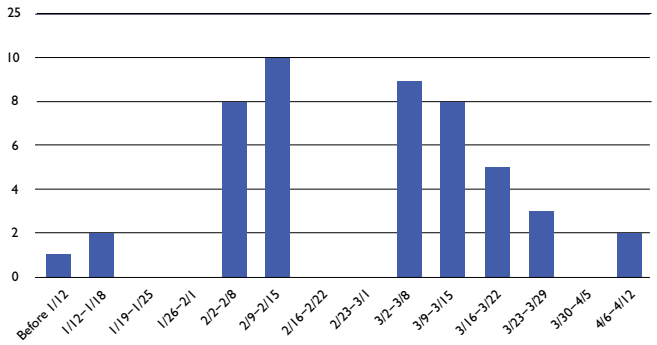


Figure 2. The weekly number of snowmobile tracks observed within 25 square meters of the den entrance, Togwotee Pass.

December, when the sow had already selected the site and built the den, the highway was in use at the time the den was selected and dug by the sow. Bears may be more likely to abandon dens if disturbed shortly after entry rather than in mid-winter (Craighead and Craighead 1972; Linnell et al. 2000).

While the sow did not abandon the den, lesser responses to disturbances, such as increased heart rate, waking and movement in the den, among others, are possible and also have the potential to increase energy costs (Linnell et al. 2000). The presence or absence of these responses could not be determined by this monitoring.

One factor contributing to the successful over-wintering may be that the snow covering the den may have significantly diminished the sound and vibrations from snowmobiles and the highway. Studies with polar bears in Alaska have found dry arctic snow to be a good sound insulator (Blix and Lentfer 1992).

After emergence, the amount of time spent by grizzly bears in the vicinity of the dens is variable (Judd et al. 1983). However, it is not uncommon, particularly for sows with cubs of the year, to spend several weeks in the vicinity of the den after emergence (Craighead and Craighead 1972). Haroldson et al. (2002) found that females with cubs often stay within 3 kilometers (1.8 mi) of the den until late May. This den was apparently abandoned within about 24 hours of emergence. At the time of the bears' emergence there was no known snowmobile use in the nearby area for the 24 hours they remained close to the den. Therefore, we were not able to assess any potential reactions to snowmobile use close by the den. Disturbances by traffic along the highway may have contributed to an apparent early departure from the den area. While this sow and cub may have abandoned the den site proper, it is possible they remained within a 3 kilometers (1.8 mi) radius.

A considerable amount of glare on the camera lens resulted from the sun and snow. During most cloudless days, this glare was strong enough to completely block photos of activity on the hillside for significant lengths of time. Drifting snow also periodically covered the camera and/or lens. This happened with both cameras, although it was more frequent with Camera #2, which was located in the corner of a large rock outcrop which may have contributed to the drifting snow. These difficulties likely explained the discrepancies in track numbers observed between the two cameras.

Management implications

This example suggests tolerance by a bear to large amounts of snowmobile use and disturbance during her denning period. However, as noted by other researchers (Craighead and Craighead 1972; Mace and Waller 1997; Haroldson et al. 2002), perhaps the greatest potential for negative consequences of direct disturbance for females with newborn cubs is directly after emergence. This case does not amend that hypothesis; the sow selected the site long before snowmobile use occurred, and having a cub of the year present



SARAH HEGG

The den area directly after den excavation, November 2009.



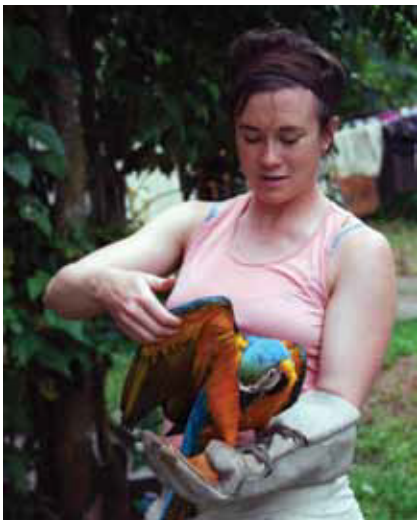
KERRY MURPHY

Author Sarah Hegg following the tracks of the sow and cub on April 22, 2010, after they left the den vicinity.

would have greatly increased the potential costs of moving the den site. Monitoring dens in high disturbance situations and taking cautionary measures after emergence is important to protect bears and better understand their reactions to human activity. However, because grizzly bears rarely reuse a den site, particularly one dug into a hillside (Judd et al. 1986), providing extended area protections in a situation such as this is likely unnecessary. As the grizzly bear population in the Greater Yellowstone Ecosystem increases, conflicts with recreationists may also increase. Observations such as this can be referenced to evaluate anthropogenic effects on grizzly bears and future research and management actions.

Acknowledgements

Thanks to Kerry Murphy for his patient mentorship. Thanks to the Bridger-Teton National Forest Buffalo Ranger District staff, specifically Wade Undem and Rick Taylor, for their assistance in monitoring the den. Thanks also to Gordon Ash, Tom Hill, Jim Ramirez, Ray Spencer, and Mike Boyce for their quick response in implementing the closure and assisting den monitoring post-emergence. Dan Bjornlie and Dan Thompson (WGFD) helped provide the remote cameras and set up the monitoring site. Thank you to Mark Haroldson of the Interagency Grizzly Bear Study Team for his valuable advice and counsel. Thanks to Lynn Wells for the useful and entertaining photos.



COURTESY SARAH HEGG

Sarah Hegg has worked in wilderness recreation and wildlife biology for the Forest Service for the last seven years in New Mexico and Wyoming, along with various other wildlife research projects in the southern GYA. She is currently a biological technician working for Grand Teton National Park on a whitebark pine regeneration study. Sarah attended the College of St. Benedict in St. Joseph, Minnesota, from which she received a BA in Natural Science and Ecology. **Kerry Murphy** has worked with a variety of state, tribal, and federal agencies as a technician and wildlife biologist, and with numerous large and medium-sized carnivores in both a research and management context, including cougars, black bears, bobcats, Canada lynx, wolverines, and gray wolves. Kerry served as an endangered species and mid-sized carnivore biologist with the National Park Service in Yellowstone National Park from 1998 to 2009. Kerry is currently a wildlife biologist for the Bridger-Teton National Forest in Jackson, Wyoming. In addition to the ecology of carnivores, Kerry has a broad interest in wildlife population and habitat management. **Dan Bjornlie** is a bear biologist for the Wyoming Game and Fish Department.

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Tietje, W.D., and R.L. Ruff. 1980. Denning behavior of black bears in boreal forest of Alberta. *Journal of Wildlife Management* 44(4): 858–870.

YS

From:	Kasdin, Alexandra
To:	Jodi Bush; Jennifer Fortin-Noreus; Maricela Constantino; Seth Willey; Tyson Powell
Subject:	FYI -- Letter from NWF and GYC
Date:	Monday, October 31, 2016 3:02:10 PM
Attachments:	FWSPM000052 Incoming Letter (Byrd and France).pdf

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Hi everyone,

Just for situational awareness, I am attaching a letter we received from GYC and NWF last week.

Thanks!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

October 24, 2016

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, N.W. Washington, D.C. 20240

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Dear Secretary Jewell and Director Ashe,

Our collective organizations write to you today with our concerns and opposition to the current process to delist grizzly bears in the Greater Yellowstone Ecosystem. Grizzly bear recovery in the Greater Yellowstone Ecosystem is testament to years of hard work on the part of federal and state agencies, many NGOs and committed individuals. Unfortunately, the delisting process, rather than building on this success, has exacerbated the tensions among federal and state agencies and the NGOs most invested in grizzly bear conservation. More important, it has not produced a conservation strategy that we can support. Given the short amount of time that exists before the election and the next administration coming into office, we ask that you put a hold on the delisting process so that the next administration can take the time needed to resolve the many outstanding problems with the delisting rule and the conservation strategy.

Since the delisting rule was published in the Federal Register on March 11, the process has been driven by a political timeline with concurrent and rushed comment periods that have left the proposed rule incomplete and missing key components that are critical to the continued recovery of grizzly bears. The USFWS, in its effort to pacify growing pressure from the three states, has failed to address key components of the management of grizzly bears going forward, including the habitat management requirements of five National Forests and the concerns raised by two of our premier national parks. This process has driven agencies and constituents further apart, when it should be an opportunity to thoughtfully address the future of the bear and continue the remarkable success story that Yellowstone bears represent. The timing and the political clock are not serving the public or federal agency needs.

There are also key commitments that have been made from the Service in terms of what recovery and transition to state management should include. The following points must be included in a final rule.

1.) The population will remain stable. The proposed mortality thresholds require a detailed analysis of how the sliding scale of mortality will impact population numbers, dispersal, and connectivity.
2.) Commitments to manage for connectivity, allowing for dispersal between the Northern Continental Divide Ecosystem, the Greater Yellowstone Ecosystem, and the recovery of a grizzly bear population in the Selway-Bitterroot Ecosystem. These commitments must be explicit in the management framework and regulations.

3.) The conservation strategy must continue to remain in place in perpetuity with coordinated interagency management continuing, specifically between the National Park Service and the states.
4.) The National Park Service has raised significant concerns regarding delisting that remain unanswered.
5.) To date the Forest Plan Amendment process has not been released and there is so assurance that core habitat will be protected in order conserve grizzly bears. This must be released to the public and align with the current Forest Planning regulations.
6.) The Conservation Strategy has seen significant modification and edits behind closed doors. The public should have an opportunity to comment on this document before it is finalized and the peer reviewers should consider this guiding framework in their review of delisting.

Our organizations ask that these issues be addressed and that the Service lead with a more open and transparent process that can create support for this critically important decision and process. Otherwise, what should be a successful celebration over grizzly bear recovery appears certain to turn into yet another divisive wildlife management crisis that will end up delayed for years in the courts. The result will be a further erosion of public support for grizzly bears in Greater Yellowstone and beyond.

To summarize, we believe that DOI and FWS should formally end the current delisting by acknowledging that not enough time remains before a new administration comes into office to fully resolve the many issues still outstanding. We further think that FWS should begin a conversation with the governors of Montana, Idaho, and Wyoming about how a stakeholder process might be created that would address the larger goals of the states and FWS in delisting the Yellowstone grizzly bear. Convening such a process early in 2017 would be the first step in a more deliberate and transparent undertaking to build support for delisting and state management of grizzly bears.

Thank you for your attention to these requests.

Very truly yours,

Caroline Byrd, Executive Director
Greater Yellowstone Coalition

Tom France, Regional Executive Director
National Wildlife Federation

C: Governor Matt Mead
Governor Steve Bullock
Governor Butch Otter

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25 OCT 2016 PM 1 L



The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

From:	Tyers, Daniel - FS
To:	Erickson, Mary C -FS; Rupert, Susan -FS; Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu); Jodi_Bush@fws.gov; Daniel Thompson (daniel.thompson@wyo.gov); fvanmanen (fvanmanen@usgs.gov); Alexander, Joseph G -FS; O"Connor, Patricia -FS; Jennifer Fortin-Noreus; Barndt, Scott A -FS; Jackson, Scott -FS
Subject:	First draft agenda for Cody YES meeting
Date:	Wednesday, November 09, 2016 10:39:53 AM
Attachments:	YES-FallAgendaNov16-17-2016.docx

Here is a tentative agenda for the YES meeting next week in Cody. Mary hopes to release a draft for wider review later today. However, we wanted to solicit your opinion before we took the next step. Jodi and Jennifer, we realize there are constraints on what you can present, so feel free to match the material you provide to your political reality.

What feedback would you offer? Thanks for your review. If you are presenting- thanks also for your help at the conference.

Scott Jackson- if you are still at NCDE meeting with Jennifer, could you check with her to see if she received this message?

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Participating Agencies

U.S. Fish and Wildlife Service

National Park Service

Grand Teton National Park

Yellowstone National Park

U.S. Geological Survey

Interagency Grizzly Bear Study Team

Bureau of Land Management
Idaho Montana Wyoming

Forest Service

Beaverhead-Deerlodge NF

Bridger-Teton NF

Caribou-Targhee NF

Custer Gallatin NF

Shoshone NF

States and Counties

Idaho Department of Fish and Game

Montana Department of Fish Wildlife and Parks

Wyoming Game and Fish Department

Idaho Association of Counties

Montana Association of Counties

Wyoming County Commissioners Association

Indian Tribes

Shoshone Bannock
Northern Arapaho
Eastern Shoshone

Chair:
Mary Erickson

Agenda
2016 Fall Meeting
November 16/17, 2016
Buffalo Bill Center of the West
720 Sheridan Ave.
Cody, WY

Wednesday, November 16, 2016

1:00 - 1:15 pm	Welcome and Introductions	Mary Erickson *Custer Gallatin NF*
1:15 – 1:30 pm	Review of minutes	Mary Erickson *Custer Gallatin NF*
1:30 –2:00 pm	Status of delisting process	Jodi Bush USFWS
2:00 – 2:15 pm	Break	
2:15 – 3:00 pm	Conservation Strategy update – changes to date	Jennifer Fortin USFWS
3:00– 4:00 pm	IGBST annual report	Frank van Mannen USGS
4:00 – 430 pm	Public comments	Mary Erickson Custer Gallatin NF
4:30	Adjourn	

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Montana Association of Counties

Wyoming County Commissioners Association

Indian Tribes

Shoshone Bannock
Northern Arapaho
Eastern Shoshone

Chair:
Mary Erickson

Thursday, November 17, 2016

8:00 – 8:15 am	Welcome and Announcements	Mary Erickson *Custer Gallatin NF*
8:15 – 8:45 am	YES charter and updates	Mary Erickson Custer Gallatin NF
8:45 – 9::15 am	YES 2016 Accomplishments and 2017 Action Plan	Dan Tyers USFS
9:15:– 9:30 am	Break	
9:30 – 10:30 am	Wyoming grizzly bear management program	Dan Thompson WGFD
10:30-11:00	Public Comment Period	Mary Erickson Custer Gallatin NF
11:00	Adjourn	

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Subject: Fwd: Draft Statement - Invitation to edit
Date: Friday, October 28, 2016 10:59:20 AM

Sent this to you to look at. In case a vote is taken the EA wanted to have statements ready. Feel free to comment if you have any. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Roya Mogadam (via Google Docs)** <drive-shares-noreply@google.com>
Date: Fri, Oct 28, 2016 at 10:07 AM
Subject: Draft Statement - Invitation to edit
To: jodi_bush@fws.gov
Cc: seth_willey@fws.gov, anna_munoz@fws.gov, Marjorie_Nelson@fws.gov

Roya Mogadam has invited you to **edit** the following document:

Draft Statement

Please review this language. I will ask Anna to share our revised statement with Matt before sending to HQ.

Thanks,
Roya

Open in Docs

Google Docs: Create and edit documents online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a document with you from Google Docs.

From:	Jodi Bush
To:	Jennifer_fortin-noreus@fws.gov
Subject:	Fwd: FINAL DRAFT CS for review prior to Oct. 3 YES meeting
Date:	Tuesday, September 27, 2016 5:22:57 PM
Attachments:	Untitled attachment 00004.htm CS FINAL DRAFT-9-27-16b.docx

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Jen. The Wyoming contact that has been talking to Gary Fraser said that the STeering Committee had agreed to something on recalibration. I don't know what they are talking about. Can you check this document for that? I will compare it to my version too but as you are more familiar with doc wanted you to look too. Thanks JB

Sent from my iPhone

Begin forwarded message:

> **From:** Brian Nesvik <brian.nesvik@wyo.gov>
> **To:** "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
> **Cc:** "Dan_Wenk@nps.gov" <Dan_Wenk@nps.gov>, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, Loren Grosskopf <lgrosskopf@parkcounty.us>, "Bush, Jodi" <jodi_bush@fws.gov>, little bear watson <lwatson@sbtribes.com>, "Fortin-Noreus, Jennifer" <jennifer.fortin-noreus@mso.umt.edu>
> **Subject: FINAL DRAFT CS for review prior to Oct. 3 YES meeting**
>
> Mary,
>
> Here is the final Steering Committee approved version of the Conservation Strategy for dissemination to YES. All edits in this version have been approved by the committee. There remain a few issues that will be addressed at the meeting next Monday including recalibration language and wording to address the term of the CS.
>
> When you send to YES, please remind them to come to the meeting next week prepared to ask questions and provide input on anything they have problems with. Below are some recommendations discussed by the Steering Committee yesterday regarding the conduct of next week's YES meeting.
>
> ---We need to have finality on individual issues at the end of the meeting. Call for a vote on those issues where there isn't unanimous support
> ---Ask committee members to advise the rest of the committee if there are particular issues or components of the CS that will not allow them to recommend signature and provide recommendations for what could be done to alleviate the concern
>
> Jodi will bring all appendices for reference.
>
> We should probably talk sometime this week about details of the conduct of

the meeting. Let me know when you have some time.

Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

--

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of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus
Subject:	Fwd: FINAL DRAFT CS for review prior to Oct. 3 YES meeting
Date:	Tuesday, September 27, 2016 7:58:50 PM
Attachments:	CS FINAL DRAFT-9-27-16b.docx

Trying again. You should have gotten this version directly from Brian as well. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Brian Nesvik** <brian.nesvik@wyo.gov>
Date: Tue, Sep 27, 2016 at 3:08 PM
Subject: FINAL DRAFT CS for review prior to Oct. 3 YES meeting
To: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Cc: Dan_Wenk@nps.gov, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, Loren Grosskopf <lgrosskopf@parkcounty.us>, "Bush, Jodi" <jodi_bush@fws.gov>, little bear watson <lwatson@sbtribes.com>, "Fortin-Noreus, Jennifer" <jennifer.fortin-noreus@mso.umt.edu>

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Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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Draft 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem

Table of Contents

List of Figures iii
List of Tables iv
List of Appendices v
Executive Summary 1
Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Strategy 13
Chapter 1. Introduction and Background… 15
Introduction… 15
The Conservation Strategy 18
Background… 20
Characterization of Grizzly Bear Habitat 24
Management Improvements and Mortality Reduction Efforts 28
Chapter 2. Population Standards and Monitoring… 33
Introduction… 33
Demographic Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem 34
Conservation Strategy Population Standards 36
~~Unduplicated Females with Cubs-of-the-Year ..... 37~~
Unique Females with Cubs-of-the-Year 37
Distribution of Females with Young 36
Mortality 43
Population Trend… 49
Genetic Management 54
Chapter 3. Habitat Standards and Monitoring 57
Background… 57
Introduction… 58
Habitat Standards Inside the Primary Conservation Area 62
Secure Habitat Standard 63
Developed Site Standard 67

Livestock Allotment Standard… 69
Habitat Monitoring 70
Monitoring Secure Habitat and Motorized Access Route Density 71
Monitoring Developed Sites 74
Monitoring Livestock Grazing 75
Monitoring High-Caloric Foods 76
~~Hunter Numbers 86~~
Monitoring Habitat Connectivity 88
Chapter 4. Management and Monitoring of Grizzly Bear-Human Conflicts 90
Introduction… 90
~~Nuisance~~ Conflict Bear Standards 93
Monitoring Protocol 96
Chapter 5. Information and Education… 98
Introduction… 98
The Information and Education Team 99
Chapter 6. Implementation and Evaluation… 102
Implementation… 102
Evaluation… 106
Chapter 7. Existing Authorities 111
Introduction… 111
Federal Lands 111
States 118
Federal Plans and Guidelines 126
State Plans and Guidelines 129
Literature Cited… 131

List of Figures

Figure 1 Greater Yellowstone Ecosystem boundaries, including the Primary Conservation Area (PCA), Suitable Habitat, Demographic Monitoring Area (DMA), and the Distinct Population Segment (DPS)……

Figure 2 The Primary Conservation Area showing bear management unit and subunit boundaries……

Figure 3 The ~~number~~ Chao2 and model-averaged Chao2 estimates of ~~unduplicated~~ unique females with cubs-of-the-year within the Demographic Monitoring Area……...

Figure 4 Initial sightings of ~~unduplicated~~ unique females with cubs-of-the-year in the Greater Yellowstone Ecosystem, 1975–2014……..…….

Figure 5 Distribution of known and probably mortalities, from all causes, in the Greater Yellowstone Ecosystem, 1975–2014……...

Figure 6 Federal lands comprising the Greater Yellowstone Ecosystem and grizzly bear occupied range (2014)…….

Figure 7 Bear management units and subunits inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA…….

Figure 8 Location of whitebark pine cone production transects in the Greater Yellowstone Ecosystem……

Figure 9 Area of application for food storage orders prescribed by the five National Forests within the Greater Yellowstone Ecosystem.

List of Tables

Table 1 Area of lands within the Primary Conservation Area by management type .....

Table 2 Mortality limits inside the Demographic Monitoring Area using the model-averaged Chao2 population estimate method.....

Table 3 Bear Management Units occupied by females with young based on verified reports, 2009–2014.....

Table 4 Framework to manage inside the Demographic Monitoring Area for the population goal of the average population 2002–2014 using the model-averaged Chao2 method..

~~Table 5 Estimated numbers of elk hunters within the grizzly bear Demographic Monitoring Area in Idaho, Montana, and Wyoming for the years 2005–2014.....~~

List of Appendices

Appendix A	Chronological List of the Grizzly Bear Recovery Process for the Greater Yellowstone Ecosystem
Appendix B	Estimating Numbers of Females with Cubs-of-the-Year in the Yellowstone Grizzly Bear Population~~Methods to Calculate the Total Numbers of Adult Females from Counts of Unduplicated Females with Cubs of the Year~~
Appendix C	Calculation of Total Population Size and Mortality Limits
Appendix D	Existing Bear Foods and Related Monitoring Programs
Appendix E	Habitat Baseline 1998
Appendix F	Annual Cost Estimates by Agency for Implementing this Conservation Strategy
Appendix G	Lead Agencies for Actions Under the Conservation Strategy
Appendix H	The Relationship Between the Five Factors in Section 4(a)(1) of the ESA and the Existing Laws and Authorities
Appendix I	Grizzly Bear Management Plan for Southwestern Montana
Appendix J	Wyoming Grizzly Bear Management Plan
Appendix K	Yellowstone Grizzly Bear Management Plan (State of Idaho)
Appendix L	Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear
Appendix M	Supplement to Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear
Appendix N	Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem
Appendix O	Grizzly Bear Management Plan for the Wind River Reservation
Appendix P	~~Draft MOA~~ Memorandum of Agreement Regarding the Management and Allocation of Discretionary Mortality of Grizzly Bears in the ~~GYA~~Greater Yellowstone Ecosystem

Executive Summary
2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem

Chapter 1 Introduction and Background

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear (*Ursus arctos*) and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem (GYE).

~~Grizzly bears are one of the premier wildlife attractions for visitors to the GYE, which contribute to the public's enjoyment and sense of pride in our conservation heritage. Tourism has a large and increasing influence on the regional economy, infusing hundreds of millions of dollars into local communities, and more and more entrepreneurs, residents, and visitors see the environment and wildlife as valuable resources for recreation and viewing. Visitation to Yellowstone and Grand Teton National Parks for wildlife viewing and other recreational activities is expected to increase in the future.~~

~~Grizzly bears also play a critical role with influence over other industries in the GYE. Like tourism, agriculture is a key industry with deep cultural and economic roots in the GYE and important to our conservation heritage. Other industries like outfitting, wildlife touring, and professional photography are important to many who have and continue to contribute to the grizzly bear conservation success story.~~

~~For these reasons, i~~It is the intent of this strategy that management of grizzly bear populations and their habitats in the GYE is conducted in a way that respects the ~~myriad~~varied missions and interests of all who visit, live in, and use this ecosystem.

Within the ~~Greater Yellowstone Ecosystem (~~GYE~~)~~, the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area

(PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan (Recovery Plan)* (USFWS 1993). The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation.

In the Conservation Strategy, management direction is described for both the PCA and adjacent areas within the GYE (i.e., the Demographic Monitoring Area (DMA)[1]). State grizzly bear management plans, forest plans, and other appropriate planning documents will provide specific management direction for the adjacent areas outside the PCA.

This Conservation Strategy was developed to be the document guiding management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting. The Conservation Strategy will remain in effect for the foreseeable future, well~~This approach will remain in place~~ beyond recovery and delisting. Ongoing review and evaluation of the effectiveness of this Conservation Strategy is the responsibility of the state, tribal, and federal managers in the GYE. All monitoring protocols will be conducted and funded by those agencies assigned ~~to the area of~~the responsibility. This Conservation Strategy will be evaluated by the management agencies every five years~~ or as necessary~~, allowing public comment in the updating process.

Upon implementation of the Conservation Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) will replace the Yellowstone Ecosystem Subcommittee.

The Conservation Strategy and the State Management Plans

The purpose of this Conservation Strategy (Strategy) and the state plans is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population

[1] An interactive map of the GYE boundaries is available at: http://usgs.maps.arcgis.com/home/webmap/viewer.html?webmap=78152b8e0bde457ca95918fdd48c5352

and its habitat to ensure continued conservation in the GYE.

- Specify the population, habitat, and ~~nuisance~~ conflict bear standards[2] to maintain a recovered grizzly bear population for the foreseeable future.
- Document the regulatory mechanisms and legal authorities, policies, management, and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

The vision of the Strategy can be summarized as follows:

- 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.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.
- Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.
- Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.

[2] Standards are management actions that are required in this Conservation Strategy. A deviation from a standard would occur only with a revision or amendment to the Conservation Strategy.

- Manage the GYE grizzly bear population within the area called the Demographic Monitoring Area (DMA), to ensure a recovered population in accordance with the established Recovery Criteria.
- Expand public information and education efforts.
- Provide quick responsive management to address grizzly bear conflicts.
- Manage grizzly bears as a game animal; including allowing regulated hunting when and where appropriate.

Relationship to Other Plans

By integrating state plans into the Strategy, it was ensured that the plans and the Strategy are consistent where necessary and complementary. The state plans are formally incorporated in the Conservation Strategy as Appendices I, J, and K.

Relationships with national forest and national park plans are also mentioned throughout the Strategy. Land and resource management plans for national forests and national parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation Strategy. For those standards and provisions not yet incorporated into management plans, the agencies will implement the habitat standards and monitoring requirements in this conservation strategy through their established planning processes, subject to NEPA or other legal requirements.

Chapter 2 Population Standards and Monitoring

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the population criteria in the *Recovery Plan* that were necessary to achieve recovery, and the population standards necessary to maintain it (USFWS 2016). The Strategy will continue to assess demographic recovery criteria within the Demographic Monitoring Area (DMA) created by the *Recovery Plan*. Because grizzly bears are a difficult

species to monitor and manage, multiple standards with additional monitoring items are identified to provide sufficient information upon which to base management decisions. It is the goal of the agencies implementing this Conservation Strategy to manage the Yellowstone grizzly bear population within the area called the Demographic Monitoring Area (DMA), to ensure a recovered population in accordance with the established Recovery Criteria.

Population standards and monitoring items include:

- Monitoring ~~unduplicated~~ unique females with cubs-of-the-year inside the GYE DMA.
- Calculating a total population estimate for the GYE DMA using the model-averaged Chao2 estimate of females with cubs-of-the-year (*see* Appendix C).
- Maintaining at least 500 bears in the GYE to assure the genetic health of the population (Miller and Waits 2003).
- Monitoring the distribution of females with young of all ages and having a target of at least 16 of 18 BMUs (Bear Management Units) within the PCA occupied at least one year in every six, and no two adjacent BMUs can be unoccupied over any six-year period.
- Monitoring all sources of mortality for independent females and males (≥ 2 years old) and dependent young (<2 years old) within the GYE DMA and limiting mortality to annual mortality percentages on a sliding scale depending on the annual population size estimate using model-averaged Chao2.
- Monitoring population trend using female survivorship and reproductive rate data from radio-collared bears.
- Ensure meeting defined genetic management objectives.

Chapter 3 Habitat Standards and Monitoring

The habitat standards identified in this document will be maintained at identified levels inside the PCA. In addition to the habitat standards, several other habitat factors will be monitored and evaluated to determine the overall condition of habitat for bears. It is the goal of the habitat

management agencies to maintain or improve habitat conditions existing as of 1998, as measured within each subunit within the PCA, while maintaining options for management of resource activities at approximately the same level as existed in 1998. The habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.

Habitat standards include:

- Maintenance of secure habitat at 1998 levels in each BMU subunit through management of motorized access route building and density, with short-term deviations allowed under specific conditions. Secure habitat is defined as more than 500 meters from an open or gated motorized access route or recurring helicopter flight line and must be greater than or equal to 10 acres in size.
- The number and acreage of commercial livestock allotments and number of permitted domestic sheep animal months will not exceed 1998 levels inside the PCA. Existing sheep allotments will be phased out as the opportunity arises with willing permittees.
- Management of developed sites at 1998 levels within each BMU subunit, with some exceptions for administrative and maintenance needs.

Habitat criteria that will be monitored and reported include:

- Monitoring open and total motorized access route density in each BMU subunit inside the PCA.
- Monitoring of four high-calorie food items throughout the Yellowstone area: ~~winter ungulate carcasses~~ungulates, cutthroat trout (*Oncorhynchus clarki*) spawning numbers, bear use of army cutworm moth (*Euxoa auxiliaris*) sites, and whitebark pine (*Pinus albicaulis*) cone production. The incidence of white pine blister rust (*Cronartium ribicola*) and whitebark pine mortality in sampled areas will also be monitored.
- ~~Monitoring the number of elk hunters inside the PCA.~~
- Land managers will ensure that habitat connectivity is addressed throughout the ~~Yellowstone area~~GYE as part of any new road construction or reconstruction and that

food storage orders are in place.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

The management of grizzly bear-human conflicts inside the PCA is based upon the existing laws and authorities of the state wildlife agencies and federal land management agencies. Outside the PCA, state management plans will direct the management of ~~nuisance~~ conflict bears. Management of ~~nuisance~~ conflict bears usually falls into one or more of the following categories:

- Removing or securing the attractant and providing education to modify human behavior/practices that contributed to the conflict.~~,~~
- Deterring the bear from the site through the use of aversive conditioning or hazing techniques.~~,~~
- ~~Capturing and relocating the n~~Relocation of the ~~uisance~~ conflict bear, and/or~~.~~
- ~~Removing the bear from the wild~~Removal of the conflict bear, including lethal control.

The focus and intent of ~~nuisance~~ conflict grizzly bear management will be predicated on strategies and actions to prevent grizzly bear-human conflicts. It is recognized that active management aimed at individual ~~nuisance~~ conflict bears will be required. Management actions outside the PCA will be implemented according to state and tribal management plans. These actions will be compatible with grizzly bear population management objectives for each state for the areas outside the PCA.

In circumstances that result in a ~~nuisance~~ conflict bear situation outside the PCA, more consideration will be given to existing human uses. Site-specific conflict areas within and outside the PCA will be documented and prioritized to focus proactive management actions to minimize grizzly bear- human conflicts and address existing and potential human activities that may cause future conflicts. Past conflict management has demonstrated that grizzly bears can coexist with most human activities.

Management of all ~~nuisance~~ conflict bear situations will emphasize resolving the human cause of

the conflict. Relocation and removal of grizzly bears may occur if other management actions are not successful. ~~Before any removal, except in cases of human safety, management authorities will consult with each other prior to judging the adequacy of the reason for removal.~~

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park management plans.

All grizzly bear relocations and removals will be documented and reported annually in the Interagency Grizzly Bear Study Team (IGBST) Annual Report.

Chapter 5 Information and Education

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program.

These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

The current information and education (I & E) working group within the ~~Greater Yellowstone Ecosystem~~GYE will continue. Members of this I & E team include public affairs personnel from

Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the I & E specialist from the Interagency Grizzly Bear Committee (IGBC). This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

Chapter 6 Implementation and Evaluation

A new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), will replace the Yellowstone Ecosystem Subcommittee. YGCC meetings will be open to the public.

Some primary activities of the YGCC are:

- Coordinate implementation of this Conservation Strategy.
- Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.
- Share information and implement management actions in a coordinated fashion.
- Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.
- Implement a Biology and Monitoring Review as necessary and ~~submit a petition~~recommend consideration ~~for relisting~~ recommend whether the Service should conduct a status review as appropriate to ensure agency responsiveness to changing circumstances of the grizzly bear or its habitat in the GYE.
- Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership consists of representatives of the following:

Federal	National parks: Yellowstone and Grand Teton/John D. Rockefeller Jr. Memorial Parkway National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-Targhee, Custer -Gallatin, and Shoshone One Bureau of Land Management representative The Biological Resources Division of the U.S. Geological Survey
State wildlife agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign powers over reservation lands within the GYE

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The IGBST and the I & E will perform necessary tasks and report to the YGCC.

As detailed in the monitoring portion of this Strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major demographic and habitat parameters are listed in Appendix G Monitoring results and analysis will be presented to the YGCC by the IGBST.

If there are deviations from any of the population and/or habitat standards stipulated in this Conservation Strategy, a Biology and Monitoring Review will be initiated.

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews would normally be undertaken after the annual summary of monitoring information presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the

review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months of the request by the YGCC and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

- To identify the reasons why particular demographic or habitat objectives have not been achieved and to modify management as necessary, or
- To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or
- To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to develop plans to ensure that monitoring efforts be maintained as per the standards in this document, or
- To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem.

Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public.

The YGCC will respond to the Biology and Monitoring Review with actions to address the deviations from the population or habitat standards. If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat standards specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC ~~will petition the~~may recommend that the Fish and Wildlife Service (Service) ~~consider for relisting~~conduct a status review. In the case of a vote on this issue, a simple majority is necessary.

~~Petition for Relisting~~Fish and Wildlife Service Status Review

~~The YGCC~~Under Section 3 of the Endangered Species Act, any individual or organization can petition for relisting and a resulting status review from the U.S. Fish and Wildlife Service. A status review is a process that requires the Service to review the status of the GYE grizzly bear population and is triggered by a petition to list a species. ~~This~~ Any petition ~~from the YGCC will~~ should be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy. A status review will evaluate all factors affecting the population and result in a finding that summarizes the current status of the population. For purposes of a status review, the status of the entire GYE grizzly bear population will be considered.

~~Additionally, t~~The Service can initiate a status review to determine if the grizzly bear in the GYE should be added to the list of candidate species for listing independent of ~~the YGCC~~a petition based on concerns about the population and/or its habitat. ~~Under Section 4 of the Endangered Species Act, a petition from an individual or organization can also initiate a status review, as long as the petition is deemed to be warranted. To be warranted, such a petition must present credible scientific information to support the petition.~~

If, as the result of the status review for candidate status or the petition for relisting, the population is found to be warranted for listing, as per the criteria of the Endangered Species Act in Section 4(a)(1), then the species could be immediately considered for relisting and could relisted under emergency regulations, per Section 4(b)(7) if the threat were severe and immediate.

The Service will initiate a status review with possible emergency relisting if necessary if there are changes to Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics in the Conservation Strategy, thereby compromising implementation of the Strategy.

Chapter 7 Existing Authorities

The existence of adequate regulatory mechanisms that serve to maintain the GYE grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to assure a healthy grizzly bear population.

This chapter lists applicable federal, state (Idaho, Montana, and Wyoming) and tribal acts, statutes, regulations, rules, plans, and guidelines[3].

[3] Guidelines are management actions that are highly recommended in this Conservation Strategy. A deviation from a guideline would not require a revision or amendment to the Conservation Strategy. A deviation from a guideline requires written rationale as to why the guideline is not being followed.

Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Strategy

The agencies signing this Conservation Strategy agree to use their authorities to maintain ~~and enhance~~ the recovered status of the grizzly bear in the Greater Yellowstone Ecosystem (GYE) by implementing the regulatory mechanisms, interagency cooperation, population and habitat management and monitoring, and other provisions of the Conservation Strategy as per the details and responsibilities described in this document. All signatories recognize that each has statutory responsibilities that cannot be delegated and that this agreement does not and is not considered to abrogate any of their statutory responsibilities. This agreement is subject to and is intended to be consistent with all appropriate federal and state laws. Funding of this MOU is subject to approval and appropriations by approved state and federal entities. All agencies will take appropriate steps to seek funding to implement this document. The adequacy of the regulatory mechanisms demonstrated by this Conservation Strategy are dependent upon funding being available to fully implement the management and monitoring actions detailed in this document. This Conservation Strategy does not go into effect until all agencies have signed this document and the final rule delisting the GYE grizzly bear DPS has been published in the Federal Register. This Strategy will remain in effect well beyond the delisting and the five year monitoring period required by the Act to address the long-term need for continued coordination among signatory agencies. This Strategy will be adaptive in nature and will be ~~revised and re-signed~~ re-evaluated at least every 5 years beginning on the date of the last signature below.

Comment [PE>9/81]: What if a signatory doesn't re-sign?

Regional Forester — Date
U.S. Forest Service, Northern Region

Regional Forester — Date
U.S. Forest Service, Rocky Mountain Region

Regional Forester — Date
U.S. Forest Service, Intermountain Region

Director Date
Idaho Department of Fish and Game

Director
Montana Fish, Wildlife & Parks

Date

Director
Wyoming Game and Fish Department

Date

Regional Director
National Park Service, Intermountain Region

Date

Regional Chief Biologist
Central Region, USGS Biological Resources Division

Date

State Director
Bureau of Land Management Idaho

Date

State Director
Bureau of Land Management Montana

Date

State Director
Bureau of Land Management Wyoming

Date

Regional Director
U.S. Fish and Wildlife Service, Region 1

Date

Regional Director
U.S. Fish and Wildlife Service, Region 6

Chapter 1 Introduction and Background

Introduction

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem (GYE).

Grizzly bears are one of the premier wildlife attractions for visitors to the GYE, which contribute to the public's enjoyment and sense of pride in our conservation heritage. Tourism has a large and increasing influence on the regional economy, infusing hundreds of millions of dollars into local communities, and more and more entrepreneurs, residents, and visitors see the environment and wildlife as valuable resources for recreation and viewing. Visitation to the Greater Yellowstone Area ~~and Grand Teton National Parks~~ for wildlife viewing and other recreational activities is expected to increase in the future.

Grizzly bears also have an effect on~~play a critical role with influence over~~ other industries in the GYE. Like tourism, agriculture is a key industry with deep cultural and economic roots in the GYE and important to our society and to conservation heritage. Other industries like outfitting, wildlife touring, and professional photography are important to many who have and continue to contribute to the grizzly bear conservation success story.

For these reasons, it is the intent of this strategy that management of grizzly bear populations and their habitats in the GYE is conducted in a way that respects the ~~myriad~~ varied missions and interests of all who visit, live in, and use this ecosystem.

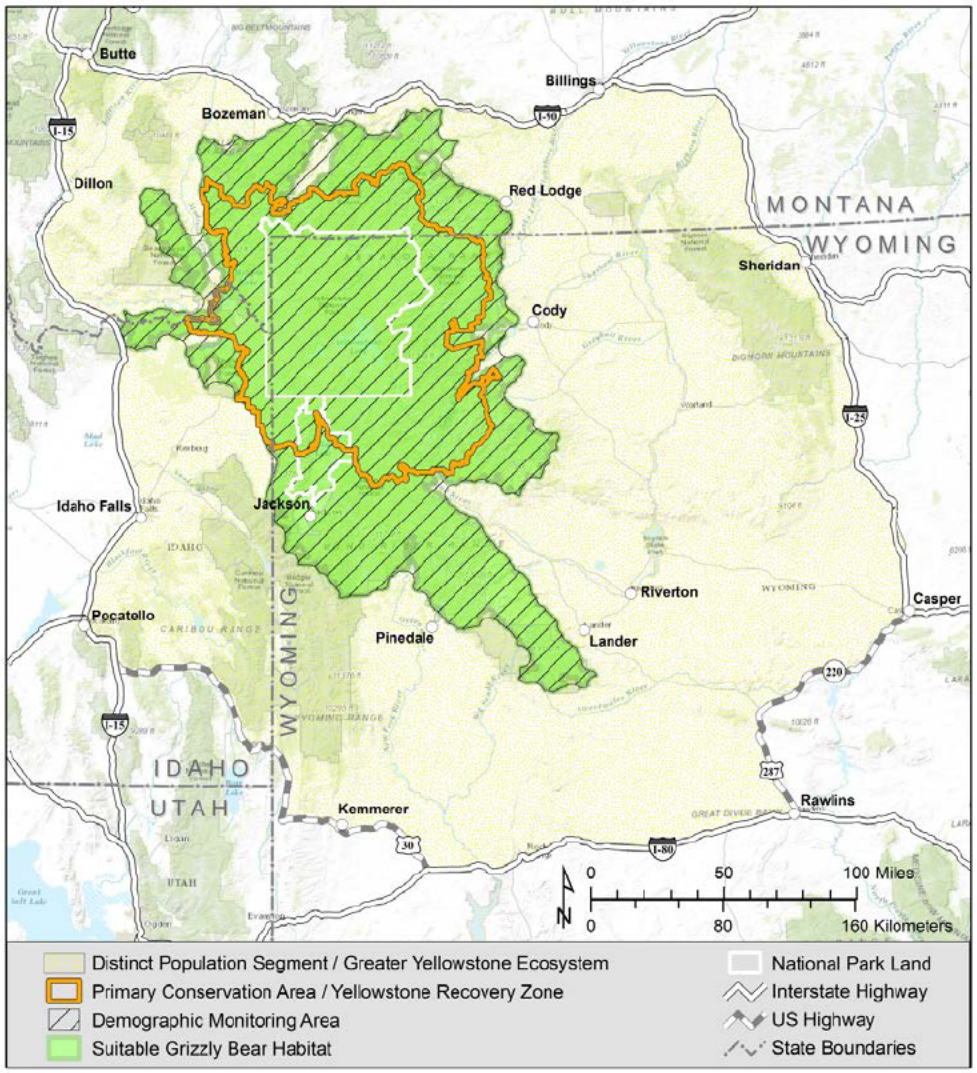
Within the GYE, the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area (PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing

Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan* (Recovery Plan) (USFWS 1993). The size of the recovery zone is not being expanded in this approach. The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation (Figure 1).

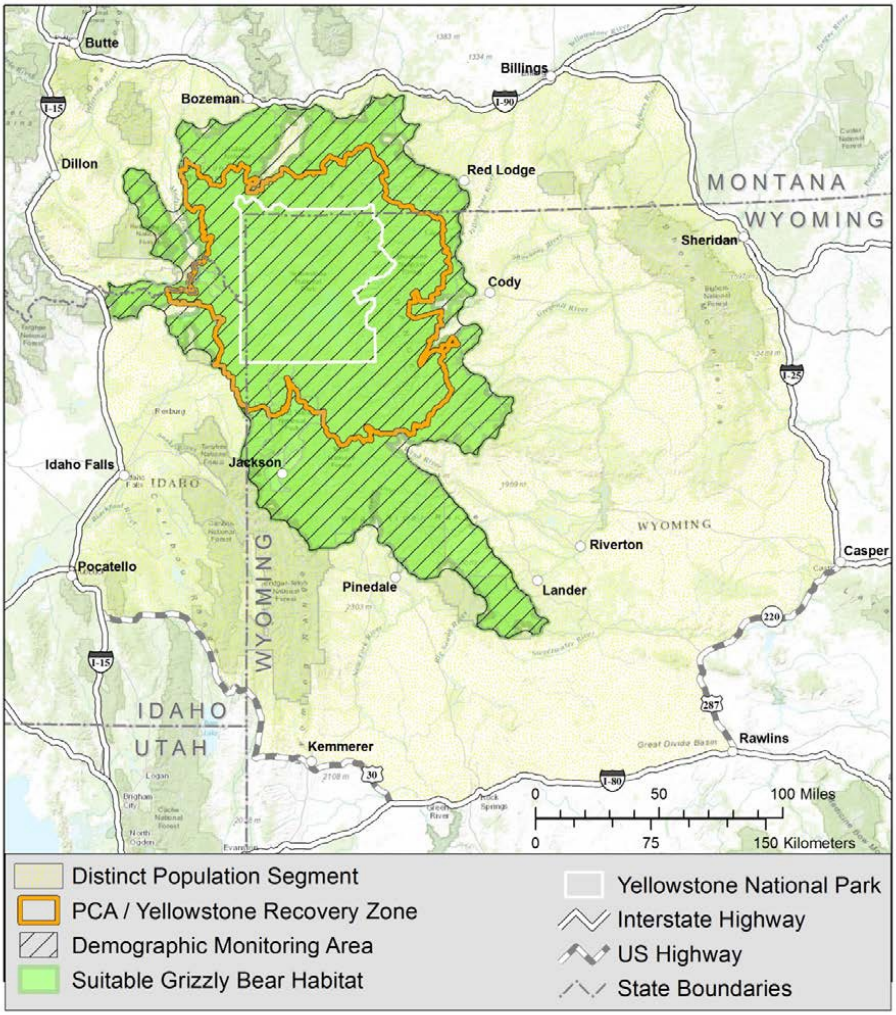
In this Conservation Strategy (Strategy), management direction is described for both the PCA and adjacent areas within the GYE (i.e., the Demographic Monitoring Area (DMA). State grizzly bear management plans, forest plans, and other appropriate planning documents provide additional management direction for the adjacent areas outside the PCA. All monitoring protocols will be conducted and funded by those agencies assigned ~~to~~ the ~~area of~~ responsibility.

This Strategy was developed to be the document guiding management and monitoring of the GYE grizzly bear population and its habitat upon recovery and delisting. This Strategy will remain in effect beyond recovery and delisting, and the five year monitoring period required by the Act. ~~Therefore, t~~The need to coordinate management of the population across multiple land ownerships and jurisdictions will always remain.

Figure 1. Map of the Greater Yellowstone Ecosystem (GYE). Boundaries are shown for: (1) the GYE grizzly bear Distinct Population Segment Area (the legal boundary where grizzly bears would be delisted); (2) the Primary Conservation Area (PCA); (3) Suitable Habitat; ~~and~~ (4) the Demographic Monitoring Area (DMA); and (5) National Park lands, which include Yellowstone National Park, Grand Teton National Park, and the John D. Rockefeller, Jr. Memorial Parkway . An interactive version of a map of the GYE boundaries is available at: http://usgs.maps.arcgis.com/home/webmap/viewer.html?webmap=78152b8e0bde457ca95918fdd48c5352.



Comment [JF2]: Final version of Figure


Butte
Billings
Bozeman
Dillon
Red Lodge
MONTANA
WYOMING
Sheridan
Cody
Idaho Falls
Jackson
IDAHO
WYOMING
Riverton
Casper
Pocatello
Pinedale
Lander
WYOMING
IDAHO
UTAH
Kemmerer
Rawlins
0 50 100 Miles
0 75 150 Kilometers
Distinct Population Segment
PCA / Yellowstone Recovery Zone
Demographic Monitoring Area
Suitable Grizzly Bear Habitat
Yellowstone National Park
Interstate Highway
US Highway
State Boundaries

Ongoing review and evaluation of the effectiveness of this Strategy is the responsibility of the state and federal managers in the GYE. This Strategy will be evaluated by the management agencies at least every five years ~~, or as necessary,~~ allowing public comment in the updating process.

Upon implementation of this Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) replaces the Yellowstone Ecosystem Subcommittee. (*See* Chapter 6 for more information about the activities of the YGCC.)

The Conservation Strategy

The purpose of this Strategy, which includes the state plans, is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYE.
- Specify the population, habitat, and ~~nuisance~~ conflict bear standards to maintain a recovered grizzly bear population.
- Document the regulatory mechanisms and legal authorities, policies, and management and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

Development of the Conservation Strategy and State Plans

Development of the Strategy began in 1993, when biologists representing the National Park Service, U. S. Forest Service, U. S. Fish and Wildlife Service, Interagency Grizzly Bear Study Team, Idaho Department of Fish and Game, Montana Fish, Wildlife & Parks, and the Wyoming Department of Game and Fish were appointed to the Interagency Conservation Strategy Team. In March 2000, a draft Conservation Strategy was released to the public for review and comment. Later the same year, a Governors' Roundtable was organized to provide recommendations from the perspectives of the three states that would be involved with management of grizzly bears after delisting. The Governors' Roundtable recognized the need to have state management plans that would give direction for grizzly bear management outside the PCA. The state management plans apply to management of grizzly bears outside the PCA, and describe the general areas that grizzly bears are likely to occupy in the foreseeable future.

In 2000 a Draft Conservation Strategy was released for public comment with the final Conservation Strategy released in 2007. ~~Concurrently, the state plans were completed in~~ ~~In 2002, the 2007 Conservation Strategy was developed and the state plans were completed~~. ~~Although t~~This 2016 version ~~of the Conservation Strategy~~ updates sections of the Strategy~~, the vision remains the same~~.

The vision of the Strategy can be summarized as follows:

- ~~The PCA will be a s~~Secure habitat ~~area for grizzly bears, with~~and population ~~and habitat conditions~~ standards, as defined in Chapters 2 and 3, will be ~~maintained that have allowed the grizzly bear population to achieve recovery and expand outside the~~in the PCA to limit access-related disturbances and reduce human-caused mortality.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.
- Manage the GYA grizzly bear population within the DMA to ensure a recovered population in accordance with the established Recovery Criteria.
- Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.

- Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.
- Expand public information and education efforts.
- Provide responsive management to deal with ~~nuisance~~ conflict grizzly bears.
- Manage grizzly bears as a game animal, including allowing regulated hunting when and where appropriate.

Relationship to Other Plans

The state of Idaho, Montana, and Wyoming and the Tribes of the Wind River Reservation all developed grizzly bear management plans. The three states also entered into a memorandum of agreement memorializing how the states will coordinate with each other regarding bear management and allocation of mortality[4]. The individual state plans and ~~three~~tri-state memorandum of agreement are complementary to this Strategy. The state and tribal management plans are formally incorporated in the Conservation Strategy as Appendices I, J, K, O, and P.

National Forest and National Park plans are also complimentary to this Strategy. Land and resource management plans for National Forests and National Parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation Strategy. Those standards and provisions not yet incorporated into management plans will be integrated into future land management plan amendments or revisions.

Background

The Grizzly Bear Population

[4] ~~The states have provided a draft MOA that will be finalized by commission approvals in 2016.~~

The grizzly bear population in the lower 48 states was listed as threatened in 1975 pursuant to the Endangered Species Act of 1973.

The Recovery Plan established several demographic (population) recovery targets that must be achieved for a recovered grizzly bear population. All recovery targets are currently being met. When grizzly bears were listed in 1975, "indiscriminate illegal killing" and management removals were identified as threats to the population. In response, the Service and signatories to this Strategy implemented demographic recovery criteria to maintain a minimum population size, a well-distributed population, and establish mortality limits based on scientific data and direct monitoring of the population. Since implementing these criteria, the GYE grizzly bear population has tripled in size and range (Eberhardt *et al.* 1994; Knight and Blanchard 1995; Boyce *et al.* 2001*a*; Schwartz *et al.* 2006; Pyare *et al.* 2004; Schwartz *et al.* 2006a; IGBST 2012; Bjornlie *et al.* 2014).

Counts of females with cubs-of-the-year have increased. In 2013, the estimate of unique females with cubs-of-the-year within the entire GYE was 58 (Haroldson *et al.* 2014). This is the highest count ever recorded. The Recovery Plan target for the number of females with cubs-of-the-year has been exceeded since 1988. Calculations of population trajectory ~~derived from radio-monitored female bears~~ vital rate data showed an increasing population trend at a rate of 4.2 to 7.6 percent per year between 1983 and 2012 (~~Eberhardt *et al.* 1994; Knight and Blanchard 1995; Schwartz *et al.* 2006~~Harris *et al.* 2006) and that population growth had slowed to 0.3 to 2.2 percent between 2002 and 2011 (IGBST 2012). The population trajectory that includes the most recent data is based on the Chao2 estimator and indicates no statistical trend ~~(i.e., relatively flat population trajectory)~~ within the DMA for the period 2002 to 2014 (IGBST, unpublished data). ~~Grizzly bear range and distribution has more than tripled since 1975 (Basile 1982; Blanchard *et al.* 1992; Schwartz *et al.* 2002; Pyare *et al.* 2004; Schwartz *et al.* 2006a; Bjornlie *et al.* 2014).~~ Independent female survival rates, the single most important cohort to population trajectory, are high (IGBST 2012). In total, this population has increased from estimates ranging between 230 and 312 bears when listed in 1975 (Cowan *et al.* 1974; Craighead *et al.* 1974; McCullough 1981) to at least 714 animals as of 2014 (van Manen 2015, *in litt.*). Grizzly bear range and distribution

has more than tripled since 1975 (Basile 1982; Blanchard *et al.* 1992; Schwartz *et al.* 2002; Pyare *et al.* 2004; Schwartz *et al.* 2006a; Bjornlie *et al.* 2014).

The Primary Conservation Area and the Demographic Monitoring Area

The Strategy identifies and provides a framework for managing habitat within a Primary Conservation Area (PCA) and managing demographic parameters within a Demographic Monitoring Area (DMA) (Figure 1). The PCA boundaryies (containing 23,853 sq km (9,210 sq mi)) corresponds to thatose of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 1). The PCA contains adequate seasonal habitat components needed to support the recovered GYE grizzly bear population for the foreseeable future and to allow bears to continue to expand outside the PCA. The National Park Service and the U. S. Forest Service manage the majority of lands within the PCA; a small percentage of land is privately owned or managed by the states or the Bureau of Land Management (BLM) (Table 1).

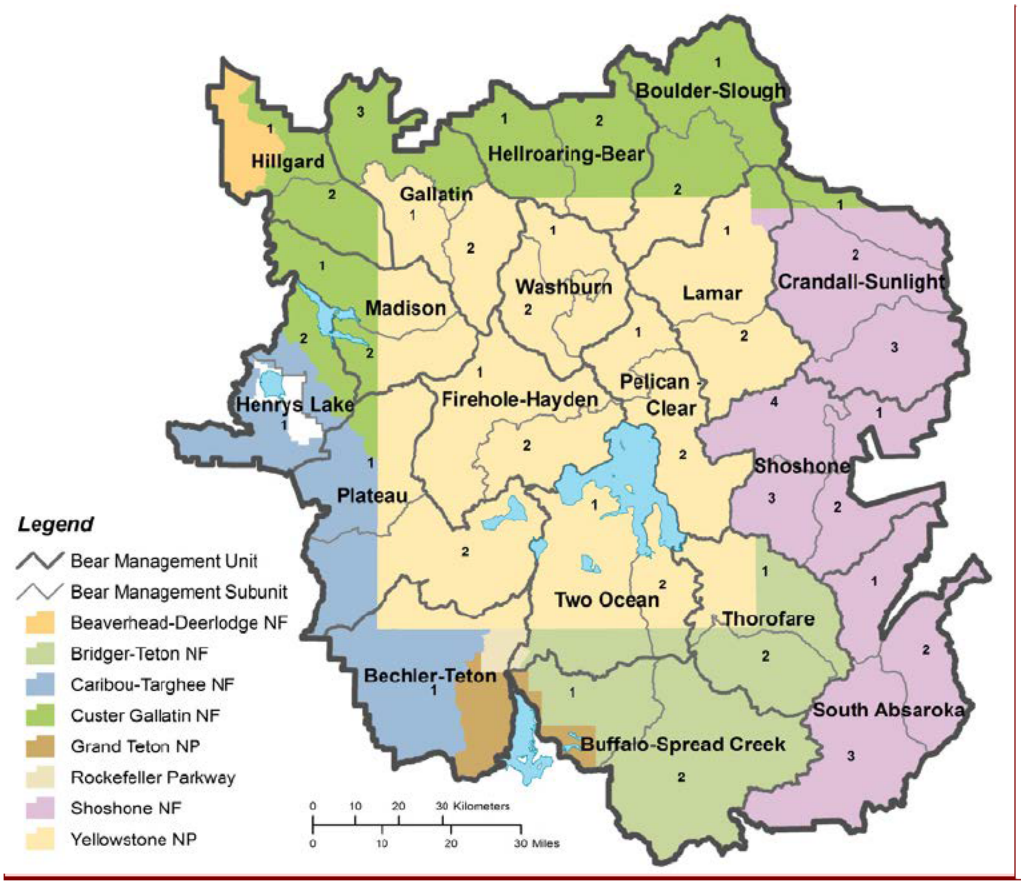
Table 1. Area of lands within the Primary Conservation Area by management type.

Management Type	Area (square miles)	Percent of the PCA
National Park Service	3,632	39.4
U. S. Forest Service	5,383	58.5
Private and Other Ownerships	195	2.1
TOTAL	9,210	100

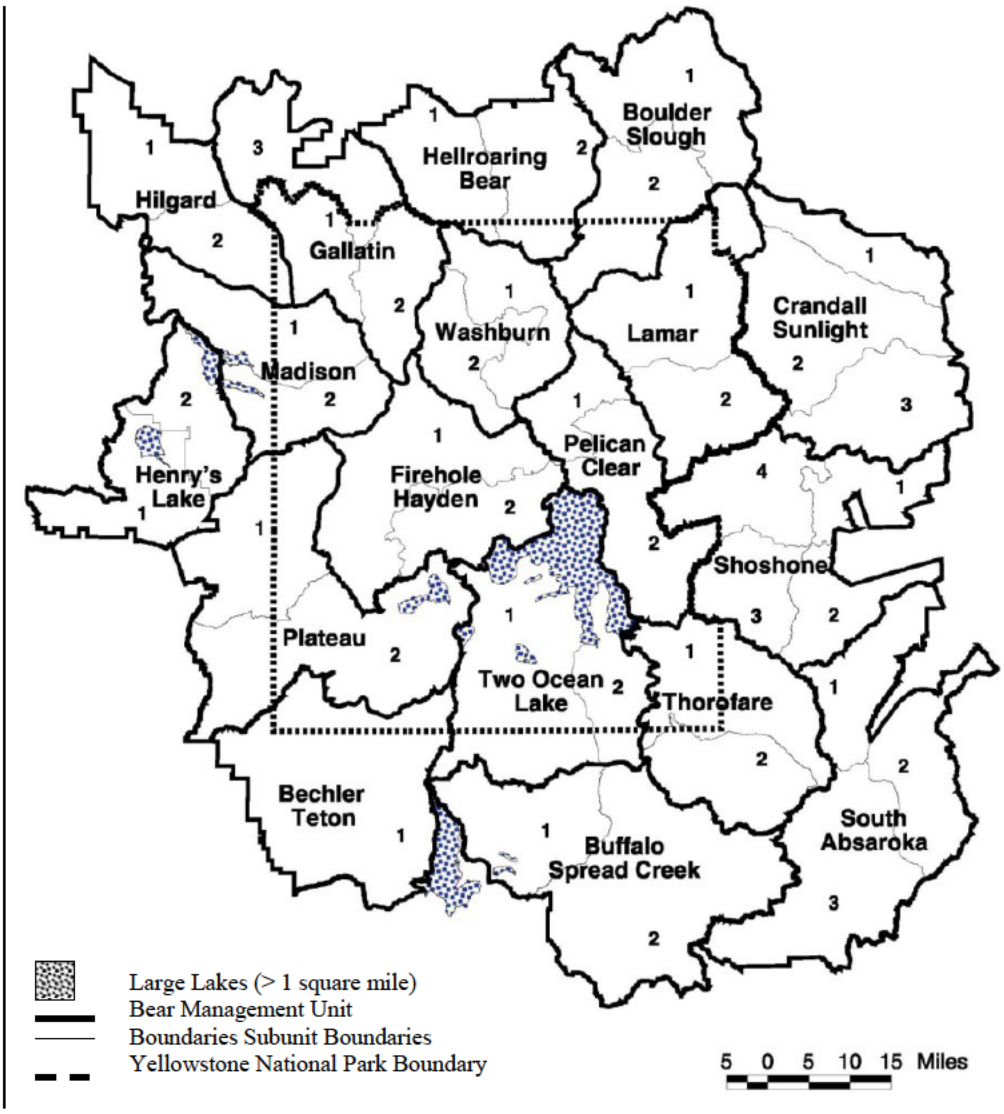
To facilitate habitat management and ensure habitat was well distributed, the PCA was divided into 18 bear management units (BMUs) and 40 subunits (Figure 2). BMUs are used to measure the distribution of females with ~~offspring~~ young while subunits allow better resolution of habitat measurement. ~~H~~Secure habitat ~~protections~~ standards, as described in Chapter 3, will be maintained inside the PCA ~~that allowed the recovery of the grizzly bear population will be~~

~~maintained~~.

Figure 2. The Primary Conservation Area showing bear management unit and subunit boundaries by land management agency.



Comment [JF3]: Final version of figure 2


Boulder Slough
Hellroaring Bear
Hilgard
Gallatin
Washburn
Lamar
Crandall Sunlight
Madison
Pelican Clear
Henry's Lake
Firehole Hayden
Shoshone
Plateau
Two Ocean Lake
Thorofare
Bechler Teton
Buffalo Spread Creek
South Absaroka
Large Lakes (> 1 square mile)
Bear Management Unit
Boundaries Subunit Boundaries
Yellowstone National Park Boundary
5 0 5 10 15 Miles

The DMA boundary (containing 49,928 sq km (19,279 sq mi) is based on the suitable habitat area plus the potential sink areas (i.e., linear areas along valley floors that did not meet the definition of suitable habitat). The suitable habitat contained within the DMA is sufficiently large to support a viable population in the long term. The DMA is the area within which the population is annually surveyed and estimated and within which the total mortality limits apply.

Characterization of Grizzly Bear Habitat

Background on the Area Necessary for a Recovered Population

Grizzly bears are one of the subspecies of brown bears, which range throughout diverse areas and habitats in Europe, Asia, and North America. Brown bears have the most widespread distribution of any bear species and live in the widest range of habitats of any bear species including deserts, boreal forests, arctic tundra, coniferous forests, deciduous forests, alpine areas, and coastal rainforests. At minimum, grizzly bears need food, seasonal foraging habitat, denning habitat, and security in an area of sufficient size for survival. Bears overlap in home ranges and change densities based on a variety of social and environmental factors. However, the precise mixture of these diverse elements and the precise size of the area necessary to support a population of grizzly bears are impossible to specify. To a great degree, the difficulty lies in the fact that grizzly bears are long-lived opportunistic omnivores whose needs for foods and space vary depending on a multitude of environmental and behavioral factors and on variation in the experience and knowledge of each individual bear. The key to establishing habitat criteria that will maintain a healthy population is to look to the habitat factors in the past that produced a grizzly bear population in the ~~Yellowstone area~~GYE that is increasing in numbers and expanding in range. Habitat factors that produced a healthy population in the past were used to establish the habitat criteria for the future that must be maintained if a healthy population continues to be preserved.

The available habitat for bears is largely determined by human activities. Human activities are the primary factor impacting habitat security. Human activities and the social structure and

relationships among resident bears are the two major influences on the accessibility of available foods for bears. The issue of how many grizzly bears can live in any specific area is a function of overall habitat productivity, annual production~~,~~ and availability of important foods, and the levels and types of human activities. There is no known way to calculate the number of grizzly bears that can live in an area in relation to ongoing changes in habitat values or to fully understand the social system of the grizzly bear and how it is influenced by changes in bear density and related social interactions at various densities. As food availability fluctuates, there are corresponding changes in bear density in important use areas and changes in social tolerance within the bear population. This in turn will affect age-specific survivorship. Additional numbers of bears in many areas will result in the expansion of bear range, increasing grizzly bear-human conflicts, and erosion of public support for bears. All these factors interact.

A viable and therefore recovered population is one that has high long-term prospects for survival within acceptable levels of risk. Population size is an important factor in understanding population survival (Boyce 1992, Caughley 1994). However, there is no quantitative way to estimate precisely the number of animals required for a viable population of any species (Boyce 1992, 1993). From ~~the mid-1980s~~1983 to 2001, the Yellowstone grizzly bear population ~~has grown~~grew at approximately ~~3 to 4~~4.2 to 7.6% or more per year (~~Eberhardt *et al.* 1994, Boyce 1995, Knight and Blanchard 1995, Boyce *et al.* 2001*b*, Schwartz *et al.* 2006*b*~~Harris *et al.* 2006). ~~Although p~~Population growth ~~has~~ slowed~~, it is still stable to slightly increasing at~~ to 0.3 to 2.2% from 2002 to 2011 (IGBST 2012). The population trajectory that includes the most recent data is based on the Chao2 estimator and indicates no statistical trend ~~(i.e., relatively flat population trajectory)~~ within the DMA for the period 2002 to 2014 (IGBST, unpublished data). Boyce (1995) has calculated that the Yellowstone population currently has a probability of extinction of 0.0004 (4/10,000)—a very low probability. Nevertheless, as Boyce *et al.* (2001*b*) points out, "*population size alone is not a sufficient criterion for evaluating population viability,*" and "*even though a population may have increased or decreased over the past 10 to 20 years, this offers no indication that the population will continue on the same trajectory in the future*." The best way to ensure a healthy population of grizzly bears is to monitor both population and habitat parameters closely and respond when necessary with adaptive management (Walters and Holling

1990) addressing the problems of the population in a dynamic way. That is what this Conservation Strategy is designed to accomplish.

The PCA has provided the vast majority of habitat for the currently increasing population in the ~~Greater Yellowstone Ecosystem~~GYE. This area will continue to be managed and monitored carefully to maintain secure habitat above 1998 levels~~security, and to limit access related disturbances~~ and developed sites on public lands at or below 1998 levels. The GYE grizzly bear population was increasing at a rate of 3 to 4% per year as of 1998 (Boyce *et al*. 2001*b*). Due to this ongoing bear population increase, 1998 was chosen as the baseline year for measurement of levels of human activities. The 1998 habitat baseline values for secure habitat, developed sites on public lands, and livestock grazing are shown in Appendix E.

Food

The broad historic distribution of grizzly bears suggests adaptability in food habits of different populations. Although the digestive system of bears is essentially that of a carnivore, bears are successful omnivores, and in some areas may be almost entirely herbivorous. Bears feed on animal ~~matter~~ or vegetable matter that is typically highly digestible and high in starch, sugars, protein, and/or ~~stored~~ fat.

Grizzly bears must avail themselves of foods rich in protein or carbohydrates in excess of maintenance requirements in order to survive denning and post-denning periods. Other plant materials are eaten as they emerge, when crude protein levels are highest.

Grizzly bears are opportunistic feeders and will prey or scavenge on almost any available food including ground squirrels, ungulates, carrion, and garbage. In areas where animal matter is less available, roots, bulbs, tubers, fungi, and tree cambium may be important in meeting nutrient requirements. High quality foods such as berries, nuts, insects, and fish are important in some areas.

The search for food has a prime influence on grizzly bear movements. Upon emergence from the den, they seek lower elevations, drainage bottoms, avalanche chutes, and ungulate winter ranges where their food requirements can be met. Throughout late spring and early summer, they follow plant maturity back to higher elevations. In late summer and fall, there is a transition to fruit and nut sources, as well as other plant materials. This is a generalized pattern, however, and it should be kept in mind that bears are individuals trying to survive and will go where they can best meet their food requirements.

Specific to the GYE, four seasonal foods have been identified for monitoring. These are: winter-killed ungulates (primarily elk (*Cervus elaphus*) and bison (*Bison bison*), but also deer (*Odocoileus* species) and moose (*Alces alces*)), spawning cutthroat trout, whitebark pine seeds, and army cutworm moths. The High-Calorie Foods section in Chapter 3 provides more detail about the components of grizzly bear diet.

Cover

The relative importance of cover to grizzly bears was documented by Blanchard (1978) in a four-year study in the GYE. The importance of an interspersion of open parks as feeding sites associated with cover is also recorded in Blanchard's study.

Changes in the distribution and quantity and quality of cover are not necessarily detrimental to grizzly bears. The IGBST studied the effects of the large 1988 wildfires on grizzly bears. "*On the average, grizzly bears used burned habitats in proportion to their availability within individual annual ranges during 1989 to 1992. Seasonal indices of movement and annual range sizes of cohorts are not statistically different from the 1975 to 1987 averages*" (Blanchard and Knight 1996).

Denning

Grizzly bears excavate dens. Dens are usually dug on steep slopes in forest cover where wind

and topography cause an accumulation of deep snow and where the snow is unlikely to melt during warm periods. Elevations of dens vary geographically; generally, they are found at higher elevations well away from development or human activity. Abundant denning habitat is available and is not considered a limiting factor for grizzly bears (Podruzny and Gunther 2002).

Secure Habitat

History has demonstrated that grizzly bear populations survived where frequencies of contact with humans were very low. Populations of grizzly bears persisted in those areas where large expanses of relatively secure habitat were retained and where human-caused mortality was low. In the ~~Yellowstone area~~GYE, this is primarily associated with national park lands, wilderness areas, and large blocks of public lands (IGBC 1998). 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. Habitat security allows a population to increase in numbers and distribution as lowered mortality results in more reproduction and cub recruitment into the adult population. This results in an increasing population. As the population increases, it begins to expand in range and distribution. Both of these responses to habitat security ~~are currently ongoing~~occurred in the Yellowstone population as the population ~~is increasing~~experienced a growth rate of ~~at~~ 4.2~~3~~ to ~~4~~7.6% per year during 1983–2001 (~~Eberhardt *et al.* 1994, Knight and Blanchard 1995, Boyce *et al.* 2001*b*, Schwartz *et al.* 2006*b*~~Harris *et al.* 2006), and an increase~~ing~~ in distribution (Schwartz *et al*. 2002). Updated demographic analysis indicated that the growth rate ~~has~~ slowed to 0.3 to 2.2% per year during 2002–2011(IGBST 2012) and continued to increase in distribution (Bjornlie 2014). The population trajectory that includes the most recent data is based on the Chao2 estimator and indicates no statistical trend ~~(i.e., relatively flat population trajectory)~~ within the DMA for the period 2002 to 2014 (IGBST, unpublished data). ~~but is still stable to slightly increasing (IGBST 2012), and has continued to increase in distribution (Bjornlie 2014).~~ Continued range expansion, including in areas beyond the DMA, is not inconsistent with this observation. A relatively constant population size in the DMA, combined with high bear densities in portions thereof, likely stimulate continued range expansion through bear dispersal.

Maintaining habitat security is a major goal of this conservation strategy.

By managing motorized access, the following grizzly bear management objectives can be met (IGBC 1998):

- Minimize human interaction and potential grizzly bear mortality.
- Minimize displacement from important habitats.
- Minimize habituation to humans.
- Provide relatively secure habitat where energetic requirements can be met.

Historically, management of motorized use has been primarily accomplished through restriction of certain types of motorized use on established access routes, i.e., management of open motorized route densities. Recent research has shown that secure habitat (areas that are free of motorized traffic, also referred to as core areas) is an important component of grizzly bear habitat (IGBC 1998).

The management of human use levels through access route management is one of the most powerful tools available to balance the needs of grizzly bears with the needs and activities of humans. It has been documented in several research projects, completed and ongoing, that unregulated human access and development within grizzly bear habitat can contribute to increased bear mortality and affect bear use of existing habitat (IGBC 1998).

Management Improvements and Mortality Reduction Efforts

Since listing of the grizzly bear under the Endangered Species Act (ESA), government agencies (federal, tribal, state, county, and city), organizations, and individuals have worked to improve management coordination and habitat conditions, minimize grizzly bear-human conflicts and bear mortality, and increase public awareness and appreciation for the grizzly bear in the GYE.

Summary of Management Improvements Related to Habitat

- The Interagency Grizzly Bear Committee (IGBC) was created to coordinate management efforts across multiple federal lands and different states. The Yellowstone Ecosystem Subcommittee was also created to coordinate efforts specific to the GYE grizzly bear. These committees cooperated in developing the *Interagency Grizzly Bear Guidelines* (IGBC 1986) and the *Interagency Grizzly Bear Committee Taskforce Report on Grizzly Bear/Motorized Access Management* (IGBC 1998). These guidelines were instrumental in changing land management practices on federal lands to provide security and to maintain or improve habitat conditions for the grizzly bear.
- The IGBST was created to provide scientific information for the management and recovery of the grizzly bear in the GYE. Scientific protocols have been developed to monitor the grizzly bear population and important habitat parameters.
- Federal and state agencies developed ~~nuisance~~ conflict bear guidelines to manage bears that become habituated to human foods and refuse. The overall objective of these guidelines is to provide a quick response to grizzly bear-human confrontations.
- Miles of open motorized access routes have been reduced through restrictions (such as gates and signs on motorized routes) and decommissioning (the route is no longer available for motorized use), thereby reducing open motorized access route densities and increasing secure habitat for the grizzly bear.
- Highway design changes have been implemented, including changed guardrail heights to allow cub crossings; minimized cut-slope barrier walls to facilitate movement; revegetation ~~planting~~ to provide cover, minimize exotic plants, and discourage planting of palatable foods; and narrower rights of way and road widths.
- Federal land management agencies have closed areas to cross-country motorized travel to provide more security for grizzly bears.
- Federal land management agencies have closed some areas to all human entry during certain seasons to increase human safety and provide security for grizzly bears.
- Many areas in the GYE have been closed to oil and gas leasing, or have restrictions (such as no surface occupancy) on oil and gas leasing to protect grizzly bear habitat.

Mortality Reduction Efforts Related to Habitat

Significant reductions in the human-caused bear mortality rate have been the primary reason the bear population is now meeting the demographic sub-goals established in the *Recovery Plan*. In addition to the above management improvements, the following actions have been found to be effective in limiting grizzly bear mortality and grizzly bear-human conflicts. These actions have been ongoing and will continue inside the PCA.

- Federal land management agencies have implemented and monitored compliance with food storage orders that require people using grizzly bear habitat to store food and refuse properly on public lands so bears will not become habituated to unnatural foods. This also reduces grizzly bear-human encounters.
- Bear-resistant garbage containers have been installed in campgrounds, picnic areas, and other public use areas on federal lands. Garbage collection schedules have been improved to collect garbage before it becomes an attractant to grizzly bears.
- Some counties and communities have improved their landfills and garbage collection systems to reduce or prevent conflicts with grizzly bears.
- Numerous education and information materials and programs have been developed by federal and state agencies and various organizations, to teach those living, working, and recreating in grizzly bear country how to be safe, to reduce grizzly bear-human encounters, and minimize grizzly bear mortality. Non-agency participation is encouraged.
- The state wildlife agencies have developed active management/conflict resolution programs to help minimize conflicts between people and bears.
- To provide increased protection for grizzly bears, Montana does not allow baiting or hound hunting for bears. Wyoming prohibits hound hunting within the state, and baiting is not allowed within the PCA. Baiting and use of hounds are not allowed within the PCA in Idaho.
- The number of domestic sheep allotments and the number of domestic sheep grazing within the PCA has been reduced; the remaining domestic sheep allotments are to be

phased out as opportunities arise. Sheep grazing permittees and herders must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear/grazing conflicts.

- Individuals and organizations with special use permits on federal lands must follow strict requirements in their special use permits to protect grizzly bears and reduce grizzly bear-human conflicts.
- Adjustments have been made on cattle grazing allotments within the PCA, and cattle permittees must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear-grazing conflicts.
- The IGBST coordinates an annual analysis of the causes of conflicts and known and probable mortalities, and proposed management solutions. Reports were reviewed by the Yellowstone Ecosystem Subcommittee and appropriate actions initiated. The Yellowstone Grizzly Bear Coordinating Committee will continue this review process.
- Federal and non-federal landowners have cooperated in limiting grizzly bear mortality and grizzly bear-human conflicts.
- Livestock and road-killed carcasses are managed to minimize grizzly bear-human conflict. Hunters are encouraged to quickly care for and remove hunter-killed carcasses to minimize grizzly bear-human conflicts.
- State and federal law enforcement agents have cooperated to ensure consistent enforcement of laws protecting grizzly bears. A task force of state and federal prosecutors and enforcement personnel from each state and federal jurisdiction will work together to make recommendations to all jurisdictions, counties, and states, on uniform enforcement, prosecution, and sentencing relating to illegal grizzly bear kills.
- When reclaiming or obliterating motorized access routes or restricting motorized or non-motorized access, priority has been and will be given to areas with historical grizzly bear-human conflicts or areas of probable grizzly bear-human conflicts.
- Appropriate actions to reduce mortality will be implemented as described in the state plans outside the PCA where grizzly bears occur or can reasonably be expected to occur when and where possible to improve public safety and minimize grizzly bear mortality.

Recovery of the grizzly bear in the GYE is the result of partnerships between federal and state agencies, the governors of three states, county and city governments, educational institutions, numerous organizations, private landowners, and the public who live, work, and recreate in the GYE. Maintenance of a recovered grizzly bear population depends on these partnerships.

Chapter 2 Population Standards and Monitoring

Introduction

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the demographic criteria in the *1993 Recovery Plan* that were necessary to achieve recovery, and the criteria necessary to maintain it in the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*. The *1993 Recovery Plan* criteria focused on the PCA and a 10-mile perimeter, whereas criteria in the Strategy, the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Yellowstone Ecosystem*, and the appended state plans encompass the ~~Demographic Monitoring Area (~~DMA~~)~~ of the GYE. Because grizzly bears are a difficult species to monitor and manage, multiple criteria are identified to provide sufficient information upon which to base management decisions.

The IGBST has generated extensive information useful to determine the status of the GYE grizzly bear population. Few populations have benefited from the amount of effort in data collection, as has the Yellowstone population. Agencies responsible for management will continue their commitment to data collection so population status can be determined and all designated standards maintained.

Under this Conservation Strategy and the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*, all mortalities and all reports of ~~unduplicated~~ unique females with cubs-of-the-year (*see* Appendix C) will be monitored within the DMA (Figure 1). This will result in the management and monitoring of the grizzly bear population in the ~~entire GYE~~ DMA, as opposed to the system based ~~in~~ on the *2007 Recovery Plan Supplement: Revised Demographic Recovery Criteria*, as amended to the *1993 Recovery Plan*, in which mortalities and sightings of females with cubs-of-the-year were counted within the previously ~~defined~~described Conservation Management Area ~~(CMA).~~, ~~which is defined as~~

~~the Yellowstone Grizzly Bear Recovery Zone and immediately surrounding 10 mile area~~. This reduction in the area monitored for population estimates and estimating mortality rates ~~brings in~~focuses the monitoring efforts ~~within~~to the DMA, which corresponds to the area monitored by the IGBST. ~~which managed and monitored only the population inside the recovery zone and within 10 miles outside the recovery zone. This wider monitoring of mortalities and accounting for mortality limits is more stringent than the system under the *1993 Recovery Plan*.~~ Conservation Strategy demographic standards are tied to the DMA, shown in Figure 1. The criteria and objectives in the existing *1993 Recovery Plan* have modified, as described below.

Population Monitoring

Demographic monitoring protocols for the GYE population will focus on the area within the DMA and monitoring and documenting population size, distribution of females with young, and all forms of mortality. Additional monitoring or research may be conducted as determined by the IGBST.

Demographic Recovery Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem

The *1993 Recovery Plan* defined a recovered grizzly bear population as one that could sustain a defined level of mortality and is well distributed throughout the recovery zone. The *1993 Recovery Plan* outlined a monitoring scheme that employed three demographic sub-goals to measure and monitor recovery of the Yellowstone grizzly bear population. The second criterion pertaining to the distribution of females with ~~offspring~~ young remains unchanged. However, the first and third criteria pertaining to the minimum allowable number of females with cubs ~~-~~of ~~-~~the ~~-~~year and sustainable mortality limits were revised and updated to reflect current methods based on the best available science. The current demographic recovery criteria in the 2016 *Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem* are:

Demographic Recovery Criterion 1: Maintain a minimum population size of 500 animals and at least 48 females with cubs-of-the-year within the DMA (Figure 1), as indicated by methods established in published, peer-reviewed scientific literature and calculated by the IGBST using the most updated Protocol, as posted on their website. A minimum population size of at least 500 animals within the DMA will assure genetic health (Miller and Waits 2003). The estimate of total population size cannot drop below 500 in ~~two~~ three consecutive years or 48 females with cubs-of-the-year in ~~two~~ three consecutive years. ~~This estimate will be calculated using data obtained within the DMA shown in Figure 1.~~ The 48 females with cubs-of-the-year metric is a model-averaged number of documented ~~unduplicated~~unique females with cubs-of-the-year (*see* Monitoring Protocol section).

Demographic Recovery Criterion 2—Sixteen of 18 bear management units within the PCA (Figure 2) must be occupied by females with young, with no two adjacent bear management units unoccupied, during a 6-year sum of observations. This criterion is important as it ensures that reproductive females occupy the majority of the PCA and are not concentrated in one portion of the ecosystem.

Demographic Recovery Criterion 3— Maintain the population within the DMA around the 2002–2014 model-averaged Chao 2 estimate ($\overline{X}$ = 674; 95% CI = 600-~~757~~747; 90% CI = 612-735) by maintaining annual mortality limits for independent females, independent males, and dependent young as shown in Table 2. These adjustable mortality rates were calculated as those necessary to manage the population to the model average of 674 bears which occurred during the time period that this ~~population's growth stabilized~~slowed to stable to ~~slightly increasing~~population had a relatively flat population trajectory. If mortality limits are exceeded for any sex/age class for three consecutive years and any annual population estimate falls below 612 (the lower bound of the 90% confidence interval), the IGBST will produce a Biology and Monitoring Review to inform the appropriate management response. If any annual population estimate falls below 600 (the lower bound of the 95% confidence interval), this criterion will not be met and there will be no discretionary mortality, except as necessary for human safety.

Comment [PE>9/84]: Update once final agreement is reached Discussions are ongoing

Table 2. Total mortality rates used to establish annual total mortality limits for independent females, independent males, and dependent young[5] inside the DMA. For populations less than 600, there will be no discretionary mortality unless necessary for ~~public~~ human safety ~~or management of bear-human conflicts~~.

	Total Grizzly Bear Population Estimate*		
	≤674	675-747	>747
Total mortality rate for independent FEMALES.	~~≤~~≤7.6%	9%	10%
Total mortality rate for independent MALES.	15%	20%	22%
Total mortality rate for dependent young.	~~≤~~≤7.6%	9%	10%

*using the model-averaged Chao2 estimate

Process for Determining Annual Mortality Limits

Each year the IGBST will calculate the model-averaged Chao2 population estimate for the DMA. This population estimate will be used to set the mortality limits for the following year within the DMA as per Tables 2, above, and 5, below. These mortality rates will be on a sliding scale to ensure a recovered population in accordance with the established recovery criteria. The mortality rate that resulted in population stability 2002–2011 was 7.6% for independent females, 7.6% for dependent young, and 15% for independent males (IGBST 2012). The higher rate for independent males is biologically sound since population growth is less sensitive to independent male mortality than to independent female mortality. In order to ensure that the grizzly bear population remains recovered in accordance with the Recovery Criteria, inside the DMA, a sliding scale of mortality rates will be applied to the model-averaged Chao2 population estimate from the year before as per Table 2. Mortalities are tracked and reported annually using data obtained within the DMA shown in Figure 1.

[5] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

Conservation Strategy Population Standards

This Conservation Strategy and the state management plans set an objective of maintaining a recovered grizzly bear population in the Yellowstone area sufficient to meet management objectives inside and outside the PCA in biologically suitable and socially acceptable habitats. The demographic standards in this Conservation Strategy are designed to meet these goals.

The GYE grizzly bear population has exceededs 500 total bears as ofsince 2006 (Appendix M). The intent of the Conservation Strategy is to allow grizzly bears to occupy all biologically suitable and socially acceptable habitats. It is the goal of the agencies of the YGCC implementing this Conservation Strategy to ensure a recovered population in accordance with the established Recovery Criteria. This Conservation Strategy requires continued monitoring of the standards in the 2016 Recovery Plan Supplement to the *1993 Recovery Plan* and some additional standards. These specific population standards, will be applied to the population within the DMA.

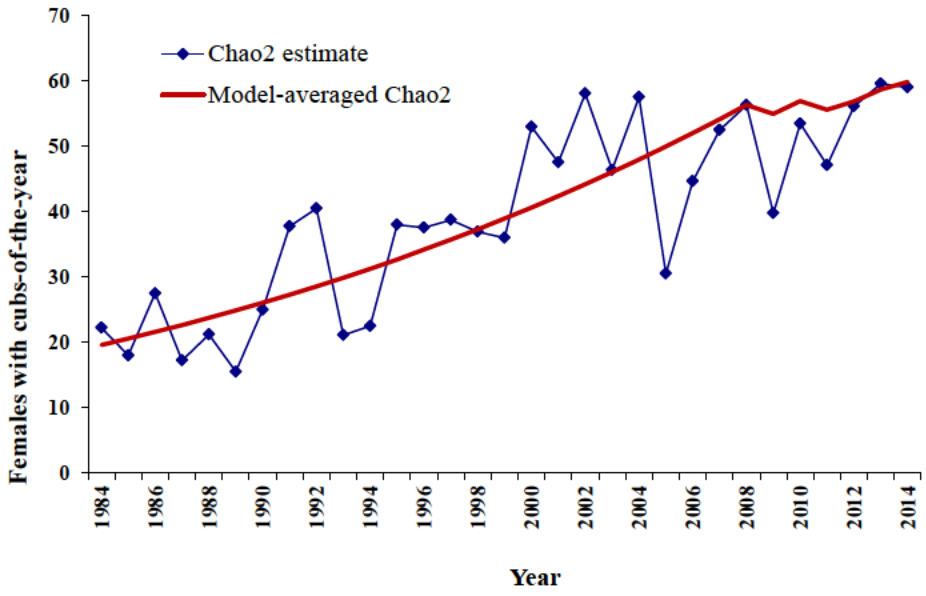
Unduplicated Unique Females with Cubs-of-the-Year

Background

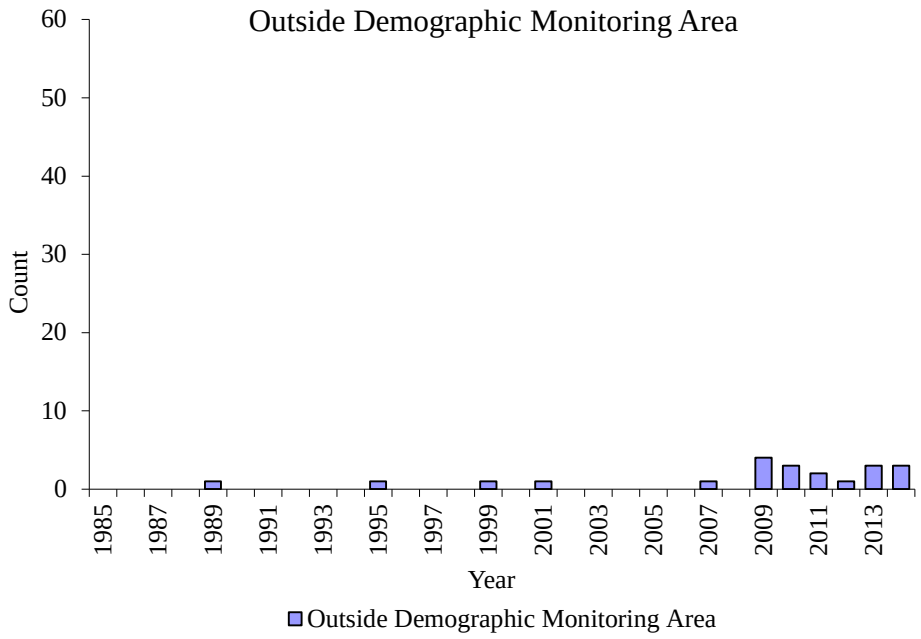
Females with COY cubs-of-the-year occupy all of the existing bear management units within the PCA as well as areas outside the PCA. Not all portions of the DMA currently have observations of females with cubs-of-the-year, however, several have been observed outside the and DMA in recent years (Figure 3).

Figure 3. The number ofChao2 estimate and model-averaged Chao2 of unduplicated unique females with cubs-of-the-year inside and outside the Demographic Monitoring Area, as per the Recovery Plan, 19845–2014. Estimates of grizzly bear population size in the Greater

Yellowstone Ecosystem are based on the Chao2 estimator. Model-averaged Chao2 estimates were implemented starting in 2007. Estimates for 1984–2007 were model-averaged once, and were annually updated after 2007. Model-averaging is not retroactively applied to update entire time series each year. Starting in 2012, only observations from within the Demographic Monitoring Area (DMA) contribute to population estimates.



Comment [JF5]: Final version of Figure 3



Monitoring Protocol

Monitoring ~~unduplicated~~ unique females with ~~COY~~ cubs-of-the-year will provide information to demonstrate adequate reproduction and to ~~estimate~~ derive annual estimates of *total* population size. ~~*Total*~~ Annual estimate of total population size will be ~~estimated using the~~derived ~~annually~~ from the model-averaged Chao2 ~~method~~estimate of females with cubs-of-the-year within the DMA (Figure 1), as described in Appendices B, C, L, and M, using the sightings and resightings of ~~unduplicated~~ unique females with cubs-of-the-year ~~from within the DMA shown in Figure 1~~. The IGBST has been calculating population size on an annual basis using the model- averaged Chao2 estimate since ~~2002~~2007. As the grizzly bear population has increased, model-averaged Chao2 estimates have become increasingly conservative (i.e., prone to underestimation). As a conservative approach to population estimation, the model-averaged Chao2 method will continue to be the method used to assess population status and the demographic criteria (*see* Appendix C

for the application protocol for annual population estimation using the model-averaged Chao2 method). The IGBST will continue to investigate new methods for population estimation as appropriate. If new methods become available, these will be considered for application in the GYE as long as they represent the best available science. However, until ~~possible~~ new methods are developed, the model-averaged Chao2 method will continue to be used. This is a departure from the way the population estimate was done per the *2007 Recovery Plan Supplement: Revised Demographic Criteria*. ~~*1993 Recovery Plan.*~~ In the ~~*1993 Recovery Plan*~~*2007 Supplement*, a ~~minimum~~ total population estimate using the model-averaged Chao2 method was made based on ~~the most recent three years of~~ sightings of ~~unduplicated~~ unique females with cubs-of-the-year, ~~using only unduplicated sights from the recovery zone and 10 miles outside the recovery zone~~within the Conservation Management Area (the recovery zone plus 10 miles outside the recovery zone). The revised and improved methodology used in this document allows an estimate of the *total* population using the model-averaged Chao2 method ~~rather than the *minimum* population size~~and corresponds directly to the area monitored by the IGBST (i.e., the DMA). This allows the calculation of mortality limits based on the total population size for each age and sex class (i.e., independent females, independent males, and dependent young) within the DMA (Figure 1). This method allows mortality management and population monitoring of the grizzly bear population in the DMA, as opposed to the method used in the original *1993 Recovery Plan*, which focused mortality management and population monitoring on only a portion of the Yellowstone grizzly bear population inside the Conservation Management Area~~PCA (the former Recovery Zone) and within 10 miles of the outer boundary of the PCA~~. ~~The number and distribution of females with cubs of the year can also be used to demonstrate that a sufficient number of adult females are alive within the population to reproduce and offset existing levels of human-caused mortality.~~

Comment [IGBST6]: We deleted this; distribution of females with young is addressed in a separate criterion

The numbers of ~~unduplicated~~ sightings and resightings of unique females with cubs-of-the-year inside the DMA will be reported by the IGBST. Using these data, the IGBST will produce the model- averaged Chao2 estimate of the total number of independent females in the population inside the DMA, which will then be used to estimate the total population size in the DMA. This total population estimate will be used to apply the mortality limits as per Table 2 within the

DMA for independent females (~~>~~ 2 years old) and independent males (~~>~~ 2 years old) from all causes as well as mortality limits for dependent young ~~(~~(< 2 years old) from human-caused mortality. For a more detailed description of this methodology, see Appendix C.

Sightings and resightings of females with ~~COY~~ cubs-of-the-year inside the DMA will be obtained from numerous sources, including systematic observation flights conducted annually throughout the entire DMA, and opportunistic confirmed sightings from ~~other~~ aerial sources and ground observers. ~~radio tracking flights, confirmed sightings, and observation flights.~~

Observation flights are primarily designed to survey the DMA and the number of flights conducted is standardized to ensure equal effort in obtaining data. The IGBST will verify the reliability of all sightings. The IGBST will plot all sightings and summarize data for ~~unduplicated~~ unique females and numbers of cubs-of-the-year seen for the entire population. Methodology developed by Knight *et al.* (1995) will be used to separate duplicated from unduplicated sightings (*see* Appendix C for more information).

Distribution of Females with Young

Background

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The distribution of females with young of all ages, based on the most recent six years of observations in the ecosystem, is presented in Figure 4. The recovery criterion of having 16 of 18 BMUs occupied with no two adjacent units vacant continues to be met (Table ~~13~~). This criterion is important as it ensures that reproducing females occupy the majority of the PCA and that successful reproductive females are not concentrated in one portion of the ecosystem.

Monitoring Protocol

This effort will provide information to assess distribution of the reproductive cohort in all occupied habitats, although the specific distribution standard for reproducing females will apply

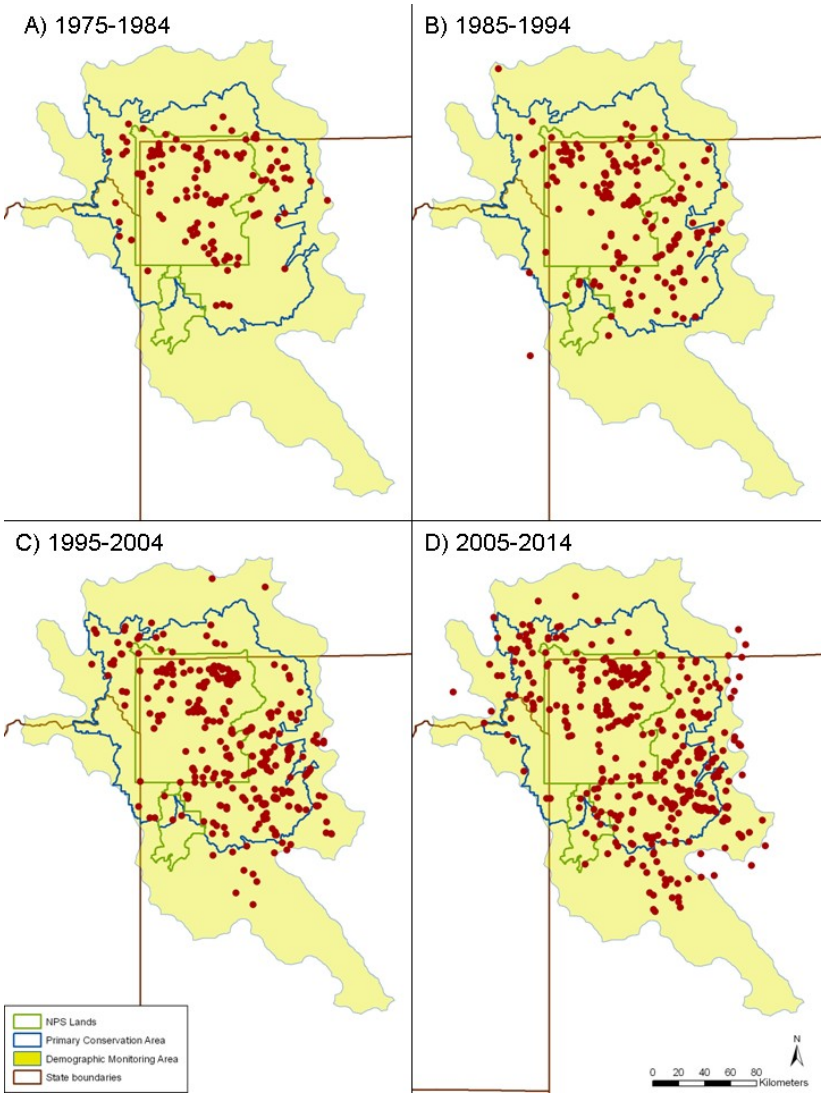
only to the PCA. A recovered population should be well distributed throughout grizzly bear range. Successful reproduction is one indicator of habitat sufficiency, thus distribution of family groups of grizzly bears is one indicator of suitable habitat in areas where such sightings occur. Since sub-adult females usually establish home ranges adjacent to that of their mothers, the distribution of family groups is also an indication of future occupancy of these areas by grizzly bears. Radio tracking flights, observation flights, agency personnel sightings, and verified reports from other individuals will be the primary methods employed to collect female distribution data. The IGBST will verify all reports and keep a record of locations. Data will be maintained by the IGBST.

The number of BMUs occupied by females with young will be reported for the most recent six years. Females with young outside the PCA will also be reported, but only those females with young within the PCA will be used to document achievement of this distribution standard.

Table 43. Bear management units occupied by females with young based on verified reports, 2009–2014.

Bear Management Unit	2009	2010	2011	2012	2013	2014	Years occupied
1) Hilgard	X	X	X	X	X	X	6
2) Gallatin	X	X	X	X	X	X	6
3) Hellroaring/Bear	X	X	X	X	X	X	6
4) Boulder/Slough	X	X	X	X	X	X	6
5) Lamar	X	X	X	X	X	X	6
6) Crandall/Sunlight	X	X	X	X	X	X	6
7) Shoshone	X	X	X	X	X	X	6
8) Pelican/Clear	X	X	X	X	X	X	6
9) Washburn	X	X		X	X	X	5
10) Firehole/Hayden	X	X	X	X	X	X	6
11) Madison	X	X	X		X	X	5
12) Henry's Lake	X	X	X	X	X	X	6
13) Plateau	X	X			X	X	4
14) Two Ocean/Lake	X	X	X	X	X	X	6
15) Thorofare	X	X	X	X	X	X	6
16) South Absaroka	X	X	X	X	X	X	6
17) Buffalo/Spread Creek	X	X	X	X	X	X	6
18) Bechler/Teton	X	X	X		X	X	5
Totals	18	18	16	15	18	18	

Figure 4. Initial sightings of ~~unduplicated~~ unique females with cubs-of-the-year in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).



Mortality

Background

Agencies have invested significant effort aimed at limiting human-caused deaths for grizzly bears. ~~To date, t~~These efforts ~~have been very successful at limiting~~reduced human-caused mortality and allowed~~ing~~ the population to increase since it was listed in 1975.

The distribution of known and probably human-caused mortalities 1975–2014 is shown in Figure 5. As the population continues to expand, the percentage of known and probable mortalities occurring outside the PCA and outside the DMA is increasing ~~however this is expected~~, which was expected due to increased conflicts with humans and livestock in these areas.

Monitoring Protocol

The management of human-caused mortality of grizzly bears is ~~key~~ vital to the successful maintenance of the grizzly bear population in the GYE. Mortality limits are a necessary tool for managers in regulating human impacts to any wildlife population, including grizzly bears. Managing mortality is necessary to avoid the unregulated killing that occurred as the ~~Yellowstone area~~GYE was settled and to build support for long-term survival of the population. Higher numbers of mortalities can be expected in areas outside the DMA as the grizzly bear population expands, particularly in areas on the edge of the range when bears move on to private lands or in areas with higher levels of human development. Mortality management recognizes the need for some bears to be removed to address recurring conflicts to meet management needs for ~~nuisance~~ conflict bears, human safety issues, etc.

The state wildlife agencies (Montana, Wyoming, and Idaho) have signed a Memorandum of Agreement setting forth how they will coordinate bear management actions and limit discretionary mortality to ensure it will not jeopardize the recovery and survival of the GYE grizzly bear population (Appendix P). This document also summarizes each state's regulatory

mechanisms for regulating discretionary mortality, including harvest (*see* Chapter 7). The states may use regulated harvest as a management tool when and where appropriate. All known and probable mortalities will be limited by the overall mortality limits within the DMA as described in Table 2~~,~~ and Table 5~~4~~.

As per ~~T~~the States' Memorandum of Agreement, they will ~~establishes the~~ conduct ~~of~~ an annual meeting to evaluate the status of the population and develop allowable discretionary mortality by state. The Parties will confer with the National Park Service (NPS), the U.S. Forest Service (USFS, and the Bureau of Land Management (BLM) annually and will invite representatives of both GYE National Parks, the NPS regional office, the GYE USFS Forest Supervisors, and a representative from the BLM to attend the annual meeting.

Figure 5. Distribution of known and probable mortalities, from all causes, in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).

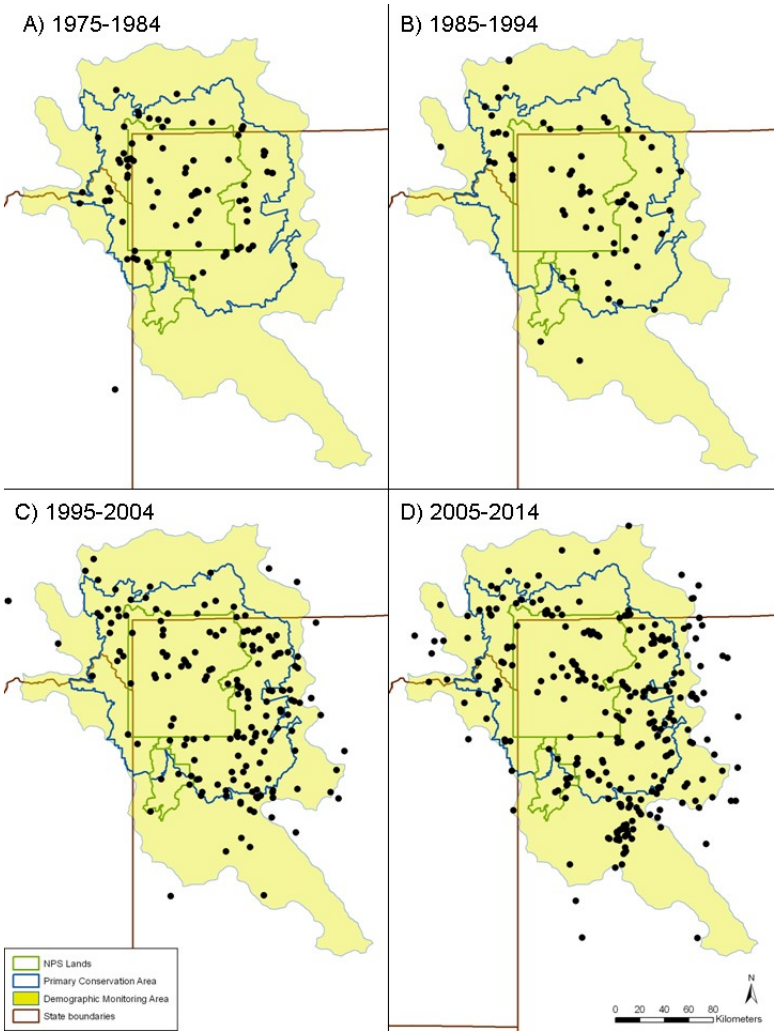


Table 54. Framework to manage mortality inside the DMA.

Management Framework	Background and Application Protocol			
1. Area within which mortality limits apply	49,928 sq km (19,279 sq mi) Demographic Monitoring Area (DMA) (Figure 1).			
2. Conservation Strategy Goal/Recovery Criteria	To ensure the continuation of a recovered grizzly bear population in accordance with the established Recovery Criteria: Criteria 1 (p. X) Criteria 2 (p. X) Criteria 3 (p. X)			
3. Population estimator	The model-averaged Chao2 population estimator will be used as the population measurement tool. An alternative method will be considered if an alternative scientifically sound method becomes available. The model-averaged Chao2 population estimate for 2002–2014 was 674 (average lower 95% CI = 600; average upper 95% CI = 747).			
4. Mortality limit setting protocol	Each fall the IGBST will annually produce a model-averaged Chao2 population estimate for the DMA. That population estimate will be used to establish the mortality limit percentages for each age/sex class for the following year as per #7, #8, and #9 (below).			
5. Allocation process for managed mortalities	Per Appendix P, the States will meet annually in the month of January to review population monitoring data supplied by IGBST and collectively establish discretionary mortality within mortality limits per age/sex class available for regulated harvest for each jurisdiction (MT, ID, WY) in the DMA, so DMA thresholds are not exceeded. If requested, the ~~WRR~~ Wind River Reservation will receive a portion of the available mortality limit based on the % of the WRR geographic area within the DMA. Mortalities outside the DMA are the responsibility of each State and do not count against mortality limits.			
6. State Regulatory Mechanisms specific to discretionary sport take	For specific state regulatory mechanisms, please reference the ~~three~~ Tri-~~s~~State ~~MOU~~ MOA found in Appendix P.			
7. Management review by the IGBST	A management review will be conducted by the IGBST every 5-10 years at the direction of the YGCC. This management review will assess if the management system is achieving the desired goal of ensuring a recovered grizzly bear population in accordance with Recovery Criteria (reference page they appear from CS). The management review is a science-based process that will be led by the IGBST (which includes all State and Federal agencies and the WRR Tribes) using all recent available scientific data to assess population numbers and trend against recovery criteria. Age/sex-specific survival and reproductive rates will also be reevaluated using the most recent data to adjust mortality levels as necessary.			
8. Mortality limit % for independent FEMALES	Pop. size	≤674	675–747	>747
	Mort. %	~~<~~≤7.6%	9%	10%
9. Mortality limit % for independent MALES	Pop. size	≤674	675–747	>747
	Mort. %	15%	20%	22%
10. Mortality limit for % of dependent	Pop. size	≤674	675–747	>747

Comment [FWS7]: Add reference once final

Comment [JF8]: fix

young	Mort. %	<<7.6%	9%	10%

Known and probable human-caused mortalities are defined as follows:

Known. Carcass recovered or evidence to indicate known status due to radio telemetry. Known deaths require a carcass, management removal, or a cut radio collar. Found collars having the appearance of being cut should receive additional forensic review for definitive proof.

Probable. Strong evidence to indicate mortality, reported by highly reliable sources, no carcass recovered. Probable deaths include those cases where there is supportive evidence that a bear was wounded. Circumstances of each reported instance should be considered. Probable includes those cases where evidence of blood, hair, or other tissues clearly indicates wounding serious enough to result in death. The literature is unclear on the likelihood of survival for orphaned cubs, therefore, any cub(s) orphaned during its first year of life because of a known mortality of its mother is considered a probable mortality.

Because probable mortalities will be counted against the mortality quota, and because there is a female quota, each probable mortality must be assigned a sex. Sex will be assigned in the following manner:

- Probable deaths of adult bears where cubs-of-the-year are reported present will be classified as ~~sex =~~ female.
- Lone bears classified as probable deaths will be assigned sex based upon statistics available from known deaths in the ecosystem. The percentage of known male and female deaths in the GYE between 1975 and 1998 is 59% and 41% respectively. These estimates exclude natural mortalities, management removals, and females with young. Therefore, sex will be assigned to probable adult mortalities in the GYE at a ratio of 59:41, male: female.
- Cubs-of-the-year that are orphaned and counted as mortalities will be assigned sex based a 50:50 sex ratio at birth (Eberhardt *et al*. 1994). For each cub, a random number will be drawn between 1 and 100. If the number is 1 through 50, the sex will be assigned as male; if the number is 51 to 100, the sex will be assigned as female.

State agencies will manage mortalities within the limits described in Table 2, Table 5~~4~~, and Appendix P, by implementing specific regulatory mechanisms in state law and regulation.

It is recognized that established mortality limits might be exceeded in any given year. Any mortality threshold will not affect the immediate management of bears for human safety concerns or for management of ~~nuisance~~ conflict grizzly bears. Appendix P describes agency responsibilities and actions to reduce mortality should this occur. State plans provide for the take of ~~nuisance~~ conflict bears regardless of the current mortality quota upon consultation among all involved agencies.

Mortality will be monitored by the IGBST reports from all sources. The IGBST will estimate the annual unknown and unreported mortality as per Appendix C and these mortalities will be added to the known and probably mortalities to produce a total annual mortality estimate by age and sex class. Each State wildlife agency, Tribe, and National Park will provide mortality information to the IGBST, who will update and report ongoing mortalities within the DMA to all agencies so that the states may adjust management actions under their purview if a mortality limit is approached or exceeded. The IGBST will annually summarize all mortality information as to location, type, date, sex, and age for the GYE and produce this information in their annual reports.

Mortality standards and grizzly bear vital rates will be reviewed and reported by the IGBST every 5 years. This information may be used to revise mortality management as necessary as long as any such revisions ensure a recovered population in accordance with the established Recovery Criteria and use the best available science. All management of, and information on, mortality management will be open to full public review.

Population Trend

Background

The population of grizzly bears was increasing at approximately 4.2% to 7.6% annually between 1983 and 2001 (~~Eberhardt *et al.* 1994, Boyce 1995, Boyce *et al.* 2001*b*,~~ Harris *et al.* 2006). While there is some debate related to the actual level of increase since the bear was listed in 1975, all information, including numbers of ~~unduplicated~~ unique females with cubs-of-the-year (Figure 3), distribution of reproducing females (Figure 4), and the distribution of verified grizzly bears occurrences ~~, informal sightings by agency personnel, and areas where nuisance bears are being managed indicate~~support that this population has increased in both numbers of bears (Figure 5) and the geographic area they occupy ~~(Schwartz *et al.* 2002)~~.

~~Schwartz~~ Harris *et al.* (2006~~*b*~~) used data from 1983 through 2001, while the 2012 IGBST report examined a more recent time period, 2002 through 2011 (IGBST 2012). The 2012 report (IGBST 2012) reported that population growth had slowed since the previous time period, but was still stable to slightly increasing, and had not declined. Because the fates of some radio-collared bears are unknown, ~~Schwartz~~ Harris *et al.* (2006~~*b*~~) and the IGBST (2012) calculated two separate estimates of population growth rate: one based on the assumption that every bear with an unknown fate had died (a conservative estimate); and the other simply removing bears with an unknown fate from the sample. The true population growth rate is assumed to be somewhere in between these two estimates because we know from 30 years of tracking grizzly bears with radio-collars that every lost collar does not indicate a dead bear. While ~~Schwartz~~ Harris *et al.* (2006~~*b*~~) found the GYE grizzly bear population increased at a rate between 4.2 and 7.6 percent per year between 1983 and 2002, the IGBST (2012) found this growth ~~had~~ slowed and ~~leveled off~~was~~is~~ stable to slightly increasing ~~and was~~at between 0.3 ~~percent~~ and 2.2 percent per year during 2002–2011. The population trajectory that includes the most recent data is based on the Chao2 estimator and indicates no statistical trend (i.e., relatively flat population trajectory) within the DMA for the period 2002 to 2014 (IGBST, unpublished data).

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Schwartz *et al.* (2006*b*) ~~analyzed~~ estimated survivorship of cubs-of-the-year, yearlings, and independent bears as well as reproductive performance to estimate population growth. They examined geographic patterns of population growth based on whether ~~they~~ bears lived inside Yellowstone National Park, outside the Park but inside the ~~Recovery Zone or~~ Primary

Conservation Area (PCA), or outside the PCA entirely. The PCA boundaries (containing 23,853 sq km (9,210 sq mi) correspond to those of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 1). They concluded that grizzly bears were approaching carrying capacity inside Yellowstone National Park. Consistent with this ~~conclusion~~interpretation, the IGBST (2012) documented lower cub and yearling survival than in the previous time period. Importantly, annual survival of independent females (the most influential age-sex cohort on population trend) remained the same while independent male survival increased (IGBST 2012). Collectively, these two studies indicate that the growth rate of the grizzly bear population ~~inside the DMA~~ had slowed as bear densities ~~have approached~~may be~~ar~~ nearing carrying capacity in portions of the GYE, particularly in the core area of occupied range. Recent work by van Manen *et al.* (~~2015~~2016) ~~confirms that~~provided further ~~the population growth has slowed and the population is is showing~~ evidence of density-dependent population regulation where bear densities are high. ~~as the population occupies almost all suitable habitat in the DMA.~~

Monitoring Protocol

This Strategy recognizes that any one factor cannot provide the needed information to assess population size and trend. Ultimately, population assessments will require multiple sources of information.

~~Population trend, using the Lotka equation as calculated from adult female survivorship and reproductive rate data for the appropriate period (Eberhardt *et al.* 1994, Eberhardt and Knight 1996).~~Additional methods will be used as supportive information to evaluate population trend: (1) mark-resight estimator (Higgs *et al.* 2013); (2) population projections from known-fate analysis (Schwartz *et al.* 2006, entire; IGBST 2012); and (3) population reconstruction (IGBST, unpublished data). ~~This~~These methods will be applied to the population inside the DMA but can be extended to the entire GYE.

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~~The agencies will strive~~ IGBST's goal will be to maintain a minimum of 25 adult female grizzly

bears fitted with ~~mortality sensing~~ radio collars and ~~monitored at all times~~a similar representative sample of males. To adequately sample survival, these 25 adult females will be spatially distributed throughout the ecosystem. The target distribution of these 25 radio-collared adult females will be determined by the IGBST; the expected distribution of collared females by agency will be assigned. Each female will be monitored using aerial telemetry flights every 10–14 days during the active season and approximately once every month during the denning season. ~~during the non-denning period. These data will be collected in conjunction with other regularly scheduled relocation flights.~~ When a radio collar indicates via a mortality signal that a bear may have died, a field crew will evaluate the bear's ~~actual~~ status ~~of the female~~ and, if a mortality is observed, determine cause of death. The IGBST will coordinate ~~field crew~~ collection of mortality data on each bear.

Data to ~~calculate~~ estimate reproductive parameters, such as litter size, and survival of cubs-of-the-year and yearlings~~on and survival~~ are collected ~~annually~~ in conjunction with telemetry flights in all areas occupied by grizzly bears throughout the DMA. These data sets will be maintained by the IGBST and used periodically for population projections and ~~to~~ evaluation~~e~~ of population trend.

Genetic Management

The GYE supports the southernmost population of grizzly bears remaining in North America. The question of concern is whether genetic factors, now or in the future, would compromise the long-term viability of the Yellowstone grizzly bear population.

DNA analyses conducted on museum specimens by Miller and Waits (2003) indicated a slight decline in genetic variability in the Yellowstone population since the early 20th century; however, this loss of variability was less severe than previously hypothesized. Indeed, a recent study by Kamath *et al*. (2015) using recent advances in genetic analysis techniques with molecular markers (Luikart *et al*. 2010) indicated that despite isolation, genetic diversity in the contemporary population has stabilized. Kamath *et al*. (2015) found that the current rate of

inbreeding in the Yellowstone grizzly bear population is very low (0.2%). Likewise, the effective population size (N_e), which reflects the number of reproducing individuals in a population, has increased from 102 to 469 during the 25-year period of 1982–2007.

This positive trend is important because N_e serves as a surrogate measure for a population's evolutionary potential and risk of inbreeding (Franklin and Frankham 1998). The most current N_e estimate of 469 (Kamath *et al.* 2015) approaches the minimum threshold criterion of 500 required for a threatened population to retain long-term evolutionary potential and maintain adequate genetic variation necessary for adaptation to environmental change as defined by Franklin (1980). It also exceeds the requisite minimum threshold ($N_e > 50$ individuals) needed to avoid risk of inbreeding (Franklin 1980), reducing concerns regarding genetic factors affecting the viability of Yellowstone grizzly bears (Kamath *et al*. 2015). In summary, Kamath *et al.* (2015) concluded that (1) genetic diversity has shown no decline over recent decades;~~,~~ (2) rate of inbreeding since 1985 is very low;~~,~~ and (3) effective population size has increased nearly 4-fold since 1982. These results collectively indicate that, at current population levels and under the current environmental conditions, genetic factors do not pose a substantial risk to the viability of the Yellowstone grizzly bear population. Kamath *et al*. (2015; page 5517) conclude that nonetheless, the historically small N_e, relatively low diversity, and isolation over many generations suggest the grizzly population could benefit from increased fitness following the restoration of gene flow, particularly given the unpredictability of future climate and habitat changes.

The State of Montana, in their Grizzly Bear Management Plan for Southwestern Montana (Appendix I) indicates Montana's belief that, as documented from sightings, captures, and mortalities in the past decade, grizzly bears from the ~~GYA~~ GYE and the NCDE are expanding their distribution and there is considerable potential for these populations to connect. Moreover, Montana states in this plan a long-term goal to allow the grizzly bear populations in southwest and western Montana to reconnect through the maintenance of non-conflict grizzly bears in areas between the ecosystems.

Management of non-conflict grizzly bears in areas between the NCDE management area and the DMA of the ~~GYA~~ GYE (Figure 7 of the 2013 Grizzly Bear Management Plan for Southwestern Montana) will be compatible with maintaining some grizzly occupancy. Maintaining presence of non-conflict grizzly bears in areas between the NCDE management area and the demographic monitoring area of the ~~GYA~~GYE, such as the Tobacco Root and Highland Mountains, would likely facilitate periodic grizzly movements between the NCDE and ~~GYA~~GYE. The Montana Grizzly Bear Management Plan indicates that the state of Montana will retain a priority around conflict management and removal of problem grizzly bears in this area, similar to the rest of Montana.

Human safety will always be prioritized over facilitation of grizzly movement for genetic connection between the ecosystems. However, the state of Montana has indicated that while discretionary mortality may occur here as needed, they will manage discretionary mortality in this area in order to retain the opportunity for natural movements of bears between ecosystems. Additionally, it is FWP's opinion that expanding the current level of habitat restriction and programs to bear-occupied areas outside the PCA would not generate social acceptance for the bear nor is expansion of habitat restrictions necessary for population recovery. Incorporating the grizzly as another component of FWP's ongoing programs for all wildlife is a more productive approach. The level of social acceptance of grizzlies in historical habitat changes based on how the issues are approached, the density of the bear population, and how much faith people have in wildlife managers.

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

Genetic Monitoring Protocol

Genetic samples will be collected from all grizzly bear captures and mortalities in the GYE for

analysis via cooperative efforts between the IGBST and recognized genetic experts. Genetic analyses of these samples will be conducted and evaluated for potential evidence of grizzly bears from other populations immigrating into the Yellowstone population and producing offspring. Monitoring of radio-collared grizzly bears will be used to document potential movements between other ecosystems and the GYE.

Chapter 3 Habitat Standards and Monitoring

Background

Habitat standards and monitoring protocol in this Conservation Strategy identify provisions that Federal and State land managers throughout the ~~Greater Yellowstone Ecosystem (~~GYE~~)~~ are committed to for habitat preservation of a recovered Yellowstone grizzly bear population. Between 1986 and the initial 2007 delisting of the Yellowstone grizzly bear population, grizzly bear habitat in the GYE was managed under standards and guidelines established by the Interagency Grizzly Bear Committee (IGBC 1986) and specified in national forest and national park management plans. Acknowledging that humans are the primary agent of grizzly bear mortalities, a principal objective of the IGBC was to improve survival rates by implementing management strategies that minimized anthropogenic influences and grizzly bear-human conflicts. IGBC measures implemented inside the Grizzly Bear Recovery Zone (GBRZ) led to improved management of garbage and food attractants, reduced sheep grazing, and restrictions on motorized access and human development. These standards and guidelines that were imposed upon public lands were instrumental in the recovery of the grizzly bear in the GYE throughout the mid-1980s and into the 1990s.

The subsequent 1993 *Grizzly Bear Recovery Plan* (USFWS 1993) required the preservation and monitoring of habitat necessary to support a recovered population. This led to the development of more explicit and measureable habitat criteria to be applied inside the GBRZ, as per the *Recovery Plan Supplement: Habitat-based Recovery Criteria for the Greater Yellowstone Ecosystem* (USFWS 2007*c*). To satisfy this requirement, measureable habitat criteria were established that called for no net loss of secure habitat with respect to 1998 conditions. These criteria were embraced and incorporated into the draft Conservation Strategy and released for public comment in 2000. Analysis of public comments and new information was used to establish the final habitat standards for a recovered ~~Yellowstone~~ GYE population as identified in the 2007 Conservation Strategy (USFWS 2007*a*) and appended in a supplement to the Recovery Plan (USFWS 2007*b*). This 2016 revision of the Conservation Strategy includes some changes

to the 2007 document that help clarify habitat standards as they pertain to the 1998 baseline.

Clarifying language to the application rules has been inserted where necessary to provide better direction for application of these standards on a local project level. No substantive changes in the content of habitat standards have been made under this revision. However, some modifications in habitat monitoring protocols have been made and are documented in this chapter. Upon delisting of the Yellowstone population, the GBRZ will be referred to as the Primary Conservation Area (PCA) to reflect the shift from managing for recovery to one of conservation.

Since 1998, visitor use in National Park lands and surrounding federal public lands has increased significantly. During this time there was a significant increase in grizzly bear numbers and occupied range such that there are more bears in more places. Adherence to the habitat standards and its associated sideboards to human activities has contributed to the successful recovery of the GYE grizzly bear population. However, the habitat standards associated with the 1998 baseline and the administrative mandates to manage for increased visitation have not kept pace with the recent changes in a manner that allows land managers to responsibly accommodate the current, and likely future, increase in visitor use. For example, the steady increase in visitor numbers may necessitate more administrative infrastructure to strategically manage the impacts of more people on the landscape while ensuring the continued protection of grizzly bears and their habitat. Therefore, it is necessary to reconsider the role and responsibility for stewardship and resource management of public lands inside the PCA and throughout the GYE. Specifically, how could future modifications to the 1998 baseline standards be designed so that increased visitation can be addressed without threatening the habitat and population gains that have been secured? As such, it is proposed that a multi-agency effort be conducted to determine the best long-term solutions for alleviating administrative pressures associated with increased visitation. Any future management changes proposed in this effort will be evaluated in a cooperative and meaningful manner with full consideration to long-term consequences. ~~Proposed modifications will minimize deviations to the 1998 baseline.~~ A multi-agency planning group will be established in calendar year 2017 to complete this re-evaluation effort ~~on or before the end of calendar year 2018~~. Production of a draft document enumerating proposed revisions to the 1998

Comment [PE>9/89]: Consider whether we should attach the timeline as an Appendix

habitat standards will be released for public comment and approved by the YGCC. ~~The final revision document must be agreeable to each of the affected federal land management agencies represented on the YES, including the National Park Service, U.S. Forest Service, Bureau of Land Management, as well as the U.S. Fish and Wildlife Service.~~

Introduction

The overall objective for habitat management inside the PCA is to reduce access-related disturbances and human-cause mortalities by maintaining or improving habitat with respect to 1998 conditions while maintaining options for resource management activities at approximately the same level as existed in 1998. Habitat standards apply to Federal lands inside the PCA and identify three factors that must be maintained at, or improved upon with respect to conditions existing in 1998: (1) secure habitat, (2) number and capacity of developed sites, and (3) number and acreage of active commercial livestock grazing allotments. All three of these factors are linked to human activities that affect grizzly bear mortality and displacement. These three standards apply to public lands within the PCA, the area where past recovery efforts and present habitat conservation measures are primarily focused. The PCA ~~serves as a relatively safe haven located at the core of the ecosystem and~~ accounts for approximately 41% of the ~~Yellowstone~~ GYE grizzly bear's occupied range as estimated from methods of Bjornlie *et al*. 2014 (Figure 6). The 1998 baseline for habitat standards was selected because studies showed (and recently affirmed) that the ~~Yellowstone~~ GYE grizzly bear population was increasing annually at a robust rate of 4.2 to 7.6 percent between 1983 and 2001 (~~Boyce *et al*. 2001*b*,~~ Harris *et al*. 2006, 2007, IGBST 2012). Habitat conditions in 1998 were considered representative of this time period since levels of secure habitat and developed sites inside the PCA had remained relatively constant in the 10 years preceding 1998 and beyond (USDA 2004). Hence, conditions in 1998 are believed to have supported and contributed to the population growth observed during 1983–2001. Habitat standards, as they apply to the 1998 baseline, impose measureable side boards on allowed levels of human activity inside the PCA and establish a clear benchmark against which future improvements and impacts of habitat can be measured.

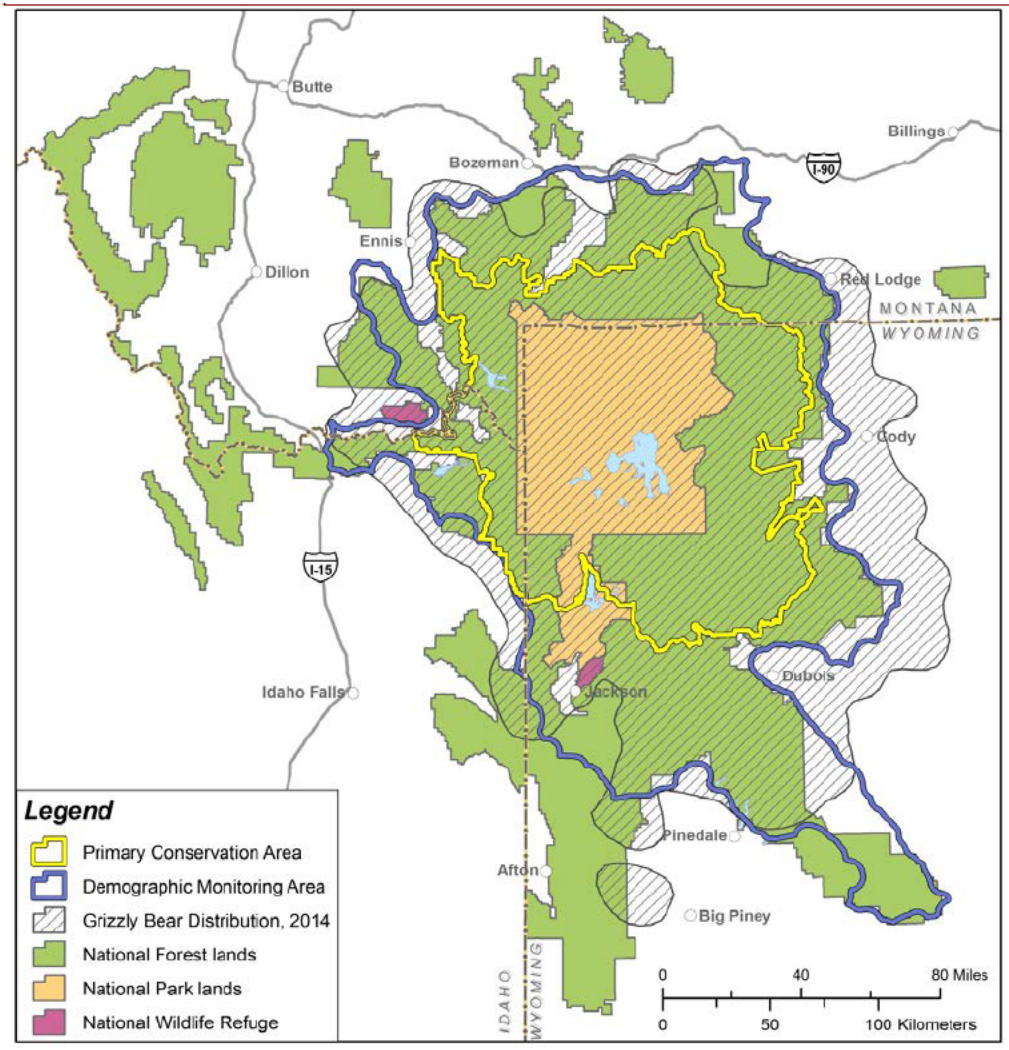
To facilitate management of habitat throughout the PCA, the area inside the PCA is divided into 18 distinct bear management units (BMUs) and 40 subunits (Figure 2). BMU boundaries were delineated to approximate the average *lifetime* range of an adult female grizzly bear in the GYE. Each BMU was further subdivided into one or more subunits comparable in size to the average *annual* home range of an adult female grizzly bear. Monitoring habitat at a subunit scale provides greater spatial resolution and proved to be better suited for analyzing habitat use patterns and ensuring good distribution of bear habitat throughout the PCA (USDA 1985). Hence, conditions pertaining to secure habitat and developed site standards are measured and compared against 1998 levels for each of the 40 bear management subunits within the PCA. To date, habitat-based criteria throughout the PCA have been successfully maintained at, or improved upon, 1998 levels for all 40 subunits. Adherence to these standards ensures that sufficient habitat for the Yellowstone grizzly bear will continue to be available into the foreseeable future. Habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.

In addition to mandatory habitat standards, several other habitat parameters will be monitored and evaluated to determine the overall condition of habitat for grizzly bears in the PCA. These additional monitoring items include ~~habitat connectivity~~~~transportation planning and food storage orders with respect to habitat connectivity,~~ ~~hunter numbers,~~ ~~and~~ productivity or grizzly bear use of the following ~~four high calorie~~ foods: (1) ~~winter killed~~ ungulates, (2) cutthroat trout, (3) army cutworm moths, and (4) whitebark pine seeds. Information on monitoring protocols for these items is found in subsequent sections of this chapter.

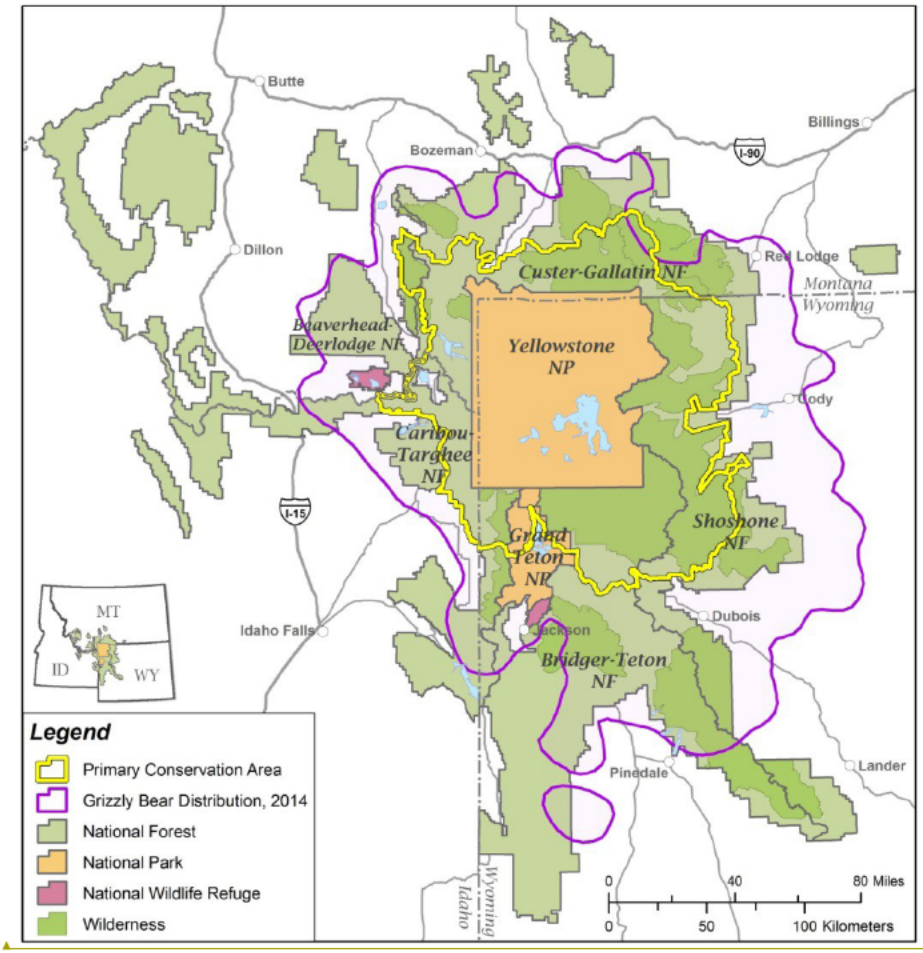
Agencies responsible for management of grizzly bear habitat in the GYE are committed to continue collecting the necessary information to evaluate adherence to habitat standards and monitoring protocols throughout the PCA. ~~The overall objective for habitat management inside the PCA is to reduce human-caused grizzly bear mortalities by maintaining or improveing habitat with respect to 1998 conditions while maintaining options for resource management activities at approximately the same level as existed in 1998.~~ The habitat standards and monitoring requirements in this Conservation Strategy ~~will be~~have been incorporated into

National Forest plans, National Park compendiums, and BLM plans.

Figure 6. Federal lands comprising the Greater Yellowstone Ecosystem (GYE), the Primary Conservation Area (PCA), the Demographic Monitoring Area (MDA), and current (2000–2014) grizzly bear occupied range as estimated based on techniques described in Bjornlie et al. (2014). ~~estimated Grizzly Bear Occupied Range as of 2014~~.



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Outside the PCA, grizzly bears ~~are allowed to expand~~have expanded into adjacent areas considered biologically suitable and socially acceptable, as per direction in the State and Tribal management plans (Appendices I, J, ~~and~~ K, and O). The key to successful management of grizzly bears outside the PCA is a sustainable balance that accommodates the needs of grizzly bears along with the competing demands of human use. As such, an important management objective for areas outside the PCA is to maintain existing resource management and recreational uses and allow agencies to respond to demonstrated problems with appropriate management actions. Approximately 83 percent of suitable habitat outside the PCA occurs on federally owned land and about 82.6 percent of that suitable habitat is occupied by grizzly bears (Figure 6). Most lands outside the PCA are under Forest Service management and the majority of these lands will remain as relatively secure habitat due to land designation. The Forest Service manages 76 percent (17,292 sq km (6,676 sq mi)) of suitable habitat outside of the PCA, of which nearly 71 percent (12,396 sq km (4,786 sq mi)) is relatively secure because ~~of designation~~ they are Congressionally designated ~~as~~ Wilderness ~~Areas~~, Wilderness Study Areas, or Inventoried Roadless Areas. ~~The amount of secure habitat is less than the total contained within Inventoried Roadless areas because some motorized use occurs in Inventoried Roadless Areas due to roads that existed before the area was designated as roadless.~~ These designations provide regulatory mechanisms outside of this Conservation Strategy that ~~protect~~ minimize impacts to secure grizzly bear habitat ~~from increased motorized use, oil and gas development, livestock allotments, and timber harvest~~. A flexible management strategy is crucial for promoting acceptance and tolerance for grizzly bears as they continue to expand into suitable habitat outside the PCA. Standards and guidelines for other wildlife species identified in National Forest and Park management plans indirectly provide additional habitat management direction for bears outside the PCA.

State grizzly bear management plans for Idaho, Montana, and Wyoming recommend and encourage land management agencies to maintain or improve habitats important to grizzly bears and to monitor habitat conditions outside the PCA. These three states acknowledge the importance of secure habitat (*see* secure habitat definition below), motorized access management, and road density issues related to the survival of grizzly bears and other wildlife.

Consequently, levels of secure habitat ~~and motorized route density~~ are monitored on federal lands outside the PCA ~~to identify and prevent potential habitat threats from negatively impacting the long-term viability of the Yellowstone grizzly bear population~~. Land management agencies work cooperatively with state wildlife agencies to meet identified population and habitat goals for grizzly bears in the GYE. The process of implementing state and federal grizzly bear management is coordinated by the ~~Yellowstone Grizzly Bear Coordinating Committee (~~YGCC~~)~~ representing all respective land management agencies in the GYE (*see* Chapter 6 Implementation and Evaluation).

~~Immediately upon ESA delisting of the species, regional foresters in Regions 1, 2, and 4 of the U.S. Forest Service agree to add the grizzly bear to their Sensitive Species lists for the five National Forests in the GYE. Forest Service sensitive species direction requires that any project "*must not result in loss of species viability or create significant trends toward federal listing*" (USDA 2005). Sensitive species direction also requires the Forest Service to "*assist states in achieving their goals for conservation of endemic species*" (USDA 2005). A biological evaluation will be completed for all Forest Service projects potentially affecting the GYE grizzly bear. These evaluations will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will determine whether projects do or do not meet the habitat standards in this Conservation Strategy. If the biological evaluation demonstrates that a project does not meet the habitat standards as well as other relevant habitat and population criteria, the project will be modified as necessary to ensure complete adherence with all required measures.~~

Habitat Standards i~~I~~nside the Primary Conservation Area

Human activity is the primary factor negatively impacting availability and security of grizzly bear habitat in the GYE. The relationship between bears and habitat is extremely complex and difficult to quantify. However, unfettered human activity is known to result in displacement and mortality of grizzly bears and was a significant contributing factor leading to listing the grizzly bear in the conterminous U.S. as a Threatened species in 1975. Restrictions in human activities due to management practices implemented by the IGBC in the mid-1980s correlate strongly with

the steady increase in the Yellowstone grizzly bear population ~~that was~~ observed between 1983 and 2001. Habitat standards formalized in this document impose measurable sideboards on levels of ~~human activity~~road development, construction of developed sites and livestock grazing allowed on Federal lands inside the PCA, thereby reducing opportunities for grizzly bear-human conflicts, habitat disturbance, and displacement of grizzly bears from valuable habitat.

Habitat standards identified in this document address three key factors related to human activity (motorized access, site development, and commercial livestock grazing) and specifically call for no net loss in secure habitat inside the PCA from what existed in 1998 (Appendix E). Adequate secure habitat is essential to the survival and reproductive success of grizzly bears~~, particularly adult females~~.

It is the goal of habitat management agencies to maintain or improve habitat conditions throughout the PCA at or above 1998 levels, as measured per bear management subunit. These levels of secure habitat have been maintained and will continue to be maintained, and improved on where possible, ~~long into the future~~for the foreseeable future.

Potential impacts to grizzly bears and their habitat resulting from federal activities occurring inside the PCA will be evaluated and mitigated using the criteria and standards in this Conservation Strategy in coordination with state wildlife agencies.

Errors of ~~O~~omission~~s~~ to the 1998 habitat measurements comprising the baseline (Appendix E) may be corrected for when based on new and well documented information substantiating the existence and status of anthropomorphic features (i.e., motorized routes, developed sites, or livestock allotments) that were not properly accounted for in the 1998 baseline. When verified, legitimate corrections to the baseline will be tracked and reported and will constitute new baseline habitat levels against which future change will be measured.

Application rules specific to each habitat standard provide additional direction on how these standards are to be implemented at a Federal project level. The following habitat standards and

Comment [PE>9/811]: Comment from PJ White: This statement needs to be clarified/revised because there are two notable exceptions: 1) the portion of mortalities due to bears shot in defense by primarily elk hunters and, perhaps in the future, 2) grizzly bear hunting There are no specific habitat standards (e g , commitments to conservative harvests) that attempt to reduce the effects of these activities on the overall intent of the Recovery Zone/PCA, which was to reduce human-caused disturbances and mortalities of grizzly bears

application rules apply to all Federal lands inside the PCA.

Secure Habitat Standard

The Secure Habitat Standard requires that inside the PCA, the percentage of secure habitat within each bear management subunit must be maintained at or above levels that existed in 1998 (Appendix E). The sole exception to the 1998 secure habitat baseline applies to the three subunits identified in the 2007 Conservation strategy as in need of improvement above 1998 levels (Gallatin #3, Henrys Lake #2, and Madison #2). These three subunits must be maintained at or above levels attained from ~~the~~ full implementation of the 2006 Gallatin National Forest Travel Management Plan (Appendix E). Authorized Federal projects that result in temporary or permanent changes to secure habitat are allowed per~~must follow~~ the Application Rules identified below.

Secure habitat is defined as any contiguous area ≥ 10 acres in size and more than 500 m from an open or gated motorized access route (road or trail) or recurring low level helicopter line during the non-denning period (March 1 – November 30). Gated routes that are closed year-round to public motorized use but remain accessible to administrative personnel are still considered motorized access routes, and hence, detract from secure grizzly bear habitat. ~~There are activities allowed in secure habitat (*see below*) that do not violate standards or count as motorized access routes.~~ Decommissioned routes that are permanently and effectively closed to the public and administrative staff do not count against this standard. Lakes larger than 1.6 sq km (1 sq mi) in spatial extent are excluded from secure habitat calculations.

For the purposes of this chapter, secure habitat is correlated with key habitat components, such as foods, cover, space, arrangement of habitat types, and the ability of grizzly bears to move between them. For the purposes of describing habitat management and conservation in this chapter, secure habitat has no direct link to discretionary mortality. Any potential population and conflict management activities are distinctly separate components of this strategy and addressed in other chapters.

Application Rules for Permanent Changes in Secure Habitat

Permanent changes to secure habitat are allowed inside the PCA when associated with an authorized Federal project involving construction of new motorized routes (i.e., roads or trails), reconstruction of existing motorized routes, or opening of a previously decommissioned route if, and only if, the following conditions are met:

- Any loss in secure habitat below baseline levels is replaced by restoring secure habitat of equivalent quality and quantity (e.g., through decommissioning) in the same bear management subunit. Habitat quality must be assessed based on the best collective scientific understanding of grizzly bear habitat ecology and the rationale for all mitigation measures must be fully documented.
- Replacement habitat must be in place before project implementation or concurrent with project development as an integral part of the project plan. Replacement habitat must remain in place for a minimum of 10 years before it can be subsequently replaced and mitigated for per application rules (this duration is based ~~up~~on the approximate generation time ~~for~~ of a female grizzly bear, or the time it takes to replace herself in the population).
- For those subunits identified as in need of improvement above 1998 levels (*Gallatin #3, Madison #2,* and *Henry's Lake #2*), secure habitat will be maintained at or above levels associated with full implementation of the 2006 Gallatin National Forest Travel Management Plan (*see* Appendix E).
- For activities based on statutory rights, such as access to private lands under the *Alaska National Interest Lands Conservation* (ANILCA) or the *1872 General Mining Law*, where permanent reductions in secure habitat cannot be replaced within the affected subunit, then secure habitat will be compensated at a commensurate level at or above the baseline in the nearest possible subunit. In these rare situations, subsequent changes to secure habitat in the two affected subunits constitute permanent changes to the baseline.
- Honor existing oil and gas or other mineral leases. Proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases would strive to meet the application

rules for changes to secure habitat. New leases, APDs, and operating plans must meet the secure habitat and developed site standards.

- Motorized routes on private land that post-date 1998 are not counted against this standard. However, for motorized roads or trails acquired through land exchanges or acquisition that are desirable to maintain for public use, mitigation is strongly recommended.

Application Rules for Temporary Changes in Secure Habitat

Temporary reductions in secure habitat below baseline levels inside the PCA are allowed when associated with authorized Federal projects. Project activities should be concentrated in space and time to minimize disturbance**.** The following conditions must be met for temporary projects:

- Only one project affecting secure habitat may be active within a given bear management subunit at any one time.
- Total acreage of secure habitat affected within a given BMU does not exceed 1 percent of the acreage in the largest subunit within that BMU. The acreage of a project that counts against the 1 percent limit (i.e., the amount of secure habitat affected) is measured as the acreage within the 500-meter buffer around any temporary motorized access route or low-level helicopter flight line that intrudes into existing secure habitat.
- Use of project roads will be limited to administrative purposes associated with project activities. Project implementation shall not reduce secure habitat below baseline levels for more than 4 consecutive years. The collective set of project roads that affect secure habitat below baseline levels shall be closed to all motorized travel after 3 years. Project roads shall be decommissioned such that secure habitat is restored within 1 year after road closure.

Activities Allowed in Secure Habitat

The following activities are allowed in secure habitat inside the PCA without violating the standard:

- Activities that do not require route construction or reconstruction, re-opening of a permanently closed road, or recurring low-level helicopter flight lines.
- Helicopter use for short term (no more than 2 days in the duration of a project), or at higher elevations (> 500 m above ground level with no landing). Aircraft used in emergency firefighting are allowed.
- Non-wheeled, over-the-snow use (i.e., snow machines) is allowed unless new research identifies a ~~concern~~threat. Conflicts associated with winter-use activities that develop either during denning or after den emergence in the spring can be addressed with local area restrictions.
- Access to power lines and/or utility corridors for occasional and necessary maintenance service that does not require new route construction and is used only for administrative purposes related to power line/utility maintenance.
- Project activities (e.g., temporary road construction and maintenance, or use of recurring low-level helicopter flights) that occur during the grizzly bear denning season between December 1 and February 28.

Developed Site Standard

The Developed Site Standard requires that on Federal lands inside the PCA, the number and capacity for human use of developed sites must be maintained at or below the 1998 levels (Appendix E). Projects that propose a change in the number or capacity of developed sites must follow the Application Rules specified below.

Developed sites refer to those sites or facilities on public land with features intended to accommodate administrative needs and public recreational use. Such sites typically are identified or advertised via visitor maps, information displays, or administrative personnel as discernable destination sites promoted by the agency. Developed sites are often associated with human activities that may disrupt grizzly bear use of habitat, or have attractants that potentially lead to increased human-bear conflicts. Examples of developed sites include, but are not limited to: campgrounds, picnic areas, trailheads, boat launches, rental cabins, summer homes, lodges,

service stations, restaurants, visitor centers, and administrative sites. **Administrative sites** are those sites or facilities constructed for use primarily by government employees to facilitate the administrations and management of public lands. Administrative sites are counted towards developed sites. Examples include: administrative headquarters, ranger stations, patrol cabins, park entrances, federal employee housing, and other facilities supporting government operations. **Dispersed sites**, in contrast to developed or administrative sites, are those not associated with a developed site, such as a front-country campground. These sites are typically characterized as having ~~no permanent agency-constructed features, have~~ minimal to no site modifications, and may include primitive road access. Dispersed sites are not counted toward developed sites.

Application Rules for Developed and Dispersed Sites

On Federal lands inside the PCA, changes to developed sites or construction of new developed sites are allowed if the following conditions are met:

- Construction of new sites will be mitigated for within that subunit to offset any increase in the number of developed sites and/or capacity for human use, habitat loss, and increased access to surrounding habitats.
- Mitigation of detrimental impacts will occur within the affected subunit and adequately compensate for the type and extent of impacts. Mitigation measures will be in place before implementation of the project or included as an integral part of completion of the project.
- Consolidation and/or elimination of dispersed campsites is considered adequate mitigation for increases in human capacity at developed campgrounds if the new campsite capacity is less than or equivalent to that of the dispersed camping eliminated and if future overnight use of the dispersed site(s) is definitively curtailed.
- Conversion of uncontrolled dispersed campsites to a minor day-use site is allowed if there is a net benefit to both human and bear safety and if the dispersed site(s) can be modified in such a way that future over-night use of the site is definitively curtailed. Such modification of site-use would not contribute to an increase in baseline developed sites.
- Expansion (in capacity and acreage) of existing administrative sites is exempt from

mitigation if such developments are deemed necessary for enhancement of public land management and other viable alternatives are not available. Temporary construction of work camps for highway construction or other major maintenance projects and for emergency response (such as fire) are exempt from human capacity mitigation if other viable alternatives are not available. Food storage structures and management must be in place and all other factors resulting in potential detrimental impacts to grizzly bears will be mitigated as identified for other developed sites.

- Modifications to existing developed sites that reduce resource damage, detrimental environmental impacts, and/or the potential for grizzly bear conflicts are allowed (e.g., installing a vaulted toilet to avoid damage to water resources or installing bear-resistant storage structures to reduce conflict).
- Modifications to dispersed campsites that reduce resource damage, detrimental environmental impacts, and/or the potential for grizzly bear conflicts are allowed (e.g., installing bear-resistant storage structures and limiting parking expansion). Such modifications do not require mitigations as long as they are not permanent or ~~irretreviable~~irretrievable.
- For activities based in statutory rights (e.g., *1872 General Mining Law*, *Americans with Disability Act*, ANILCA, etc.), if the number of developed sites exceeds the 1998 baseline, the Forest Service will, to the fullest extent of its regulatory authority, reduce developed sites to commensurate levels and mitigate to offset any increases in human capacity, habitat loss, and increased access to surrounding habitat within the affected subunit if possible. In those rare cases where mitigation cannot be accomplished within that subunit, commensurate compensation will be accomplished in the nearest subunit and changes in the two affected subunits become permanent changes to the baseline.
- Honor existing oil and gas and other mineral leases. For proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases, the Forest Service should, to the fullest extent of their regulatory authority, strive to meet the developed site standard and satisfy application rules for changes in secure habitat. New leases, APDs, and operating plans must meet the developed site standard and satisfy application rules for changes in secure habitat.

- Developments on private land are not counted against this standard. However, for developed sites acquired through land exchanges or acquisitions that are desirable to maintain, mitigation is strongly encouraged but not required. The rationale behind this is to encourage acquisition and transformation of private land to public ownership since this negates the potential for future development and results in better management for grizzly bears.

Livestock Allotment Standard

The Livestock Allotment Standard requires that on Federal lands inside the PCA, there will be no increase in the number or acreage of active commercial livestock grazing allotments nor an increase in permitted sheep Animal Months (AMs) relative to that which existed in1998 (see Appendix E). Existing sheep allotments will be monitored, evaluated, and phased out as the opportunity arises with willing permittees.

Application Rules

Grazing allotments tracked for purposes of grizzly bear conservation include both vacant and active commercial livestock units for sheep, cattle, and/or horses on Federal lands inside the PCA. **Active** allotments are livestock units with active grazing permits. **Vacant** allotments are those without an active permit, but which may be restocked or grazed periodically by other permittees at the discretion of the land management agency to resolve resource issues or other concerns. Changes in livestock allotments inside the PCA that satisfy the allotment standard may occur if the following conditions are met:

- A vacant allotment may be reissued an active permit resulting in an increase in the number of permitted cattle as long as~~, but~~ the number and net acreage of active allotments inside the PCA ~~must not~~ does exceed the 1998 baseline. Appropriate analysis by the action agency must be conducted to evaluate impacts on grizzly bears.
- Combining or dividing existing allotments is allowed as long as the net acreage and number of active allotments inside the PCA does not exceed 1998 levels.

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

Habitat Monitoring

The primary objective of habitat monitoring is to track and assess the status of grizzly bear habitat throughout the ecosystem with an emphasis placed on habitat inside the PCA. Monitoring requirements presented in this section focus on evaluation of adherence to habitat standards ~~identified~~ such that secure habitat, developed sites, and commercial livestock grazing allotments are maintained at, or improved upon, 1998 levels. However, additional habitat parameters pertaining to four high-calorie foods of the grizzly bear diet are also monitored to assist in evaluating the status of grizzly bear habitat and its ability to support a recovered grizzly bear population.

Monitoring Secure Habitat and Motorized Access Route Density

Background

Humans are the primary agent influencing grizzly bear mortality and population trajectories in the GYE and elsewhere (McLellan and Shackleton 1988, Mattson and Knight 1991, Mace *et al*. 1996, Schwartz *et al*. 2010, Proctor *et al*. 2012). Motorized access has historically been used as a surrogate measure of human presence on the landscape, and consequently serves as the basis for differentiating secure and non-secure habitat throughout the ecosystem. Land managers throughout the GYE recognize that availability of secure habitat is crucial to the survival and long-term reproductive success of grizzly bears. Managing the landscape to reduce grizzly bear mortality risk requires that motorized roads and trails be considered when evaluating and maintaining secure habitat throughout the ecosystem.

Motorized access parameters, including: (1) percent secure habitat, (2) open motorized access route density (OMARD), and (3) total motorized access route density (TMARD)~~.~~, are measured and monitored against levels that existed in 1998. To date, no net decrease in secure habitat relative to 1998 levels has occurred on federal lands in any of the 40 bear management subunits within the PCA. Instead, reductions in motorized access implemented post-1998 have led to an increase of 1.4 percent in secure habitat inside the PCA; a gain approximate in size to the area of Yellowstone Lake.

Subunits with potential for improvement

Several subunits, Gallatin #3, Henrys Lake #2, and Madison #2, were targeted in the 2007 Conservation Strategy as needing improvement in secure habitat with respect to 1998 levels. The specific areas with potential for improvement identified in these three subunits fall within the Custer Gallatin National Forest boundary and consequently, the quantity and timing of improvements was to be determined by the Gallatin National Forest Travel Management Plan (TMP). With implementation of the 2006 Gallatin TMP, many ~~roads inherited from these exchanges~~motorized routes have been permanently decommissioned~~. Non-system routes that are not maintained by the Forest Service have subsequently been closed,~~ with a high priority given to road ~~decommissions~~ closures in the three subunits identified as in need of improvement. With full implementation of the Gallatin Travel Plan near completion, measureable increases in secure habitat with respect to 1998 baseline levels ~~(Appendix E)~~ and corresponding reductions in motorized route density have been realized in the three targeted subunits (Appendix E). The Custer Gallatin National ~~f~~Forest ~~determine~~, via a ~~Travel~~ Forest Plan Amendment, has incorporated these new levels of secure habitat as new thresholds against which future change will be measured ~~that all gains in secure habitat resulting from full implementation of the TMP will effectively constitute new baseline levels~~ for these three subunits. ~~If and when approved, elevated secure levels for these three subunits will serve as a new measure against which future change will be made.~~

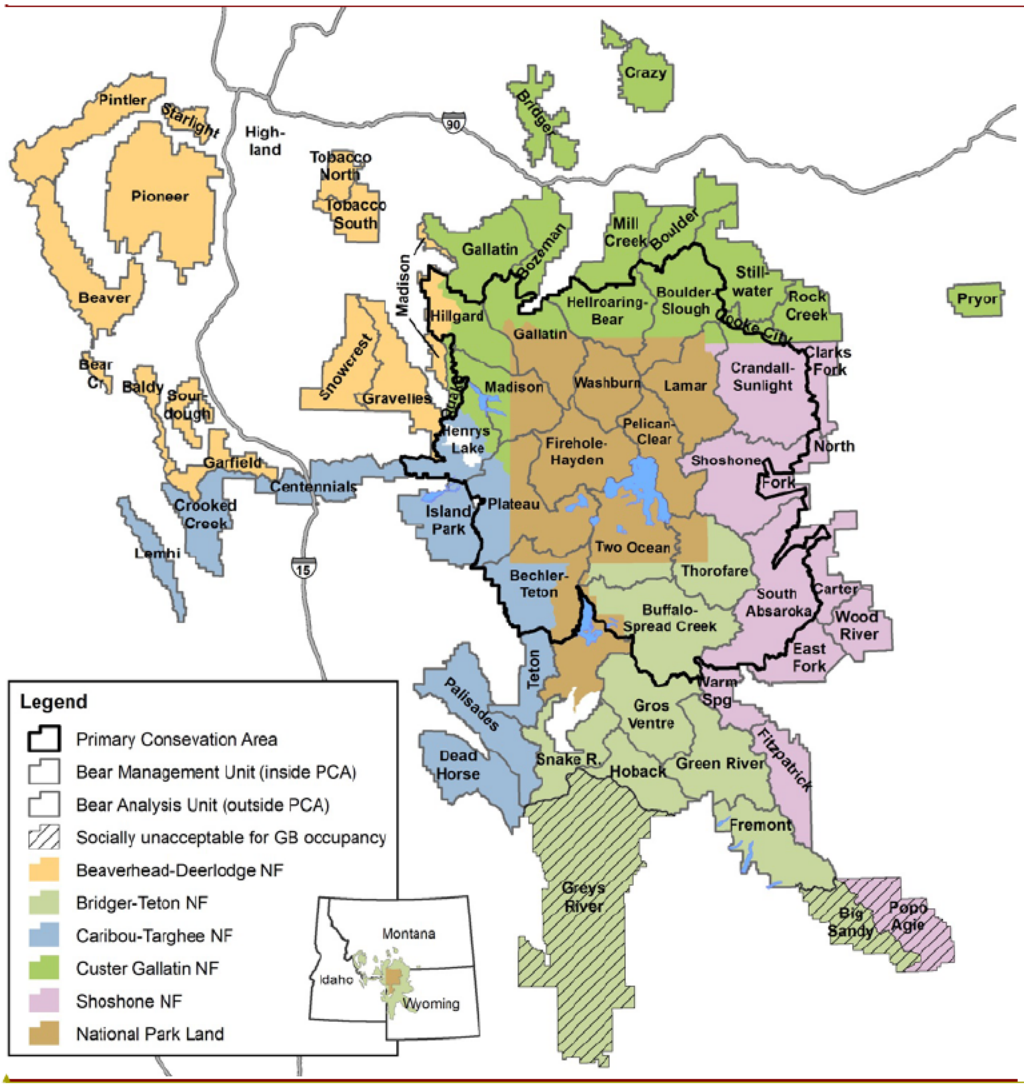
Monitoring Protocol

Secure habitat and motorized route density are monitored inside the PCA ~~and tracked throughout the ecosystem~~ to verify compliance with secure habitat standards ~~inside the PCA and to assist in balancing grizzly bear security and survival with human land use concerns outside the PCA~~. Motorized access parameters that are monitored and reported include levels of 1) secure habitat, 2) open motorized access route density (OMARD) greater than 1.6 km/sq km (1 mi/sq mi)), and 3) total motorized access route density (TMARD) greater than 3.2 km/sq km (2 mi/sq mi). Inside the PCA, these three parameters are measured and reported annually for each bear management subunit. ~~Outside the PCA, secure habitat is measured and reported biennially (even numbered years) for each bear analysis unit (BAU, see Figure 7). Changes in configuration and status of motorized routes are submitted each year to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park in the ecosystem.~~ Status and configuration of motorized access routes are inventoried and tracked by the Database Coordinator. ~~This insures that reported measurements are based on the most current available information.~~ Percent secure habitat, OMARD, and TMARD are calculated using the Motorized Access Model as described in Appendix E. Outside the PCA, secure habitat is measured and reported biennially (even numbered years) for each bear analysis unit (BAU, see Figure 7) ~~by the Grizzly Bear Habitat Database Coordinator~~.

~~**Secure habitat**, as defined earlier, refers to those areas ≥ 10 acres in size and more than 500 m from an open or gated motorized route. Lakes greater than 1.6 sq km (1 sq mi) are excluded from secure habitat calculations. **OMARD** is a measure of the density of motorized routes that are open to the public for one or more days during the non-denning portion of the year when grizzly bears are active (March 1-November 30). **TMARD** measure the density of all motorized routes open to the public and/or administrative personnel for one or more days during the non-denning season. Roads that are closed year-round to the public but open to administrative personnel detract from secure habitat and count toward TMARD, but do not contribute to OMARD. Motorized routes that have been permanently decommissioned such that there is no motorized use by either the public or administrative staff, do not contribute to OMARD or TMARD, and do not detract from secure habitat. For a more detailed discussion of OMARD and~~

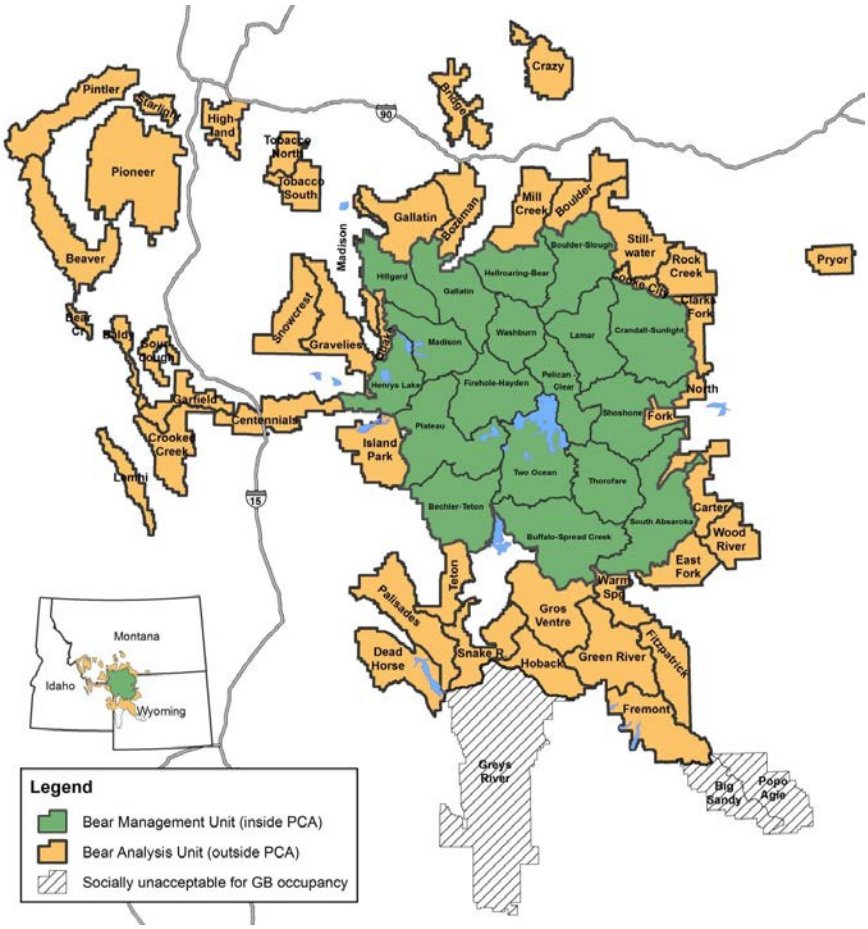
~~TMARD, as well as changes in monitoring protocol, please refer to Appendix E.~~ Measurements are reported annually (inside the PCA) and biennially (outside the PCA) in the IGBST Annual Report~~, *Yellowstone Grizzly Bear Investigations*~~ and are posted online for public access at the IGBST website (https://www.usgs.gov/centers/norock/science/igbst-annual-reports?qt-science_center_objects=1#qt-science_center_objects ~~http://nrmsc.usgs.gov/products/IGBST~~).

Figure 7. Bear management units ~~and subunits~~ inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA by land management agency.



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Crazy
Pintler
Starlight
High-land
Tobacco North
Tobacco South
Pioneer
Beaver
Madison
Gallatin
Bozeman
Mill Creek
Boulder
Still-water
Rock Creek
Pryor
Clarks Fork
Snowcrest
Gravelies
Hilgard
Hellroaring-Bear
Gallatin
Madison
Washburn
Lamar
Crandall-Sunlight
Firehole-Hayden
Pelican
Clear
Henrys Lake
Shoshone
Fork
North
Garfield
Centennials
Plateau
Island Park
Crooked Creek
Lemhi
Two Ocean
Thorofare
Bechler-Teton
Carter
South Absaroka
Buffalo-Spread Creek
Wood River
East Fork
Palisades
Teton
Warm Spr
Gros Ventre
Dead Horse
Snake R
Hoback
Green River
Fitzpatrick
Fremont
Greys River
Big Sandy
Popo Agie
Montana
Idaho
Wyoming
Legend
Bear Management Unit (inside PCA)
Bear Analysis Unit (outside PCA)
Socially unacceptable for GB occupancy

Monitoring Developed Sites

Background

Levels of human development on the landscape have been shown to be an important predictor of grizzly bear mortality in the GYE (Schwartz et al. 2010). Developed sites increase the spatial and temporal extent of human presence on the landscape and contribute to the displacement and mortality of grizzly bears. A significant concern related to developed sites is the increased potential for grizzly bear-human conflicts attributable to food conditioning and habituation. Past attempts at modeling grizzly bear mortality in the GYE have focused on levels of overnight human use as a primary factor related to grizzly bear mortality. Increased numbers of people using an area and potentially interacting with grizzly bears is an important issue in evaluating impacts of developed sites on grizzly bear survival.

Monitoring Protocol

Changes in developed sites on public lands inside the PCA are measured, tracked, and evaluated against 1998 levels (Appendix E). Information pertaining to changes in the number of developed sites inside the PCA is submitted annually to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park Ecosystem. Current and baseline numbers of developed sites are inventoried in a GIS database and reported annually in the IGBST Annual Report ~~*Yellowstone Grizzly Bear Investigations*~~.

Monitoring Livestock Grazing

Background

Conflicts between livestock and grizzly bears have historically led to the relocation or removal of grizzly bears in the GYE. Grizzly bears tend to prey on cattle and sheep regardless of the abundance of natural foods because livestock in occupied grizzly bear territory represent one of

many foraging opportunities (Gunther *et al*. 2004). Most grizzly bear-livestock conflicts tend to occur outside the PCA since all commercial allotments on National Park lands and many allotments on National Forest lands inside the PCA have been permanently closed. Consequently, monitoring grizzly bear-livestock conflicts on public lands is not limited to inside the PCA, but is conducted annually throughout the entire ecosystem. Currently, approximately 59 percent of the Yellowstone grizzly bear's occupied range falls outside the PCA. As commercial livestock grazing persists in areas where grizzly bears live, the number of conflicts will most likely continue to pose a challenge to grizzly bear managers. This is particularly true on domestic sheep allotments. Financial incentives offered through non-governmental organizations (NGOs) have proven to be a successful mechanism for retiring sheep grazing allotments on public land when willing participants were available (Gunther *et al*. 2004). These types of opportunistic partnerships between federal agencies, NGOs, and willing permittees may be considered an alternative for resolving chronic conflicts on grazing allotments within prime grizzly bear habitat.

Monitoring Protocol

On federal lands inside the PCA, the number and acreage of commercial livestock grazing allotments and the number of sheep animal months (AMs) is monitored and reported annually relative to 1998 levels. ~~Inside and outside the PCA, g~~Grizzly bear conflicts associated with grazing of commercial livestock on federal lands is monitored and reported annually both inside and outside the PCA.

Commercial livestock grazing and conflict information is submitted for publication in the IGBST A~~a~~nnual R~~r~~eport~~, *Yellowstone Grizzly Bear Investigations*~~.

Monitoring ~~High Caloric~~Grizzly Bear Foods

Background

Grizzly bears are opportunistic omnivores who have evolved highly versatile foraging strategies

allowing them to shift diets among numerous food sources, depending on what is available spatially and temporally (Schwartz *et al*. 2003, 2013). The IGBST will continue to monitor four ~~high calorie~~ foods, ~~Long-term management and conservation of grizzly bears in the GYE call for monitoring of four high-calorie foods. These four food types~~ listed by dry weight kilocalories per gram (kcal/g) include: (1) army cutworm moths (7.91 kcal/g), (2) ~~winter-killed~~ ungulates (6.80 kcal/g), (3) cutthroat trout (6.10 kcal/g), and (4) whitebark pine seeds (3.99 kcal/g). These four foods have varying distributions in the ecosystem and are subject to annual fluctuations and therefore do not necessarily serve as a major dietary component of every grizzly bear in the GYE. Natural annual fluctuations in abundance and distribution of these four ~~calorie-rich~~ foods make it very challenging to establish reliable thresholds. However, these four ~~high-calorie~~ foods are known to exert a positive influence on grizzly bear fecundity and survival and constitute some of the highest sources of digestible energy available to grizzly bears in the GYE (Mealey 1975, Servheen *et al*. 1986, Pritchard and Robbins 1990, Mattson *et al*. 1992, Haroldson *et al*. 2006, Schwartz *et al.* 2006).

Gunther *et al.* (2014*a*) exhaustively documented the diet of the GYE grizzly bears to include over 266 distinct plant and animal species ranging from grasses, fungi, berries and seeds, to fish and carrion. The trophic flexibility of grizzly bears, as documented by the variety of foods they consume, allow them to opportunistically forage across diverse habitats spanning the entire GYE. Their highly varied diet serves as an adaptive mechanism that enhances their ability to persist when faced with rapid and long-term changes in availability and abundance of any one food source. Compositional analysis of scats collected over a 37-year period (1943 to 2009) showed that grizzly bears within the GYE most frequently feed on foods that are consistently available and widely distributed, such as grasses, sedges, and ants (Gunther *et al.* 2014*a*). However, when opportunity arises, grizzly bears will shift their diet to maximize body mass gain by selecting calorie-rich foods such as ungulates, fish, whitebark pine seeds, clover, moths, and small mammals.

Human-induced environmental change, such as introduced organisms, habitat loss, climate change, and other anthropogenic factors, has the potential to affect availability and distribution

of these calorie-rich foods in the future. However, despite a substantial decline of whitebark pine and natural stochasticity of other food resources within the GYE, grizzly bears have shown notable resilience by adjusting habitat use (Costello *et al.* 2014) and shifting diets to maintain body mass and condition (Schwartz *et al.* 2014, Ebinger et al. 2016). In a comprehensive synthesis study conducted by the IGBST, findings did not indicate a strong dependence of GYE grizzly bears on whitebark pine seeds; ~~but rather,~~instead, grizzly bears used whitebark pine seeds where and when available, ~~the inclusion of this food~~ as one ~~a~~ component of a diverse and dynamic diet (IGBST 2013). Monitoring foods comprising such a diverse diet is challenging, which is why efforts have focused on four foods with relatively high energetic value and for which abundance (or use by bears) is relatively easey to measure: ~~Because of their high caloric value and use by grizzly bears,~~ whitebark pine, ungulates, cutthroat trout, and army cutworm moths ~~are currently monitored either directly or indirectly on an annual basis~~.

Monitoring Protocol

To monitor these four ~~high caloric~~ foods and their importance to grizzly bears, the IGBST will survey and report on ~~each of~~ these foods and their availability (or use by bears) ~~groups~~ annually ~~d~~ per detailed ~~food~~ monitoring protocols identified in Appendix D~~, as budgetary constraints allow~~. IGBST scientists will analyze the relationship between abundance and availability of these four food types with the number of grizzly bear-human conflicts, grizzly bear management actions, known and probable grizzly bear mortalities, and changes in the distribution and trend of the GYE grizzly bear population. Results of these analyses will be presented, when available, in the annual reports prepared by the IGBST and relevant peer-reviewed publications. If detectable declines in certain foods occur and the IGBST concludes these declines are related to biologically significant changes in demographic parameters, the IGBST shall report these findings for consideration by the ~~GYCC~~ YGCC (*see* Chapter 6, Implementation and Evaluation, for details on this process). Annually monitoring results of whitebark pine, ungulates, cutthroat trout, and army cutworm moths, when available, are to be reported in the IGBST Annual Report.

~~Monitoring protocols of high caloric foods identified in this Conservation Strategy will continue~~

~~as long as budgets allow.~~ Monitoring and surveying methods may be modified when necessary to incorporate new technological advances in monitoring techniques or new knowledge of bear foraging and habitat use within the GYE. For example, variation in body condition among bears is strongly associated with available food and provides insight into seasonal nutrition of individual bears, as well as different sex and age classes. Body condition may be derived through bioelectrical impedance analysis (BIA), which allows for direct estimation of fat content of captured grizzly bears (Farley and Robbins 1994). The IGBST collects this information on captured bears when feasible, but sample sizes are small and inference for some analyses (e.g., fall season analyses) is limited. An alternative method to BIA to measure body condition is the estimation of storage energy using measurements of mass and body length (e.g., Sciullo *et al*. 2016; Molnar *et al*. 2009). Results of any investigations of alternative approaches will be reported by the IGBST in annual reports and peer-reviewed publications. ~~Existing monitoring programs may be expanded, as budget allows, to include occupied habitat beyond the PCA and areas predicted for future use by bears. Monitoring results of whitebark pine, winter-killed ungulates, cutthroat trout, and army cutworm moths, when available, are to be reported in the annual IGBST publication *Yellowstone Grizzly Bear Investigations*.~~

~~*Winter-killed*~~ *Ungulates*



Background—The GYE harbors one of the most carnivorous grizzly bear populations inhabiting the North American interior (Jacoby et al. 1999, Mowat and Heard 2006). Isotopic nitrogen ($\delta^{15}N$) levels measured in 221 grizzly bear hair samples collected between 2000 and 2010 indicate that on average, terrestrial meat accounted for 44.4% of the assimilated diet of Yellowstone grizzly bears (Schwartz et al. 2014). In contrast, in Glacier National Park and adjacent national forest lands, meat accounts for a smaller proportion of the grizzly bear diet; using stable isotope analysis for a small sample of grizzly bears, Jacoby et al. (1999) found that meat accounted for only 33%, 0%, and 6% of adult male, adult female and subadult diets, respectively. ~~Protein and fat from ungulate carcasses ranks as the second highest food source of gross caloric value available to grizzly bears in the GYE (Gunther et al.~~

~~2014a, b).~~ Winter-killed ungulates, primarily elk and bison, historically provided an important source of protein to bears, especially during early spring before most plant foods become available. Transects were historically surveyed each spring to estimate availability of winter-killed ungulates. However, the survey designng does not allow estimation of the amount of biomass available (Cherry 2006). Additionally, ungulate herd distribution has shifted as a result of the reintroduction of wolves, and it is unclear how much of the biomass was consumed by wolves before bears emerge from their dens. As an alternative to carcasses as a spring food, grizzly bears also consume earthworms, ants, and pocket gophers. Grizzly bears continue to opportunistically forage for animal matter and scavenge carrion throughout the active season and will seek out gut piles and other remains left by ungulate hunters in the fall (Haroldson et al. 2004).

Monitoring Protocol—~~Relative abundance of ungulate carrion is often monitored by correlating the number of carcasses available to grizzly bears and other scavengers during the spring with measures of snow water equivalency (depth, density, and moisture content) in snowpack (Podruzny *et al.* 2012). Availability of carrion for grizzly bears is potentially affected by increased competition from recently reintroduced wolves and changes in elk and bison management practices. For these and other reasons historic carcass transects will continue to be surveyed as long as budgetary allocations permit. There are currently 30 spring ungulate carcass survey routes in Yellowstone National Park (YNP) and 12 transect routes on Yellowstone's Northern Range in the Gallatin National Forest. Current survey methods and ungulate carcass survey routes may be redesigned or modified when appropriate.~~ Annual estimates of ungulate herds, both bison and elk, ~~have been made since XXXX by~~are conducted by the National Park Service and the States of Idaho, Montana, and Wyoming and will continue into the foreseeable future. These estimates occur by ungulate herd unit and provide a measure of availability and distribution across the landscape occupied by grizzly bears. When available~~, monitoring results of winter-killed ungulate carcass availability~~ ungulate herd estimates will be summarized and reported annually in the IGBST Annual Report~~publication *Yellowstone Grizzly Bear Investigations*~~.

Cutthroat Trout

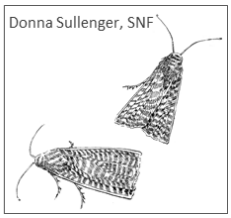

Donna Sullenger, SNF

Background—Due to their high digestibility and protein and lipid content, spawning cutthroat trout are one of the highest sources of digestible energy available to bears ~~in~~ with home ranges in close proximity of Yellowstone Lake and its tributaries (Mealey 1975, Pritchard and Robbins 1990, Gunther et al. 2014a). Grizzly bears were once known to prey on cutthroat trout in at least 36 different streams tributary to Yellowstone Lake (Hoskins 1975, Reinhart and Mattson 1990). Haroldson et al. (2005) estimated that approximately 68 grizzly bears per year frequented and likely fished ten Yellowstone Lake spawning streams tributaries monitored during 1997-2000. Introduction of non-native lake trout (*Salvelinus namaycush*) and effects of drought and whirling disease (*Myxobolus cerebralis*) has led to a decline in native cutthroat trout populations and an associated decline in number of bears visiting spawning streams (Teisberg et al. 2014).

Monitoring Protocol—The Yellowstone Lake cutthroat trout population is monitored most years in the spring, depending on weather and spring snow melt, using stream surveys, ~~large mesh gillnets,~~ weirs with fish traps, and occasionally electronic fish counters. An electronic sonar fish counter was installed and calibrated in 2013 along Clear Creek on the east side of Yellowstone Lake to facilitate annual counting of spawning cutthroat trout ascending Clear Creek. Visual stream surveys are also conducted most years to identify trends in the number of cutthroat trout spawning in Yellowstone Lake tributaries. ~~Visual surveys to measure the presence of cutthroat trout and rainbow hybrids are also typically conducted at the Trout Lake inlet creek.~~ Yellowstone NP biologists provide an annual summary of cutthroat trout monitoring results ~~to the IGBST~~ for publication in the IGBST Annual Report ~~*Yellowstone Grizzly Bear Investigations*~~. Current survey methods may be modified or redesigned as appropriate.

Moth Aggregation Sites

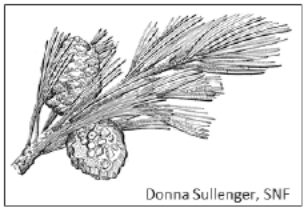
Background—Alpine moth aggregations are a calorie-dense and nutrient- rich food source found



at remote, high-elevation alpine sites dominated by talus and scree slopes in the eastern half of the ecosystem. Knowledge regarding the intricate relationship between army cutworm moths and grizzly bears has improved substantially since the late 1980s -when grizzly bear use of moth aggregation sites was first discovered and such sites were included in observation flights (Bjornlie and Haroldson 2014). When available, moths are a valuable source of nutrition for grizzly bears because they have the highest reported gross caloric content per gram of any food available to grizzly bears in the GYE (7.91 kcal/g; Gunther et al. 2014a). Some bears may feed almost exclusively on moths for a period of over one month (French et al. 1994). A grizzly bear feeding extensively on moths over a 30-day period can consume 47%, or close to half, of its annual energy budget of 960,000 calories (White 1996). Grizzly bears whose home ranges include moth aggregation sites often visit these talus slopes during mid-to-late summer and early fall to accumulate fat reserves in preparation for the winter denning season. Although grizzly bear use of moth sites does not vary widely over time (1993 is one notable exception; low bear use due to late, extensive snow cover), annual monitoring provides important data regarding this high-calorie resource.

Monitoring Protocol—As of 2013, 37 confirmed and 16 possible moth sites have been identified in the GYE. However, size, location and moth abundance of sites fluctuate from year to year due to natural variation in environmental factors, such as snow cover (Bjornlie and Haroldson 2014). Aerial observations of bears feeding at moth sites are made from fixed-wing aircraft as part of on-going radio tracking and observation flights conducted by the IGBST. Although this monitoring protocol does not provide direct information regarding the abundance of moths, grizzly bear use of aggregation sites can provide an indirect measure of the relative abundance of this resource in a given year. Aerial surveys of all confirmed moth sites will be conducted annually and results will be summarized and presented in the ~~annual~~ IGBST Annual ~~r~~Report ~~Yellowstone Grizzly Bear Investigations~~.

Whitebark Pine Cone Production


Donna Sullenger, SNF

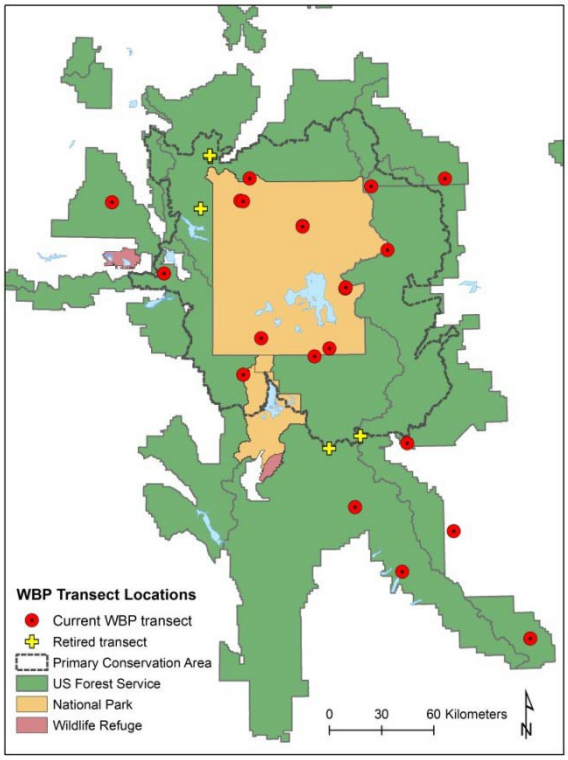
Background—Due to their high fat content and potential abundance, whitebark pine seeds are an important fall food for bears in the GYE (Mattson and Jonkel 1990). Yellowstone grizzly bears consume whitebark pine seeds extensively when whitebark cones are available. Bears may feed almost exclusively on whitebark pine seeds when production exceeds 22 cones per tree (Mattson et al. 1992). Because whitebark pine is a masting species, availability varies substantially from year to year. ~~During fall seasons of low whitebark pine seed availability, grizzly bears often seek alternate foods at lower elevations, leading to more frequent bear conflicts and human-caused grizzly bear mortalities (Mattson et al. 1992, Knight and Blanchard 1994, Gunther et al. 1997, Haroldson et al. 2006). Conversely, when whitebark pine nuts are abundant, there are generally very few grizzly bear-human conflicts during the fall season (Mattson et al. 1992, Gunther et al. 1997).~~ Studies have shown that during poor whitebark pine years grizzly bears selected less for whitebark pine stands (Costello et al. 2014) and consumed more animal matter, boosting their fat levels to match those measured in years of high cone production (Schwartz et al. 2014). Although whitebark pine has experienced widespread declines in the GYE (see subsequent section), extensive studies by the IGBST showed no profound negative effects on grizzly bears at the individual or population level (IGBST 2013). In addition, Costello et al. (2014) reported that approximately one-third of Yellowstone grizzly bears in their study included little or no whitebark pine stands within their fall range.

Monitoring Protocol—Currently there are 21 whitebark pine cone production transects ~~(Figure 8)~~ within the GYE (Figure 8). Transects will maintain a representative sample of whitebark pine cone production and distribution ~~(Figure 8)~~. Annual transect surveys are typically conducted between July 15 and August 15 to count cones after maturation but before cones and seeds have been collected by red squirrels (*Tamiasciurus hudsonicus*) and Clark's nutcrackers (*Nucifraga columbiana*). The presence or absence of blister rust and beetle infestations as well as activity levels of grizzly bear, black bear, red squirrel, and Clark's nutcracker are also recorded during transect surveys. Monitoring of whitebark pine cone production using current or modified methods will continue under this Conservation Strategy and results will be summarized and

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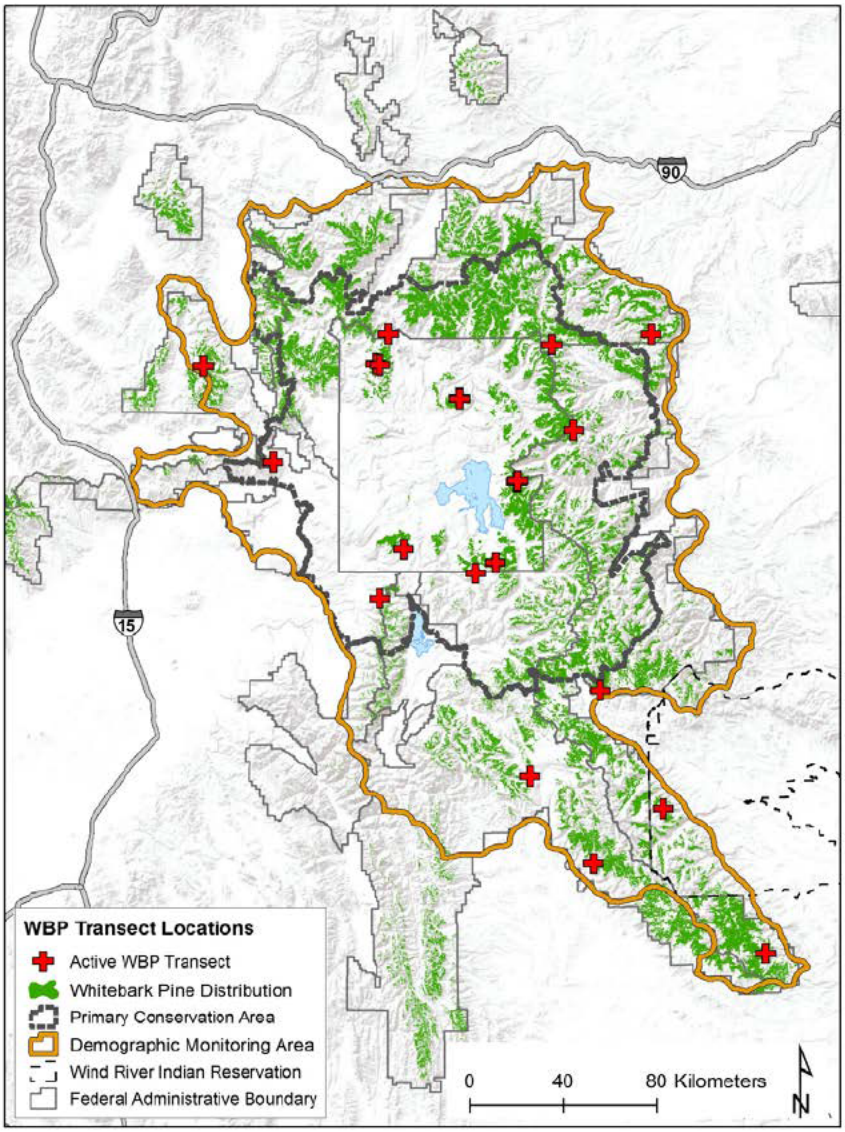
reported in the IGBST Annual Report ~~publication *Yellowstone Grizzly Bear Investigations*~~.

Figure 8. Distribution of whitebark pine and ~~L~~location of whitebark pine cone production transect sites in the GYE, 2014.



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~~Monitoring~~ Mountain Pine Beetle Infestation and White Pine Blister Rust Infection

Background—Since the early 2000s, whitebark pine has declined significantly throughout much of the species' historic range in the Northern Rockies due to the spread of mountain pine beetle (*Dendroctonus ponderosae*) and white pine blister rust (*Cronartium ribicola*). The greatest levels of whitebark mortality resulted from mountain pine beetle, a native insect that typically attacks large, mature trees with inner bark thick enough to support larvae (Larson 2011). Beetle infestations tend to occur episodically every 20-40 years resulting in high, widespread mortality across coniferous forests. The most recent outbreak began in the early 2000s and impacted millions of hectares in the Rocky Mountains (Raffa *et al.* 2008). The infestation was exacerbated by warmer winters at higher elevations allowing for increased brood development and survival of adult beetles, and greater opportunity for reproduction (Bentz *et al.* 1991, Perkins and Roberts 2003, Larson 2011, Dooley 2012).

White pine blister rust, an exotic invasive pathogen introduced to North America in 1910, affects whitebark pines of all age classes, although seedlings and saplings are especially susceptible to infection. This exotic fungal pathogen infects the cambium of whitebark pine and other five-needle pines, causing reproductive failure and tree mortality (McKinney *et al.* 2009, Bockino and Tinker 2012). However, some individual whitebark pines carry genetic traits that make them more resistant to the disease. Restoration programs launched by the Forest Service use a technique described by Mahalovich *et al.* (2006) to breed and plant rust-resistant whitebark pines as part of an on-going effort to restore and maintain the species in the GYE.

In 2000, under the auspices of the Greater Yellowstone Coordinating Committee (GYCC), the Whitebark Pine Subcommittee (WBPSC) was created and tasked with forging a comprehensive long-term strategy for monitoring whitebark pine throughout the ecosystem. Recognizing the persistent and pervasive threat that blister rust and pine beetle posed to the health of whitebark pine, the subcommittee reached out to other agency and non-governmental partners to avoid duplication of efforts. The result of these alliances is the Greater Yellowstone Whitebark Pine

Monitoring Working Group (GYWPMWG), which consists of partners from the ~~National Park Service (~~NPS~~)~~, ~~U.S. Forest Service (~~USFS~~)~~, U.S. Geological Survey (USGS), and Montana State University (MSU). Led by the NPS Greater Yellowstone Inventory and Monitoring Network (GRYN), a strategic and peer-reviewed monitoring protocol was established for detecting, tracking, assessing, and reporting the health, status, and trends of whitebark pine throughout the GYE (GYWPMWG 2011). This ground-based monitoring program was initiated in 2004 and will continue to assess the current status and long-term trends of whitebark pine into the foreseeable future.

Monitoring Protocol—Spearheaded by the GRYN, an interagency collaborative monitoring effort involving NPS, USFS, and USGS partners will measure the status and trends of whitebark pine throughout the GYE. Monitoring efforts will focus on collecting critical baseline information for assessing: (1) infection rates and severity of white pine blister rust; (2) survival of whitebark pine, taking into account synergistic interactions of blister rust, mountain pine beetle, wildland fire, and other agents of change; and (3) recruitment of whitebark pine trees into cone- bearing age classes. Monitoring protocols will follow methods and procedures established in the *Interagency Whitebark Pine Monitoring Protocol for the Greater Yellowstone Ecosystem* (GYWPMWG 2011). Results of current whitebark pine status and trends will be made available at the GRYN Inventory and Monitoring website and referenced in the ~~annual~~ IGBST Annual Report ~~monitoring report *Yellowstone Grizzly Bear Investigations*~~.

~~Hunter Numbers~~

~~Background~~

~~The number of elk hunters in Wyoming, Idaho, and Montana who recreate in the PCA (Table 5) were estimated and compared with known and probable grizzly bear mortalities from 2005 to 2014 to determine if bear mortality is correlated with hunter numbers. Although total hunter numbers have declined over this time period, the data showed little evidence of a relationship between hunter numbers and hunting-related human-caused grizzly bear mortality (van Manen~~

2015, *in litt.*).

The greatest source of grizzly bear (≥2 years old) mortality during 2004–2014 in the GYE has been due to interactions with hunters. Nearly all known and probable bear mortalities occur as surprise encounters, at big game carcasses, or at hunter camps. The number of mistaken identity kills (i.e., mistaken for black bear) are small. Although the number of hunters using the PCA have decreased, the number of grizzly bear known and probable mortalities due to interactions with hunters increased in the last decade, primarily outside the PCA (Figure 5, Chapter 2). Potential explanations for why this occurred include bears learning to seek hunter-killed game, an increase in population size and concurrent expansion of occupied range, and greater use of ungulate resources (Haroldson *et al.* 2004, Schwartz *et al.* 2010, IGBST 2013).

Table 5. Estimated numbers of elk hunters within the GYE grizzly bear recovery zone plus a 10-mile perimeter in Idaho, Montana, and Wyoming, 2005–2014.

	Year								
State	20052006	2007	2008	2009	2010	2011	2012	2013	2014
Idaho[a]	2,6182,016	2,602	1,762	1,818	1,234	1,260	1,092	1,237	2,771
Montana[c]	12,36512,211	12,635	12,470	12,382	12,334	12,269	10,936	NA[b]	11,925
Wyoming[a,d]	9,8889,346	8,716	8,792	8,440	6,712	6,413	7,566	7,818	8,109
Total	25,87224,573	23,943	23,025	22,641	20,950	20,542	20,305	NA	22,805

[a] Idaho and Wyoming numbers include archery and gun hunters.

[b] NA = hunter number estimates not currently available.

[c] Gun only season.

[d] A percentage of total hunter numbers was used in hunt areas 61 to 63, 67, 68, 73, and 83 because a portion of the hunt area falls outside the designated area.

~~State and federal wildlife agencies have attempted to reduce the loss of bears to hunters by expanding information and education programs. "Living in Bear Country" workshops are conducted regularly in many GYE communities, and licensed outfitters and guides have increased training for their members and clients.~~

~~*Monitoring Protocol*~~

~~Data from state wildlife agencies on big game herd units or hunting districts will be used as an index to backcountry use during the hunting season. Hunter use levels combined with numbers of grizzly bear-human conflicts will be used to identify when and where to increase public education efforts and develop appropriate management actions to minimize grizzly bear-human conflicts that result in bear mortality.~~

~~Monitoring~~ Managing for Habitat Connectivity

Background

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Habitat connectivity is the degree to which the landscape promotes natural movement of wildlife as they seek important resources for survival and successful procreation. To improve prospects for grizzly bear movement between the GYE and the Northern Continental Divide Ecosystem (NCDE) to the north, it is important to minimize anthropogenic barriers that inhibit natural movement of wildlife.

Transportation Planning

Potential effects of highway improvements, such as increased motorized access, higher traffic volume, and higher speed limits, are known to increase grizzly bear mortality, reduce habitat connectivity, and potentially inhibit gene flow among nearby populations (Mace 2004, Summerfield *et al.* 2004, Proctor *et al.* 2012; *see* Chapter 2: Genetic Management). Certain road

designs and ~~road~~ improvements cause habitat fragmentation by imposing barriers that potentially discourage bear crossings~~,~~ and may lead to increased mortality from vehicle collisions~~, and may cause habitat fragmentation~~. The potential impact of highways on demographic and genetic connectivity of grizzly bears in the GYE is a key consideration in the transportation planning process.

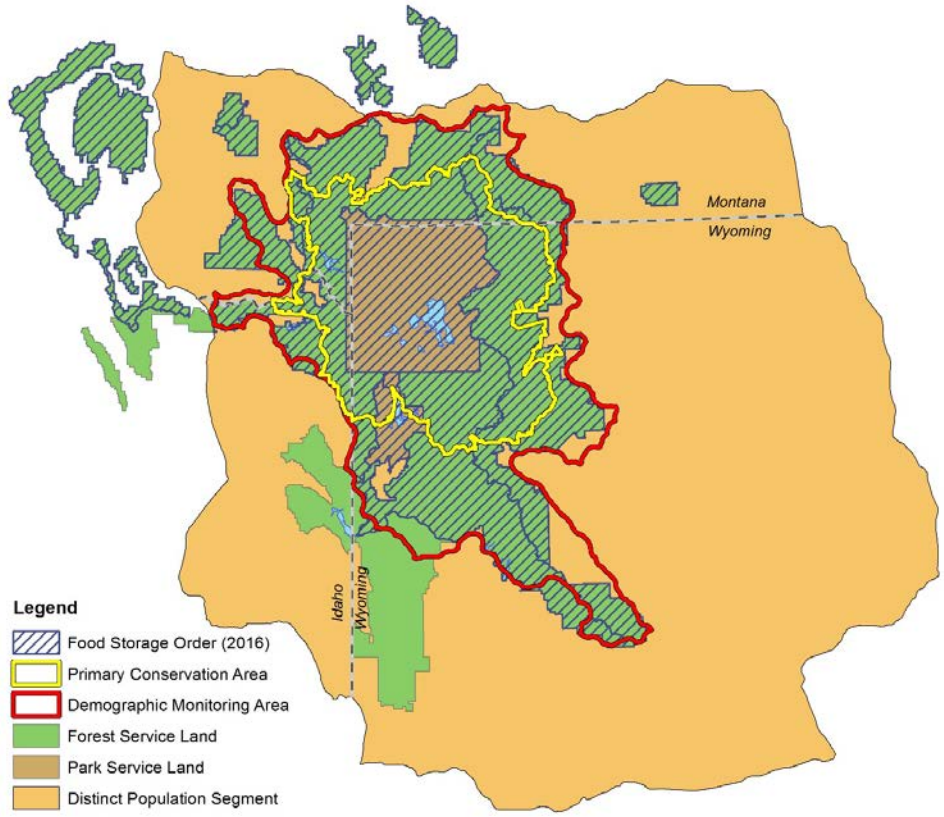
~~*Monitoring Protocol*~~

To prevent habitat fragmentation and loss of connectivity within the GYE, existing road survey information will be compiled and evaluated by the appropriate land management agency as an integral part of the planning stage of any proposed road improvement and/or construction project in suitable grizzly bear habitat within the GYE (both inside and outside the PCA). During the NEPA analysis stage of such projects, analyses of road survey information will be conducted to evaluate potential impacts of the project on grizzly bear habitat connectivity. More specifically, federal agencies will identify important crossing areas by collecting and/or assessing existing information about known grizzly bear sightings, ungulate road mortalities, locations of game trails, and bear home ranges and habitat use within and near the road corridor. By identifying crossing areas used by grizzly bears, federal officials can recommend mitigation measures to reduce potential impacts from road construction both during and after a project. For example, during construction, work camps should be placed in areas with lower risk of displacing grizzly bears and use of IGBC-approved bear-resistant~~proof~~ food and garbage storage containers should be implemented. Highway planners are encouraged to place warning signs at points of high mortality risk and implement wildlife crossing mitigation (e.g., radar-speed signs, ~~infrastructure such as~~ culverts or underpasses) to enhance safe passage. Similarly, ~~R~~road construction in areas of relatively high value for potential grizzly bear habitat linkage should be designed to mitigate potential negative impacts on habitat connectivity~~, including the consideration of installing crossing structures~~.

Food Storage Orders

Food storage orders prescribed by land managers on federal lands throughout the GYE help facilitate connectivity by minimizing conflicts between grizzly bears and humans. Food storage orders, which require that all unattended food, refuge, and attractants be effectively stored, have been imposed on 98% of all Forest and Park Service land inside the DMA. The area of application for food storage restrictions inside the GYE include virtually all Forest Service lands in the northern portion of the DPS boundary where movement from the GYE would most likely take place (Figure 9).

Figure 9. Area of application for food storage orders prescribed by the five National Forests within the Greater Yellowstone Ecosystem.



Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

Introduction

~~Humans and g~~Grizzly bears occasionally come into conflict with humans and livestock ~~in areas~~ where they encounter one another. ~~The~~ One objective of ~~the signatory agencies to~~ the Conservation Strategy ~~nuisance management~~ is to minimize grizzly bear ~~human~~ conflicts with humans and livestock. In the ~~Greater Yellowstone Ecosystem~~GYE, ~~nuisance~~ conflict bear management is essential to successful grizzly bear conservation and is often necessary to prevent property damage, livestock losses, and human injury or death.

~~Grizzly bears cannot be totally protected. Like other species, grizzly bears develop individual traits, and some of those traits are not compatible with coexistence with humans. Management emphasis will shift from protecting every individual grizzly bear in the population to assessing an individual's importance to the entire population before instituting management actions. Females will continue to receive a higher level of protection than males.~~

Management of ~~nuisance~~ conflict bears requires rapid responses by state and federal agencies to address conflict situations. ~~This a~~Agency responses will address the sources of the conflict through public education, removal of attractants, ~~or~~ aversive conditioning, hazing, or preventive sanitation of human use areas. Agencies will also capture, relocate, or ~~destroy repeat offender~~remove conflict grizzly bears when necessary ~~and when other options have been exhausted~~.

~~Analysis of grizzly bear-human incidents indicates that most property damage incidents are the result of bears attempting to gain access to garbage, human foods, livestock or pet foods, or other human-related foods in areas of human presence.~~ Conflict bears often result from bears seeking and finding human-related foods and garbage, pets, pet foods, bird feeders, and livestock. Occasionally, bears damage buildings, vehicles, tents, and campers to access food and garbage. ~~will prey on domestic swine, fowl, or goats, or will damage apiaries. They have rarely injured horses.~~

Although aggression toward~~s~~ people and human injury or death is~~are~~ rare, bears will occasionally harm people. Incidents of injury are usually the result of a surprise encounter, protection of cubs, defense of a food cache, ~~harassment,~~ and/or when bears have become accustomed to obtaining food from humans.

~~The m~~Management of grizzly bear-human conflicts is based upon the existing laws and authorities of ~~the~~ state, tribal, and federal ~~land management~~ agencies as detailed in Chapter 7. ~~Management of nuisance bears usually falls into one or more of the following categories~~ Strategies to respond to conflict bears usually fall~~s~~ into one or more of the following categories:

- Removing or securing the attractant and providing education to modify human behavior/practices that contributed to the conflict,
- Deterring the bear from the site through the use of aversive conditioning or hazing techniques,
- ~~Capturing and relocating the nuisance bear~~Relocation of the conflict bear, and/or
- ~~Removing the bear from the wild~~Removal of the conflict bear, ~~including lethal control~~as defined below.

Definitions:

- ~~**Unnatural aggression** by a grizzly bear is defined as behavior that includes active predation on humans, approaching humans or human use areas, such as camps, in an aggressive way, or aggressive behavior when the bear is unprovoked by self-defense, defense of cubs, defense of foods, or in a surprise encounter.~~
- **Grizzly bear-human conflicts** are incidents in ~~which~~ where bears kill or injure ~~people~~humans or livestock, damage property, ~~kill or injure livestock~~obtain anthropogenic foods, ~~damage beehives, obtain anthropogenic foods,~~ or damage or obtain garden and orchard fruits, ~~and~~ vegetables, or beehives.
- ~~**Natural aggression** by a grizzly bear is defined as defense of young, food, during a surprise encounter, or self-defense.~~

- A bear is classified as **food conditioned** when it has received a significant food reward of human foods such as garbage, camp food, pet food, or processed livestock food, and ~~persistently~~ seeks these foods.
- A bear is classified as **habituated** when it does not display avoidance behavior around humans or in human use areas such as camps or town sites ~~or within 100 meters of open roads~~.
- **Relocation** is the capture and movement by management authorities of a bear involved in a grizzly bear-human ~~conflict with humans or human-related foods, to a remote area away from the conflict site, usually after fitting the bear with a radio collar~~to a pre-approved release site.
- ~~**Repeat offense** is the involvement of a bear that has been previously relocated in a nuisance conflict situation or, if not relocated, is a bear that continues to repeat a behavior that constitutes a grizzly bear-human conflict.~~
- **Removal** is the capture and lethal removal or placement of a bear in an authorized public zoological or research facility ~~or destruction of that bear. Removal can also involve killing the bear through active measures in the wild when it is not otherwise possible to capture the bear.~~
- **Management authorities** are the designated representatives of the agencies in the GYE including: Yellowstone National Park ~~(YNP)~~; Grand Teton National Park ~~(GTNP)~~; Wyoming Game and Fish Department; Montana Fish, Wildlife & Parks; Idaho Department of Fish and Game; ~~Interagency Grizzly Bear Study Team; each of the GYE national forests~~ Custer ~~-~~Gallatin, Shoshone, Bridger-Teton, Caribou-Targhee, and Beaverhead-Deerlodge National Forests; the BLM; and USDA Wildlife Services. These authorities will employ one or more of the four ~~agencies~~strategies listed above to manage conflict ~~make the decision to classify a bear as nuisance inside the GYE in compliance with the nuisance bear criteria (discussed below)~~. Outside National Park lands (Yellowstone and Grand Teton National Parks and the John D. Rockefeller Parkway) ~~(JDRP) (National Park lands), within the PCA, subsequent~~ management actions will be coordinated and completed by state wildlife agencies that have responsibility for

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management actions. ~~, after coordination with other appropriate agencies. Nuisance grizzly bear conflict management is under the authority of the states, who will have primary responsibility for the management action.~~ When ~~nuisance~~ conflict bears are in ~~YNP, or GTNP, or JDRP~~National Park lands, decisions will be made by park representatives~~,~~ and coordinated with state and Forest Service representatives when necessary~~,~~ (e.g., ~~for~~ bear relocations). Management of ~~nuisance~~ conflict bears outside the PCA and outside National Park lands will be conducted as described in ~~the~~ state and tribal grizzly bear management plans ~~or appropriate park management plans~~.

Management of ~~nuisance~~ conflict grizzly bears in the ~~Greater Yellowstone Ecosystem~~GYE will vary depending on whether they are inside or outside the PCA, or inside National Park lands. This system will provide increased security for grizzly bears inside the PCA and inside National Park lands, as bears will be given greater consideration in most conflicts inside the PCA and inside National Park lands. ~~Minimization of grizzly bear-human conflicts and management of individual nuisance bears is the primary direction for management within the PCA.~~

In circumstances that result in a ~~nuisance~~ conflict bear situation outside the PCA and ~~the~~ National Park lands, more consideration will be given to existing human uses. Outside ~~YNP, GTNP, JDPR,~~ National Park lands and the PCA~~R~~, tribal plans on tribal lands or state management plans will govern how conflict grizzly bears are handled. Site-specific conflict areas within and outside the PCA and National Park lands will be documented routinely and prioritized to focus proactive management actions to minimize grizzly bear-~~-~~human conflicts and address existing and potential human activities that may cause future conflicts. ~~Past conflict management has demonstrated that grizzly bears can coexist with most human activities.~~

All grizzly bear conflicts that occur ~~O~~outside the PCA and National Park lands will be managed in according to guidelines in each of the tribal and state management plans (Appendices I, J, K, and O). ~~, state management plans will govern how nuisance grizzly bears are handled. Site-specific conflict areas within and outside the PCA will be documented routinely and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address~~

~~existing and potential human activities that may cause future conflicts. The following nuisance conflict grizzly bear standards apply only to the PCA and National Park lands. All nuisance grizzly bear conflicts that occur outside the PCA will be managed according to guidelines in each of the state management plans (Appendices I, J, and K).~~

~~Nuisance~~ Conflict Bear Standards

~~The focus and intent of nuisance grizzly bear management~~Conflict grizzly bear management is focused on appropriate responses and strategies to address and prevent grizzly bear-human conflicts inside and outside the PCA. ~~are predicated on strategies and actions to prevent grizzly bear human conflicts.~~ It is recognized that active management aimed at individual ~~nuisance~~ conflict bears will be required in both areas.

Management actions ~~outside the PCA~~ will be implemented according to state, federal, and tribal management plans in coordination with landowners and land management agencies. These actions will be compatible with grizzly bear population management objectives for each state ~~for the areas outside the PCA~~and agency.

General Criteria

Location, cause of incident, severity of incident, history of bear, health/age/sex of bear, and demographic characteristics of animals involved will all be considered in any relocation o~~f~~r removal. Removal of ~~nuisance~~ conflict bears will be carefully considered and ~~consistent with~~counted against the mortality limits for the GYE as described in the Conservation Strategy. Recognizing that conservation of female bears is essential to maintenance of a grizzly bear population, removal of ~~nuisance~~ conflict females will be minimized.

Within the Primary Conservation Area

Within the PCA, but outside of ~~YNP, GTNP, and JDRP~~National Park lands, management of

~~nuisance~~ conflict bears will be addressed according to the following standards:

- Bears displaying food conditioning and/or habituation may be ~~either~~ relocated or removed based on specific details of the incident. State wildlife agencies~~, following consultation with other appropriate management authorities, and national parks~~ will make this judgment after considering the cause, location, and severity of the incident or incidents.
- Bears may be relocated when and as many times as judged prudent by ~~management authorities~~the state wildlife agency. ~~No bear may be removed for any offense, other than unnatural aggression, without at least one relocation unless representatives of affected agencies document the reason in writing.~~ All relocations outside the PCA and National Park lands will be governed by state management plans.

Within the PCA, management of conflict bears will be addressed according to the following standards:

- ~~Bears may be preemptively moved when they are in areas where they are likely to come into conflicts with site-specific human activities, but only as a last resort. Such preemptive moves will not count against the bear as nuisance moves.~~
- ~~Bears preying on lawfully present livestock (cows, domestic sheep, horses, goats, llamas, etc.) on public lands will be managed according to the following criteria: No grizzly bear involved in livestock depredations inside the PCA shall be removed unless it has been relocated at least one time and continues to cause livestock depredations.~~
- ~~Before any removal, except in cases of human safety, management authorities will consult by telephone or in person to judge the adequacy of the reason for removal.~~
- ~~Bears displaying natural aggression are not to be removed, even if the aggression results in human injury or death, unless it is the judgment of management authorities that the particular circumstances warrant removal.~~
- ~~Bears displaying unnatural aggression will be removed from the population.~~
- ~~Decisions will be based on criteria for relocation and removal inside the PCA for~~

~~management of nuisance bears in the Conservation Strategy and best biological judgment of authorities.~~

- ~~Authorized National Park Service~~NPS authorities will implement trapping, removals, and relocations within ~~YNP, and GTNP, and JDRP~~National Park lands and shall coordinate with the respective state wildlife agency when trapping and/or relocating conflict bears.
-
- ~~Authorized~~ Outside National Park lands, state wildlife agencies shall coordinate with and notify the appropriate land management agency when trapping and/or relocating conflict bears. ~~or tribal authorities outside YNP and GTNP will implement other removals and relocations~~.
- Tribal wildlife agencies will implement removals or relocations within tribal reservation lands.
- ~~State and tribal wildlife agencies in coordination~~ The respective wildlife management agency will coordinate with the appropriate federal land management agency~~ies will~~ to predetermine adequate and available sites for relocations ~~outside YNP, GTNP, and the JDRP~~National Park lands. Relocation sites should be agreed upon before the need for relocation occurs. ~~In order to deal with problem bears more efficiently, managers should have full access to relocation sites without having to conduct individual consultation for each relocation.~~
    - ~~Livestock damage prevention and compensation are addressed in individual state management plans.~~
- ~~Management of nuisance bear situations will emphasize removal of the human cause of the conflict, when possible, or management and education actions to limit such conflicts. Relocation and removal of grizzly bears may occur if the above actions are not successful.~~

Specific Criteria for Removals

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park rules and regulations.

Outside of Nnational Pparks, individual nuisanceconflict bears deemed appropriate for removal may be taken by a legal hunter in compliance with rules and regulations promulgated by the appropriate state wildlife agency commission, as long as such taking is in compliance with existing state and federal laws.. The removal will be counted against the and as long as mortality limits specified for the GYE as described in this Conservation Strategy are not exceeded. This could include licensed hunters or property owners or their agents who have obtained appropriate permits from the state. Licensed hunters will be allowed to possess bear parts for bears that are legally harvested under a state permit.

Monitoring Protocol

All nuisance conflict bear control management actions, and grizzly bear-human and grizzly bear-livestock conflicts will be summarized annually in the Annual Report of the IGBST. Most conflicts are due to availability of human foods, human developments, or livestock depredations in occupied grizzly bear habitat. This report will detail the cause and location of each conflict and management action and display an annual spatial distribution of conflicts that can be used by managers to identify where problems occur and to compare trends in locations, sources, land ownership, and types of conflicts.

Hunter Numbers

Hunter numbers will no longer be collected because the data showed little evidence of a relationship between hunter numbers and hunting-related human-caused grizzly bear mortality

(van Manen 2015, *in litt.*). The cause and location of each human-caused grizzly bear mortality will continue to be reported.

Chapter 5 Information and Education

Introduction

The future of the ~~Yellowstone~~ GYE grizzly bear lies in our ability to learn to coexist with the grizzly bear and to accept this animal as a cohabitant of the land. Historically, excessive human-caused mortality and loss of habitat are the major factors in grizzly bear population decline. Addressing the source of grizzly bear-human conflicts is critical to an effective public outreach plan. Public attitudes in large part determine the success of efforts to manage a recovered grizzly bear population in the ~~Greater Yellowstone Ecosystem~~GYE. For the good of the bear and to develop positive public attitudes, a coordinated information and education campaign is essential.

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Other management strategies outlined in this plan are unlikely to succeed without useful, state-of-the-art public information and education programs. A partnership information and education approach involving state and federal agencies, tribes, local communities, and private interests can result in minimizing grizzly bear-human conflicts while building support for bears and bear management.

Successful long-term community involvement in future grizzly bear management efforts requires continued use of current effective methods and tools that have contributed to the success story of the recovered population we have today. In addition, to meet the needs of an ever-growing human population and expanding bear population, it will be necessary to develop new processes and outreach tools to further enhance public involvement and appreciation of the grizzly bear and monitor social behavior and attitudes. Through close monitoring, we will be able to gauge our

success in reaching our diverse public and in minimizing grizzly bear-human conflicts, adjusting programs as needed.

Successful public education and involvement should result in the understanding that it is acceptable and expected human behavior to practice good stewardship, and this will in turn allow us to live with the grizzly bear as part of our valued wildlife resources.

The Information and Education Team

The information and education effort will continue to be coordinated between all agencies and private interests to ensure timely, accurate, and consistent messages to the public. The current information and education (I & E) working group within the ~~Greater Yellowstone Ecosystem~~GYE will continue. Members of this I & E Team include public affairs personnel from Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the information and education specialist from the IGBC. This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

A coordinated information and education campaign will be most effective if it facilitates changing inappropriate human behaviors and helps people learn to coexist with bears. The benefits of grizzly bear management for a multitude of resources and species, including elk habitat management, black bear management, and water quality, recreation, and aesthetic values of access management, will be included in the information and education efforts. Long-term community engagement in grizzly bear issues is necessary to increase the awareness of bear behavior and biology and how these can be compatible with human needs and activities. Identification of sources of grizzly bear-human conflicts and the use of public education as a tool are essential. The responsibilities of the I & E Team include the following:

- Develop a coordinated information and education campaign to cultivate an appreciation of the value of the grizzly bear resource in this area. The grizzly bear will be presented as

a valuable wildlife resource, while still acknowledging the risks associated with them in publications and educational outreach.

- Continue and expand living-with-bears workshops or outreach with a similar message for citizens and teachers within the ~~Greater Yellowstone Ecosystem~~GYE. Similar seminars for other specific target groups such as hunters and other backcountry recreationists will be used as appropriate.
- Local citizen involvement groups and processes will be used to facilitate information exchange and identify other community interests regarding the grizzly bear.
- Updates and information will be provided to all affected interests through various media including news releases and mailings, television, etc.
- State and federal volunteer programs will be encouraged to identify and provide an opportunity for public participation in grizzly bear information outreach and management. This could include trailhead demonstrations on bear~~–~~resistant containers, distribution of brochures, school education programs, etc.
- Proactive and preventative safety messages will be expanded.
- Citizens will be encouraged to participate in land management decisions at the project level on state and federal lands affecting grizzly bear habitat and management.
- Citizens will also be encouraged to be involved in private land issues associated with grizzly bear management. This may include sanitation ordinances, conservation easements, developing private land management plans, and supporting informational outreach campaigns to private landowners.
- Knowledge about bears and acceptance of grizzly bears by people and groups that live, work, and recreate in grizzly bear country are key to the long-term conservation of a healthy grizzly bear population. Continuing specific outreach messages and techniques tailored to the needs of these groups is essential. Some of these groups include landowners, mining industry, timber industry, firewood gatherers, ranchers, outfitters, anglers, hunters, front country visitors, backcountry visitors, summer home owners, local business owners, developers, county planners, and school children.

Finally, information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program.

These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

Many brochures, videos, signs, articles, etc. are currently available and in use. Examples of these specific information and education tools are discussed in the state management plans.

Chapter 6 Implementation and Evaluation

Implementation

A new committee will replace the Yellowstone Ecosystem Subcommittee (YES). The new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), is the body that will coordinate management and promote the exchange of information about the Yellowstone grizzly bear population. The YGCC will inform the IGBC about the Yellowstone grizzly bear population for the benefit of grizzly bear conservation and management.

The Yellowstone Grizzly Bear Coordinating Committee

Within 30 days of a final rule delisting the ~~Greater Yellowstone Ecosystem~~GYE grizzly bear population, the signatories of this Conservation Strategy will name their agency representatives to the YGCC. The representatives from ~~T~~the three local governments and each Native American tribe with sovereign powers over reservation lands within the DMA will remain the same as on the YES committee. The person who was chairperson of YES ~~the Yellowstone Ecosystem Subcommittee~~ when the final rule changing status is published will call the first meeting of the GYCC. At this first meeting, the YGCC will elect a chairperson. At their first meeting the committee will develop and adopt, by a super-majority (2/3) vote of the members present, a set of by-laws that will set forth rules and procedures used by the committee to make decisions and conduct business. At a minimum, by-laws will include: ~~F~~future elections of chairmen or other officers and committee chairs as deemed appropriate, intervals of chairmen service, frequency of meetings, requirements for voting (in person versus attendance by proxy or by phone/video), definition of a quorum, the processes to make changes to the Conservation Strategy, threshold for changes that require re-signing of the Conservation Strategy, required vote to make changes (majority vs. super-majority, and process to change by-laws. ~~Chairpersons will be elected at intervals determined by the members of the YGCC. The YGCC will meet at least two times each year; public notification of these meetings will be made by the chairperson or her/his representatives. The YGCC will strive for consensus, but when consensus cannot be achieved,~~

~~decisions of the YGCC will be determined by majority vote. The details on locations and times of meetings and other business issues associated with the functioning of the YGCC will be determined at the first meeting.~~

YGCC members' expenses will be paid by their respective agencies. YGCC authorities include:

- Revise or amend the Conservation Strategy based on the best biological data and the best available science. Any such amendments will be subject to public review and comment. ~~Amendments will be made by the YGCC with a majority vote.~~
- ~~Establish meeting rules and procedures, and chairperson election rules for the committee.~~
- Seek funding to further the conservation of the Yellowstone grizzly bear by implementing this Conservation Strategy. Each agency is responsible for seeking the necessary funding to carry out the tasks ~~assigned~~ agreed to in this Conservation Strategy.

Some primary activities of the YGCC are:

- Coordinate implementation of this Conservation Strategy.
- Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.
- Share information and ~~implement~~ coordinate management actions ~~in a coordinated fashion~~.
- Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.
- Implement a Biology and Monitoring Review as necessary and recommend whether the Service should conduct a status review ~~and submit a petition for relisting~~ as appropriate to ensure agency responsiveness to changing circumstances of the grizzly or its habitat in the ~~Greater Yellowstone Ecosystem~~GYE.
- ~~Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.~~

Comment [JF15]: Does the present I&E continue under the YGCC? If yes, then delete this same sentence in the executive summary If no, keep this sentence here? Still unclear on whether this should be deleted or not

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership will consist of representatives of the following, each having one vote:

Federal	National parks: Yellowstone and Grand Teton/John D. Rockefeller, Jr. Memorial Parkway National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-Targhee, Custer -Gallatin, and Shoshone One Bureau of Land Management representative The Biological Resources Division of the U.S. Geological Survey
State wildlife management agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign powers over reservation lands within the ~~ecosystem~~DMA

The ~~Interagency Grizzly Bear Study Team (~~IGBST~~)~~ and the ~~Information and Education Team (~~I & E~~)~~ will perform necessary tasks and report to the YGCC.

The Interagency Grizzly Bear Study Team

In order to understand the dynamics of grizzly bears throughout the GYE, a need for centralized responsibility to collect, manage, analyze, and distribute science-based information was identified. To meet this need, in 1973 agencies formed the ~~Interagency Grizzly Bear Study Team~~IGBST, a cooperative effort between the ~~U.S. Geological Survey~~USGS, ~~National Park Service~~NPS, ~~U.S. Forest Service~~USFS, U.S. Fish and Wildlife Service, and the state wildlife agencies of Idaho, Montana, and Wyoming.

Since 1974, the IGBST has published more than 200 scientific papers on the grizzly bear. A complete list of these papers can be found at: https://www.usgs.gov/science/interagency-grizzly-bear-study-team?qt-science_center_objects=4#qt-science_center_objects~~http://nrmsc.usgs.gov/science/igbst/detailedpubs.~~ Quantitative data on grizzly bear abundance, distribution, survival, mortality, nuisance activity, and bear foods are critical to formulating management strategies and decisions. The IGBST coordinates data collection and analysis on an ecosystem scale, prevents overlap of efforts, and pools limited economic and human resources.

The IGBST will continue to function under this Conservation Strategy after delisting.

The responsibilities of the IGBST are to:

- Conduct both short- and long-term research projects addressing information needs for bear management.
- Monitor the bear population, including status and trend, numbers, reproduction, and mortality.
- Monitor grizzly bear habitats, foods, and the impacts of humans.
- Provide technical support to agencies and other groups responsible for the immediate and long-term management of grizzly bears in the GYE.
- Take the lead in preparing a Biology and Monitoring Review with staff support from the YGCC in response to deviations from required population or habitat standards.
- Complete Biology and Monitoring Reviews and present findings to YGCC within 6 months.
- Coordinate annual updates of the motorized access database.
- Coordinate annual evaluation of motorized access route density and secure habitat.
- Document annually any changes in developed sites, livestock allotments, or permitted sheep numbers and maintain associated databases.
- Ensure all units have the tools and the training to evaluate motorized access route density and secure habitat for projects.

- Evaluate the need for changes in ways to evaluate motorized access route density, secure habitat, and habitat effectiveness, and make recommendations to the YGCC on such changes, as necessary.
- Set and maintain standards, definitions, values, formats and processes for collecting and updating data and assessment models, and maintaining data consistency between units.
- Produce annual reports on population and habitat monitoring items.

The USGS employee who is the lead biologist for USGS on the ~~Greater Yellowstone Ecosystem~~GYE grizzly bear population chairs the IGBST and will call meetings at least twice each year. The majority of funding for the IGBST comes from USGS but additional funding and in-kind efforts are made by all agencies (*see* Appendix F). The IGBST will report its findings to the YGCC.

The Information and Education Team

Successful maintenance of a recovered grizzly bear population in the GYE requires joint understanding of issues, sharing of knowledge (including new science and results of monitoring), and open communication among agencies, tribes, elected officials, non-governmental groups and organizations, and the public. The goals of the ~~Information and Education (~~I & E~~)~~ Team are:

- Increase public support for and compliance with agency management actions to maintain a secure GYE grizzly bear population.
- Utilize all possible modern technology and media resources to help decrease grizzly bear-human conflicts while still maintaining maximum access to natural resources for both humans and grizzly bears.
- Increase an understanding of grizzly bears and their habitat.
- Foster information sharing to ensure maximum resource, policy, and scientific informational exchange among agencies, tribes, elected officials, interest groups, local residents, and the public.
- Provide for meaningful public involvement through use of open houses, direct mailings,

and media campaigns to inform the public about agency decisions relating to grizzly bear habitat and population management activities and other management actions that may affect local residents, landowners, tribes, and users

Members of the ~~Information and Education~~ I & E Team will include I & E specialists from the National Park Service, U.S. Forest Service, and the state wildlife agencies of Idaho, Montana, and Wyoming. The I & E Team will report to the YGCC.

Evaluation

The evaluation of the effectiveness of grizzly bear conservation measures detailed in this Conservation Strategy will be an ongoing process shared by all the members of the ~~Yellowstone Grizzly Bear Coordinating Committee~~YGCC.

As detailed in the monitoring portion of this strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major population and habitat parameters are listed in Appendix G. Monitoring results and analyses will be presented to the YGCC by the IGBST. A Biology and Monitoring Review would be triggered if any of the following conditions were met:

Comment [PE>9/816]: Update these once finalized

- Exceeding independent female mortality limits in 3 consecutive years, or
- Exceeding independent male mortality limits in 3 consecutive years, or
- Exceeding dependent young mortality limits in 3 consecutive years, or
- Failure to meet the distribution criterion.

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews will be undertaken after the annual summary of monitoring information

presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency also can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

- To identify the reasons why particular demographic or habitat objectives have not been achieved and to recommend modifications to the YGCC for changes as necessary, or
- To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or
- To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to recommend plans to the YGCC to ensure that monitoring efforts be maintained as per the standards in this document, or
- To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem and make those recommendations to the YGCC.~~, or~~
- ~~Make recommendations as to whether a petition for relisting should be submitted~~ be ~~considered.~~

Biology and Monitoring Reviews will be based on the best available science. Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public. The YGCC will respond to the Biology and Monitoring Review in a written form either through the minutes of the YGCC meeting or in specific Biology and Monitoring Review response documents, as necessary. The purpose of the YGCC response is to address the issues(s) raised in the Biology and Monitoring Review with an explanation or management changes as necessary. In the case of a deviation from monitoring efforts required under this Conservation Strategy, the response will identify the means to be implemented by the

YGCC to ensure continued population and/or habitat monitoring efforts as required in this document.

A Biology and Monitoring Review is generally triggered by negative deviations from the desired conditions established in this Conservation Strategy for population, mortality management, and habitat parameters; however, the IGBST can recommend a Biology and Monitoring Review to the YGCC if they deem it necessary.

~~A Biology and Monitoring Review will make recommendations as to whether the delisting should be reevaluated a petition for relisting should be made. This recommendation shall be based upon the magnitude of the threat that the deviation from the desired condition poses to the maintenance of a recovered population.~~

~~The YGCC has to formally agree with a recommendation from the IGBST to petition for relisting.~~

If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat conditions specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC ~~will~~ may submit to the Fish and Wildlife Service ~~a petition~~recommendation to ~~consider for relisting~~ conduct a status review. In the case of a vote on this issue, a simple majority is necessary.

Fish and Wildlife Service Status Review

The Service may initiate a formal status review and may emergency relist the GYE grizzly population under Section 4(b)(7) of the Act until the formal status review is complete under two conditions: (1) if there are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics of population or habitat management detailed in this section and significantly increase the threat to the population.; (2) a total population estimate of less than 500 inside the DMA in any year using the model-averaged

Chao2 method, or counts of females with cubs fall below 48 for 3 consecutive years; ~~and/or (3) if the population falls below 600 for 3 consecutive years using the model-averaged Chao2 method;~~ (43) if fewer than 16 of 18 bear management units are occupied by females with young for 3 consecutive 6-year sums of observations; and/or (54) if the Service determines a petition to relist from an individual or organization ~~, including the YGCC,~~ is warranted.

To be warranted, such a petition must present credible scientific information to support the petition. The YGCC can ~~petition~~ recommend that the Fish and Wildlife Service reevaluate the delisting of~~to relist~~ the GYE grizzly bears. The Service is to perform a status review upon receipt of such a petition that contains sufficient information to demonstrate that the request to relist is warranted. A relisting petition ~~from the YGCC~~ should be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy. A status review will evaluate the factors affecting the population and result in a finding that summarizes the status of the population and recommends listing or not.

For purposes of a status review, the status of the entire ~~Greater Yellowstone Ecosystem~~GYE grizzly bear population would be considered.

The Service can also unilaterally initiate a status review to determine if the GYE grizzly bears should be a candidate species and be added to the species to be listed. This could be accomplished independently of the YGCC based on Service concerns about the population and/or its habitat. Based on a review of a petition or a status review initiated by the Service, if the Service finds serious and imminent threats to the population as per the criteria of the Endangered Species Act in Section 4(a)(1), the species could be immediately considered for relisting or could be relisted under emergency regulations, per Section 4(b)(7).

Chapter 7 Existing Authorities

Introduction

The existence of adequate regulatory mechanisms that serve to maintain the Yellowstone grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to ensure a healthy grizzly bear population.

The management of populations of grizzly bears and the habitats these bears require for survival is dependent upon the laws and regulations of the federal and state agencies in the ~~Greater Yellowstone Ecosystem (~~GYE~~)~~. These laws and regulations provide the legal basis for controlling mortality, providing secure habitats, managing grizzly bear-human conflicts, controlling hunters, limiting access where necessary, controlling livestock grazing, maintaining education and outreach programs to control conflicts, monitoring populations and habitats, and requesting management and petitions for relisting when necessary. Many of these laws provide authorities for a number of these actions and controls.

The following laws and regulations, or portions thereof, exist and are relevant to agency programs regarding management of the grizzly bear and its habitat in the GYE. These provisions, whether national or state, have application in terms of agency compliance, agency authority, or discretion to act.

The relationship between the existing authorities and the five factors in Section 4(a)(1) used to consider listing and delisting of a species is presented in Appendix H. These five factors are all relevant to maintain a recovered population.

Federal Lands

Acts of Congress[6]

The Act of Congress March 1, 1872. Set Yellowstone apart as a public park for the benefit and enjoyment of the people" and "for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities or wonders...and their retention in their natural condition". 16 U.S.C. §§21-22.

National Park Service Organic Act, 1916. The National Park Service...shall promote and regulate the use...by such means... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such a manner...as will leave them unimpaired for future generations. 16 U.S.C. §31 repealed June 25, 1948.

Lacey Act, Criminal Code Provisions, 18 U.S.C. 42-44. This Act makes it illegal to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken or possessed in violation of any law, treaty or regulation of the United States or in violation of any Indian tribal law; to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law. 18 U.S.C. §§42-43.

Fish and Wildlife Coordination Act, 16 U.S.C. §§661-666c. This Act relates to wildlife as associated with water resource development. This act also authorizes that lands and waters may be acquired by Federal construction agencies for wildlife conservation to mitigate water projects in order to preserve and assure for the public benefit the wildlife potential of the particular water project area.

The Act of Congress September 14, 1950. (Expansion of Grand Teton National Park to include Jackson Hole National Monument) "The national park so established shall, so far as consistent

[6] Federal legislation can be viewed at the Library of Congress web site: http://thomas.loc.gov

with the provisions of this Act, be administered in accordance with the general statutes governing national parks..." 16 U.S.C. § 406d-1

Sikes Act, 16 U.S.C. §670g. The Secretaries of Agriculture and Interior and the State agencies will cooperate under this act to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish and game. These programs shall include, but not be limited to, specific habitat improvements projects and related activities and provide adequate protection for species considered threatened or endangered pursuant to Section 4 of the ESA. Multiple-Use Sustained-Yield Act, 16 U.S.C. §§528-531. It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed and wildlife and fish purposes. As used in this Act, "Multiple Use" means the management of all the various resources of the National Forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

National Environmental Policy Act, 42 U.S.C. §§ 4321-4331. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment: to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) Utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment; (B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations; (C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented

(iii) Alternatives to the proposed action.

(iv) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved.

The Act of Congress August 25, 1972, PL. 94-404 86 §620. Authorization to establish John D. Rockefeller, Jr. Memorial Parkway "... to provide both a symbolic and desirable physical connection between... Yellowstone, and the Grand Teton National Park..." "The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916..." Established by the Secretary of the Interior, September 30, 1977.

Endangered Species Act, 16 U.S.C. § 1533. ESA - Section 4 of the Act gives the criteria for

determining a species' status as threatened or endangered. In order to delist a species, it must be shown that the opposite is true. It must be shown that: a) the species' habitat or range is not threatened with destruction, modification or curtailment, b) the species is not being over utilized for commercial, recreational, scientific or educational purposes, c) disease and predation are not significant problems, d) there are adequate regulatory mechanisms in place, and e) there are no significant other natural or manmade factors affecting the continued existence of the species. The Secretary of Interior and States shall effectively monitor recovered species for not less than five years after the species is delisted and no longer protected under the ESA.

Forest and Rangeland Renewable Resources Planning Act, 1974. In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resources Assessment. A strategic plan for all Forest Service activities shall be prepared every five years based on the assessment of renewable natural resources and on all land ownerships every 10 years. It provides direction that land management plans specify guidelines for land management plans, which provide for diversity of plant and animal communities. 16 U.S.C. §1600.

National Forest Management Act (NFMA) of 1976. NFMA provides the legal basis and direction for development of national forest plans. NFMA specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management (36 CFR 219), adopted in 1979 augmented the diversity policy by requiring management of habitats to maintain viable populations of vertebrates. 15 U.S.C. §1600.

Federal Land Policy and Management Act. Public lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...that will provide food and habitat for fish and wildlife and domestic animals, and that will provide for outdoor recreation and human

occupancy and use. 43 U.S.C. §§ 1701-1777.

Fish and Wildlife Improvement Act, 16 U.S.C. § 742(a). Congress recognizesd that wildlife are a living and renewable natural resource that contribute to our national economy and food supply, as well as to the health, recreation and well-binebeing of our citizens. However, this resource is also vulnerable to neglect and exploitation if not properly managed. This Act authorizes the Secretaries of the Interior and Commerce to establish, conduct, and assist with national training programs for State fish and wildlife law enforcement personnel. It also authorized funding for research and development of new or improved methods to support fish and wildlife law enforcement. It also authorizes the disposal of abandoned or forfeited items to facilitate efforts including education.

Fish and Wildlife Conservation Act, 16 U.S.C. §§ 2901-2911. Each State should be encouraged to develop, revise and implement, in consultation with appropriate other agencies, a plan for the conservation of fish and wildlife, particularly those species, which are indigenous to the State. The purpose of this act is to provide financial and technical assistance to the States for the development, revision and implementation of conservation plans and programs for nongame fish and wildlife and to conserve and promote conservation of nongame fish and wildlife and their habitats.

The National Parks Omnibus Management Act of 1998 (PL 105-391,112 Stat. 3497). Title I, Section 101 recognizes the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System. Title II, Section 201, National Park System Resource Inventory and Management identifies the need to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park system and to use the information gathered for management purposes. 16 U.S.C. §5901.

Federal Regulations

36 CFR 1.5 (a)(1). Gives National Park Superintendents the authority to establish for all or a portion of a park area a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity in order to protect natural resources or provide for human safety.

36 CFR 1.7(B). National Park Service Superintendents shall publish in writing all designations, closures, permit requirements and other restrictions imposed under discretionary authority.

36 CFR 1.7(B) 1.2 (d). Gives National Park Superintendents the ability to regulate activities conducted by National Parks, or their agents, relative to the management and handling of grizzly bears (*Ursus arctos horribilis*). Specifics are described in Park Annual Bear Management Plans.

36 CFR 2.10 (d). Gives the National Park Superintendents authority to designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage and equipment used to cook or store food must be kept to avoid bear-human conflicts. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

36 CFR 219. Specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management and requiring management of habitats to maintain viable populations of vertebrates.

36 CFR 219.19. Requires that Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. A viable population shall be regarded as one, which has the estimated numbers, and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area.

36 CFR 219.26. Specifies that Forest planning shall provide for diversity of plant and animal

communities to meet multiple use objectives.

36 CFR 219.27 (a) (6). States that (a) All management prescriptions shall – (6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species.

36 CFR 261.50 (a) and (b). Gives Forest Supervisors the authority to issue orders which close or restrict the use of described areas, or of any forest development road or trail within the area over which he has jurisdiction. This authority is used to close areas to minimize human/bear conflicts and to issue food storage, carcass storage and camping requirements.

36 CFR 261.53 (a) and (e). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) it is prohibited to go into or be upon any area which is closed for the protection of: (a) threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish; or (b) for public health or safety.

36 CFR 261.58 (e) and (s) and (cc). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) the following are prohibited. (a) Camping; (s) Possessing, storing, or transporting any bird, fish, or other animal or parts thereof as specified in the order; (cc) Possessing or storing any food or refuse, as specified in the order.

States

~~State laws, rules, and regulations that provide authority to control grizzly bear mortality, control hunters, manage grizzly bear-human conflicts, and other management activities to maintain the Yellowstone grizzly bear population are attached to the three-state draft MOA (Appendix P).~~ The State regulatory mechanisms include *Grizzly Bear Montana Hunting Regulations*, *Chapter 67 of the Wyoming Game and Fish Commission Regulations*, *Idaho's Fish and Game Proclamation*, and the *Memorandum of Agreement Regarding the Management and Allocation of Discretionary Mortality of Grizzly Bears in the Greater Yellowstone Ecosystem* (Tri-State MOA,

Appendix P). These state laws, rules, and regulations described above and collectively referenced in the Tri-State MOA provide authority to control grizzly bear mortality, control hunters, manage grizzly bear-human conflicts, and other management activities to maintain the GYE grizzly bear population. These regulatory mechanisms include:

- Suspend all discretionary mortality inside the DMA, except if required for human safety, if the model-averaged Chao2 population estimate falls below 600 (Tri-State MOA: Section IV(2)(c)(i), Section IV(2)(a)(i); Chapter 67 of WY Game and Commission Regulations: Section 4(c); Idaho Fish and Game Commission Proclamation: Section 2).
- Suspend grizzly bear hunting inside the DMA if total mortality limits for any sex/age class (per Tables 2 and 4) are met at any time during the year (Tri-State MOA: Section IV(2)(c), Section IV(4)(a), Section IV(6); Chapter 67 of WY Game and Commission Regulations: Section 4(d); Idaho Fish and Game Commission Proclamation: Section 5).
- Prohibit hunting of females accompanied by young and young accompanied by females (Tri-State MOA: Section IV(4)(b); MT State Hunting Regulations p. 4 and 7; Chapter 67 of WY Game and Commission Regulations: Section 4(e); Idaho Fish and Game Commission Proclamation: Section 4).
- In a given year, discretionary mortality will only be allowed if non-discretionary mortality does not meet or exceed allowable total mortality limits for that year (Tri-State MOA: Section IV(2)(c), Section IV(4)(a), Section IV(6); Chapter 67 of WY Game and Commission Regulations: Section 4(d), Section 4(k); Idaho Fish and Game Commission Proclamation: Section 5).
- Any mortality that exceeds allowable total mortality limits in any year will be subtracted from that age/sex class allowable total mortality limits for the following year (Tri-State MOA: Section IV(2)(c); Chapter 67 of WY Game and Commission Regulations: Section 4(g), Section 4(k), and Section 4(l); Idaho Fish and Game Commission Proclamation: Section 6).

Federal Plans and Guidelines

In addition to federal and state laws, the following plans and guidelines provide both direction and guidance for grizzly bear population and/or habitat management.

National Park Service

NPS-77, Natural Resource Management Guidelines, May 16, 1991. Guides National Park managers to perpetuate and prevent from harm (through human actions) wildlife populations as part of the natural ecosystems of parks.

Final Environmental Impact Statement, Grizzly Bear Management Program, Yellowstone National Park, July 1983:
Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, careful and frequent garbage pickup to prevent overflow and overnight accumulations.

The Superintendent authorizes and approves the YNP Grizzly Bear Management Program that outlines the park's Bear Management Area Program. The Bear Management Area Program restricts recreational activity in areas with seasonal concentrations of grizzly bears. The goals of these restrictions include: (1) minimize bear-people interactions that may lead to habituation of bears to people (habituation can result in bears being removed from the population for human safety);; (2) prevent human-caused displacement of bears from prime food sources;; and (3) decrease the risk of bear-caused human injury in areas with high levels of bear activity. Outlines Park bear monitoring program. Outlines Park bear research goals and objectives. Leaves open the possibility for supplemental feeding of grizzly bears, if deemed necessary. Identifies as an objective that public awareness of exposing bears to unnatural food sources may lead to human injury, or to the bears' destruction, or both. Requires an active information program be directed at both visitors and employees to inform them of policies and goals of bear management, and the reasons for these. Provides guidelines for the distribution of bear safety

warning information through entrance stations, signs, visitor contacts, and literature.

Yellowstone National Park Annual Bear Management Plan: Outlines grizzly bear ecology and management information distributed to park employees and the general public by the Bear Management Office.

Grand Teton National Park Human/Bear Management Plan, 1989:

- Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, and careful and frequent garbage pickup to prevent overflow and overnight accumulations. Containers not of bear-resistant design must be located inside the building served. Large animal carcasses that are near trails, facilities, or roads will be managed in a way to reduce human/bear encounters.

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- Grizzly bear management follows the *Interagency Grizzly Bear Guidelines* (IGBC 1986). Management of Situation 1 areas includes area closures and/or activity curtailments to protect the bears.
- Follows the procedures outlined in the *Interagency Grizzly Bear Guidelines* (IGBC 1986). Actions subsequent to capture are coordinated with the U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator.
- All incidents involving human-bear interactions are documented on Bear Sighting/Identification reports. All Park employees and visitors are encouraged to complete these forms for all bear sightings.
- Outlines Park bear research goals and objectives.
- Outlines a program for the dissemination of information of human/bear relationships, the causes of human-bear conflicts, and how visitors, inholders, Park, and concession employees can help alleviate problems through their personal actions and compliance with Park regulations.

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~~If a change of status for the Yellowstone grizzly bear population under the ESA takes place, Forest Service Regions 1, 2, and 4 will classify the grizzly bear as a sensitive species[7] in the GYE. Grizzly bears and their habitats will then be managed as sensitive on National Forest System lands in accordance with Forest Service Manual 2670 (specifically 2670.22, 2670.32, and 2676.1-2676.17e). In addition, national forests will continue to follow direction established in existing land management plans until amended or revised. Bridge-Teton National Forest Land and Resource Management Plan with Amendments and Corrections (2015)~~

- ~~Custer National Forest and Grasslands Land and Resource Management Plan (1987)~~
- ~~Gallatin Forest Plan 1987 as Amended through November 2014~~
- ~~1997 Revised Forest Plan – Targhee National Forest~~
- ~~Shoshone National Forest Land Management Plan (2015)~~
- ~~Beaverhead-Deerlodge National Forest Land and Resource Management Plan (2009)~~

Once the GYE grizzly bear is delisted under the ESA, the Forest Service will evaluate GYE grizzly bear management as a Regional Forest Sensitive Species and a determination of whether

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~~[7] 2672.1 Sensitive Species Management. Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing.~~

~~There must be no impacts to sensitive species without an analysis of the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole. It is essential to establish population viability objectives when making decisions that would significantly reduce sensitive species numbers.~~

~~Identification of Sensitive Species. Regional Foresters shall identify sensitive species occurring within the Region. They shall examine the following sources as possible candidates for listing as sensitive species:~~

~~1. Fish and Wildlife Service or National Marine Fisheries Service candidates for Federal listing (categories 1 and 2) under Federal Register Notice of Review.~~

~~2. State lists of endangered, threatened, rare, endemic, unique, or vanishing species, especially those listed as threatened under State law.~~

~~3. Other sources as appropriate in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities.~~

this status is warranted will be made at that time. The Forest Service will consider the GYE grizzly bear as a potential species of conservation concern during any plan revision within the range of the GYE grizzly bear as required by FSH 1909.12 Ch. 10, 12.52(d)(2)(b). This paragraph requires consideration of species that were removed within the past 5 years from the Federal list of threatened or endangered species.

In addition, national forests will continue to follow direction established the following existing land management plans until amended or revised:

- Bridger-Teton National Forest Land and Resource Management Plan with Amendments and Corrections (2015)
- Custer National Forest and Grasslands Land and Resource Management Plan (1987)
- Gallatin Forest Plan 1987 as Amended through November 2014
- 1997 Revised Forest Plan – Targhee National Forest
- Shoshone National Forest Land Management Plan (2015)
- Beaverhead-Deerlodge National Forest Land and Resource Management Plan (2009)

State Plans and Guidelines

Montana Department of Natural Resources and Conservation (MDNRC)

It is the policy of MDNRC to conduct programs and activities in a manner that limits the potential for conflicts between grizzly bears and people and that provides habitat to help achieve and sustain recovery within the GYE. Land uses which can adversely affect grizzly bears or their habitat will be designed and coordinated in a manner that is compatible with grizzly bear behavior and habitat needs, but not to the extent of excluding other uses.

The Forestry Division of the MDNRC has additional policy guidance for management of grizzly bear habitat within the Yellowstone. In 1988, grizzly bear management standards and guidelines were implemented to integrate management of grizzly bear habitat with timber management on

State lands within the GYE. Performance standards and guidelines cover long range planning, project planning and design, management of bear-human conflicts, and special management areas. These will be implemented until the Forestry Division develops and adopts other guidance through a programmatic planning effort that will incorporate grizzly bear management objectives.

Additional policy guidance will be developed in the near future. The USFWS and MDNRC have mutually agreed to develop and implement guidelines for integrating grizzly bear habitat protection and MDNRC land management activities. MDNRC will continue to consult with MFWP on specific projects that may adversely affect any species of wildlife in Montana, in an attempt to minimize or avoid adverse impacts to populations or their habitats.

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From:	Willey, Seth
To:	Jennifer Fortin-Noreus; Wayne Kasworm; Jodi Bush; Rebecca Shoemaker; Alexandra Kasdin
Subject:	Fwd: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
Date:	Monday, October 03, 2016 3:38:48 PM
Attachments:	Incoming Grijalva.pdf DTS_Control_Slip.pdf previous letter_20160622_Response letter to Rep. Grijalva.pdf Response v.1.docx

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I took a stab at responding to this DTS. Comments welcome.

Seth

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303-236-4257
****

---------- Forwarded message ----------
From: **Annette Naylon** <annette_naylon@fws.gov>
Date: Wed, Sep 28, 2016 at 1:39 PM
Subject: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
To: Michael Thabault <michael_thabault@fws.gov>, Nicole Alt <nicole_alt@fws.gov>, Marjorie Nelson <marjorie_nelson@fws.gov>
Cc: Seth Willey <seth_willey@fws.gov>

Please let me know who else to forward to and who the POC is. Thanks!

Please work with EA to draft reply for signature - RD will upload draft response

Due : 10-12-16

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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

RL6
Prepare draft (O)
D Sign
Due 10/19

September 27, 2016

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Subj: Specific Questions Regarding ESA + Grizzly Bears

Dear Director Ashe,

I appreciate the response of July 6 from your regional office director to my letter regarding concerns over the U.S. Fish and Wildlife Service (Service) proposal to remove Endangered Species Act (ESA) protections for grizzly bears in the Greater Yellowstone Ecosystem (GYE). I also appreciate your decision to reopen the public comment period on the proposed delisting rule for consideration of the peer review and documents pertaining to the states of Idaho, Montana, and Wyoming's plans to allow sport hunting for grizzly bears immediately upon delisting. However, significant uncertainty remains about whether or not GYE grizzly bears will be managed responsibly in a post-delisting environment because the Service has not made public proposed revisions to the draft GYE Grizzly Bear Conservation Strategy (Conservation Strategy).

As you know, the Conservation Strategy is the critical document that will guide management of GYE grizzlies should the delisting proposal become final. Therefore, it is imperative that it includes clear and enforceable commitments by federal and state agencies to ensure that the progress made to this point on grizzly bear recovery is not lost. It is my understanding from talking to numerous stakeholders that the Conservation Strategy has undergone significant revision since the final draft was released earlier this year, warranting additional review of the document by the public before it becomes final. I also understand that the views of the National Park Service, which manages approximately 40 percent of the Primary Conservation Area for grizzly bears and has played a pivotal role in the recovery of grizzly bears in the GYE, have not been adequately considered.

I recently received a letter from NPS in response to a series of questions I asked Yellowstone National Park Superintendent Dan Wenk about GYE grizzly bears. I have enclosed a copy of that letter for your consideration. Among other things, NPS raised significant concerns with the Service's specification of a minimum population size of 500 grizzly bears, the lack of strong standards to ensure connectivity of GYE grizzly bears with other populations, and the

uncertainty of how a sharp increase in human-caused mortality through hunting would impact the population. These concerns are echoed in the peer review of the proposed rule, with reviewers writing that the issue of management to facilitate connectivity with other grizzly populations "is not adequately addressed," that "overharvest and a potential subsequent lag in management response could drive bear numbers below the desired minimum populations size," and that "there is no scientific basis for the lower limit of 500 bears," a level that represents a 17 percent reduction from the Service's most conservative estimate for the current population.[1] Finally, NPS expresses legitimate concerns about the impacts of allowing hunting within the John D. Rockefeller, Jr. Memorial Parkway and other areas adjacent to Yellowstone and Grand Teton National Parks on the visitor experience, the regional economy, and the core population of bears living within the parks.

For these reasons, I request the following:

1. Before finalizing a delisting rule for GYE grizzly bears, release and allow public comment on a revised final draft Conservation Strategy, including final state management plans.

2. Require that the Conservation Strategy and state management plans contain clear and enforceable measures to ensure the GYE grizzly population remains stable or increases and allow for connectivity to other populations, and that the conservation strategy adequately addresses the potential impacts of climate change and secures grizzly bear habitat on federal lands.

3. Ensure that the National Park Service retains its authority to manage the John D. Rockefeller, Jr. Memorial Parkway as a National Park Service Unit, including by prohibiting the hunting of grizzly bears, and prohibit the hunting of grizzly bears on lands adjacent to the Parks and within the Primary Conservation Area.

Without these conditions being met, it seems unlikely that grizzly bear recovery will be a lasting success, and therefore I will not be able to support delisting. Thank you for your attention to this matter. If you have any questions, please have your staff contact Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to your response.

Sincerely,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

Cc: The Honorable Sally Jewell, Secretary of the Interior
The Honorable Jonathan Jarvis, Director, National Park Service

[1] *Scientific Peer Review for Greater Yellowstone Grizzly Bears.* Amec, Foster, Wheeler – Houston, TX. June 9, 2016. Available online: https://www.fws.gov/mountain-prairie/es/07142016_GrizzlyBearPeerReview.pdf

United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

IN REPLY REFER TO:

September 14, 2016

The Honorable Raúl M. Grijalva
United States House of Representatives
Committee on Natural Resources
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your recent letter requesting answers to questions regarding the proposed delisting of grizzly bears in the Greater Yellowstone Ecosystem (GYE) and potential effects inside and outside Yellowstone National Park. I am responding on behalf of the Intermountain Region of the National Park Service, which encompasses the parks in the affected area. Our responses to these questions follow:

Does the National Park Service (NPS) believe that hunting within the Primary Conservation Area (PCA) is consistent with the habitat security goals of the Conservation Strategy?

The PCA encompasses Yellowstone National Park, part of Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway, national forests and other ownerships. It is intended to provide secure habitat for grizzly bears where access-related disturbances are limited. If, after delisting, the states of Idaho, Montana, and Wyoming decide to hunt grizzly bears within the portion of the PCA outside national parks, the NPS has requested they focus the majority of these harvests away from park boundaries and in areas where human-bear conflicts are prevalent. Without such commitments, hunting could be concentrated within the PCA and near park unit boundaries, which could have significant impacts to bear viewing, regional economics, dispersal, and genetic connectivity.

Does the NPS support the potential removal of more than 200 – or one out of every four – bears from the Demographic Monitoring Area (DMA)?

The NPS does not support the removal of 200 grizzly bears from the DMA. Demographic recovery criterion 1 of the Draft Grizzly Bear Recovery Plan Supplement: Revised Demographic Criteria (USFWS 2016) and the proposed delisting rule specify a minimum population size of 500 grizzly bears within the DMA for genetic health. This is not a population goal or target. Rather, demographic recovery criterion 3 identifies a population objective based on the 2002-2014 Chao 2-modeled average of 674 bears (95% confidence interval = 600-757 bears). Furthermore, in Table 1 the proposed delisting rule indicates "if population size is estimated as fewer than or equal to 600 in any year, no discretionary mortality will occur unless

necessary for human safety." The NPS has conveyed to the U.S. Fish and Wildlife Service that these different population thresholds are confusing and could be interpreted differently by various stakeholders.

Does it concern the NPS that bears in national parks would effectively be providing the source population of bears for the states' discretionary mortality allocation?

Human-caused mortality within the PCA likely will increase after the delisting of grizzly bears if and when the states decide to implement hunting on national forest lands, private lands, and elsewhere outside NPS-managed lands. Without commitments to conservative restrictions on hunting and focusing hunting away from park boundaries, the role of the PCA in providing secure habitat and reducing human-caused mortalities to grizzly bears likely will be substantially diminished. Such commitments would help lessen the adverse effects of habitat loss from private developments in the PCA, dampen the effects of high and unpredictable human-caused mortality on multiple use and private lands (i.e., provide a refuge effect), offset the effects of unreported, harvest-related, wounding loss on the grizzly bear population, and limit potential source-sink dynamics from inside to outside the parks.

How would mortality rates of 9-10 percent for independent females and 20-22 percent for independent males impact the ability to maintain a recovered population?

Survival rates of adult grizzly bears are high without human-caused deaths, while reproductive rates are quite low. Any harvest of bears above conservative harvest levels could intentionally or inadvertently contribute to reduced population growth due to increased adult mortality and disruption of social organization, which could result in fewer young animals added to the population in the future.

The states maintain the proposed harvest levels combined with rigorous monitoring and timely adaptive management adjustments should result in sustainable harvests and the maintenance of a viable population of grizzly bears. Current estimates of grizzly bear vital rates suggest an adult female mortality rate of 7.6 percent or less would result in a stable to increasing population, whereas mortality rates of 9 to 10 percent would cause a population decline. Mortality rates of 20 to 22 percent for adult males may potentially disrupt the social structure of the population, possibly lowering cub production. We have recommended monitoring and research to evaluate the extent of unintended harvest of females with cubs, wounding loss, whether hunting is being sustained by dispersal of bears from national parks (i.e., source-sink dynamics), and any effects of modest to liberal harvests on the demographics and numbers of bears living within the PCA.

How would these mortality rates impact the ability of bears to expand outside of the PCA and achieve connectivity with other grizzly bear populations within the Northern Continental Divide Ecosystem?

The extent to which hunting in the PCA would inhibit connectivity to the Northern Continental Divide Ecosystem would depend on the extent and location of future hunter harvest. If grizzly bears are harvested at rates near the upper end of the proposed mortality limits, and that harvest is concentrated within the linkage zones connecting to the Northern Continental Divide

Ecosystem, then connectivity could be inhibited. The state of Montana has indicated that they will manage discretionary mortality in these areas to retain the opportunity for natural movements of bears between ecosystems, but no details have been provided as to how this would be assured. Some stakeholders would like to see a more detailed plan for connectivity within these linkage zones in the delisting rule, conservation strategy, state management plans, and/or the three-state memorandum of agreement.

How important is wildlife viewing – and grizzly bear viewing in particular – to Yellowstone visitors and surrounding communities?

Grizzly bears are one of the premier wildlife attractions for visitors to the Yellowstone/Grand Teton area, which contributes to the public's enjoyment and sense of pride in our conservation heritage. Tourism has a large and increasing influence on the regional economy, with more and more entrepreneurs, residents, and visitors seeing the environment and wildlife as valuable resources for recreation and viewing. There were more than 4.1 million visits to Yellowstone National Park during 2015, which contributed an estimated $493 million to nearby communities, supported about 7,730 jobs, and had a collective benefit of about $638 million to the area's economy. Over 90% of visitors indicated the park was the primary reason for visiting the area.

Visitation to Yellowstone and Grand Teton National Parks for wildlife viewing and other recreational activities is expected to continue to increase in the future. Ninety-nine percent of visitors to Yellowstone National Park expect to see a bear, and 67% did during a recent trip. This illustrates the strong desire and expectation of park visitors to see bears while they are in national parks.

How would bear hunting immediately outside Yellowstone impact opportunities for bear viewing within the park?

Many grizzly bears in Grand Teton and Yellowstone National Parks have necessarily habituated to the presence of millions of non-threatening visitors each year, for the many decades since bears were last hunted. This may make them more susceptible to future hunting when they leave the parks. Bear viewing could be impacted by the harvest of bears that frequent roadsides, bear avoidance of people following encounters with hunters, or other factors. Thus, the NPS has recommended to the U.S. Fish and Wildlife Service and the surrounding states that any future harvests be conducted in a way that (1) respects the mission of the NPS, (2) protects regional economic benefits and the enjoyment of bear watching, (3) reduces the risks associated with wounded bears entering the parks, and (4) limits the likelihood that well-known or transboundary bears will be harvested.

The NPS respects that hunting regulations are firmly in the purview of the states. However, the NPS is concerned that a delisting decision without commitments to conservative harvest restrictions in the portion of the PCA outside the national parks could result in a serious setback for grizzly bear management. The harvest of bears in such as manner as may impact bear-viewing opportunities in the parks will create great pressure to revisit this delisting decision and likely make future delistings of other iconic species more difficult. Thus, the NPS would like to lessen the risk of a bears being harvested near park boundaries. Elements of such a strategy

could include (1) no hunting of bears in the John D. Rockefeller, Jr. Memorial Parkway, (2) focusing the majority of harvests away from park boundaries and in areas where human-bear conflicts are more prevalent, and (3) imposing strict limits on female harvest in areas near park boundaries.

How vulnerable are so-called "celebrity bears" within Yellowstone and Grand Teton National Parks to hunting outside the park?

A grizzly bears' vulnerability to hunting when leaving the refuge of a national park likely would depend, in part, on the proportion of time it spent outside the national park and the distance it traveled from the park's boundary. Concentrating hunting in areas that have frequent human-bear conflicts could reduce the chances of bears that frequent the parks being harvested because most concentrations of conflicts occur in areas away from park unit boundaries. Conflicts sometimes occur in park gateway communities, which could expose those bears to some risk of harvest. However, if these bears are causing conflicts in gateway communities, they would likely be removed in management actions by state agencies regardless.

Is grizzly bear hunting along the Parkway consistent with the mission of NPS? Would hunting along the Parkway be supported by visitors to these parks?

The enabling legislation for the John D. Rockefeller, Jr. Memorial Parkway allows hunting at the discretion of the Wyoming Game and Fish Commission. However, due to the popularity and documented regional economic benefits of non-consumptive use of grizzly bears for viewing and photography, the NPS has requested that the delisting rule, conservation strategy, state management plans, and other related documents identify the John D. Rockefeller, Jr. Memorial Parkway as one of the three national park units in the Greater Yellowstone Ecosystem where grizzly bear hunting will not be permitted. Many visitors and stakeholders that prioritize photography, recreation, and wildlife watching strongly support this request.

Thank you for the opportunity to provide comments.

Sincerely,

Sue E. Masica

Sue E. Masica
Regional Director

FISH AND WILDLIFE SERVICE
DOCUMENT TRACKING CONTROL SLIP

FWS Form 3-2180
Attach to front of folder

Date: 09/28/2016

DCN: 064200	**ES No:**

Orig Office: CCU	**Input Date:** 09/28/2016	**Addressee:** Raul Grijalva
Due Date: 10/19/2016	**Signature Level:** D	

Subject:
Specific Questions Regarding ESA & Grizzly Bears

Comments:

Task Codes:

```
0 - Prepare Draft Reply          6 - Revise                        12 - Email Draft Reply
1 - Prepare Reply                7 - Obtain Additional Comments    13 - Advance Read
2 - Appropriate Action           8 - Other - See Comments          14 - File
3 - Surname                      9 - Mail/Distribute               15 - For Your Information
4 - Signature                    10 - Finalize                     16 - Surname through DTS
5 - Review/Comment               11 - Simultaneous Surnames        17 - Required ES Review
```

Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
CCU	2 - Appropriate Action	09/28/2016		09/28/2016
R6-ARD-ES	1 - Prepare Reply	09/28/2016	10/12/2016	
R6-ARD-EA	15 - For Your Information	09/28/2016	10/12/2016	
R6-EX	2 - Appropriate Action	09/28/2016	10/14/2016	
R6	0 - Prepare Draft Response	09/28/2016	10/19/2016	09/28/2016

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

JUN 22 2016

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of June 7, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Director Ashe requested that I respond to your inquiry. Specifically, your letter encouraged the U.S. Fish and Wildlife Service (Service) not to publish a final rule to delist the GYE grizzly bear until federal land managers and state wildlife officials have plans in place that exhibit adequate regulatory mechanisms to conserve grizzly bear habitat, allow for connectivity between the GYE and other populations, and limit mortality to sustainable levels.

As stated in the proposed rule to delist the GYE population of grizzly bears, all the state and federal agencies party to the draft 2016 Conservation Strategy for the Grizzly Bear in the GYE will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final delisting rule. Furthermore, revised state plans will be finalized prior to a final determination on the proposed rule. We intend to fully evaluate all aspects of the plans, including whether they effectively provide for the conservation of grizzly bears and their habitat, prior to a final determination on the proposed delisting rule. Sustainable mortality limits are addressed in the proposed rule and are part of the requirements for the states to adopt in their management plans and regulations prior to the Service issuing a final rule. Grizzly bears outside of the GYE area delineated in the proposed rule, including areas that provide potential connectivity to other populations, would remain listed should we finalize the delisting of the GYE population. In addition, affected National Forests and National Parks have incorporated, or will incorporate before a final rule is issued, the habitat standards and criteria into their Forest Plans and National Park management plans and/or Superintendent's Compendia via appropriate amendment processes so that they are legally applied to these public lands within the GYE.

Thank you for this opportunity to communicate our proposed process and commitment to the delisting of the GYE grizzly bear. I hope this letter fully addresses your concerns. If you need further information, please contact me at (303) 236-7920 or Michael Thabault, the Assistant Regional Director for Ecological Services in the Mountain-Prairie Region, at (303) 236-4210.

Sincerely,

Regional Director

ECOLOGICAL SERVICES		
#	NAME /TITLE/ OFFICE	LTR*
1	Backsen, Sarah	F
	Bergstrom, Pat	F
	Boroja, Maria	F
	Burgess, Angela	F
	Burgess, Kevin	F
	DeBerry, Drue	F
	Hansen, Craig	F
	Juliusson, Lara	F
	Konishi, Kathy	F
	Laye, Doug	F
	Lickfett, Todd	F
	Orton-Palmer, Amelia	F
	Shoemaker, Justin	F
	Skorupa, Joe	F
	Wiechman, Lief	F
	Willey, Seth	F
		F
		F
		F
2	Nelson, Marjorie / Chief – ESA	F
	Matt Kales	F
1, 6	Naylon, Jill/Secretary / ARD-ES TRINA	F
	Alt, Nicole/ Deputy ARD-ES	F / G
3	Thabault, Mike / ARD-ES	F / G
5	Regional Director / Deputy RD	F / G
4	External Affairs AMM	F
	Budget Administration	F
	Fisheries	F
	Law Enforcement	F
	Migratory Birds / State Programs	F
	Refuges	F
	Ecological Services	H

* **F** -- surname **G** -- signature **H** -- return to originating office

FROM: Jill Naylon **DATE:**

S U R N A M E		
TITLE	NAME	DATE
AUTHOR / RO LEAD		
TYPIST		6-13-16
SECRETARY / ARD - ES		
BRANCH CHIEF, CLASSIFICATION AND RECOVERY		
BRANCH CHIEF, LANDSCAPE CONSERVATION AND RESTORATION		
BRANCH CHIEF, DECISION SUPPORT		
DIVISION CHIEF, ECOLOGICAL SERVICES		6/17/16
DEPUTY ARD – ECOLOGICAL SERVICES		
ARD – ECOLOGICAL SERVICES		
ARD – EXTERNAL AFFAIRS		6/21/16
ARD – FISHERIES		
ARD – LAW ENFORCEMENT		
ARD – MIGRATORY BIRDS		
ARD – NATL WILDLIFE REFUGE SYSTEM		
SECRETARY / REGIONAL DIRECTOR		6/16/16
DEPUTY REGIONAL DIRECTOR		
REGIONAL DIRECTOR (Acting)		6/20/16

Chief of Staff SWilley 6/21/16 w/ edits

Note to Reviewer

DCN: 063311.

This letter is in response to a letter from Representative Raul Grijalva on the GYE grizzly bear delisting proposal. Jennifer Fortin-Noreus and Wayne Kasworm helped develop this response. Due date is 6/21/16 for RD signature. The letter states what was stated in the proposed rule as it would be premature to alter any subsequent commitment

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of June 7, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Director Ashe requested that I respond to your inquiry. Specifically, your letter encouraged the U.S. Fish and Wildlife Service (Service) not to publish a final rule to delist the GYE grizzly bear until federal land managers and state wildlife officials have plans in place that exhibit adequate regulatory mechanisms to conserve grizzly bear habitat, allow for connectivity between the GYE and other populations, and limit mortality to sustainable levels.

As stated in the proposed rule to delist the GYE population of grizzly bears, a~~A~~ll the state and federal agencies party to the draft 2016 Conservation Strategy for the Grizzly Bear in the GYE will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final delisting rule. Furthermore, ~~if the state plans change from those available for comment appended to the draft 2016 Conservation Strategy, these~~ revised state plans will be ~~available for public comment and~~ finalized prior to a final determination on the proposed rule. ~~All the state and federal agencies party to the draft 2016 Conservation Strategy will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final rule.~~ We intend to fully evaluate all aspects of the plans, including whether they effectively provide for the conservation of grizzly bears and their habitat, prior to a final determination on the proposed delisting rule. Sustainable mortality limits are addressed in the proposed rule and are part of the requirements for the states to adopt in their management plans and regulations prior to the Service issuing a final rule. Grizzly bears outside of the GYE area delineated in the proposed rule, including areas that provide potential connectivity to other populations, would remain listed should we finalize the delisting of the GYE population. In addition, affected National Forests and National Parks have incorporated, or will incorporate before a final rule is issued, the habitat standards and criteria into their Forest Plans and National Park management plans and/or Superintendent's Compendia via appropriate amendment processes so that they are legally applied to these public lands within the GYE.

Thank you for this opportunity to communicate our proposed process and commitment to the delisting of the GYE grizzly bear. I hope this letter fully addresses your concerns. If you need further information, please contact me at (303) 236-7920 or Michael Thabault, the Assistant Regional Director for Ecological Services in the Mountain-Prairie Region, at (303) 236-4210.

ROB BISHOP, UT
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JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA, AZ
RANKING MEMBER
GRACE F. NAPOLITANO, CA
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LOIS CAPPS, CA
JARED POLIS, CO
WM. LACY CLAY, MO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

June 7, 2016

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Dear Director Ashe,

I would like to congratulate you on the significant progress the U.S. Fish and Wildlife Service (Service) and its partners have made toward protecting and recovering grizzly bears in the Greater Yellowstone Ecosystem (GYE). The tremendous growth of this population of bears is a testament to the effectiveness of the Endangered Species Act (ESA), and the many people who have worked tirelessly to restore the grizzly to this landscape deserve our highest praise.

However, I am concerned that the recent proposal to isolate GYE bears from the rest of the grizzlies in North America and remove it from the list of ESA threatened species does not do enough to ensure that these bears will continue to thrive. Specifically, the proposed rule makes the bold assumption that the states of Wyoming, Montana, and Idaho will put in place grizzly bear management plans containing adequate and enforceable regulatory mechanisms as required by the ESA. While these three states are currently developing their management plans, the contents of the final products are largely unknowable at this point. Further, the U.S. Forest Service has not started the process of amending forest plans in the GYE to incorporate necessary post-delisting conservation measures.

Ensuring that federal land managers and state wildlife officials have in place plans that will conserve grizzly bear habitat, allow for connectivity of GYE bears with other populations, and limit mortality to sustainable levels is critical to conservation success after ESA protections are removed. This is especially important given the scientific uncertainty surrounding the availability of forage for GYE grizzlies, and how climate change could cause them to range farther in search of food, increasing the likelihood of interactions with humans. For these reasons, I respectfully ask that you commit to not issuing a final rule on GYE grizzlies until after the state and Forest

Service have finalized their plans, the Service has allowed for additional public comment on the utility of these plans as part of a post-delisting conservation strategy, and Service scientists have deemed the plans adequate and enforceable as required by law. Rushing to finalize the rule without addressing these concerns will likely result in the Service losing yet another lawsuit – an outcome that no one wants.

Thank you for your attention to this matter. If you have any questions, please have your staff contact Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to your response.

Sincerely,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

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DOCUMENT TRACKING CONTROL SLIP

FWS Form 3-2180
Attach to front of folder

Date: 06/08/2016

DCN: 063311	**ES No:**

Orig Office: CCU	**Input Date:** 06/07/2016	**Addressee:** Raul Grijalva
Due Date:	**Signature Level:** RD	

Subject:
Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process

Comments:

Task Codes:

0 - Prepare Draft Reply
1 - Prepare Reply
2 - Appropriate Action
3 - Surname
4 - Signature
5 - Review/Comment
6 - Revise
7 - Obtain Additional Comments
8 - Other - See Comments
9 - Mail/Distribute
10 - Finalize
11 - Simultaneous Surnames
12 - Email Draft Reply
13 - Advance Read
14 - File
15 - For Your Information
16 - Surname through DTS
17 - Required ES Review

Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
CCU	2 - Appropriate Action	06/07/2016		06/07/2016
R6-ARD-ES	1 - Prepare Reply	06/07/2016	06/16/2016	
R6	1 - Prepare Reply	06/07/2016	06/21/2016	06/07/2016

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/RO-ES
DCN: 064200

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of September 27, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Specifically, your letter expressed concern about the Conservation Strategy, population targets, connectivity, and hunting. We share your concern for the conservation of the Yellowstone grizzly bear population and delisting will only occur if I am completely satisfied that we have robust commitments that this success can be maintained in the long-term.

Recovery of the Yellowstone grizzly bear population is a remarkable conservation success story and further validation of the success of the Endangered Species Act. The Yellowstone grizzly bear population has rebounded from as few as 136 bears in 1975 to more than 700 today and more than doubled their range since listing. This population now occupies more than 22,500 square miles of the ecosystem. This success would not have been possible without the tireless efforts countless partners including Federal, State, and Tribal agencies, conservation groups, and private citizens, including ranchers, sportsmen, and outfitters.

Recognizing that the population has basically stabilized at or near long-term carrying capacity (with modest growth in recent years), our management partners have agreed to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014 (i.e., 674 bears as measured by the model-averaged Chao2 with a 95% confidence interval of 600 to 757 bears). This will be accomplished by reducing discretionary mortality to modest, sustainable levels (<7.6%) should the model-averaged Chao2 fall below 674 bears and prohibiting discretionary mortality (except as necessary for human safety) in the unlikely event that the population ever falls below 600 bears. Montana, Idaho, and Wyoming have now all formally adopted these regulatory commitments.

As a result, last month we reopened the comment period on our proposed delisting. In total, we have offered two public comment periods totaling 90-days over the last seven months including March 11, 2016 to May 10, 2016, and September 7, 2016 to October 7, 2016. The most pertinent documents guiding management after delisting have now all been provided to the public for comment including the draft

Conservation Strategy, Federal land management regulatory documents and State discretionary mortality regulatory documents. Additional changes to the Conservation Strategy being considered are either minor or responsive to the public comments. Therefore, we do not believe an additional public comment period on the final draft Conservation Strategy is necessary.

Your letter also raised concerns related to the geography of harvest. Specifically, you asked that the John D. Rockefeller, Jr. Memorial Parkway retain its authority to prohibit hunting as a National Park Service Unit. You also indicated hunting should be prohibited on lands adjacent to the National Parks and within the Primary Conservation Area. Nothing in this rule would alter, or in any way affect, the jurisdiction or authority of the State of Wyoming, Tribal governments, the National Park Service, the U.S. Fish and Wildlife Service, or any other entity with respect to the regulation of hunting. Whatever jurisdiction or authority to authorize, prohibit, or regulate hunting existed in such areas prior to this final rule is unchanged by the promulgation of this rule (except, of course, that this rule removes the protections of the Act).

In short, it is beyond our authority to negotiate further on this point unless it rises to the level of being a threat to viability of the population. In our view, the current suit of discretionary mortality regulations will maintain the Yellowstone grizzly bear's recovered status. That said, the National Park Service and the States have a long history of cooperatively managing harvest for other species in a way that provides for the needs of all parties. We expect this partnership and successful management of harvest will continue.

Finally, your letter expressed concern about connectivity to other grizzly bear populations. We agree that connectivity to other grizzly bear populations to the north is desirable. Such connectivity has been and remains a focus of the Service and our partners. Our proposed delisting would have limited impact on connectivity as nearly all of the intervening habitat where dispersal would occur would remain fully protected by the ESA.

Thank you for your interest in this iconic species and the conservation success story it represents. I hope this letter addresses your concerns. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Director

From:	Bush, Jodi
To:	Frazer, Gary; Matt Hogan; Thabault, Michael
Cc:	Willey, Seth; Marjorie Nelson; Jennifer Fortin-Noreus
Subject:	Fwd: FW: Appendix C reflecting Nesvik motion
Date:	Thursday, November 10, 2016 10:23:52 AM
Attachments:	image006.png image004.png image005.png image007.png Appendix C nesvik motion 11-4-2016.docx

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FYI. State's new Appendix C. Withdraws any language referring to recalibration. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Erickson, Mary C -FS** <mcerickson@fs.fed.us>
Date: Wed, Nov 9, 2016 at 5:59 PM
Subject: FW: Appendix C reflecting Nesvik motion
To: "Alexander, Joseph G -FS" <jgalexander@fs.fed.us>, "Ben Snyder, Wind River Tribal F&G" <fishandgame@wyo.com>, "Brian Nesvik, WY G&F" <brian.nesvik@wyo.gov>, "Cornie Hudson, BLM MT" <chudson@blm.gov>, "Dan Wenk, YNP" <Dan_Wenk@nps.gov>, "David Vela, GT NP" <david_vela@nps.gov>, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, "Erickson, Mary C -FS" <mcerickson@fs.fed.us>, "Frank van Manen, USGS IGBST" <fvanmanen@usgs.gov>, "Glossa, Melany I -FS" <mglossa@fs.fed.us>, "Gregg Losinski, ID F&G" <gregg.losinski@idfg.idaho.gov>, "Jeff Gould, ID F&G" <jeff.gould@idfg.idaho.gov>, "Jennifer Fortin-Noreus, FWS" <jennifer.fortin-noreus@mso.umt.edu>, "Jim Hart, MACO" <madco@madison.mt.gov>, "jim.white@idfg.idaho.gov" <jim.white@idfg.idaho.gov>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, "Kerry Gunther, YNP" <kerry_gunther@nps.gov>, "Leander Watson, Shoshone-Bannock" <lwatson@sbtribes.com>, "Lee Miller- ID, Fremont County Commissioner" <lmiller@co.fremont.id.us>, "Loren Grosskopf, WY CCA-Park Co." <lgrosskopf@parkcounty.us>, "Mary D`Aversa, BLM ID" <mdaversa@blm.gov>, "Matt Hogan, FWS" <matt_hogan@fws.gov>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, "Rick Hotaling, BLM MT" <rhotalin@blm.gov>, "Rupert, Susan -FS" <srupert@fs.fed.us>, "Sam Sheppard, MT FWP" <SSheppard@mt.gov>, Sandi Fisher <sandi_fisher@fws.gov>, "Smelser, Garth -FS" <gsmelser@fs.fed.us>, Sue Consolo-Murphy <sue_consolo-murphy@nps.gov>, "Tom Rice, MACO" <trice@beaverheadcounty.org>, "Tyers, Daniel -FS" <dtyers@fs.fed.us>, "Tyler Abbott, USFWS, WY" <tyler_abbott@fws.gov>, "wayne_kasworm@fws.gov" <wayne_kasworm@fws.gov>
Cc: "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Benson, Chad W -FS" <cwbenson@fs.fed.us>, "Bode, Pam -FS" <pbode@fs.fed.us>, "Canfield, Jodie E -FS" <jecanfield@fs.fed.us>, "Castro, Jose V -FS" <jcastro@fs.fed.us>, "Cecily Costello, MT FWP" <cecostello@mt.gov>, "Daley, Marna -FS" <mdaley@fs.fed.us>, "Dan Thompson, WY Fish and Game" <daniel.thompson@wyo.gov>, "Darnell, Jane D -FS" <jdarnell@fs.fed.us>,

"Dave Gustine, NPS" <dave_gustine@nps.gov>, "Dawe, Christine -FS" <cdawe@fs.fed.us>, "Deb Frauson, NPS" <deb_frauson@nps.gov>, "Dixon, Bev -FS" <bdixon@fs.fed.us>, "Fletcher, Tammy -FS" <tammyfletcher@fs.fed.us>, "Gopaul Noojibail, NPS" <gopaul_noojibail@nps.gov>, "Griebel, Randall L -FS" <rgriebel@fs.fed.us>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>, Jennifer Fernandez <Jennifer_fernandez@enzi.senate.gov>, "Kate Wilmot, NPS" <katharine_wilmot@nps.gov>, "kmcdonald@mt.gov" <kmcdonald@mt.gov>, "Mark Haroldson, USGS" <mharoldson@usgs.gov>, "Marten, Leanne - FS" <lmarten@fs.fed.us>, "mike_wrigley@nps.gov" <mike_wrigley@nps.gov>, Nikki Brunner <Nikki_brunner@enzi.senate.gov>, "Pam Buline, Field Rep" <Pam_Buline@barrasso.senate.gov>, "Schmid, David -FS" <dschmid@fs.fed.us>, Sherlyn Kaiswer <Sherlyn.kaiswer@mail.house.gov>, "Swiader, Jennifer E -FS" <jennifereswiader@fs.fed.us>, "Travis_McNiven@barrasso.senate.gov" <Travis_McNiven@barrasso.senate.gov>

YES members – I am forwarding the States motion that was discussed on last week's call. This motion did not pass. At the end of the call, since we were pressed for time, the States agreed to send this out so everyone could see in writing what was being proposed.

I sent separately the Draft Meeting Agenda – with this topic listed as a placeholder. We will need to have a new motion, second and discussion on this if it is going to be brought forward.

Thanks, Mary

Mary C Erickson
Forest Supervisor

Forest Service

Custer Gallatin National Forest

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Caring for the land and serving people

From: Gould,Jeff [mailto:jeff.gould@idfg.idaho.gov]
Sent: Wednesday, November 09, 2016 8:57 AM
To: Erickson, Mary C -FS <mcerickson@fs.fed.us>
Subject: Appendix C reflecting Nesvik motion

Mary-here is a clean copy of Appendix C as it relates to Brian Nevik's motion presented to YES on November 4. The motion, including Jodi's friendly amendment is scripted below. Let me know if you have any questions, thank you.

Nesvik Motion: "Adopt Appendix C without any recalibration language and delete steps 20 and 21. Table 1 would be modified to be consistent with Table 2 in the approved Conservation Strategy (Chapter 2)."

Jeff Gould

Chief, Bureau of Wildlife

Idaho Department of Fish and Game

P.O. Box 25

600 South Walnut

Boise, Idaho, 83707

208-334-2920

https://idfg.idaho.gov

From: Gould,Jeff
Sent: Tuesday, November 08, 2016 5:00 PM
To: brian.nesvik@wyo.gov; McDonald, Ken (kmcdonald@mt.gov)
Subject: FW: Appendix C reflecting Nesvik motion

I will provide this clean version of Appendix C to Mary Erickson once I get concurrence from both of you-do you have any concerns how this is presented?

Motion:"Adopt Appendix C without any recalibration language and delete steps 20 and 21. Table 1 would be modified to be consistent with Table 2 in the approved Conservation Strategy (Chapter 2)."

Jeff Gould

Chief, Bureau of Wildlife

Idaho Department of Fish and Game

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https://idfg.idaho.gov

From: Trever,Kathleen
Sent: Tuesday, November 08, 2016 1:01 PM
To: Gould,Jeff
Subject: Appendix C reflecting Nesvik motion

See attached. I formatted this to get rid of various weird numbering, spacing, footnote issues.

Kathleen E. Trever

Deputy Attorney General

Office: (208) 287-2710

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Appendix C. Calculation of Total Population Size and Mortality Limits

Efforts to improve the population size estimation and management methods and to reevaluate the sustainable mortality limits in the Greater Yellowstone Ecosystem (GYE) have continued with the Interagency Grizzly Bear Study Team (IGBST) leading these efforts. Notably, several special reports have been produced including: "Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear" (hereafter referred to as the Reassessing Methods Document, IGBST 2005, Appendix L), which was released for public comment and peer review. In response to comments received during this process, a second document, "Reassessing Methods To Estimate Population Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear: Workshop document supplement on 19–21 June 2006" (hereafter referred to as the Supplement to the Reassessing Methods Document, IGBST 2006, Appendix M) was produced after further peer review. Most recently, a third document "Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem" (hereafter referred to as the Updated Demographics document, IGBST 2012) was prepared in response to updated information and changes in population trajectory related to grizzly bear demographics. This 2012 document is attached to this 2016 Conservation Strategy as Appendix N.

The goals of these IGBST workshops were to assemble internal and external experts to review and enhance existing methods and, to the extent feasible, use existing data to develop new population estimation methods in order and ensure that population estimation and mortality management methods for the GYE grizzly bear population are based on the best available science. This effort was undertaken as per the commitment in the Conservation Strategy of all management agencies to employ adaptive management using the best available science to manage the GYE grizzly bear population.

The IGBST will use the protocol described in this Appendix to annually estimate population size within the Demographic Monitoring Area (DMA), and then set mortality limits inside the DMA for the following year based on the sliding scale in Table 1. Methods used in this protocol are described in the Reassessing Methods Document (IGBST 2005), summarized in the Supplement

to the Reassessing Methods Document (IGBST 2006), and revised in the Updated Demographics Rates Document (IGBST 2012).

Any change in the methods described below would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process with the requirement that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.

The following procedures detail how population size and mortality thresholds would be calculated:

1. Observations of sightings of females with cubs-of-the-year[1] will be separated into an estimate of unique females with cubs-of-the-year and repeat observations of the same female using the methods of Knight *et al*. (1995).
2. Only sightings of unique females with cubs-of-the-year from within the DMA will be used for subsequent estimates.
3. The Chao2 estimator (Keating *et al*. 2002) will be applied to sighting frequencies of unique females with cubs-of-the-year to estimate the total number of females with cubs of the year in the population.
4. The number of unique females with cubs-of-the-year obtained from the Chao2 estimator each year will be added to the long-term dataset to conduct the model-averaging process described in the Supplement to the Reassessing Methods Document (IGBST 2006). This process involves fitting a linear and quadratic trend model, followed by averaging model parameters based on the respective Akaike's Information Criterion (AIC_c) weights of the linear and quadratic models. These model-averaged parameters are then used to estimate the number of females with cubs-of-the-year.
5. The estimated number of females with cubs-of-the-year obtained through the model averaging will be used as the best estimate of the total number of independent females with cub-of-the-year in the DMA for that year.

[1] Adult female grizzly bears accompanied by cubs that are less than one year old.

Comment [idmtwy1]: In drafts circulated before the 11/4/2016 call, this location contained alternate language proposed by USFWS and the States.

Mr. Nesvik's motion was to adopt Appendix C without including either USFWS' proposed language or the states' compromise proposed language.

Comment [idmtwy2]: In drafts circulated before the 11/4/2016 call, this location contained a paragraph in strikeout. This stricken language was not part of the 2007 strategy; it was proposed by USFWS but not agreed to by the parties.

Mr. Nesvik's motion was to adopt Appendix C, without including USFWS' proposed language.

6. The purpose of fitting the trend model is to obtain the best estimate of the current number of females with cubs-of-the-year by using information from past estimates, recognizing that with each iteration, some change is expected. Retrospectively adjusting estimates from previous years will not occur.
7. The estimated number of females with cubs-of-the-year will be divided by the proportion of females ≥4 years old estimated to be accompanied by cubs-of-the-year (transition probability = 0.2965) observed during 2002–2011. The resulting value represents the best estimate of the total number of females in the population ≥4 years old.
8. The number of females ≥4 years old will be divided by the estimated proportion of females ≥4 years old in the population of females ≥2 years old (proportion = 0.844) observed during 2002–2011. The resulting value is the best estimate of the number of independent females (≥2 years old) in the population that year.
9. The sustainable mortality limit for independent females is dependent on the population estimate of independent females (Table 1).
10. Unknown and unreported mortality will be estimated based on the methods of Cherry *et al*. (2002) as described in the Reassessing Methods Document (IGBST 2005).
11. The number of independent males in the population will be based on the estimated ratio of independent males to independent females (ratio = 1:1) observed during 2002–2011 and derived via stochastic modeling described in the Supplement to the Reassessing Methods Document (IGBST 2006). The number of independent females in the population will thus be multiplied by 1.0 and the resulting value represents the best estimate of the number of independent males that year.
12. The sustainable mortality limit for independent males is dependent on the population estimate of independent males (Table 1).
13. The number of cubs-of-the-year in the annual population estimate will be calculated directly from the model-averaged estimate of females with cubs-of-the-year (IGBST 2006). The number of cubs will be estimated by multiplying the model-averaged estimate of females with cubs-of-the-year by the mean litter size (litter size = 2.49; mortality adjusted estimate) observed during 2002–2011.

14. The number of yearlings will be estimated by multiplying the estimated number of cubs from the previous year by the mean survival rate for cubs (cub survival = 0.553) observed during 2002–2011.
15. The sustainable mortality limit for dependent young (cubs and yearlings) is dependent on the population estimate of dependent young (Table 1). Only human-caused deaths (reported known and probable) will be tallied against the threshold for dependent young.
16. Unknown and unreported mortality will not be estimated for dependent young.
17. Sustainable mortality limits will be established annually based on the data collected in that year and the calculations described here. These mortality limits will then apply the following year. Because model-averaged estimates are used, annual variability among estimates is explicitly addressed. Consequently, annual limits based on a 3-year running average, as proposed in the Reassessing Methods Document (IGBST 2005), are not used. Instead, annual sustainable mortality limits for any year will be based on the data and calculations for the previous year (as described in this protocol and the Updated Demographic Rates Document, IGBST 2012, Appendix N).
18. Estimates of uncertainty about the number of independent females, independent males, dependent young, and total population size will be derived following methods detailed in the Supplement to the Reassessing Methods Document (IGBST 2006) using updated vital rates as documented in IGBST (2012, Appendix N).
19. The objective of 48[2] females with cubs-of-the-year as estimated with Chao2 will be evaluated based on the model-averaged estimate of females with cubs-of-the-year (IGBST 2012).
~~20. A biology and monitoring review by the IGBST will occur should the model-averaged Chao2 estimate decline below 48 females with cubs of the year for any 2 consecutive years.~~
~~21. Agencies will implement management to attempt to limit female mortality model-averaged Chao2 estimate decline below 48 females with cub of the year in any given year.~~
~~22.~~20. In modeling the rate of change (trend) of females with cubs-of-the-year as described in the Supplement to the Reassessing Methods Document (IGBST 2006), if the AIC_c weight favors the quadratic term and corresponding $\Delta AIC_c \geq 2.0$ compared with the linear model for 3 consecutive years, a full review of the population's demographics will be undertaken

[2] 48 independent females with cubs of the year in the DMA is approximately equivalent to a population of 600 bears.

Comment [idmtwy3]: Mr. Nesvik's motion was to adopt Appendix C, with deletion of these two steps, consistent with the recommendation of IGBST.

Because of a numbering glitch in the circulated drafts, there was confusion as to Paragraph numbers. This draft provides clarity as to the proposed re-numbering.

to better understand its status. Given evidence of a population nearing carrying capacity and a population fluctuating around a long-term mean, this approach allows timely detection of a sustained increasing or decreasing trend (van Manen *et al.* 2015).

~~23.~~21. If dead bears are reported in years subsequent to actual year of mortality, they will be tallied against year of death and total mortality will be recalculated. If mortality exceeds the threshold for that year, the difference (total mortality minus threshold) will be counted against the current years' threshold.

~~24.~~22. For bears that are estimated to be independent of age, if sex cannot be determined, sex will be assigned randomly using ratio of 59:41 male:female as recommended in Appendix A of Schwartz and Haroldson (2001).

Table 1. Annual sustainable mortality limits by sex and age cohorts[3] of grizzly bears in the Greater Yellowstone Ecosystem under the protocol to manage for a population at the average annual population estimate for the period 2002–2014 in the Demographic Monitoring Area (DMA) (using the Chao2 estimator this average number is 674).

Maximum mortality rate for:	Population estimate inside the DMA using the model-averaged Chao2 method.			
	<674	674	675-747	>747
% of independent FEMALES	<7.6%	7.6%	9%	10%
% of independent MALES	15%	15%	20%	22%
% of DEPENDENT YOUNG	<7.6%	7.6%	9%	10%

Comment [idmtwy4]: Mr. Nesvik's motion was to adopt Appendix C such that this Table reference is consistent with that previously agreed upon for Table 2 in Chapter 2 of the Conservation strategy.

[3] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

Literature Cited

Cherry, S., M.A. Haroldson, J. Robison-Cox, and C.C. Schwartz. 2002. Estimating total human-caused mortality from reported mortality using data from radio-instrumented grizzly bears. Ursus 13:175–184.

Interagency Grizzly Bear Study Team. 2005. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 60 pp.

Interagency Grizzly Bear Study Team. 2006. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear workshop document supplement 19–21 June 2006. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 21 pp.

Interagency Grizzly Bear Study Team. 2012. Updating and evaluating approaches to estimate population size and sustainable mortality limits for grizzly bears in the Greater Yellowstone Ecosystem. Interagency Grizzly Bear Study Team, U.S. Geological Survey, Bozeman, Montana, USA. 66 pp.

Keating, K.A., C.C. Schwartz, M.A. Haroldson, and D. Moody. 2002. Estimating numbers of females with cubs-of-the-year in the Yellowstone grizzly bear population. Ursus 13: 161–174.

Knight, R.R., B.M. Blanchard, and L.L. Eberhardt. 1995. Appraising status of the Yellowstone grizzly bear population by counting females with cubs-of-the-year. Wildlife Society Bulletin 23: 245–248.

Schwartz, C.C. and M.A. Haroldson. 2001. Appendix A. Pages 119–121 *in* Yellowstone grizzly bear investigations: annual report of the Interagency Grizzly Bear Sutdy Team, 2000. U.S. Geological Survey, Bozeman, Montana, USA.

Van Manen, F.T., M.A. Haroldson, D.D. Bjornlie, M.R. Ebinger, D.J. Thompson, C.M. Costello, and G.C. White. 2015. Density dependence, whitebark pine decline, and changing vital rates of Yellowstone grizzly bears. Journal of Wildlife Management. doi: 10.1002/jwmg.1005.

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus; Willey, Seth; Kasdin, Alexandra; Serena Baker; Thabault, Michael
Subject:	Fwd: FW: Tribal Grizzly Bear Treaty
Date:	Wednesday, October 19, 2016 4:37:53 PM
Attachments:	signature letter-Grizzly Bear Treaty.pdf

FYI

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---------- Forwarded message ----------
From: **Hagener, Jeff** <JHagener@mt.gov>
Date: Wed, Oct 19, 2016 at 9:45 AM
Subject: FW: Tribal Grizzly Bear Treaty
To: "Bush, Jodi" <jodi_bush@fws.gov>

Jodi

FYI – CSKT statement on grizzly delisting. Signature letter is most pertinent.

CSKT not taking position on delisting – do not support sport hunting of the bear.

Jeff

> **From:** "Dale Becker" <dale@cskt.org>
> **To:** "Williams, James" <jiwilliams@mt.gov>, "Anderson, Neil" <NAnderson@mt.gov>, "wayne_kasworm@fws.gov" <wayne_kasworm@fws.gov>, "'Dan Carney'" <dcarney@3rivers.net>
> **Subject: Tribal Grizzly Bear Treaty**
>
> WE worked with the Tribal Council yesterday to develop a legal signing statement to accompany the Tribes' signature on the Tribal Grizzly Bear Treaty. I am attaching a copy of the text of the Treaty, as well as a copy of the Tribes' signed signing statement. Stacy, Tom and I had concerns specifically about the treaty language in Articles 7 and 10, which we felt could impinge on our ability to work cooperatively with MFWP and USFWS on grizzly bear management and recovery.. Our attorneys believe that the signing statement takes care of that, in addition to the Tribal Chairman's assurance received in the discussion with the

Piikuni representative that brought the treaty to the Council.

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A Confederation of the Salish, Pend d' Oreille and Kootenai Tribes

A People of Vision

TRIBAL COUNCIL MEMBERS:
Vernon S. Finley - Chairman
Len Twoteeth - Vice Chair
Troy Felsman - Secretary
Anita Matt - Treasurer
Ronald Trahan
Shelly R. Fyant
Leonard W. Gray
Carole Lankford
Dennis Clairmont
Patty Stevens

October 18, 2016

Signing Statement of the Confederated Salish and Kootenai Tribes of the Flathead Reservation

This Signing Statement of the Confederated Salish and Kootenai Tribes (CSKT) is submitted together with the signature of the Tribal Chairman on the document entitled "The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration" (Grizzly Treaty) signed at the CSKT Tribal Council Chambers on October 18, 2016.

The CSKT is in agreement with the aspirations and goals of the Grizzly Treaty particularly regarding the reverence that Tribes have for the Grizzly Bear, and the spiritual, cultural, and ceremonial role that the Grizzly plays in the life and history of each signatory Tribe. The CSKT agrees that Grizzly Bears should be managed through the use of the best available science, traditional ecological knowledge, and culturally relevant information.

With these goals in mind, the CSKT signs this Grizzly Treaty with the intention of continuing our proven management of Grizzly Bears and their habitat in western Montana. The CSKT has a robust Grizzly Bear management program in place, and will continue to manage them utilizing our knowledge and experience, including our understanding of the current habitat conditions and status of Grizzlies in western Montana.

The CSKT offers its signature in solidarity with the other signatories to this Grizzly Treaty, but want to clearly state our intention to honor our existing and future partnerships with appropriate state and federal wildlife and natural resource management agencies. We believe these partnerships offer the best chance for meaningful recovery and management of this profoundly important species, particularly within the Crown of the Continent ecosystem, where intergovernmental cooperation is the key to successfully managing all activities for the benefit of Grizzly Bears.

Finally, the CSKT has not taken a formal position that delisting of the Grizzly Bear should never occur, however the CSKT will remain consistent in our opposition to the sport and trophy hunting of Grizzly Bears.

The CSKT joins with all Tribal Nations who are signatories to this Grizzly Treaty in hoping that this agreement will serve as a catalyst to all individuals, organizations and governments to voice their concern for Grizzly Bears. We hope to see this sacred Bear forever retain its place in our traditions and on our landscapes.

Sincerely,

Vernon S. Finley

Vernon S. Finley, Chairman

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Fwd: FW: USFS Position Statement
Date: Friday, September 30, 2016 11:16:57 AM

---

received.

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Fri, Sep 30, 2016 at 11:11 AM
Subject: Re: FW: USFS Position Statement
To: "Willey, Seth" <seth_willey@fws.gov>
Cc: Michael Thabault <Michael_Thabault@fws.gov>, Don Morgan <Don_Morgan@fws.gov>

Excellent. This is very helpful.

On a completely different subject, I assume Mike T told you about the letter Dan and I got from Bob Broscheid conveying WAFWA's desire to work with us to consider new ESA tools to incentivize conservation on federal lands,i.e., the advance 10j rule concept. Mike said that you had been discussing that with Ken McDonald, and Bob was fine with you and Ken continuing to flesh that out. If you need any help from my folks, let Don know. I understand that Mike Young has some ideas on how to effectuate this. If that's the case, we'll want to engage him before the end of the year, because I think he's planning on retirement around that time.

Thanks for all you're doing. Good to see you last week. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Fri, Sep 30, 2016 at 12:04 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Hey Gary,
>
> I think you already got this, but FS has asked that it be shared with both RO and HQ leadership. All it basically says is they support calibration. I think we knew that, but this says it formally.
>
> Hope all is well.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Jennifer Fortin-Noreus** <jennifer_fortin-noreus@fws.gov>
Date: Thu, Sep 29, 2016 at 4:53 PM
Subject: FW: USFS Position Statement
To: Matt Hogan <Matt_Hogan@fws.gov>, noreen_walsh@fws.gov, michael_thabault@fws.gov, Seth <seth_willey@fws.gov>

I was asked by the Forest Service to confirm that the attached document "USFS Statement of Interest GYE Population Objective 15Sept2016" was received by our regional office. I will be at the YES meeting on Monday and would like to confirm with them that it has been.

Thank you,
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu

_____
From: Erickson, Mary C -FS [mcerickson@fs.fed.us]
Sent: Thursday, September 22, 2016 2:40 PM
To: Fortin-Noreus, Jennifer
Subject: Fwd: USFS Position Statement

Hello Jennifer. I wanted to be sure you had received this.

Thanks, Mary

Sent from my iPad

Begin forwarded message:

From: "Landenburger, Lisa A -FS"

<lalandenburger@fs.fed.us<mailto:lalandenburger@fs.fed.us>>
Date: September 22, 2016 at 1:58:48 PM MDT
To: "Erickson, Mary C -FS"
<mcerickson@fs.fed.us<mailto:mcerickson@fs.fed.us>>
Subject: USFS Position Statement

Mary,
At Dan's direction, and per your request, attached is a copy of the USFS Position Statement pertaining to GYE grizzly bear population objectives. This is the document that was sent to and approved by Dave Schmid. It is ready to be delivered to USFWS.

p.s. – pdf and Word doc formats

Lisa Landenburger
Grizzly Bear GIS Database Coordinator, Greater Yellowstone Ecosystem USGS
Northern Rocky Mountain Science Center USFS Affiliate, Region 1
Email: lalandenburger@fs.fed.us<mailto:lalandenburger@fs.fed.us>
phone: 406-994-7430

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From:	Jodi Bush
To:	Jennifer_fortin-noreus@fws.gov
Subject:	Fwd: First draft agenda for Cody YES meeting
Date:	Wednesday, November 09, 2016 10:48:37 AM
Attachments:	Untitled attachment 00473.htm YES-FallAgendaNov16-17-2016.docx

---

Can you talk after lunch? JB

Sent from my iPhone

Begin forwarded message:

> **From:** "Tyers, Daniel - FS" <dtyers@fs.fed.us>
> **Date:** November 9, 2016 at 10:38:16 AM MST
> **To:** "Erickson, Mary C -FS" <mcerickson@fs.fed.us>, "Rupert, Susan -FS" <srupert@fs.fed.us>, "Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu)" <jennifer.fortin-noreus@mso.umt.edu>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, "Daniel Thompson (daniel.thompson@wyo.gov)" <daniel.thompson@wyo.gov>, "fvanmanen (fvanmanen@usgs.gov)" <fvanmanen@usgs.gov>, "Alexander, Joseph G -FS" <jgalexander@fs.fed.us>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov>, "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>
> **Subject: First draft agenda for Cody YES meeting**
>
> Here is a tentative agenda for the YES meeting next week in Cody. Mary hopes to release a draft for wider review later today. However, we wanted to solicit your opinion before we took the next step. Jodi and Jennifer, we realize there are constraints on what you can present, so feel free to match the material you provide to your political reality.
>
> What feedback would you offer? Thanks for your review. If you are presenting- thanks also for your help at the conference.
>
> Scott Jackson- if you are still at NCDE meeting with Jennifer, could you check with her to see if she received this message?

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Participating Agencies

U.S. Fish and Wildlife Service

National Park Service

Grand Teton National Park

Yellowstone National Park

U.S. Geological Survey

Interagency Grizzly Bear Study Team

Bureau of Land Management
Idaho Montana Wyoming

Forest Service

Beaverhead-Deerlodge NF

Bridger-Teton NF

Caribou-Targhee NF

Custer Gallatin NF

Shoshone NF

States and Counties

Idaho Department of Fish and Game

Montana Department of Fish Wildlife and Parks

Wyoming Game and Fish Department

Idaho Association of Counties

Montana Association of Counties

Wyoming County Commissioners Association

Indian Tribes

Shoshone Bannock
Northern Arapaho
Eastern Shoshone

Chair:
Mary Erickson

Agenda
2016 Fall Meeting
November 16/17, 2016
Buffalo Bill Center of the West
720 Sheridan Ave.
Cody, WY

Wednesday, November 16, 2016

1:00 - 1:15 pm	Welcome and Introductions	Mary Erickson *Custer Gallatin NF*
1:15 – 1:30 pm	Review of minutes	Mary Erickson *Custer Gallatin NF*
1:30 –2:00 pm	Status of delisting process	Jodi Bush USFWS
2:00 – 2:15 pm	Break	
2:15 – 3:00 pm	Conservation Strategy update – changes to date	Jennifer Fortin USFWS
3:00– 4:00 pm	IGBST annual report	Frank van Mannen USGS
4:00 – 430 pm	Public comments	Mary Erickson Custer Gallatin NF
4:30	Adjourn	

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Shoshone NF

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Idaho Association of Counties

Montana Association of Counties

Wyoming County Commissioners Association

Indian Tribes

Shoshone Bannock
Northern Arapaho
Eastern Shoshone

Chair:
Mary Erickson

Thursday, November 17, 2016

8:00 – 8:15 am	Welcome and Announcements	Mary Erickson *Custer Gallatin NF*
8:15 – 8:45 am	YES charter and updates	Mary Erickson Custer Gallatin NF
8:45 – 9::15 am	YES 2016 Accomplishments and 2017 Action Plan	Dan Tyers USFS
9:15:– 9:30 am	Break	
9:30 – 10:30 am	Wyoming grizzly bear management program	Dan Thompson WGFD
10:30-11:00	Public Comment Period	Mary Erickson Custer Gallatin NF
11:00	Adjourn	

From:	Kasdin, Alexandra
To:	Michel Bagbonon
Cc:	Jennifer Fortin-Noreus; Seth Willey
Subject:	Fwd: Grizzly - public comment - corrupt file
Date:	Friday, October 14, 2016 10:46:12 AM
Attachments:	1.rtf 3.rtf

Hi Michel,

Could you please add the attached two files to the Humane Society's comment (FWS-R6-ES-2016-0042-9781)?

Thanks!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

---------- Forwarded message ----------
From: **Jennifer Lonergan** <jlonergan@humanesociety.org>
Date: Fri, Oct 14, 2016 at 8:58 AM
Subject: RE: Grizzly - public comment - corrupt file
To: Tracie Letterman <tletterman@humanesociety.org>, "Willey, Seth" <seth_willey@fws.gov>
Cc: Alexandra Kasdin <alexandra_kasdin@fws.gov>, Tyson Powell <Tyson.Powell@sol.doi.gov>, Keisha Sedlacek <ksedlacek@humanesociety.org>

Good morning,

I am attaching here two .rtf files – depending on in which order you received the files (including the edited comments), one of the attached versions should be the 3rd (corrupted) file. These seem to open fine on my computer, but please let me know if they continue to be inoperable on your end, and I will figure out a different format for them.

Thanks so much for letting us know about the problem!

Very best,

Jen Lonergan

From: Tracie Letterman
Sent: Thursday, October 13, 2016 4:21 PM
To: Willey, Seth
Cc: Alexandra Kasdin; Tyson Powell; Keisha Sedlacek; Jennifer Lonergan
Subject: RE: Grizzly - public comment - corrupt file

Thanks for reaching out about the damaged file, Seth. We're connecting with our IT department now and will circle back with you tomorrow on the status of the file.

Thanks,

Tracie

From: Willey, Seth [mailto:seth_willey@fws.gov]
Sent: Thursday, October 13, 2016 4:10 PM
To: Tracie Letterman
Cc: Alexandra Kasdin; Tyson Powell; Keisha Sedlacek
Subject: Fwd: Grizzly - public comment - corrupt file

Hello Tracie,

Thank you for chatting. Below is the email sent to Keisha describing the situation. Please let me know if you are able and interested in resubmitting the third file for our consideration. We would like to consider the comments if possible. As indicated below, we request the resubmitted file no later than 3pm mountain tomorrow.

Thanks,

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

---------- Forwarded message ----------
From: **Willey, Seth** <seth_willey@fws.gov>
Date: Thu, Oct 13, 2016 at 1:56 PM
Subject: Grizzly - public comment - corrupt file
To: ksedlacek@humanesociety.org
Cc: Alexandra Kasdin <alexandra_kasdin@fws.gov>, Tyson Powell <Tyson.Powell@sol.doi.gov>

Hello Keisha,

I am contacting you regarding your comments on the proposed delisting of the Yellowstone Grizzly Bear population (Docket ID: FWS-R6-ES-2016-0042). This is a follow up to two previous voice messages from myself (10/13) and Michel Bagbonon (10/12). As previously indicated, we received 30 rtf files with member comments. However, the 3rd of the 30 files was corrupt and cannot be opened; the remaining files function normally. Your comments, minus the third corrupt file, have been uploaded here: https://www.regulations.gov/document?D=FWS-R6-ES-2016-0042-9781

We are reaching out again to see if you wish to resubmit the third file. If so, we need this file by 3pm mountain time tomorrow. Please let me know.

Additionally, on the off chance you are on leave, I am going to call your main line to see if we can reach another person in your shop.

Thanks,

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

Ms. Cindy Messman
107 Saddle Creek Ct
Greer, SC 29651-2408

Sep 28, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

I am writing to ask that you do not delist Yellowstone grizzly bears.

Grizzly bears in the Greater Yellowstone Ecosystem (GYE) have benefited greatly from Endangered Species Act (ESA) protections but are not yet recovered. Removing federal protections from this one small, isolated population and subjecting them to trophy hunting will not advance the conservation of this species.

The federal government spent years trying to add bears to the population, only to now turn around and let states give trophy hunters the green light to start killing them.

Yellowstone grizzly bears currently face a world of mounting threats, including a warming climate, reckless big game hunters, loss of important food sources and isolation from other bear populations. This iconic species will be put at an even greater risk if grizzly bears are delisted and managed by the states, where there are inadequate regulatory mechanisms to protect them. Prominent grizzly bear scientists agree that the delisting is premature. The grizzly bear population in the lower 48 states is less than two percent of their pre-settlement population and occupy an insignificant proportion of their pre-settlement range.

Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Cindy Messman

Mrs. Italia Millan
3744 Bald Mountain Rd
Auburn Hills, MI 48326-1812

Sep 28, 2016

U.S. Fish and Wildlife Service

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Sincerely,
Mrs. Italia Millan

Ms. Kelley Dwyer
12703 Silver Creek Dr
Austin, TX 78727-2810

Sep 28, 2016

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Sincerely,
Ms. Kelley Dwyer

Ms. ilse singer
355 S End Ave
New York, NY 10280-1005

Sep 28, 2016

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Sincerely,
Ms. ilse singer

Mr. Donald Hunt
801 Walnut St
Three Rivers, MI 49093-2352
(269) 279-6163

Sep 28, 2016

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Sincerely,
Mr. Donald Hunt

Ms. Angela Grammatico
15450 Uthers St
Clinton Twp, MI 48038-5801
(586) 246-3009

Sep 28, 2016

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Sincerely,
Ms. Angela Grammatico

Mr. Peter Wood
10 Mitchell Pl
New York, NY 10017-1801
(646) 220-0286

Sep 28, 2016

U.S. Fish and Wildlife Service

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Sincerely,
Mr. Peter Wood

Mr. William McMullin
31820 Concord Dr
Apt D
Madison Heights, MI 48071-1761

Sep 28, 2016

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Sincerely,
Mr. William McMullin

Ms. Jenn Gabriel-MacDonald
3620 Huffines Blvd Apt 2322
Carrollton, TX 75010-6494

Sep 28, 2016

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Sincerely,
Ms. Jenn Gabriel-MacDonald

Ms. Kimber Wukitsch
4115 Arizona St
San Diego, CA 92104-1737

Sep 28, 2016

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Sincerely,
Ms. Kimber Wukitsch

Ms. Carol Spickler
9 Ashwood Ave
Salem, NH 03079-3478
(603) 548-7707

Sep 28, 2016

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Sincerely,
Ms. Carol Spickler

Ms. Sharon Conklin
148 Oceans Edge Dr
Ponte Vedra Beach, FL 32082-4046

Sep 28, 2016

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Sincerely,
Ms. Sharon Conklin

Ms. Hilary Gloege
629 Pennsylvania Ave
West Bend, WI 53095-4139

Sep 28, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

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istanbul
istanbul, None 99999

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Ms. melek korel

Mrs. Janine Daughters
574 Bugle Bluff Dr
Henderson, NV 89015-6941
(702) 563-7071

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Mrs. Janine Daughters

Miss Stefanie Whitney
2310 S 600 E
Apt 4
Slc, UT 84106-1433
(801) 410-8033

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Miss Stefanie Whitney

Ms. Carolynn Huerta
5721 S Mason Ave
Chicago, IL 60638-3606

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Mrs. Adara Skjonsby
1307 146th Ave
New Richmond, WI 54017-6652
(763) 567-9413

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Ms. D Nach
10621 Autumnsong Ct
Highlands Ranch, CO 80126-8619

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Ms. D Nach

Mrs. Tori Mendonca
1131 N Rossmoor Ct
Visalia, CA 93291-7877
(559) 734-4157

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Ms. Lisa Davis
1850 N Clark St
Chicago, IL 60614-5301

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Ms. Allison Ferrari
2328 Crescent St
Astoria, NY 11105-3108

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Mrs. Rose Kasper
7654 Forest Park Dr
Shawnee, KS 66217-3008

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Mrs. Melissa Dunleavy
22 Forest Ct
Medford, NJ 08055-3454

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Ms. Jennifer Rose
3900 S 4000 W
West Valley, UT 84120-4038

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Ms. Adeline Ng
654 Woodlands Ring Road
Singapore, None 730654
90688275

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Mr. Brian Weber
1325 N 63rd St
Milwaukee, WI 53213-2919

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Mrs. Dawn Lavera
997 28th St
Altoona, PA 16601-1649
(814) 934-2111

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Miss Nat Cara
401 Golden Isles Dr
Hallandale Beach, FL 33009-7509

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Ms. Irene Hsu
1311 Red Sage
Irvine, CA 92618-1532
(949) 266-7126

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Mrs. Angela Ramsey
4450 Irene St
Inkster, MI 48141-2132

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Mrs. Angela Ramsey

Ms. anthea nicholas
112 Maple Ave
Fairmont, WV 26554-3127
(304) 366-2736

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Ms. anthea nicholas

Mr. David McElhose
3217 36th St
Columbus, NE 68601-1605
(402) 910-4712

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Ms. Megan Thompson
507 S Massachusetts St
Erie, KS 66733-1617
(620) 717-2946

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Sincerely,
Ms. Megan Thompson

Mr. Gabe Wigtil
9328 Caroline Ave
Silver Spring, MD 20901-3405
(520) 203-4623

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Nicole Gaines
3309 Grasmere Dr
Lexington, KY 40503-4019

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Ms. Margaret Knue
1113 Penrod Ct
Folsom, CA 95630-8557

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Mrs. Kathleen Obre
1055 Wykoff Way
Laguna Beach, CA 92651-3036

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Mrs. Susan Franciscovich
19 Overbrook Dr
Apalachin, NY 13732-4233

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Mrs. Susan Franciscovich

Ms. Denise Hamman
30 Benjamin St
Dedham, MA 02026-3535
(617) 291-4521

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Ms. Caitlin Umberger
356 Bell Cir
Lynn Haven, FL 32444-4630

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Mrs. SHARON BATES
43 Cooper Ave
Wallingford, CT 06492-3967

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Mrs. SHARON BATES

Ms. Bridget B
3231 N Kenmore Ave
Apt 2n
Chicago, IL 60657-6748
(815) 252-0038

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Ms. Paula Gaudet
31 Hillcrest Park Apt D
South Hadley, MA 01075-2975
(413) 322-9190

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Mr. Craig Beaumont
148 W 83rd St
New York, NY 10024-5259

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612 W Oriole Ln
Mount Prospect, IL 60056-1120

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Miss sandy vanpelt
2906 worlidge ct
freehold, NJ 07728
(732) 252-5558

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Ms. Martha Jobes
137 Foxglove Dr
Delran, NJ 08075-2869

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Mrs. Kristi Sirlin
10900 NW 12th Pl
Plantation, FL 33322-6931

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Mrs. Tracy Winton
2808 Grayton St
Deltona, FL 32738-1302

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Mrs. Kristin Drexler
1246 Porter Rd
Norton Shores, MI 49441-5758
(231) 206-7409

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Mr. REX PETERSON
507 NW 7th St
Redmond, OR 97756-1604
(541) 548-1986

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Miss Danielle Rayhart
1116 NE Kenwood Dr
Lees Summit, MO 64064-1768

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Mrs. Jessica Giltzow
1898 Burton Dr
Bartlett, IL 60103-1300

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Mrs. Jessica Giltzow

Mrs. JoAnne Clark
1 N Carlisle Ct
Round Lake, IL 60073

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Mr. Stephen Callas
190 Hunting Ln
Fair Haven, NJ 07704-3153
(732) 673-7980

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Mr. Stephen Callas

Ms. Susan Tabachnick
24 Ryan Way
Hoschton, GA 30548-2884

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mrs. Susan Soble
193 Boxwood Dr
Hawthorn Woods, IL 60047-8912

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Mrs. Susan Soble

Ms. Meghan Schuessler
1144 Aster Ave
Merrick, NY 11566-1141

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Ms. Meghan Schuessler

Ms. Stacy Reed
2013 Shirewood Dr
Shelby Township, MI 48317-2776
(989) 475-4416

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Sincerely,
Ms. Stacy Reed

Ms. Corinne Cassourr
7750 Genesta St
Saint Louis, MO 63123-2813
(314) 605-1219

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Miss Ulrica Sjögren
Fjärilstg
Stockholm, None 19735

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Miss Ulrica Sjögren

Ms. Jamie Ball
1331 N Cordova St
Burbank, CA 91505-2249

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Ms. Jamie Ball

Mr. jon jovi
4265 Hartlepool Way
Antelope, CA 95843-5101

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Ms. Claire Zeaman
110 Forest St
Kearny, NJ 07032-3336

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Mr. Ken Carrell
24975 Heartwood Cir
Lake Forest, CA 92630-3416

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Dr. Angelique Lam
12209 NW 75th Pl
Parkland, FL 33076-4503

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Mrs. De Ann Glass
13626 S Cloudywing Way
Riverton, UT 84096-6996

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Mrs. Ginger Wehrman
PO Box 160508
Big Sky, MT 59716-0508
(406) 839-0114

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Ms. Jacinda Schweitzer
84 Wabasha St S
Apt 226
Saint Paul, MN 55107-1849

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Mrs. Shila Newman
8606 Pacific Ave Apt D2
Tacoma, WA 98444-6468
(253) 327-5537

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Mrs. Briana Manta
369 E 770 N
Tooele, UT 84074-3711

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Miss Suzan Toma
Beethovenstraat
Sittard, None 6137 PV

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Ms. Marissa Patterson
4762 Lonestone Cir
Katy, TX 77449-1540

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Mr. Kevin Kunkel
12027 Macdonald Ct
Glen Rock, PA 17327-8947
(717) 434-3588

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Mrs. Janice Sampo
2058 Hilltop Dr
Green Bay, WI 54313-9320

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Mrs. Theresa McKay
163 Brunswick Road
Bradford, None BD10 9BD

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Mr. Brandon Moberg
3816 S Lamar Blvd Apt 513
Austin, TX 78704-7945

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Sincerely,
Mr. Brandon Moberg

Miss Deborah Bednar
5739 W Western Reserve Rd
Canfield, OH 44406-8112

Sep 28, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

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Sincerely,
Miss Deborah Bednar

Miss manuela wolter
villareal-Tamarindo
Tamarindo
san-jose, IA 50309

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Sincerely,
Miss manuela wolter

Ms. Osmary Moya
8821 W Flagler St
Miami, FL 33174-2484

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Ms. Osmary Moya

Ms. Cheryl Sikma
43256 W Venture Rd
Maricopa, AZ 85138-2362

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Ms. Cheryl Sikma

Mrs. Marie Dickenson
2080 Lillaston Ln
Hayes, VA 23072-3704
(804) 642-8779

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Sincerely,
Mrs. Marie Dickenson

Mrs. Melissa Heitman
6320 Old Lemay Ferry Rd
Imperial, MO 63052-2866
(314) 459-1695

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Mrs. Melissa Heitman

Ms. Stacey Huerth
11859 Avocet Cir NW
Minneapolis, MN 55448-2007

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Mrs. Kelli Hedden
102 NE 128th Ave
Portland, OR 97230-2430

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Ms. Denise Stipes
2020 W Willow St
Apt D
Chicago, IL 60647-6005

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Ms. Denise Stipes

Ms. Brooklyn Davis
16000 Mateo St
San Leandro, CA 94578-3024

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Ms. Amanda Scuder
175 W 92nd St Apt 6d
New York, NY 10025-7523
(212) 541-1142

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Mr. Matt Pope
17 Daniel Dr
American Canyon, CA 94503-3094

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Mr. Matt Pope

Mrs. L Bruzik
Janes Lane
Stamford, CT 06905
(203) 675-9087

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Mrs. Natasha Rott
5734 Prestonwood Ct
Indianapolis, IN 46254-5023

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Ms. ANN O'Leary
30 Sharon Ct
W Menlo Park, CA 94025-6245
(650) 996-0778

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Miss Marisa Caltabiano
2029 W 8th St
Brooklyn, NY 11223-3608

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Ms. Veronica Morawski
417 Spice Ct
Kissimmee, FL 34758-3651

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Ms. Veronica Morawski

Ms. Sheila Dunleavy
101 E Oak St
Oakland, NJ 07436-2745
(201) 555-5555

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Mrs. Kim Barnes
9401 N Frye Rd
Peoria, IL 61615-1772

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Ms. Jana Whitman
3709 Rosewalk Ct
Highlands Ranch, CO 80129-4606
(303) 948-8531

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Ms. Jana Whitman

Mrs. mary bowers
12759 Pine Haven Rd
Hot Springs, SD 57747-7545
(605) 745-3250

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Mrs. mary bowers

Mrs. nicolette ludolphi
am fockenberg 48
bremen, None 28239

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Sincerely,
Mrs. nicolette ludolphi

Ms. Carmel Palm
162 30th Ave E
West Fargo, ND 58078-7942

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Carmel Palm

Ms. Bettie Speck
8821 Imperial Forest St
Las Vegas, NV 89139-7638
(702) 646-2250

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Miss Celine Duburg Anchen
brandi 6675
Montevideo, NY 10010

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Mrs. Audrey Yingling
435 John St
Saginaw, MI 48602-3245
(989) 293-4854

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Miss Sarah Masson
639 Charles St
East Lansing, MI 48823-3308

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Miss Sarah Masson

Mr. Ray Young
86 Adrian Rd
Rochester, NY 14622-1602

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Mr. Ray Young

Ms. Tatyana Silvers
14355 Purdue St
Moorpark, CA 93021-1319

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Ms. Tatyana Silvers

Mrs. Kerstin Louw
655 Allen Ave
North Attleboro, MA 02760-6244
(508) 643-5058

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Mrs. Kerstin Louw

Ms. Debra Mckay
1 Douglass Way
Exeter, NH 03833-1809

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Ms. Tiffany Patrick
20750 Andiron Pl
Estero, FL 33928-2284

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Mrs. Alicia Gallego
10 Larsen Dr
Succasunna, NJ 07876-1233

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Mrs. Alicia Gallego

Mrs. Kate Rouleau
7340 E Legacy Blvd
Scottsdale, AZ 85255-6337

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Mrs. Kate Rouleau

Ms. Kim Hill
822 Spring Ct
Liberty, MO 64068-4320

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Mrs. Amy Foster
1627 Altair Dr
Carmel, IN 46032-7185
(317) 416-9031

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Miss Kendall Reid
175 W Avenida Alessandro
San Clemente, CA 92672-4332

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Ms. Tonya Zidlicky
2337 Nashwood St
San Antonio, TX 78232-3915

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Ms. Kayla Snell
9350 Double R Blvd Apt 3913
Reno, NV 89521-3844
(775) 378-1797

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Ms. Kayla Snell

Mrs. Sue Victor
4162 Moorcroft St
Las Vegas, NV 89147-4920

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Mrs. Susan Shafer
26865 SW PETES MT RD
West Linn, OR 97068

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Mrs. Tracy Walker
30 Thompson St
Wilton, ME 04294-6043
(207) 645-3015

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Ms. Rita De Ferrary
Cater bay
St. Thomas, VI 00803

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Miss Hannah Haverkamp
160 E Vaughn Pl
Shelton, WA 98584-9061
(425) 248-7869

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Miss Hannah Haverkamp

Miss Nadia Emily
23268 Orange Ave
Lake Forest, CA 92630-4886

Sep 28, 2016

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Ms. steve ann chambers
246 Kenmore Ave
Council Bluffs, IA 51503-4738

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Ms. Kat Dabrowski
320 Orchard Ter
Roselle, IL 60172-3006

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Ms. Lisa Kamins
1405 Ocean Park Blvd
Santa Monica, CA 90405-4854
(248) 561-1761

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Ms. Lisa Kamins

Ms. Erin Swafford
11423 N Kentucky Ave
Kansas City, MO 64157-8117

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Ms. Heather Henry
6345 Louis Clark Ct
Jacksonville, FL 32222-2552

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Mr. Galiek Niamut
Nela Park 23
Cleveland, OH 44112
(401) 287-1915

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Ms. Andrea Steinmann
27 Maplewood Dr
East Lyme, CT 06333-1522

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10803 Leatherstocking Ave
Las Vegas, NV 89166-8001

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501 N 29th St
Ashland, NE 68003-1037

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Mr. Scott Beckstead
737 Tanglewood St
Sutherlin, OR 97479-9015
(541) 530-8509

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Ms. Lorena Acevedo
81 5th Ave
Garden City Park, NY 11040-5005
(917) 697-9365

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7157 Eads Ave
La Jolla, CA 92037-5455

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Mr. Clint Harrison
3195 Gumtree Rd
Winston Salem, NC 27107-9331

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Ms. Marcia Hancock
212 Peninsula Ave
Burlingame, CA 94010-2950
(650) 393-9616

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Ms. Teresa Rivas
158 Wayne St
Apt 402a
Jersey City, NJ 07302-3469
(856) 905-0249

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Mrs. Diane Bianchin
100 Webb Dr
Washington, PA 15301-6414
(724) 222-0214

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Ms. Janine Covert
15109 W Futurity Ln
Pocatello, ID 83202-5037
(208) 238-6365

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Miss Julianne Jarvis
15249 Cavalieri Rd
Sonora, CA 95370-9210

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Mrs. J.J. Lukens
HC 67 Box 68
BC
Mountain View, MO 65548-9005

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Sincerely,
Mrs. J.J. Lukens

Mr. Walter Burbank
52 Samantha Ln
Auburn, ME 04210-7818

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Melody Warman
3003 W Gunnison St
Chicago, IL 60625-4392

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Ms. Pamela Spires
4922 Dresden Way
Saint Peters, MO 63304-7523

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Ms. Pamela Spires

Mrs. Laurie Grimmett
2162 S Fieldcrest Ct
Wichita, KS 67209-3204
(316) 210-2429

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Mrs. Laurie Grimmett

Ms. mary Coudneys
3747 Navarra Ave
White Lake, MI 48383-1467
(248) 714-9354

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Ms. Patricia Hoffman
4908 Shepherdstown Rd
Martinsburg, WV 25404-0113
(202) 309-4836

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Ms. Lisa Simms
50 Fitzgerald Ct
Monroe, NY 10950-4434

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Mrs. Carmen Behm
2149 Mimosa Dr
Lake Havasu City, AZ 86403-6793

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Ms. Julia Freund
4665 Pittman Rd
Cumming, GA 30040-6595

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Mrs. Sharon LeSage
4833 Crestwood Ct
Santa Maria, CA 93455-4838
(805) 448-0498

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Mrs. Joan Haines
PO Box 1718
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Ms. Steph Gilbert
7730 Palomino Ave NE
Otsego, MN 55330-6244

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Ms. Ilham Majure
Feliu 32
Barcelona, None 08041

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Mrs. B V
24388 Amigos Ct
Los Altos Hills, CA 94024-4713

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Ms. Alejandra Ruiz
2557 E Seville Ave
Anaheim, CA 92806-3112

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Mrs. Amy Bond
12053 Raccoon Rd
Bertha, MN 56437-1239

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Mrs. Barri Karpewicz
1411 Winsted Dr
Fallston, MD 21047-2213

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Dr. Jessi Sedlacek
8493 Twin Lakes Dr
Jenison, MI 49428-8664

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Dr. Jessi Sedlacek

Ms. Sarah Borchert
681 Joplin St
Aurora, CO 80011-7604
(303) 217-1841

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Ms. Sarah Borchert

Mrs. Karen Blaney
43 North Rd
East Kingston, NH 03827-2019

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21178 E Alyssa Rd
Queen Creek, AZ 85142-6557

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Sherri Maley

Ms. Colleen Cleary
1 Wood Duck Ln
Ottawa, IL 61350-9685
(312) 391-7349

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Elsa Wilson
126 Julia Cir
Davidson, NC 28036-6941

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Sincerely,
Ms. Elsa Wilson

Ms. Madeleine Lachevre
10 Greenleaf Rd
Milton, MA 02186-2107

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Ms. Madeleine Lachevre

Miss Olivia Hickey
31 Samaritan Ave
Ashland, OH 44805-3922
(419) 651-2995

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Miss Olivia Hickey

Ms. Veronica Alvarez
2982 Mesa Grove Rd
Fallbrook, CA 92028-8007

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Miss Stephanie Christie
4601 Park Commons Dr
Saint Louis Park, MN 55416-4984

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Ms. Tanbir Minhas
1484 Gable Ct
Tracy, CA 95376-8619

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Ms. Monica Lima
Foscolo 1
Agliana, None 51031

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Ms. Monica Lima

Dr. krista douglass
2901 Dunleer Pl
Los Angeles, CA 90064-4307

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Mrs. Peggy Edwards
1812 E 3rd St
Port Angeles, WA 98362-4912
(000) 000-0000

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Ms. Kristi MacKenzie
5111 W Point Loma Blvd
San Diego, CA 92107-1314

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Ms. Lindsey Liberatore
240 51st Ave
Long Island City, NY 11101-5964

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Mrs. Patty Clark
1600 Maple Dr
Knoxville, TN 37918-2299

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Ms. Rosella Perotti
Via verdi
Cremona, None 26010

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Mrs. Alison Dagostino
198 Valentino Ct
Auburn, AL 36830-1451

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Ms. Melissa Carrier
128 Riverside Ave
Lyndhurst, NJ 07071-1013
(201) 341-5365

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Ms. Melissa Carrier

Ms. Mary Carwile
611 Baylor St Apt 102
Austin, TX 78703-5339

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Ms. Mary Carwile

Ms. Jessica Nevin
15075 Lakeland Forest Dr
Northport, AL 35475-4236

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Mrs. Eva Exarchou
Marathonos 26-28
Athens, None 11146

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Mrs. Eva Exarchou

Miss Moni Wolf
3 Delaware Ave
Gillette, NJ 07933-1513

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Miss Moni Wolf

Mrs. Sue Pace
1023 Hatch Rd
Chapel Hill, NC 27516-5320
(919) 240-5217

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Miss vanessa vargas
52 Clark St
Huntington, NY 11743-6139
(385) 414-5942

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Sincerely,
Miss vanessa vargas

Mr. Bentley Hernandez
767 De La Luz circle
Perris, CA 92571

Sep 28, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

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Miss Megan Wilson
1465 Harbert Ave
Memphis, TN 38104-4904

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Miss Megan Wilson

Mrs. Sandi Layou
1013 Millard Ave
Royal Oak, MI 48073-2749
(248) 376-7057

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Ms. Laura Gordos
61 Sunnycliff Dr
Euclid, OH 44123-1135

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Ms. Laura Gordos

Ms. Jessica Hallstrom
3125 42nd Ave S
Minneapolis, MN 55406-2240
(202) 841-5986

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Ms. Jessica Hallstrom

Mrs. Jessica Carino
18 Bordeaux Drive
Woodbridge, ON L4L 3C4

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Mrs. Andrea Powell
1217 Hearthstone Ct
Holland, MI 49423-8002

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Ms. Kelli Kritz
1031 N Commercial St
Clark, SD 57225-1266

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Ms. Cheryllynn Johnson
Rangituhi Crescent
Porirua, None 5022
221922695

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Sincerely,
Ms. Cheryllynn Johnson

Mrs. Orsola Parra
3665 Paul Jones Ave
San Diego, CA 92117-5633
(858) 729-3873

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Ms. Stacey Cowart
609 Miramar Ct
Ponte Vedra Beach, FL 32082-2423
(904) 705-5274

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Ms. Julie Hackett
422 White Oak Rd
Palisades, NY 10964-1321

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Ms. Katharine Austin
11012 Occidental Ave S
Seattle, WA 98168-1404
(206) 618-0829

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Ms. Katharine Austin

Mrs. Audra McNeill
624 Carlton Otto Ln
Apt 35
Odenton, MD 21113-2163
(360) 619-8716

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Mrs. katrina Millican
309 Broome Rd
Knoxville, TN 37923-2601

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Mr. Erico Martins
SHIS QI 23
Brasilia, None 00000

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Ms. Luciana Kress jereissati
22854 SW 56th Ave
Boca Raton, FL 33433-6227
(561) 674-7726

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Mrs. Nancy Orons
810 Birchfield Ct
Wexford, PA 15090-8780

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Mrs. Gigi Brakeville
1208 se 14th ct
Vancouver, WA 98683

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Mr. Chiwayi Lin
1651 Jupiter Ave
Hilliard, OH 43026-9574

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Mr. Chiwayi Lin

Mr. JoeRidley Thaler
48 Burroughs St
Boston, MA 02130-4016
(617) 308-2396

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Mr. Gary Austin
4514 Cooper Dr
Evansville, IN 47715-3806

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Sincerely,
Mr. Gary Austin

Mrs. Larissa Church
5950 Doyle St
Ste 13
Emeryville, CA 94608-2116

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mrs. Larissa Church

Miss Elle Wojack
25555 NE Halsey
Portland, OR 97232
(503) 487-3926

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Ms. Debra Gagliano
9626 Old Storm Ct
Las Vegas, NV 89178-6225
(702) 217-6997

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Ms. Debra Gagliano

Mrs. Yuliya Akselrod
226 Pond St Unit 4
Natick, MA 01760-4376
(617) 633-5972

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Mrs. Yuliya Akselrod

Ms. Oksana Kotok
227 S Sams St
Monroe, WA 98272-2233
(425) 322-6791

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Sincerely,
Ms. Oksana Kotok

Ms. Joanne Smith
67 Brookside Dr
Williamsville, NY 14221-6976

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Ms. Joanne Smith

Ms. Jasmine Archibald
7507 S Park Maple Dr
West Jordan, UT 84081-3380

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Ms. Jasmine Archibald

Ms. Kathy Todd
4303 S Rock St
Gilbert, AZ 85297-4526
(480) 686-4643

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Mrs. Abigail Pfaff
15617 Avenida Alcachofa
Apt H
San Diego, CA 92128-4435

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Mrs. Abigail Pfaff

Ms. marie travers
5852 Robinhood Dr
El Sobrante, CA 94803-3548

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Ms. marie travers

Ms. Tyler Tharpe
19 N Washington St
Staunton, VA 24401-4217

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Ms. Erin Baiano
603 W 140th St
New York, NY 10031-7106
(646) 228-5917

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Mrs. Estefany Echanagusia
63 Dewey St
Clifton, NJ 07013-1139

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Miss Catherine Stingi
75 Plandome Ct
Manhasset, NY 11030-1401

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Miss Catherine Stingi

Ms. Chantelle Smith
1500 N Patterson St
Valdosta, GA 31698-0100

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Ms. Heather Lutz
23721 Mariner Dr
Dana Point, CA 92629-4308

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Ms. Jessica Wagstaff
6914 S Mysteria Ln
Midvale, UT 84047-4775
(928) 920-2547

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Ms. Maureen Dalton
7913 SE Saratoga Dr
Hobe Sound, FL 33455-5916

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Ms. Maureen Dalton

Ms. Martie Enfield
103 Jamestown Dr
Winter Park, FL 32792-3604

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Miss Michelle Reynolds
12 vinters avenue
Stevenage, None Sg1 1qs
(143) 851-5355

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Miss Michelle Reynolds

Ms. Lindsay Selker
427 Monroe St
Apt 203
Philadelphia, PA 19147-3188

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Ms. Jennifer Klein
1008 Steeplechase Rd
Wilmington, NC 28412-7206

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Jennifer Klein

Mr. Jordan McCann
1475 47th Ave
San Francisco, CA 94122-2908

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Vicky Chavarin
8112 Calle Catalonia
Carlsbad, CA 92009-8954

Sep 28, 2016

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Ms. Vicky Chavarin

Ms. Roselyn Mazara
165 Saint Anns Ave
Bronx, NY 10454-4712
(929) 327-8724

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Ms. Roselyn Mazara

Ms. Isabel Renteria
2247 W Main St
Apt E
Alhambra, CA 91801-1762

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Ms. Isabel Renteria

Mrs. Lauren McCann
46 Dustin St
Brighton, MA 02135-2853

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Mrs. Lauren McCann

Mr. Douglas Beckmann
722 Lesner Ave
Apt 202
Norfolk, VA 23518-2552
(757) 531-0822

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Ms. Jessica VandenEkart
15515 133rd Ave NE
Arlington, WA 98223-7926
(360) 474-8420

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Ms. Jessica VandenEkart

Ms. nayda rodriguez
20 Patterson Way
South Boston, MA 02127-3338

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Ms. nayda rodriguez

Ms. Cindy Bueso
267 Castle Way Ln
Houston, TX 77015-2072

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Ms. Alessandra Nix
28 Montgomery St Apt 2
Boston, MA 02116-6129

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Mrs. Kelsey Summerfield
17 Rosville cirlcle
Newark, DE 19711

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Mrs. Mirna Alcalay
10103 Logue Ln
Smartsville, CA 95977-9607

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Mrs. Mirna Alcalay

Mrs. Melissa Russell
817 Peake St
Holly Hill, SC 29059-2827
(803) 496-9661

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Mr. Oscar Meza
11022 NE 197th St
Bothell, WA 98011-1756

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Ms. Cassandra Marshall
1055 East St
Redding, CA 96001-0747
(617) 435-2158

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Mr. Eric Tobias
9256 Arban Dr
Saint Louis, MO 63126-2108
(314) 504-0378

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Ms. Heather Cohen
7 Stuyvesant Oval
New York, NY 10009-1901

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Mrs. Savannah Moore
N/a
Black mountain, NC 28711

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859 S Dory Lakes Dr
Black Hawk, CO 80422-8905

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Ms. Stephanie Fournier
1267 Dorval Drive
Oakville, ON L4m5L7

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Miss Adriana Torres
4987 E Byrd Ave
Fresno, CA 93725-1868

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Miss Marika Nesvadbova
Svatopluka Cecha 26 66902 Czech Republic
Znojmo, None CZ

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Sincerely,
Miss Marika Nesvadbova

Miss Madelyn Savignac
1991 Paint Horse Trl
De Pere, WI 54115-7951

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Patty Cameron
200 Rosehall Dr
Unit 250
Lake Zurich, IL 60047-6266
(847) 902-3454

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Dr. Lynn Alley
7144 Lantana Ter
Carlsbad, CA 92011-4708

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Mrs. Danica Kubick
115 Sandra Muraida Way
Apt 139
Austin, TX 78703-4714

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Dr. Glenn Secor
165 Amick Rd
Louisa, VA 23093-4408
(540) 967-2628

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Ms. PAULA MCMILLION
9170 South Rd Apt D
Palos Hills, IL 60465-2134

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Ms. PAULA MCMILLION

Ms. Janine Dalton
151 Vance Ave
Black Mtn, NC 28711-3412
(828) 669-1772

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Dr. Tina Bungert
2147 Allegre Cir
Apt 112
Naperville, IL 60563-2685
(810) 423-7693

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Mrs. Bonnie Anauo
105a Jefferson Rd
Glenmont, NY 12077-3320

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1292 Cobblers Crossing Ct
Elgin, IL 60120-5047

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Ms. Joy London
1435 Bedford St
Stamford, CT 06905-5246

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Mr. Mark Bastian
Treskewes Estate
St. Keverne
Helston, None TR12 6RA

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Ms. Catherine Hernando
2008 Grove Park Ln
Richardson, TX 75080-8404
(214) 886-4728

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Miss Beiby Lopez
7744 Carolyn Ave
Middletown, VA 22645-9514

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Ms. Sara Rashid
1613 Harrison Way
Spring Hill, TN 37174-2670
(270) 227-2223

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Mr. Luke Glover
8182 La Paz Dr Apt E
Huntington Beach, CA 92647-3908
(714) 907-3548

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Miss Jennie Quimbita
7110 Summertime Ln
Culver City, CA 90230-4581

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Mrs. Erin bauman
435 Mitchell St
Laramie, WY 82072-2293

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Mrs. Pat Harris
25238 Hatton Rd
Carmel, CA 93923-8334

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Miss Ramona Gabriela Faccio
Rehhagstrasse 45
Bern, None 3018

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Ms. Moira Thornn
956 Woodside Rd
Apt 19
Redwood City, CA 94061-3642

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Ms. Heidi Oldenburg
2159 Dakota St
Eugene, OR 97402-1017
(541) 515-3200

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Heidi Oldenburg

Miss Katie Haldeman
21320 Highway 20
Bend, OR 97701-9845

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mrs. Lucinda Battenschlag
3722 Harry Cooper Pl
Billings, MT 59106-1025

Sep 28, 2016

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Sincerely,
Mrs. Lucinda Battenschlag

Mrs. Kristen Smith
212 Main St
Winters, CA 95694-1958
(925) 785-0379

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Mrs. Kristen Smith

Mrs. Susie Dezarn
3526 Kirby Ln
Louisville, KY 40299-1542

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Mrs. Susie Dezarn

Mrs. Lynette MacLagan
1813 Bighorn Ave
Arkdale, WI 54613-9635

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Mrs. Lynette MacLagan

Miss Ailin Mo
3369 Eden Village Dr
Carmel, IN 46033-3041

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Miss Ailin Mo

Ms. Roxane Williams
32009 Hysell Run Rd
Pomeroy, OH 45769-9304

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Sincerely,
Ms. Roxane Williams

Miss Tracey Bass
57 Saltwood Close
Orpington, None BR6 9BT

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Sincerely,
Miss Tracey Bass

Ms. Bailey Fogarty
3333 Wisconsin Ave NW
Apt 801
Washington, DC 20016-3880
(301) 758-7272

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Sincerely,
Ms. Bailey Fogarty

Ms. Bailey Fogarty
700 Professional Dr
Apt 801
Gaithersburg, MD 20879-3418
(301) 258-1485

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Ms. Suzanne Stamm
4078 Royal Sage Dr
Reno, NV 89503-6828
(775) 473-2992

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Mrs. Vanessa Till
379 Mt Pleasant Rd
Georgiana, AL 36033-5630
33427

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Mrs. Vanessa Till

Ms. Catie Valentine
123 Sunny Streat
New York, NY 10001

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Ms. Catie Valentine

Miss Elizabeth Sanders
3483 N Pierce St
Milwaukee, WI 53212-1626

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Miss Elizabeth Sanders

Ms. Katie Hunter
910 Rock Creek Dr
Aurora, OH 44202-7605

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Ms. Katie Hunter

Miss Ashley Willis
421 W 12th St
Apt C3
Cookeville, TN 38501-4626

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Mrs. Maggie Gibbs
6013 Hardwick St
Lakewood, CA 90713-1925
(562) 477-6547

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Mrs. Maggie Gibbs

Mr. Dildeep Seehra
300 Skyview Shores Manor NE
Calgary, AB T3N 0H8

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Mr. Dildeep Seehra

Mrs. Eliza Wood-Obenauf
178 Crestview Rd
Columbus, OH 43202-2206

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Mrs. Eliza Wood-Obenauf

Ms. Christin Reni
Via Cironi11
Milano Italy, None 20133

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Ms. Christin Reni

Ms. Gia Camacho
11882 Adrian St
Orange, CA 92868-1403
(949) 302-3412

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Ms. Gia Camacho

Mrs. Hinna Ahmad
3758 Hyde Park Ave
Apt 1
Cincinnati, OH 45209-2322
(513) 226-7890

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Sincerely,
Mrs. Hinna Ahmad

Ms. Heidi Rybak
West 15th street
New york, NY 10011

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mrs. Diana Marcelo
2863 Lomitas Ave
Santa Rosa, CA 95404-2128

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Dr. Shannon Treen
4545 E Woodland Dr
Phoenix, AZ 85048-7640
(985) 710-0765

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Mrs. Debora Moon
1104 Lake Parke Dr
Saint Johns, FL 32259-3021

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Ms. Kristen Mistysyn
7002 Metropolitan Pl
Falls Church, VA 22043-2328

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Ms. Kristen Mistysyn

Mrs. Karen Paradise
883 Mayfield Dr
Youngstown, OH 44512-6462
(330) 519-3959

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Mrs. Karen Paradise

Ms. Susan Dubovsky
1086 W Lake St
Tawas City, MI 48763-9277

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Ms. Lejla Bejtovic
32 Chartrand St
Manchester, NH 03103-2336

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Ms. Janette Johnston
282 Westwater Cir
Fruita, CO 81521-3066
(970) 858-9021

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Ms. Julie Fox
844 Regulo Pl Apt 2326
Chula Vista, CA 91910-7724

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Mrs. Cynthia Price
30522 Blue Spring Rd
Meadowview, VA 24361-2436

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Ms. Sharon Ray
530 San Juan
Saguache, CO 81149
(719) 256-4357

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Mr. Floyd Wilbanks
4347 Shepherd Rd
Lakeland, FL 33811-3501
(863) 661-5875

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Mr. Jonathan Wolff
40 Hampshire St
West Newton, MA 02465-2946

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Ms. Josie Flores
484 1st St N
Nampa, ID 83687-3303

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Mrs. Rebekah Mattingly
152 Gleneagles Blvd
Richmond, KY 40475-8495

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489 Thoreau Ter
Union, NJ 07083-7829
(908) 964-0018

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Ms. Linda Langan
Lincoln Ave
Northampton, PA 18067
(484) 934-1340

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Mrs. Jenifer Parker
20031 Gulfstream Rd
Cutler Bay, FL 33189-1543

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Mr. Sammy Almaita
61 Barbour St
Haledon, NJ 07508-1423
(862) 262-4295

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Miss Brooklyn Gibbey
9911 Rose Commons Dr Apt E136
Huntersville, NC 28078-0325
(704) 995-4523

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Mrs. nancy herman
58 Cherry Ave
Holtsville, NY 11742-1749

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Sincerely,
Mrs. nancy herman

Ms. Judy Wilkerson
415 Parkwood Dr
Salisbury, MD 21804-2803

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Dorian Divita
155 Highland Ave
Bloomfield Hills, MI 48302-0630

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Ms. Nancy Potter
440 Drier St
Durand, WI 54736-1718
(715) 672-3555

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Mr. Steve Morawski
417 Spice Ct
Kissimmee, FL 34758-3651

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Ms. Debbie Betz
1 Clarion St
Shamokin, PA 17872-7533

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Ms. Paula Dayhoff
7310 Waterloo Rd
Canal Winchester, OH 43110-9550
(614) 853-9525

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Ms. Carla Thrasher
622 Stoneridge Dr
Moore, OK 73160-6189

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Ms. Carla Thrasher

Miss Camie Rodgers
309 Purple Hills Way
El Paso, TX 79912-3819
(910) 978-1015

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Sincerely,
Miss Camie Rodgers

Mr. Wyatt Dubuque
24 Ozborough Court
St. Peters, MO 63376
(636) 699-3746

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Ms. Michelle Ness
2617 NW 64th St Apt 2
Seattle, WA 98107-2457

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Mrs. jeana murphy
516 North St
Stockton, MO 65785-9787
(417) 276-6935

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Mrs. jeana murphy

Ms. Juliah Bornick
1723 Waldorf Blvd Apt 112
Madison, WI 53719-4511

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Mrs. Toni Scott
1501 Halstead Ave NW
Palm Bay, FL 32907-8616
(321) 412-7626

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Dr. Catherine Neuhoff
28780 Old North River Rd
Harrison Township, MI 48045-1621
(586) 565-0080

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Ms. Carol Jedynasty
36 Gay Rd
Brookfield, MA 01506-1821
(774) 200-1570

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Mrs. Joyce License
52 Hersey St
Hingham, MA 02043-4608
(781) 875-1441

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Mr. Shane Hart
1306 W Northwind Dr
Sandwich, IL 60548-3424

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Mr. Shane Hart

Ms. Kate Fox
PO Box 1476
Concord, NH 03302-1476
(603) 268-2118

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Ms. hollie Pepe
7265 S 1950 E Apt 19
Cottonwood Heights, UT 84121-4888

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Mrs. Christine Wood
18 Thomas Dr
Hackettstown, NJ 07840-4807

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Mrs. Gia McGahey
316 North St
Saco, ME 04072-1811
(207) 590-2020

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Ms. Olivia Kuo
5924 Lansing Dr
Charlotte, NC 28270-5358

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Olivia Kuo

Mrs. Roberta Burroughs
1805 N 68th Dr
Phoenix, AZ 85035-4609

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mrs. c. brooks
9900 Ridgewood Rd
Milan, IL 61264-4331

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Mrs. c. brooks

Ms. Chris Walker
3303 Bigelow Rd
Howell, MI 48855-6704
(734) 834-2060

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Mrs. Sheri O'Rani
5411 Chancery Blvd
Greenwood, IN 46143-7171

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Mrs. Jennifer Durant-Bradford
PO Box 245
Minot, ME 04258-0245

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Miss Nancy Goodness
8255 Dogwood Circle East Dr
Indianapolis, IN 46268-3812

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Mrs. Elena Marino
12024 Aster Ave
Bradenton, FL 34212-2933
(862) 268-0980

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Mrs. Olga Golub
5919 S Kolin Ave
Chicago, IL 60629-5234
(502) 303-7321

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Mrs. Olga Golub

Ms. Cinthia Skura
539 Lake Ave
Saint James, NY 11780-1922
(631) 686-5028

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Ms. Brenda Parra
4553 W 35th Ave
Denver, CO 80212-1845

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Mrs. Judy Mayes
1750 Avenue M
Lyons, KS 67554-8800

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Ms. Hilary Nelson
8918 E Summit Rd
Parker, CO 80138-8249
(303) 841-1708

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Mrs. Judy Troeller
517 Margaret St
Combined Locks, WI 54113-1312

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Ms. Jennifer Hatten
15100 Angelique Ave
Allen Park, MI 48101-1847
(313) 712-7178

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Ms. rish harde
1444 east brooks
memphis, TN 38115

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Mrs. Cheryl Eiduke
15145 Crimson King Trl
Chardon, OH 44024-9516

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Mrs. Cheryl Eiduke

Mrs. Donna Renaud
10 Rogers Ave
Northborough, MA 01532-2032
(774) 249-3859

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Mrs. Rhea Scheuing
707 Hull Ave
Westchester, IL 60154-2621
(708) 334-2389

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Miss Patricia Patton
1422 Marble Ct
Yuba City, CA 95993-8808

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Ms. Stephanie Sargeant
1601 SE Spinaker Way
Vancouver, WA 98661-8092

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Ms. Tina Couillard
20379 Cranberry Ln
Yorba Linda, CA 92886-6658

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Tina Couillard

Mr. Robert Soto
00000 A R
La Quinta, CA 92253

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mr. Robert Ricewasser
142 N Heliotrope Ave
Monrovia, CA 91016-2410

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Mr. Todd DeVolder
8655 E Pearson
Shelby Township, MI 48316-5122

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Ms. Jonni Gibson
103 Jasper Dr
Crossville, TN 38558-8665

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Ms. Denise Hamilton
13 Car Mar Ln
Salem, NH 03079-2268

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Ms. Denise Hamilton

Ms. Marina Salazar
1773 1st Ave
Apt 14
New York, NY 10128-5927
(212) 987-0321

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Ms. Marina Salazar

Miss Baelee Ewell
160 S 200 W
Lewiston, UT 84320-1981

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Mr. David Cherry
4977 Battery Ln
Apt 1015
Bethesda, MD 20814-4929

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Ms. Emily Lundgren
2919 W Wattles Rd
Troy, MI 48098-5911
(248) 646-6814

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Miss Jannel David
PO Box 823
Barrow, AK 99723-0823

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Mrs. Mariah Burchell
4149 Sr 326
Russellville, AR 72802-1427
(870) 500-7874

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Mr. Will Clinard
7266 Three Sisters Ln
Concord, NC 28027-8425

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Mrs. Hannah Hammons
510 W Fir St
La Follette, TN 37766-3453

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Ms. Phyllis Powell
1Lee Dr
Wilmington, NC 28401

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Mrs. Debra Ashley
29025 Calle Del Buho
Murrieta, CA 92563-5661

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Mrs. Christine LeGrant
2635 Calle Limonero
Thousand Oaks, CA 91360-6517

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Ms. Jeanne Dodd
1888 N Airway Dr
Sanford, MI 48657-9688

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Ms. Molly Fessler
916 6th Ave NE
Aberdeen, SD 57401

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Mrs. Wendy Pilot
2084 Jefferson Ave
Saint Paul, MN 55105-1301
(651) 216-0415

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Ms. Coko McCarten
407 G St
West Sacramento, CA 95605-2618

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Ms. Margaret Morin
3928 Harvey Penick Dr
Round Rock, TX 78664-4049
(469) 964-8182

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Ms. Margaret Morin

Ms. Larie Dixon
3896 Harney St
San Diego, CA 92110-2824
(919) 924-2586

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Sincerely,
Ms. Larie Dixon

Ms. Kathleen Barr
5911 N Bridget St
Spokane, WA 99208-7062

Sep 28, 2016

U.S. Fish and Wildlife Service

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Mr. Ben Osmera
56 elm
Las vegas, NV 89118

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Miss Emily Carey
220 Lloyd St
FL 1
Altoona, PA 16602-3946

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Ms. Selia Straus
2524 1/2 Kiawah Ave
Columbia, SC 29205-3110

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Ms. Selia Straus

Mrs. Shannon Lockwood
1250 Janet Way
Santa Rosa, CA 95405-7206
(707) 975-9057

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Mr. Steve Mann
9323 Manchaca Rd
Apt 1417
Austin, TX 78748-6261
(512) 861-5719

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Mr. Josh Trimmer
5928 W Yucca St
Glendale, AZ 85304-3776

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Ms. Rie Martinez
1204 Stirrup Ct
Grants, NM 87020-2243

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Ms. Rie Martinez

Mr. Alan Gonzalez
PO Box 15616
Long Beach, CA 90815-0616

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Mrs. Melissa Armstrong
1826 Hamer Dr NW
Cedar Rapids, IA 52405-1496
(319) 573-3450

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Mr. Patrick Norton
15251 Siesta Key Way
Apt 571
Rockville, MD 20850-5522

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Ms. Jacqueline Draszt
3155 E 11th Ave
Spokane, WA 99202-4312
(409) 230-2997

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Mrs. Gemma Marschke
7173 st rt 100
Sycamore, OH 44882

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Mrs. Gemma Marschke

Mrs. Cynthia Samels
9550 McCarry Lake Rd
Iron River, WI 54847-7556

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Ms. Alisa Dunn
1075 Fox Run Rd
Milford, OH 45150-2382

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Ms. JODY KEELIN
24434 County 25
Akeley, MN 56433-8042
(218) 232-7763

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Miss Alice Bowen
8655 Cypress Ave
South Gate, CA 90280-2745

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Ms. Brittany Smith
8820 W Westlawn St Apt 304
Wichita, KS 67212-5379

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Ms. Maggie Loya
7235 Rio Flora Pl
Downey, CA 90241-2029

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Ms. Maggie Loya

Ms. Mary Hanley
185 N 6th St
Lindenhurst, NY 11757-3735

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Ms. Mary Hanley

Ms. Carolynne Forster
432 Badger Trail
Florissant, CO 80816-9101

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Mr. Jonathan Prozzi
1831 Loch Shiel Rd
Parkville, MD 21234-5217

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Sincerely,
Mr. Jonathan Prozzi

Ms. Kathleen Burke
179 Burgin Pkwy
Quincy, MA 02169-4222

Sep 28, 2016

U.S. Fish and Wildlife Service

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Ms. Lynn Hillman
23642 Via Potes
Mission Viejo, CA 92691-3532

Sep 28, 2016

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Ms. Lynn Hillman

Miss April Glassell
1626 Trotting Horse Rd
Oceanside, CA 92057-4915
(760) 330-7543

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Ms. Aubrey Petty
6401 24th Ave NW Apt 202
Seattle, WA 98107-2476

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Ms. Susan Turney
467 Fulvia St
Encinitas, CA 92024-2146

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Ms. Susan Turney

Ms. Stephanie Turner
2519 W Grand Ronde Pl
Kennewick, WA 99336-2535

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Mrs. Michele Olivares
6546 Mount Bachelor Ct
Stockton, CA 95210-4181

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Ms. Stacey Doyle
3972 Brookside Dr
Lake Havasu City, AZ 86406-8052

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Mrs. Gail Krawczyk
1801 E Avion Ave
Ontario, CA 91761-8003
(909) 823-4545

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Ms. Michele McNamara
523 Callippe Ct
Brisbane, CA 94005-1246

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Ms. Amber Cornwell
PO Box 171
Strawberry Point, IA 52076-0171

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Mrs. Julie Hasiba
450 W 17th St
New York, NY 10011-5811

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Ms. Adele Bevan
30-44th St. 4G
Astoria, NY 11103

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Ms. Stephanie Bevill
7035 Cradlerock Farm Ct
Columbia, MD 21045-4400

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Ms. Jessey Johnson
241 Maple St
Lawrence, KS 66044-1550

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Ms. Julie Pierson
6124 Morgan Ct
Minneapolis, MN 55419-2013
(612) 860-5183

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Ms. Stella Christensen
504 Taylor Ave
Glen Ellyn, IL 60137-4633

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Ms. Karri Rolien
195 Golden Hind Psge
Corte Madera, CA 94925-1912
(415) 924-2463

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Ms. Karri Rolien

Ms. Paul Julie
Rue Sainte marie
Sarreguemines, None 57200

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Mr. Mayer Yannick
Rue Sainte marie
Sarreguemines, None 57200

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Mr. Mayer Yannick

Ms. Jacqueline Barden
2063 Santa Clara Ave Apt 8
Alameda, CA 94501-2742

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Mr. PAUL Jean
Rue de tenteling
Diebling, None 57980

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Mr. PAUL Jean

Mrs. Valerie Hoffman
PO Box 4236
Palm Springs, CA 92263-4236

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

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Sincerely,
Mrs. Valerie Hoffman

Ms. Hannah Kim
1111 S Grand Ave
Apt 618
Los Angeles, CA 90015-2764

Sep 29, 2016

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Ms. Shannon McDonald
7609 Franklin Blvd Apt 77
Sacramento, CA 95823-4016

Sep 29, 2016

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Ms. Shannon McDonald

Ms. Emma Henderson
22 Bancroft st
Kelvin grove, None 4059

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Sincerely,
Ms. Emma Henderson

Ms. Colleen Oloughlin
41 Kingsbury Rd
Norfolk, MA 02056-1229

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Ms. Nicole Sacco
311 Quail Ridge Ct
Gibsonia, PA 15044-7980

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Ms. Nicole Sacco

Mrs. Meredith Babbitt
133 Copperfield Ln
Felton, DE 19943-9285

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Mrs. Meredith Babbitt

Miss Laura Purdom
1268 Pennsylvania Ave
Apt 6
San Diego, CA 92103-4427

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Miss Laura Purdom

Miss Elena Prodromidou
Edmondou Rostan 64
Salonica, WI 546422231

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Ms. Danielle Jesensky
1903 W Ohio Ave
Midland, TX 79701-5943

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Ms. Danielle Jesensky

Mr. Jon Warwick
PO Box 10673
Kalispell, MT 59904-3673
(406) 250-2402

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Mrs. Robyn Mallon
parkway
baltimore, MD 21226

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Ms. PATRICIA FOLMAN
6303 Centralia St
Lakewood, CA 90713-2927

Sep 29, 2016

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Mrs. Nicole Campbell
150 Bloom Dr
Claremont, CA 91711-6502

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Ms. Susan Kolker
8022 N 32nd Ave
Phoenix, AZ 85051-6214

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Ms. Susan Kolker

Ms. Maureen Richards
215 7th Ave
Haddon Heights, NJ 08035-1623
(609) 605-9507

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Ms. Maureen Richards

Miss MAFALDA AGUILAR
Vila Real, 8
VILA REAL, None 5000-688

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Miss MAFALDA AGUILAR

Mr. Robert Hines
1500 NW Lakeside Trsil
Stuart, FL 34994
(847) 997-3635

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Mr. Robert Hines

Ms. Nayara Pechia
1945 Commonwealth Ave
Apt 46
Brighton, MA 02135-5911
(207) 409-5125

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Ms. Nayara Pechia

Mrs. Christina Williams
2350 Belmont Rd
Arnoldsville, GA 30619-2615
(706) 475-7000

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Mrs. Noel Quinn
35 Rieder Rd
Edison, NJ 08817-2804
(908) 981-3650

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Mrs. Marcy Bosworth
513 E Elm St
River Falls, WI 54022-2314

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Mrs. Marcy Bosworth

Mr. Thomas Avery
3013 Lynnwood Way
Louisville, KY 40299-3101
(502) 266-8522

Sep 29, 2016

U.S. Fish and Wildlife Service

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Sincerely,
Mr. Thomas Avery

Ms. Marci Christian
3234 Mount Vernon Rd
Port Huron, MI 48060-1836
(248) 376-5517

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Ms. Marci Christian

Mrs. Crystal DeStefano
313 Roxford Rd N
Syracuse, NY 13208-1945

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Ms. -Emily Clark
1030 Savannah Ave
Pittsburgh, PA 15221-3450

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Sincerely,
Ms. -Emily Clark

Mr. Ben Emlaw
2937 SE Waverleigh Blvd
Unit 12
Portland, OR 97202-2062
(503) 281-3059

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Mr. Ben Emlaw

Ms. Lauren Valentine
33 N Main Ave
Albany, NY 12203-1405

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Ms. Lauren Valentine

Mr. william engvall
106 Oak Ln
Apt 12
Brockton, MA 02301-0921

Sep 29, 2016

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Sincerely,
Mr. william engvall

Ms. Elizabeth Clark
647 US Route 1
14-281
York, ME 03909-1689

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Sincerely,
Ms. Elizabeth Clark

Ms. Tephanie Bhowan
1150 Phoenix Ave
Schenectady, NY 12308-2602

Sep 29, 2016

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Ms. Tephanie Bhowan

Mrs. Lissette Adolfsen
Jørgen Poulsens Have 136
Hillerød, None 3400

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Mrs. Lissette Adolfsen

Mrs. Jennifer Looez
1020 Sue Ann Rose Dr
Austin, TX 78717-5435

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Ms. Rita Alderson
1379 Carriage Way
Roselle, IL 60172-2602

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Ms. Rita Alderson

Mrs. Rachel Turner
1522 30th St
Columbus, GA 31904-8344

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Ms. Mary Botten
PO Box 276
Edgerton, WI 53534-0276

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Ms. Mary Botten

Miss marie retane
am Kranzweg
25
st augustine, FL 32085

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Miss marie retane

Mrs. Mindy Richards
98 Seminole
Livonia, MI 48154

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Mrs. Nancy Miller
15249 35th St
Lime Springs, IA 52155-8253

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Mrs. Nicole Blawusch
N1509 credit g
Reeseville, WI 53579

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Mrs. Luciana Ballard
379 Washington St
Winchester, MA 01890-1348

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Ms. Mary Simpson
N5754 Pleasant Ridge Ln
Durand, WI 54736-4401

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Sincerely,
Ms. Mary Simpson

Mr. Doug Dayhoff
351 Lowell St
Wakefield, MA 01880-1736

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Mrs. Cynthia Jarvis
15249 Cavalieri Rd
Sonora, CA 95370-9210

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Sincerely,
Mrs. Cynthia Jarvis

Miss Brenda Thompson
45 Avon St S
Apt 20b
Saint Paul, MN 55105-3187

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

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Sincerely,
Miss Brenda Thompson

Ms. Betty Murray
1311 Sagamore Ct
Virginia Beach, VA 23464-8662

Sep 29, 2016

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Sincerely,
Ms. Betty Murray

Ms. Hannah Tenace
13 Loughlin Dr
Shirley, NY 11967-3308

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Ms. Hannah Tenace

Ms. Monique Dumont
248 River St
Waltham, MA 02453-6035

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Ms. Monique Dumont

Mr. Theodore Christman
270 8th Ave
Sea Cliff, NY 11579-1153

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Sincerely,
Mr. Theodore Christman

Mrs. Jennifer Stedman
7599 Kent Rd
Little Valley, NY 14755-9717
(716) 699-6211

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Mrs. Jennifer Stedman

Mrs. jessica harper
1010 Braxton Dr
Concord, NC 28025-6835

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Mrs. jessica harper

Ms. Jeanne Yost
11978 Arlington Mill Rd
Union Bridge, MD 21791-7708

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Ms. Jeanne Yost

Mrs. Donna Graham
10 Oak Hill Dr
Johnston, RI 02919-2555

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Mrs. Vivien Salas
3812 Landings Way Dr
Tampa, FL 33624-2960
(813) 644-0934

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Mrs. Jean Nicolai
46 Glenview Ave
Greensburg, PA 15601-1783
(724) 837-6785

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Ms. Maria Watkins
4500 Nicholson Rd
Apt J12
Vancouver, WA 98661-8619
(360) 601-7706

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Sincerely,
Ms. Maria Watkins

Mr. Steve Cook
3040 La Paz Ln
Diamond Bar, CA 91765-3871

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Ms. Janice Durbin
401 County Road 6411
Green Forest, AR 72638-2697

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Ms. Peggy Mathews
5517 29th Ave S
Minneapolis, MN 55417-2014
(612) 300-0879

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Mr. Eric Joslyn
16843 Cricket Ct
Grand Haven, MI 49417-9693

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Mr. Eric Joslyn

Ms. Alejandra Pena
1311 Tetbury Ln
Austin, TX 78748-4841

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Ms. Alejandra Pena

Mrs. Ashley Siebieda
14 Maplewood Ave
Wheeling, WV 26003-4561

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Sincerely,
Mrs. Ashley Siebieda

Ms. Jamie Sokoloff
7411 Boulevard East
Apt 101
North Bergen, NJ 07047-5985

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Ms. Jamie Sokoloff

Miss Gyrid Fridborg
Fasan
Stockholm, None 19730

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Miss Gyrid Fridborg

Ms. Martine Cuisenaire
Rue Haute
Heer, None 5543

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Ms. Martine Cuisenaire

Ms. Courtney Jones
2381 Cleveland Pl Unit 406
Denver, CO 80205-3250

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Yellowstone grizzly bears currently face a world of mounting threats, including a warming climate, reckless big game hunters, loss of important food sources and isolation from other bear populations. This iconic species will be put at an even greater risk if grizzly bears are delisted and managed by the states, where there are inadequate regulatory mechanisms to protect them. Prominent grizzly bear scientists agree that the delisting is premature. The grizzly bear population in the lower 48 states is less than two percent of their pre-settlement population and occupy an insignificant proportion of their pre-settlement range.

Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. Courtney Jones

Ms. Molly Kidd
630 W Hampton Dr # 38
Indianapolis, IN 46208-3462
(260) 442-1756

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

I am writing to ask that you do not delist Yellowstone grizzly bears.

Grizzly bears in the Greater Yellowstone Ecosystem (GYE) have benefited greatly from Endangered Species Act (ESA) protections but are not yet recovered. Removing federal protections from this one small, isolated population and subjecting them to trophy hunting will not advance the conservation of this species.

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Sincerely,
Ms. Molly Kidd

Ms. LISA HARGRAVE
30438 Bill Searle Rd
Gueydan, LA 70542-5156

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

I am writing to ask that you do not delist Yellowstone grizzly bears.

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Sincerely,
Ms. LISA HARGRAVE

Ms. Mary Soloff
22900 Oak Ridge Dr
Santa Clarita, CA 91350-2504

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

I am writing to ask that you do not delist Yellowstone grizzly bears.

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Sincerely,
Ms. Mary Soloff

Ms. stephanie contrada
166 Heron Dr
Palm Coast, FL 32137-1316

Sep 29, 2016

U.S. Fish and Wildlife Service

Subject: Please do not remove federal protections from Yellowstone grizzly bears

To: U.S. Fish and Wildlife Service,

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Grizzly bears are far from recovered and need to maintain their ESA protections. Please do not remove federal protections from grizzly bears in the GYE area.

Sincerely,
Ms. stephanie contrada

From: Kasworm, Wayne
To: Jennifer Fortin-Noreus
Subject: Fwd: IGBST meeting 15 Nov & YES meeting 16-17 November
Date: Wednesday, October 12, 2016 4:02:14 PM

FYI

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

---------- Forwarded message ----------
From: **van Manen, Frank** <fvanmanen@usgs.gov>
Date: Tue, Oct 11, 2016 at 10:32 AM
Subject: IGBST meeting 15 Nov & YES meeting 16-17 November
To: Brian DeBolt <brian.debolt@wyo.gov>, Cecily Costello <cecostello@mt.gov>, Chris Servheen <chris.servheen@cfc.umt.edu>, Curtis Hendricks <curtis.hendricks@idfg.idaho.gov>, Dan Bjornlie <Dan.Bjornlie@wyo.gov>, Dan Thompson <daniel.thompson@wyo.gov>, Dan Tyers <dtyers@fs.fed.us>, David Gustine <dave_gustine@nps.gov>, "Frank T. van Manen" <fvanmanen@usgs.gov>, Jennifer Fortin-Noreus <jennifer.fortin-noreus@umontana.edu>, Katharine Wilmot <katharine_wilmot@nps.gov>, Kerry Gunther <kerry_gunther@nps.gov>, Kevin Frey <KFrey@mt.gov>, Mark A Haroldson <mharoldson@usgs.gov>, Megan Higgs <higgs@math.montana.edu>, Pat Hnilicka <pat_hnilicka@fws.gov>, Steve Cherry <imsgsche@math.montana.edu>, Wayne Kasworm <wayne_kasworm@fws.gov>

Dear IGBSTers,

We need to start planning for our fall IGBST meeting. The YES meeting will be on 16 and 17 November in Cody (Buffalo Bill Center of the West) so I propose our **IGBST meeting** for **Tuesday November 15** (starting late morning to allow time for travel).

We may have an additional few hours on the morning of November 16, depending on what time the YES meeting starts that day. I will contact Andy Pils and Jim Wilder to see if we can use the USFS conference room for our meeting.

Please send me any agenda items; I have already collected a few.

Best,

Frank

****

Frank T. van Manen
Interagency Grizzly Bear Study Team
U.S. Geological Survey
Northern Rocky Mountain Science Center
2327 University Way, Suite 2
Bozeman, MT 59715
Phone 406-994-5043
www.usgs.gov/norock/igbst

****

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus
Subject:	Fwd: If asked in case of a negative grizzly vote by the states:
Date:	Wednesday, November 02, 2016 4:27:27 PM

FYI

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Thabault, Michael** <michael_thabault@fws.gov>
Date: Wed, Nov 2, 2016 at 3:25 PM
Subject: Fwd: If asked in case of a negative grizzly vote by the states:
To: Jodi Bush <Jodi_Bush@fws.gov>

Here ya go.

Michael Thabault
Assistant Regional Director
Ecological Services
U.S. Fish and Wildlife Service
Mountain Prairie Region
303-236-4210
michael_thabault@fws.gov

---------- Forwarded message ----------
From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Wed, Nov 2, 2016 at 7:21 AM
Subject: Re: If asked in case of a negative grizzly vote by the states:
To: Matt Hogan <Matt_Hogan@fws.gov>, Betsy Hildebrandt <betsy_hildebrandt@fws.gov>
Cc: Brian Hires <brian_hires@fws.gov>, Matthew Huggler <matthew_huggler@fws.gov>, Anna Munoz <anna_munoz@fws.gov>, Serena Baker <serena_baker@fws.gov>, "Mogadam, Roya" <roya_mogadam@fws.gov>, "Shire, Gavin" <gavin_shire@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>, Jeff Newman <jeff_newman@fws.gov>, Michael Thabault <Michael_Thabault@fws.gov>

Here's what I would suggest:

The combined efforts of local, state, tribal, and federal partners has brought the population of grizzly bears in the Greater Yellowstone Ecosystem back from the brink. It is now biologically healthy and secure, and for that reason the Service proposed last March to remove

it from the protection of the Endangered Species Act. But to finalize that delisting, the Service must also determine that adequate regulatory mechanisms exist to ensure that the population will be managed in the future to maintain this healthy and secure condition. By their recent vote on the Conservation Strategy, which reflects the agreement among state and federal managers on how to manage the population going forward, the states have refused to make the clear and unequivocal commitment to maintain the population in its current healthy and secure condition. The Service remains committed to working with the states, as well as local, tribal and federal partners, to reach an agreement to maintain the tremendous conservation success we have collectively achieved for the Yellowstone grizzly bear.

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Tue, Nov 1, 2016 at 4:44 PM, Mogadam, Roya <roya_mogadam@fws.gov> wrote:

> Gavin-
>
> Thanks for that additional context. I am looping in Matt Hogan, so he can be a part of the discussion with Betsy and Gary.
>
> -Roya
>
> On Tue, Nov 1, 2016 at 2:00 PM, Shire, Gavin <gavin_shire@fws.gov> wrote:
>
> > Thanks, Roya. I'm going to leave it up to Gary, Betsy and Dan to work this out. My understanding was that, while we don't want to say anything final regarding the fate of the delisting proposal, we do want to make it clear that this is on the states, and any failure on their part to clearly commit to current recovery levels puts the delisting track at risk. The reworked version doesn't seem to do that.
> >
> > Also, guessing you didn't know that I have officially removed the word 'iconic' from the official Gavin Shire-approved Service lexicon due extreme over- and mis-use :-)
> >
> > G
> >
> > On Tue, Nov 1, 2016 at 3:36 PM, Mogadam, Roya <roya_mogadam@fws.gov> wrote:
> >
> > > Hi Gavin-
> > >
> > > I shared the quote with our folks here and below is our recommended revised statement that was reviewed by R6-ES, R6-EA, and Matt Hogan. Please let me know if you have any thoughts or additional edits.
> > >
> > > > The science supports that the Greater Yellowstone Ecosystem grizzly bear population is biologically recovered, and the U.S. Fish and Wildlife Service believes this iconic species warrants removal from federal protection. Still, in order to delist a species, the Endangered Species Act mandates implementation of adequate regulatory mechanisms to ensure recovery will be sustained after delisting and removal of ESA protection. Our recovery goals maintain the total grizzly bear population size to achieve long-term stability in the Yellowstone ecosystem. The Service remains committed to working with the states, as well as

local, tribal and federal partners to reach an agreement that will recognize the tremendous conservation gains we have collectively achieved for the Yellowstone grizzly bear.

-Roya

On Mon, Oct 31, 2016 at 3:08 PM, Shire, Gavin <gavin_shire@fws.gov> wrote:

> Try this:
>
> While we believe the Yellowstone grizzly bear population is biologically recovered and warrants removal from federal protections, ESA delisting must be contingent on a clear and unequivocal commitment from the states to maintain the population at least at recent average levels. Any wavering in that commitment or ambiguity in its application puts the delisting process in jeopardy. We remain committed to working with the states as well as local, tribal and federal partners to reach an agreement that will recognize the tremendous conservation gains that have been made for Yellowstone grizzlies.
>
> Not sure about the 'recent average levels' bit. Perhaps there's an alternative? Recovery targets?
>
> G
> --
> Gavin Shire
> Chief of Public Affairs
> U.S. Fish and Wildlife Service
> MS: EA
> 5275 Leesburg Pike
> Falls Church, VA 22041-3803
> 703-358-2649 (o)
> 703-346-9123 (c)
> gavin_shire@fws.gov

--
Roya Mogadam
Deputy Assistant Regional Director, External Affairs
Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Boulevard
Lakewood, CO 80228

Roya_Mogadam@fws.gov
(303) 236-4572

--
Gavin Shire

Chief of Public Affairs
U.S. Fish and Wildlife Service
MS: EA
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2649 (o)
703-346-9123 (c)
gavin_shire@fws.gov

--

Roya Mogadam
Deputy Assistant Regional Director, External Affairs
Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Boulevard
Lakewood, CO 80228

Roya_Mogadam@fws.gov
(303) 236-4572

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Fwd: Input Requested: MEDIA: Bryan Clark: Idaho Post Register: Yellowstone grizzly Tribal ?
Date: Tuesday, November 01, 2016 2:15:23 PM
Attachments: image005.png

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1 of 2...

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Baker, Serena** <serena_baker@fws.gov>
Date: Mon, Oct 3, 2016 at 3:46 PM
Subject: Re: Input Requested: MEDIA: Bryan Clark: Idaho Post Register: Yellowstone grizzly Tribal ?
To: Ivy Allen <ivy_allen@fws.gov>, Scott Aikin <scott_aikin@fws.gov>, Anna Muñoz <anna_munoz@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Seth Willey <seth_willey@fws.gov>

Hi Team,

I need to get back to Bryan ASAP. Please review proposed responses below drafted by Anna, Scott, and I.

Thanks!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov



On Mon, Oct 3, 2016 at 2:28 PM, Baker, Serena <serena_baker@fws.gov> wrote:

> 4 pm MST today is Bryan's deadline.

Thanks!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov



On Mon, Oct 3, 2016 at 2:27 PM, Baker, Serena <serena_baker@fws.gov> wrote:

> Hello folks,
>
> I'll check with Bryan on his deadline, but I know it is today. I welcome any suggestions on responses.
>
> I know Mike and I discussed reintroductions of grizzly bears to areas other than the designated recovery zones, but that the states have not been supportive.
>
> Thanks!
>
> ---
>
> **Serena Baker**
> Public Affairs Specialist
> U.S. Fish & Wildlife Service
> Mountain-Prairie Region 6
> 134 Union Boulevard, Suite 400
> Lakewood, CO 80228
> Desk: 303.236.4588
> Cell: 720.391.6583
> Serena_Baker@fws.gov
>
> 
>
>
> ---------- Forwarded message ----------
> From: **Bryan Clark** <bclark@postregister.com>
> Date: Mon, Oct 3, 2016 at 2:19 PM
> Subject: Re: USFWS: Yellowstone grizzly bear population Tribal Outreach
> To: "Baker, Serena" <serena_baker@fws.gov>

> Hi Serena,
>
> Here are the questions I had:
>
> 1. The opinion expressed by many tribal leaders at the Oct. 2 signing ceremony, which included a great many western tribes, is that while there has been consultation with the tribes, it hasn't been meaningful. They argued that phone calls, letters, webinars, etc., don't amount to meaningful consultation, and they don't feel their views are reflected in the actual delisting plan. I wanted to give you a chance to respond to that general sentiment.

The U.S. Fish and Wildlife Service has been very clear that our phone calls, webinars, and letters do not constitute consultation, but were merely to provide timely information, answer questions, and explain possible next steps. In terms of consult ation, the Service sat down and held consultation meetings with Tribes within the Greater Yellowstone Ecosystem before proposing delisting for the Yellowstone grizzly bear population. Once the proposed delisting rule was published, the Service held two consultation meetings - one in Bozeman, Mont., and one in Rapid City, SD - and invited all tribes west of the Mississippi River to attend. The Service announced the consultation meetings in the *Federal Register* notice for the proposed delisting and contacted tribes directly to ensure that they were invited to these meetings. Th es e last two consultation meetingso ccu r red after the draft delisting document was published and a final de cision regarding delisting has not yet been made.

Please note, that two tribes - the Shoshone Bannock Tribes, and the Wind River Trib e - sit on the Yellowstone Ecosystem Subcommittee, which is finalizing the Conservation Strategy for the Yellowstone grizzly bear population.

https://www.fws.gov/mountain-prairie/ea/tribal-grizzly.php,

> 2. Many tribal leaders said it is offensive that the grizzly would be subject to trophy hunting, and some said a good alternative would be to reintroduce grizzlies to tribal lands where they have been extirpated. Has Fish and Wildlife considered this alternative? Would it cause unacceptable problems?

If the Yellowstone grizzly bear population, or any species, is delisted, then management returns to the sovereign governments, in this case, Tribes and states. Any post-delisting management activities would be under the purview of those two entities. If delisted, the Service would no longer have any management authority for this species, nor would we have the authority to direct Tribes or states regarding the management of the species on their lands.

> 3. How does Fish and Wildlife weigh tribal cultural/spiritual values in relation to conservation and management values?

We recognize that tribes have a strong spiritual, cultural, and historic connection to

the grizzly bear; however, the Endangered Species Act requires any final federal agency decision to be made “solely on the basis of the best scientific and commercial data available.” Even if delisted, Tribes have the right to manage grizzly bears on their Tribal lands in accordance with their spiritual, cultural, and historic traditions.

> Thanks,
> Bryan
>
> ---
> Bryan Clark
> Government Reporter, Post Register
> bclark@postregister.com
> Office: 208.542.6751
> Cell: 540.860.2101
> Twitter: @prBClark
> ---

From:	Willey, Seth
To:	Jennifer Fortin-Noreus
Subject:	Fwd: Input Requested: MEDIA: Bryan Clark: Idaho Post Register: Yellowstone grizzly Tribal ?
Date:	Tuesday, November 01, 2016 2:15:44 PM
Attachments:	image005.png

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2 of 2...

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Willey, Seth** <seth_willey@fws.gov>
Date: Mon, Oct 3, 2016 at 4:07 PM
Subject: Re: Input Requested: MEDIA: Bryan Clark: Idaho Post Register: Yellowstone grizzly Tribal ?
To: "Baker, Serena" <serena_baker@fws.gov>
Cc: Ivy Allen <ivy_allen@fws.gov>, Scott Aikin <scott_aikin@fws.gov>, Anna Muñoz <anna_munoz@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Roya Mogadam <roya_mogadam@fws.gov>, Brent Lawrence <brent_lawrence@fws.gov>, Leith Edgar <leith_edgar@fws.gov>

A few thoughts...

1. The opinion expressed by many tribal leaders at the Oct. 2 signing ceremony, which included a great many western tribes, is that while there has been consultation with the tribes, it hasn't been meaningful. They argued that phone calls, letters, webinars, etc., don't amount to meaningful consultation, and they don't feel their views are reflected in the actual delisting plan. I wanted to give you a chance to respond to that general sentiment.

> **I assume you have answers to this one... we recognize our tribal government to government responsibilities and take these responsibilities very seriously. we have coordinated early, and often, starting with 40 years of cooperation for tribes in the immediate ecosystem, and expanded the scope at every step of this process. we have done some face to face and will do more as desired. At bottom, ESA decisions must by statute be based on the best scientific and commercial information available. We fully respect the input of tribes as we consider their input in this decision.**

2. Many tribal leaders said it is offensive that the grizzly would be subject to trophy hunting, and some said a good alternative would be to reintroduce grizzlies to tribal lands where they have been extirpated. Has Fish and Wildlife considered this alternative? Would it cause unacceptable problems?

> **Regarding whether hunting should occur at all - Nothing in this rule would alter, or in any way affect, the jurisdiction or authority of the State of Wyoming, Tribal governments, the National Park Service, the U.S. Fish and Wildlife Service, or any other entity with respect to the regulation of hunting. Whatever jurisdiction or authority to authorize, prohibit, or regulate hunting existed in such areas prior to this final rule is unchanged by the promulgation of this rule (except, of course, that this rule removes the protections of the Act).**
>
> **Regarding the alternative proposed - Reintroductions are complicated efforts that are costly, require years of**

planning, a large financial investment at both the planning (e.g., NEPA or 10(j) rulemaking) and implementation (grizzly bear management is one of the most expensive species we manage under the ESA), cannot be done in isolation, requires involvement, cooperation, coordination, and consideration of multiple partners and as well as legal authorities or limitations. Suitable habitat could be limiting factor in some cases. In short, its a very complicated effort.

3. How does Fish and Wildlife weigh tribal cultural/spiritual values in relation to conservation and management values?

ESA requires that our decisions be based solely on the best scientific and commerical information available (is the population T or E based on threats). Secretarial order and other requirements dictate that we consult with tribes. One of our goals is to balance and satisfy both of these requirements.

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Oct 3, 2016 at 2:28 PM, Baker, Serena <serena_baker@fws.gov> wrote:

> 4 pm MST today is Bryan's deadline.
>
> Thanks!
>
> _____
>
> **Serena Baker**
> Public Affairs Specialist
> U.S. Fish & Wildlife Service
> Mountain-Prairie Region 6
> 134 Union Boulevard, Suite 400
> Lakewood, CO 80228
> Desk: 303.236.4588
> Cell: 720.391.6583
> Serena_Baker@fws.gov
>
> 
>
>
> On Mon, Oct 3, 2016 at 2:27 PM, Baker, Serena <serena_baker@fws.gov> wrote:
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> > Hello folks,
> >
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> >
> > I know Mike and I discussed reintroductions of grizzly bears to areas other than the designated recovery zones, but that the states have not been supportive.

Thanks!

_____

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov



---------- Forwarded message ----------
From: **Bryan Clark** <bclark@postregister.com>
Date: Mon, Oct 3, 2016 at 2:19 PM
Subject: Re: USFWS: Yellowstone grizzly bear population Tribal Outreach
To: "Baker, Serena" <serena_baker@fws.gov>

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3. How does Fish and Wildlife weigh tribal cultural/spiritual values in relation to conservation and management values?

Thanks,
Bryan

Bryan Clark
Government Reporter, Post Register
bclark@postregister.com
Office: 208.542.6751

Cell: 540.860.2101
Twitter: @prBClark

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Fwd: Issues and responses not included in final rule - Invitation to edit
Date: Thursday, October 13, 2016 3:02:48 PM

---

great idea!

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Jennifer Fortin-Noreus (via Google Docs)** <drive-shares-noreply@google.com>
Date: Thu, Oct 13, 2016 at 2:51 PM
Subject: Issues and responses not included in final rule - Invitation to edit
To: seth_willey@fws.gov
Cc: alexandra_kasdin@fws.gov

Jennifer Fortin-Noreus has invited you to **edit** the following document:

Issues and responses not included in final rule

Open in Docs

Google Docs: Create and edit documents online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a document with you from Google Docs.

From:	Kasworm, Wayne
To:	Jennifer Fortin-Noreus
Subject:	Fwd: Keep Grizzly Bears ESL Protections
Date:	Monday, October 10, 2016 11:28:05 AM

This may apply as a public comment?

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

---------- Forwarded message ----------
From: **CHERYLYNN COSTNER** <falconsees@gmail.com>
Date: Fri, Oct 7, 2016 at 8:28 AM
Subject: Keep Grizzly Bears ESL Protections
To: Wayne_Kasworm@fws.gov, Protect The Wolves <protectthewolves9765@gmail.com>, "Camilla Fox, Project Coyote" <cfox@projectcoyote.org>, Jimmy StGoddard <4eesukyah@gmail.com>, edward reddeck <successnow@att.net>, Bruce Colfin <bruce@thefirm.com>

Wayne Kasworm,

RIN:
1018-BA41
CFR:
50 CFR Part 17
Federal Register Number:
2016-21368

I am asking you to protect the Public Interest in Wildlife which demands that the Grizzly Bear remain as a Protected Animal under the provisions of the Endangered Species Act. This is critical to preserve the Grizzly Bears and to preserve the integrity of your office as public servants, not as pay-as-you-go politrick special interest providers. Protections must Stay for the Grizzly Bears in the Interest of Justice.

Sincerely,
Cherylynn Costner

From:	Kasdin, Alexandra
To:	Michel Bagbonon
Cc:	Seth Willey; Jennifer Fortin-Noreus
Subject:	Fwd: NRDC Grizzly Comments
Date:	Friday, October 14, 2016 10:47:07 AM
Attachments:	unedited grizzly comments 10.13.zip Edited Grizzly letters 10.13.zip Additional Unedited Grizzly comments 10.13.zip NRDC Additional Edited Grizzly comments.zip

---

Hi Michel,

Could you please add the attached files (there are a lot) to the NRDC's comment (FWS-R6-ES-2016-0042-9526)?

Thanks!!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

---------- Forwarded message ----------
From: **Michelle Bright** <michelle.bright124@gmail.com>
Date: Thu, Oct 13, 2016 at 3:21 PM
Subject: NRDC Grizzly Comments
To: seth_willey@fws.gov
Cc: alexandra_kasdin@fws.gov

Hi Seth,

As discussed, please see attached for the comments as a zip file. Unfortunately the files were still too big to send via outlook, which is why I'm sending from this email address. Let me know if this format works for you!
Thanks,
Michelle Bright

NRDC Communications Assistant

From: Bush, Jodi
To: Erickson, Mary C -FS
Cc: Matt Hogan; Jennifer Fortin-Noreus
Subject: Fwd: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date: Friday, October 28, 2016 10:15:43 AM
Attachments: Appendix C Proposal-10-28-16_FWS eds.docx

Mary. Thank for you letting us know about this new development regarding the YES conference call today. Attached please find the Service's proposed language regarding recalibration in Appendix C which we are providing as an alternative to the language proposed by the 3 State Directors. We ask that you forward this email and the attached to YES members for their consideration for this afternoon's call.

As you are aware, the management commitments and mechanisms described in the Conservation Strategy are foundational to our delisting determination. We anticipate that we will be challenged if we move forward with delisting, so it is essential that we have a solid record upon which to defend our decision. We believe the language the State's suggest is too ambiguous with regard to what will happen if a new population estimator is adopted – it leaves the response to be determined by the YGCC, in consideration of a recovery standard as defined by the Conservation Strategy, not the Recovery Plan criteria. The Service cannot simply cede our authority to define recovery to another entity in the future and we and our legal counsel do not believe that such an approach would be defensible.

The language proposed by the Service is written to state clearly that if the population estimator is changed we will recalibrate the associated metrics to ensure continuity with the overarching management objective – to maintain stability of the population around the long term population average.

Thank you for sharing this with the Committee. JB

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office

585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

Appendix C. Calculation of Total Population Size and Mortality Limits

Efforts to improve the population size estimation and management methods and to reevaluate the sustainable mortality limits in the Greater Yellowstone Ecosystem (GYE) have continued with the Interagency Grizzly Bear Study Team (IGBST) leading these efforts. Notably, several special reports have been produced including: "Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear" (hereafter referred to as the Reassessing Methods Document, IGBST 2005, Appendix L), which was released for public comment and peer review. In response to comments received during this process, a second document, "Reassessing Methods To Estimate Population Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear: Workshop document supplement on 19–21 June 2006" (hereafter referred to as the Supplement to the Reassessing Methods Document, IGBST 2006, Appendix M) was produced after further peer review. Most recently, a third document "Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem" (hereafter referred to as the Updated Demographics document, IGBST 2012) was prepared in response to updated information and changes in population trajectory related to grizzly bear demographics. This 2012 document is attached to this 2016 Conservation Strategy as Appendix N.

The goals of these IGBST workshops were to assemble internal and external experts to review and enhance existing methods and, to the extent feasible, use existing data to develop new population estimation methods in order and ensure that population estimation and mortality management methods for the GYE grizzly bear population are based on the best available science. This effort was undertaken as per the commitment in the Conservation Strategy of all management agencies to employ adaptive management using the best available science to manage the GYE grizzly bear population.

The IGBST will use the protocol described in this Appendix to annually estimate population size within the Demographic Monitoring Area (DMA), and then set mortality limits inside the DMA for the following year based on the sliding scale in Table 1. Methods used in this protocol are described in the Reassessing Methods Document (IGBST 2005), summarized in the Supplement

to the Reassessing Methods Document (IGBST 2006), and revised in the Updated Demographics Rates Document (IGBST 2012). Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator. Any change in the methods described below would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process with the requirement that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.

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~~The population goal is set for the average population size 2002–2014 inside the DMA. The current and approved method to estimate population size in the DMA uses the model averaged Chao2 estimator. If another population estimator was adopted as per the Conservation Strategy procedures described above, this new population estimator will be applied to the 2002–2014 data to estimate the average population size 2002–2014. The new population estimate results would be inserted in Table 1 to reset the population size numbers with the same sliding scale, with the intent to maintain the population goal of the average population size 2002–2014. If a review of the vital rate data by the IGBST (similar to that in the 2012 report) resulted in new mortality rate for a sustainable population at the 2002–2014 average population size, then the new sustainable mortality rate for the average 2002–2014 population size would replace the 7.6% for independent females and dependent young in Table 1. Any such change would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process, which requires that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.~~

The following procedures detail how population size and mortality thresholds would be calculated:

1. Observations of sightings of females with cubs-of-the-year[1] will be separated into an estimate of unique females with cubs-of-the-year and repeat observations of the same female using the methods of Knight *et al.* (1995).

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[1] Adult female grizzly bears accompanied by cubs that are less than one year old.

2. Only sightings of unique females with cubs-of-the-year from within the DMA will be used for subsequent estimates.
3. The Chao2 estimator (Keating *et al*. 2002) will be applied to sighting frequencies of unique females with cubs-of-the-year to estimate the total number of females with cubs of the year in the population.
4. The number of unique females with cubs-of-the-year obtained from the Chao2 estimator each year will be added to the long-term dataset to conduct the model-averaging process described in the Supplement to the Reassessing Methods Document (IGBST 2006). This process involves fitting a linear and quadratic trend model, followed by averaging model parameters based on the respective Akaike's Information Criterion (AIC_c) weights of the linear and quadratic models. These model-averaged parameters are then used to estimate the number of females with cubs-of-the-year.
5. The estimated number of females with cubs-of-the-year obtained through the model averaging will be used as the best estimate of the total number of independent females with cub-of-the-year in the DMA for that year.
6. The purpose of fitting the trend model is to obtain the best estimate of the current number of females with cubs-of-the-year by using information from past estimates, recognizing that with each iteration, some change is expected. Retrospectively adjusting estimates from previous years will not occur.
7. The estimated number of females with cubs-of-the-year will be divided by the proportion of females ≥4 years old estimated to be accompanied by cubs-of-the-year (transition probability = 0.2965) observed during 2002–2011. The resulting value represents the best estimate of the total number of females in the population ≥4 years old.
8. The number of females ≥4 years old will be divided by the estimated proportion of females ≥4 years old in the population of females ≥2 years old (proportion = 0.844) observed during 2002–2011. The resulting value is the best estimate of the number of independent females (≥2 years old) in the population that year.
9. The sustainable mortality limit for independent females is dependent on the population estimate of independent females (Table 1).
10. Unknown and unreported mortality will be estimated based on the methods of Cherry *et al*. (2002) as described in the Reassessing Methods Document (IGBST 2005).

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11. The number of independent males in the population will be based on the estimated ratio of independent males to independent females (ratio = 1:1) observed during 2002–2011 and derived via stochastic modeling described in the Supplement to the Reassessing Methods Document (IGBST 2006). The number of independent females in the population will thus be multiplied by 1.0 and the resulting value represents the best estimate of the number of independent males that year.
12. The sustainable mortality limit for independent males is dependent on the population estimate of independent males (Table 1).
13. The number of cubs-of-the-year in the annual population estimate will be calculated directly from the model-averaged estimate of females with cubs-of-the-year (IGBST 2006). The number of cubs will be estimated by multiplying the model-averaged estimate of females with cubs-of-the-year by the mean litter size (litter size = 2.49; mortality adjusted estimate) observed during 2002–2011.
14. The number of yearlings will be estimated by multiplying the estimated number of cubs from the previous year by the mean survival rate for cubs (cub survival = 0.553) observed during 2002–2011.
15. The sustainable mortality limit for dependent young (cubs and yearlings) is dependent on the population estimate of dependent young (Table 1). Only human-caused deaths (reported known and probable) will be tallied against the threshold for dependent young.
16. Unknown and unreported mortality will not be estimated for dependent young.
17. Sustainable mortality limits will be established annually based on the data collected in that year and the calculations described here. These mortality limits will then apply the following year. Because model-averaged estimates are used, annual variability among estimates is explicitly addressed. Consequently, annual limits based on a 3-year running average, as proposed in the Reassessing Methods Document (IGBST 2005), are not used. Instead, annual sustainable mortality limits for any year will be based on the data and calculations for the previous year (as described in this protocol and the Updated Demographic Rates Document, IGBST 2012, Appendix N).
18. Estimates of uncertainty about the number of independent females, independent males, dependent young, and total population size will be derived following methods detailed in the

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Supplement to the Reassessing Methods Document (IGBST 2006) using updated vital rates as documented in IGBST (2012, Appendix N).

~~19.~~1. The objective of 48[2] females with cubs-of-the-year as estimated with Chao2 will be evaluated based on the model-averaged estimate of females with cubs-of-the-year (IGBST 2012).

~~20.~~19. ~~A biology and monitoring review by the IGBST will occur should the model-averaged Chao2 estimate decline below 48 females with cubs of the year for any 2 consecutive years~~.

~~21. Agencies will implement management to attempt to limit female mortality model averaged Chao2 estimate decline below 48 females with cub of the year in any given year.~~

~~22.~~20. In modeling the rate of change (trend) of females with cubs-of-the-year as described in the Supplement to the Reassessing Methods Document (IGBST 2006), if the AIC_c weight favors the quadratic term and corresponding $\Delta AIC_c \geq 2.0$ compared with the linear model for 3 consecutive years, a full review of the population's demographics will be undertaken to better understand its status. Given evidence of a population nearing carrying capacity and a population fluctuating around a long-term mean, this approach allows timely detection of a sustained increasing or decreasing trend (van Manen *et al.* 2015).

~~23.~~21. If dead bears are reported in years subsequent to actual year of mortality, they will be tallied against year of death and total mortality will be recalculated. If mortality exceeds the threshold for that year, the difference (total mortality minus threshold) will be counted against the current years' threshold.

~~24.~~22. For bears that are estimated to be independent of age, if sex cannot be determined, sex will be assigned randomly using ratio of 59:41 male:female as recommended in Appendix A of Schwartz and Haroldson (2001).

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[2] 48 independent females with cubs of the year in the DMA is approximately equivalent to a population of 600 bears.

Table 1. Annual sustainable mortality limits by sex and age cohorts[3] of grizzly bears in the Greater Yellowstone Ecosystem under the protocol to manage for a population at the average annual population estimate for the period 2002–2014 in the Demographic Monitoring Area (DMA) (using the Chao2 estimator this average number is 674).

Maximum mortality rate for:	Population estimate inside the DMA using the model-averaged Chao2 method.			
	<674	674	675-747	>747
% of independent <u>FEMALES</u>	<7.6%	7.6%	9%	10%
% of independent <u>MALES</u>	15%	15%	20%	22%
% of DEPENDENT <u>YOUNG</u>	<7.6%	7.6%	9%	10%

Literature Cited

Cherry, S., M.A. Haroldson, J. Robison-Cox, and C.C. Schwartz. 2002. Estimating total human-caused mortality from reported mortality using data from radio-instrumented grizzly bears. Ursus 13:175–184.

Interagency Grizzly Bear Study Team. 2005. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 60 pp.

Interagency Grizzly Bear Study Team. 2006. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear workshop document supplement 19–21 June 2006. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 21 pp.

[3] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

Interagency Grizzly Bear Study Team. 2012. Updating and evaluating approaches to estimate population size and sustainable mortality limits for grizzly bears in the Greater Yellowstone Ecosystem. Interagency Grizzly Bear Study Team, U.S. Geological Survey, Bozeman, Montana, USA. 66 pp.

Keating, K.A., C.C. Schwartz, M.A. Haroldson, and D. Moody. 2002. Estimating numbers of females with cubs-of-the-year in the Yellowstone grizzly bear population. Ursus 13: 161– 174.

Knight, R.R., B.M. Blanchard, and L.L. Eberhardt. 1995. Appraising status of the Yellowstone grizzly bear population by counting females with cubs-of-the-year. Wildlife Society Bulletin 23: 245–248.

Schwartz, C.C. and M.A. Haroldson. 2001. Appendix A. Pages 119–121 *in* Yellowstone grizzly bear investigations: annual report of the Interagency Grizzly Bear Sutdy Team, 2000.
U.S. Geological Survey, Bozeman, Montana, USA.

Van Manen, F.T., M.A. Haroldson, D.D. Bjornlie, M.R. Ebinger, D.J. Thompson, C.M. Costello, and G.C. White. 2015. Density dependence, whitebark pine decline, and changing vital rates of Yellowstone grizzly bears. Journal of Wildlife Management. doi: 10.1002/jwmg.1005.

From:	Matt Hogan
To:	jodi_bush@fws.gov; jennifer_fortin-noreus@fws.gov
Subject:	Fwd: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date:	Friday, October 28, 2016 9:52:47 AM
Attachments:	Untitled attachment 00049.htm recalibration justification v2.docx

---

See edits by Gary

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

Begin forwarded message:

> **From:** "Frazer, Gary" <gary_frazer@fws.gov>
> **Date:** October 28, 2016 at 9:50:44 AM MDT
> **To:** Matt Hogan <matt_hogan@fws.gov>
> **Subject: Re: Please disseminate to YES committee in preparation for tomorrow's meeting**
>
> See suggested edits in the attached. -- GDF
>
> *Gary Frazer*
> *Assistant Director -- Ecological Services*
> *U.S. Fish and Wildlife Service*
> *(202) 208-4646*
>
> On Fri, Oct 28, 2016 at 10:57 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>> Any thoughts?
>>
>> Matt Hogan
>> Deputy Regional Director
>> Mountain-Prairie Region
>> U.S. Fish & Wildlife Service
>> 303-236-7920
>>
>> Begin forwarded message:
>>
>>> **From:** "Bush, Jodi" <jodi_bush@fws.gov>
>>> **Date:** October 28, 2016 at 8:55:10 AM MDT
>>> **To:** Matt Hogan <Matt_Hogan@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>
>>> **Subject: Re: Please disseminate to YES committee in preparation for tomorrow's meeting**

Matt and Jen. Can you take a quick look and see if you have any adds/REVISIONS? Matt I stole some of this from Gary's email. JB

I will attached revised Appendix C with our email.

Mary. Thank for you letting us know about this new development. Attached please find the Service's proposed language regarding recalibration in Appendix C. Given that we have not reached agreement with the States about the alternate language regarding recalibration in Appendix C and that they have chosen to bring their alternative language to the YES committee, we are providing this to you to share as well.

We believe the language the State suggests has too much ambiguity about the long term objectives of recovery, is inconsistent with the recovery plan and criteria and will be difficult to defend successfully in litigation.

(IT MIGHT BE USEFUL TO EXPLAIN WHY WE THINK ITS AMBIGUOUS AND INCONSISTENT HERE...)

Although the States language may appear "reasonable" by some, it leaves the recalibration question to a body (the YGCC) that is yet to be formed, and for which we do not know the membership, or rules of procedure.

The Service believes it is much clearer and scientifically warranted, to state clearly that if the population estimator is changed we will recalibrate.

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

Jodi L. Bush
Office Supervisor

Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Oct 27, 2016 at 4:18 PM, Erickson, Mary C -FS <mcerickson@fs.fed.us> wrote:

> Jodi and Matt, please see the information provided from Brian.
>
> I will forward these documents to YES for review. I believe this is allowable under the YES process since any member can bring something forward for consideration. However it is rather awkward since this is not the result of agreement between FWS and the States. I think we will need some clarity from FWS on where your agency stands with this or whether you would offer a different alternative for consideration as well?
>
> Thanks, Mary
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** Brian Nesvik <brian.nesvik@wyo.gov>
> > **Date:** October 27, 2016 at 4:08:34 PM MDT
> > **To:** "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
> > **Cc:** "Jeff Gould (jeff.gould@idfg.idaho.gov)" <jeff.gould@idfg.idaho.gov>, "McDonald, Ken" <kmcdonald@mt.gov>
> > **Subject: Please disseminate to YES committee in preparation for tomorrow's meeting**
> >
> > Mary,
> >
> > Attached are two documents. One is a new proposal for Appendix C that I will present tomorrow at our meeting. The other is a letter expressing support for the proposal from the three State Agency Directors. Please forward these to YES members for their review prior to tomorrow's meeting.
> >
> > I look forward to a productive meeting and approval of the Conservation Strategy appendices tomorrow. The meeting will be a great opportunity to finish all of the hard work that has gone into revising the Conservation Strategy and renewing all of our

commitments to a viable, healthy and recovered Yellowstone grizzly bear population for generations to come.

VR,
Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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Mary. Thank for you letting us know about this new development. Attached please find the Service's proposed language regarding recalibration in Appendix C~~. Given that we have not reached agreement with the States about the alternate language regarding recalibration in Appendix C and that they have chosen to bring their alternative language to the YES committee, we are providing this to you to share as well~~, which we are putting forward as an alternative to the language proposed by the 3 State Directors. We ask that both be considered by the Subcommittee on this afternoon's call.

The management commitments and mechanisms described in the Strategy are the foundation to our delisting determination. We anticipate that we will be challenged if we move forward with delisting, so it is essential that we have a solid record upon which to defend our decision. We believe the language the States suggest~~s has too much ambiguity about the long term objectives of recovery, is inconsistent with the recovery plan and criteria and will be difficult to defend successfully in litigation~~is too ambiguous with regard to what will happen if a new population estimator is adopted – it leaves the response to be determined by the YGCC, in consideration of a recovery standard as defined by the Conservation Strategy, not the Recovery Plan criteria. The Service and our legal counsel do not believe that such an approach would be defensible.

~~**(IT MIGHT BE USEFUL TO EXPLAIN WHY WE THINK ITS AMBIGUOUS AND INCONSISTENT HERE…)**~~

~~Although the States language may appear "reasonable" by some, it leaves the recalibration question to a body (the YGCC) that is yet to be formed, and for which we do not know the membership, or rules of procedure.~~

The language proposed by the Service ~~believes it is much clearer and scientifically warranted,~~is written to state clearly that if the population estimator is changed we will recalibrate the associated metrics to ensure continuity with the overarching management objective – to maintain stability of the population around the long term population average.

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

From:	Bush, Jodi
To:	Matt Hogan
Cc:	Thabault, Michael; Willey, Seth; Jennifer Fortin-Noreus
Subject:	Fwd: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date:	Thursday, October 27, 2016 4:52:17 PM
Attachments:	FINAL- Directors letter to YES-Appendix C.pdf Appendix C Proposal-10-28-16.docx

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Matt. Just talked to Jen about where we are with this meeting tomorrow but realize that you have just seen the attached. The States have signed a memo to the YES committee and provided suggested revisions to Appendix C from the proposal:

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.

The State's intention is to have this voted on at the YES meeting, tomorrow afternoon at 1 PM. Through the YES procedure it appears this is allowable. We should probably chat about the potential consequences of this event tomorrow if you can get away for a few minutes. Jen and I are free all morning. Thanks. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Erickson, Mary C -FS** <mcerickson@fs.fed.us>
Date: Thu, Oct 27, 2016 at 4:18 PM
Subject: Fwd: Please disseminate to YES committee in preparation for tomorrow's meeting
To: "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, FWS Matt Hogan <matt_hogan@fws.gov>

Jodi and Matt, please see the information provided from Brian.

I will forward these documents to YES for review. I believe this is allowable under the YES process since any member can bring something forward for consideration. However it is rather awkward since this is not the result of agreement between FWS and the States. I think we will need some clarity from FWS on where your agency stands with this or whether you would offer a different alternative for consideration as well?

Thanks, Mary

Sent from my iPad

Begin forwarded message:

From: Brian Nesvik <brian.nesvik@wyo.gov>
Date: October 27, 2016 at 4:08:34 PM MDT
To: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Cc: "Jeff Gould (jeff.gould@idfg.idaho.gov)" <jeff.gould@idfg.idaho.gov>, "McDonald, Ken" <kmcdonald@mt.gov>
Subject: Please disseminate to YES committee in preparation for tomorrow's meeting

Mary,

Attached are two documents. One is a new proposal for Appendix C that I will present tomorrow at our meeting. The other is a letter expressing support for the proposal from the three State Agency Directors. Please forward these to YES members for their review prior to tomorrow's meeting.

I look forward to a productive meeting and approval of the Conservation Strategy appendices tomorrow. The meeting will be a great opportunity to finish all of the hard work that has gone into revising the Conservation Strategy and renewing all of our commitments to a viable, healthy and recovered Yellowstone grizzly bear population for generations to come.

VR,
Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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October 27, 2016

Dear Members of the Yellowstone Ecosystem Subcommittee:

The United States Fish and Wildlife Service listed grizzly bears in the lower 48 states as threatened under the Endangered Species Act on July 28, 1975. At the time, scientists believed as few as 136 bears remained in the Greater Yellowstone Area (GYA), so recovering the GYA population of this iconic species was paramount. In 1983, the states of Wyoming, Montana, and Idaho partnered with affected federal agencies and local and tribal governments to establish the Interagency Grizzly Bear Committee which included the Yellowstone Ecosystem Subcommittee (YES). These committees facilitated grizzly bear recovery through science-based management, public education, and policy recommendations.

Over the last four decades, the states have shown an unwavering commitment to grizzly bear recovery. They have invested tens of millions of dollars and immeasurable personnel resources on grizzly bear research and recovery. Through these efforts, the states, and other members of the committees, have succeeded. Today, approximately 700, and likely many more, grizzly bears reside in the GYA. Grizzly bears have consistently met or surpassed recovery metrics for more than a dozen years, and there are no known threats to the bear's long-term persistence in the GYA. It is now time to celebrate this remarkable success by formally returning grizzly bear management to the states whose decades of proactive management made recovery possible.

In revising the Conservation Strategy, the states are renewing their commitment to manage bears based upon best available science, in a way that ensures a vibrant, sustainable population for the benefit of future generations. As stated in the Conservation Strategy, upon delisting the YES will become the Yellowstone Grizzly Bear Coordinating Committee (YGCC) and will be responsible for coordinating management of the recovered population.

The U.S. Fish and Wildlife Service and members of YES have discussed the incorporation of language to address the potential for change in the population estimator to ensure long-term comparability of data and review of related demographic criteria.

As the states' professional wildlife managers, we have evaluated how to resolve differing perspectives regarding appropriate language in Appendix C of the Conservation Strategy related to recalibration in the event that the population estimator changes in the future. The YES has already agreed upon language stating that adoption of new population estimator would only occur after scientific review and public comment. Inherent in the commitment to best available science is ensuring appropriate data comparability over time.

In order to resolve the last remaining issue before YES, we support the addition of the following language to Appendix C of the Conservation Strategy to replace related language inserted prior to YES review:

> Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.

This language ensures that if the YGCC adopts a different population estimator in the future, the states will seek direction from the YGCC on how to implement that estimator in a way that applies best available science and ensures grizzly bears will not risk becoming threatened or endangered in the foreseeable future.

We look forward to the delisting of the GYA grizzly bear population and continuing our cooperative effort to maintain a recovered population as demonstrated by our commitments in the Conservation Strategy.

Sincerely,

Virgil Moore, Director
Idaho Dept of Fish and Game
P O Box 25
Boise ID 83707

M. Jeff Hagener, Director
Montana Fish, Wildlife & Parks
P O Box 200701
Helena MT 59620-0701

Scott Talbott, Director
Wyoming Game and Fish Dept
5400 Bishop Boulevard
Cheyenne WY 82006

Appendix C. Calculation of Total Population Size and Mortality Limits

Efforts to improve the population size estimation and management methods and to reevaluate the sustainable mortality limits in the Greater Yellowstone Ecosystem (GYE) have continued with the Interagency Grizzly Bear Study Team (IGBST) leading these efforts. Notably, several special reports have been produced including: "Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear" (hereafter referred to as the Reassessing Methods Document, IGBST 2005, Appendix L), which was released for public comment and peer review. In response to comments received during this process, a second document, "Reassessing Methods To Estimate Population Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear: Workshop document supplement on 19–21 June 2006" (hereafter referred to as the Supplement to the Reassessing Methods Document, IGBST 2006, Appendix M) was produced after further peer review. Most recently, a third document "Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem" (hereafter referred to as the Updated Demographics document, IGBST 2012) was prepared in response to updated information and changes in population trajectory related to grizzly bear demographics. This 2012 document is attached to this 2016 Conservation Strategy as Appendix N.

The goals of these IGBST workshops were to assemble internal and external experts to review and enhance existing methods and, to the extent feasible, use existing data to develop new population estimation methods in order and ensure that population estimation and mortality management methods for the GYE grizzly bear population are based on the best available science. This effort was undertaken as per the commitment in the Conservation Strategy of all management agencies to employ adaptive management using the best available science to manage the GYE grizzly bear population.

The IGBST will use the protocol described in this Appendix to annually estimate population size within the Demographic Monitoring Area (DMA), and then set mortality limits inside the DMA for the following year based on the sliding scale in Table 1. Methods used in this protocol are described in the Reassessing Methods Document (IGBST 2005), summarized in the Supplement

to the Reassessing Methods Document (IGBST 2006), and revised in the Updated Demographics Rates Document (IGBST 2012). Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy. Any change in the methods described below would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process with the requirement that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.

~~The population goal is set for the average population size 2002–2014 inside the DMA. The current and approved method to estimate population size in the DMA uses the model-averaged Chao2 estimator. If another population estimator was adopted as per the Conservation Strategy procedures described above, this new population estimator will be applied to the 2002–2014 data to estimate the average population size 2002–2014. The new population estimate results would be inserted in Table 1 to reset the population size numbers with the same sliding scale, with the intent to maintain the population goal of the average population size 2002–2014. If a review of the vital rate data by the IGBST (similar to that in the 2012 report) resulted in new mortality rate for a sustainable population at the 2002–2014 average population size, then the new sustainable mortality rate for the average 2002–2014 population size would replace the 7.6% for independent females and dependent young in Table 1. Any such change would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process, which requires that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.~~

The following procedures detail how population size and mortality thresholds would be calculated:

1. Observations of sightings of females with cubs-of-the-year[1] will be separated into an estimate of unique females with cubs-of-the-year and repeat observations of the same female using the methods of Knight *et al.* (1995).

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[1] Adult female grizzly bears accompanied by cubs that are less than one year old.

2. Only sightings of unique females with cubs-of-the-year from within the DMA will be used for subsequent estimates.
3. The Chao2 estimator (Keating *et al*. 2002) will be applied to sighting frequencies of unique females with cubs-of-the-year to estimate the total number of females with cubs of the year in the population.
4. The number of unique females with cubs-of-the-year obtained from the Chao2 estimator each year will be added to the long-term dataset to conduct the model-averaging process described in the Supplement to the Reassessing Methods Document (IGBST 2006). This process involves fitting a linear and quadratic trend model, followed by averaging model parameters based on the respective Akaike's Information Criterion (AIC_c) weights of the linear and quadratic models. These model-averaged parameters are then used to estimate the number of females with cubs-of-the-year.
5. The estimated number of females with cubs-of-the-year obtained through the model averaging will be used as the best estimate of the total number of independent females with cub-of-the-year in the DMA for that year.
6. The purpose of fitting the trend model is to obtain the best estimate of the current number of females with cubs-of-the-year by using information from past estimates, recognizing that with each iteration, some change is expected. Retrospectively adjusting estimates from previous years will not occur.
7. The estimated number of females with cubs-of-the-year will be divided by the proportion of females ≥4 years old estimated to be accompanied by cubs-of-the-year (transition probability = 0.2965) observed during 2002–2011. The resulting value represents the best estimate of the total number of females in the population ≥4 years old.
8. The number of females ≥4 years old will be divided by the estimated proportion of females ≥4 years old in the population of females ≥2 years old (proportion = 0.844) observed during 2002–2011. The resulting value is the best estimate of the number of independent females (≥2 years old) in the population that year.
9. The sustainable mortality limit for independent females is dependent on the population estimate of independent females (Table 1).
10. Unknown and unreported mortality will be estimated based on the methods of Cherry *et al*. (2002) as described in the Reassessing Methods Document (IGBST 2005).

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11. The number of independent males in the population will be based on the estimated ratio of independent males to independent females (ratio = 1:1) observed during 2002–2011 and derived via stochastic modeling described in the Supplement to the Reassessing Methods Document (IGBST 2006). The number of independent females in the population will thus be multiplied by 1.0 and the resulting value represents the best estimate of the number of independent males that year.
12. The sustainable mortality limit for independent males is dependent on the population estimate of independent males (Table 1).
13. The number of cubs-of-the-year in the annual population estimate will be calculated directly from the model-averaged estimate of females with cubs-of-the-year (IGBST 2006). The number of cubs will be estimated by multiplying the model-averaged estimate of females with cubs-of-the-year by the mean litter size (litter size = 2.49; mortality adjusted estimate) observed during 2002–2011.
14. The number of yearlings will be estimated by multiplying the estimated number of cubs from the previous year by the mean survival rate for cubs (cub survival = 0.553) observed during 2002–2011.
15. The sustainable mortality limit for dependent young (cubs and yearlings) is dependent on the population estimate of dependent young (Table 1). Only human-caused deaths (reported known and probable) will be tallied against the threshold for dependent young.
16. Unknown and unreported mortality will not be estimated for dependent young.
17. Sustainable mortality limits will be established annually based on the data collected in that year and the calculations described here. These mortality limits will then apply the following year. Because model-averaged estimates are used, annual variability among estimates is explicitly addressed. Consequently, annual limits based on a 3-year running average, as proposed in the Reassessing Methods Document (IGBST 2005), are not used. Instead, annual sustainable mortality limits for any year will be based on the data and calculations for the previous year (as described in this protocol and the Updated Demographic Rates Document, IGBST 2012, Appendix N).
18. Estimates of uncertainty about the number of independent females, independent males, dependent young, and total population size will be derived following methods detailed in the

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Supplement to the Reassessing Methods Document (IGBST 2006) using updated vital rates as documented in IGBST (2012, Appendix N).

~~19.~~1. The objective of 48[2] females with cubs-of-the-year as estimated with Chao2 will be evaluated based on the model-averaged estimate of females with cubs-of-the-year (IGBST 2012).

~~20.~~19. ~~A biology and monitoring review by the IGBST will occur should the model-averaged Chao2 estimate decline below 48 females with cubs of the year for any 2 consecutive years~~.

~~21. Agencies will implement management to attempt to limit female mortality model averaged Chao2 estimate decline below 48 females with cub of the year in any given year.~~

~~22.~~20. In modeling the rate of change (trend) of females with cubs-of-the-year as described in the Supplement to the Reassessing Methods Document (IGBST 2006), if the AIC_c weight favors the quadratic term and corresponding $\Delta AIC_c \geq 2.0$ compared with the linear model for 3 consecutive years, a full review of the population's demographics will be undertaken to better understand its status. Given evidence of a population nearing carrying capacity and a population fluctuating around a long-term mean, this approach allows timely detection of a sustained increasing or decreasing trend (van Manen *et al.* 2015).

~~23.~~21. If dead bears are reported in years subsequent to actual year of mortality, they will be tallied against year of death and total mortality will be recalculated. If mortality exceeds the threshold for that year, the difference (total mortality minus threshold) will be counted against the current years' threshold.

~~24.~~22. For bears that are estimated to be independent of age, if sex cannot be determined, sex will be assigned randomly using ratio of 59:41 male:female as recommended in Appendix A of Schwartz and Haroldson (2001).

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[2] 48 independent females with cubs of the year in the DMA is approximately equivalent to a population of 600 bears.

Table 1. Annual sustainable mortality limits by sex and age cohorts[3] of grizzly bears in the Greater Yellowstone Ecosystem under the protocol to manage for a population at the average annual population estimate for the period 2002–2014 in the Demographic Monitoring Area (DMA) (using the Chao2 estimator this average number is 674).

Maximum mortality rate for:	Population estimate inside the DMA using the model-averaged Chao2 method.			
	<674	674	675-747	>747
% of independent <u>FEMALES</u>	<7.6%	7.6%	9%	10%
% of independent <u>MALES</u>	15%	15%	20%	22%
% of DEPENDENT <u>YOUNG</u>	<7.6%	7.6%	9%	10%

Literature Cited

Cherry, S., M.A. Haroldson, J. Robison-Cox, and C.C. Schwartz. 2002. Estimating total human-caused mortality from reported mortality using data from radio-instrumented grizzly bears. Ursus 13:175–184.

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Interagency Grizzly Bear Study Team. 2006. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear workshop document supplement 19–21 June 2006. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 21 pp.

[3] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

Interagency Grizzly Bear Study Team. 2012. Updating and evaluating approaches to estimate population size and sustainable mortality limits for grizzly bears in the Greater Yellowstone Ecosystem. Interagency Grizzly Bear Study Team, U.S. Geological Survey, Bozeman, Montana, USA. 66 pp.

Keating, K.A., C.C. Schwartz, M.A. Haroldson, and D. Moody. 2002. Estimating numbers of females with cubs-of-the-year in the Yellowstone grizzly bear population. Ursus 13: 161– 174.

Knight, R.R., B.M. Blanchard, and L.L. Eberhardt. 1995. Appraising status of the Yellowstone grizzly bear population by counting females with cubs-of-the-year. Wildlife Society Bulletin 23: 245–248.

Schwartz, C.C. and M.A. Haroldson. 2001. Appendix A. Pages 119–121 *in* Yellowstone grizzly bear investigations: annual report of the Interagency Grizzly Bear Sutdy Team, 2000.
U.S. Geological Survey, Bozeman, Montana, USA.

Van Manen, F.T., M.A. Haroldson, D.D. Bjornlie, M.R. Ebinger, D.J. Thompson, C.M. Costello, and G.C. White. 2015. Density dependence, whitebark pine decline, and changing vital rates of Yellowstone grizzly bears. Journal of Wildlife Management. doi: 10.1002/jwmg.1005.

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus
Subject:	Fwd: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date:	Thursday, October 27, 2016 4:36:49 PM
Attachments:	ATT00001.htm FINAL- Directors letter to YES-Appendix C.pdf Appendix C Proposal-10-28-16.docx ATT00002.htm

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FYI

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Erickson, Mary C -FS** <mcerickson@fs.fed.us>
Date: Thu, Oct 27, 2016 at 4:18 PM
Subject: Fwd: Please disseminate to YES committee in preparation for tomorrow's meeting
To: "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, FWS Matt Hogan <matt_hogan@fws.gov>

Jodi and Matt, please see the information provided from Brian.

I will forward these documents to YES for review. I believe this is allowable under the YES process since any member can bring something forward for consideration. However it is rather awkward since this is not the result of agreement between FWS and the States. I think we will need some clarity from FWS on where your agency stands with this or whether you would offer a different alternative for consideration as well?

Thanks, Mary

Sent from my iPad

Begin forwarded message:

> **From:** Brian Nesvik <brian.nesvik@wyo.gov>
> **Date:** October 27, 2016 at 4:08:34 PM MDT
> **To:** "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
> **Cc:** "Jeff Gould (jeff.gould@idfg.idaho.gov)" <jeff.gould@idfg.idaho.gov>, "McDonald, Ken" <kmcdonald@mt.gov>
> **Subject: Please disseminate to YES committee in preparation for tomorrow's meeting**
>
> Mary,

Attached are two documents. One is a new proposal for Appendix C that I will present tomorrow at our meeting. The other is a letter expressing support for the proposal from the three State Agency Directors. Please forward these to YES members for their review prior to tomorrow's meeting.

I look forward to a productive meeting and approval of the Conservation Strategy appendices tomorrow. The meeting will be a great opportunity to finish all of the hard work that has gone into revising the Conservation Strategy and renewing all of our commitments to a viable, healthy and recovered Yellowstone grizzly bear population for generations to come.

VR,
Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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October 27, 2016

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Sincerely,

Virgil Moore, Director
Idaho Dept of Fish and Game
P O Box 25
Boise ID 83707

M. Jeff Hagener, Director
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P O Box 200701
Helena MT 59620-0701

Scott Talbott, Director
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Appendix C. Calculation of Total Population Size and Mortality Limits

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14. The number of yearlings will be estimated by multiplying the estimated number of cubs from the previous year by the mean survival rate for cubs (cub survival = 0.553) observed during 2002–2011.
15. The sustainable mortality limit for dependent young (cubs and yearlings) is dependent on the population estimate of dependent young (Table 1). Only human-caused deaths (reported known and probable) will be tallied against the threshold for dependent young.
16. Unknown and unreported mortality will not be estimated for dependent young.
17. Sustainable mortality limits will be established annually based on the data collected in that year and the calculations described here. These mortality limits will then apply the following year. Because model-averaged estimates are used, annual variability among estimates is explicitly addressed. Consequently, annual limits based on a 3-year running average, as proposed in the Reassessing Methods Document (IGBST 2005), are not used. Instead, annual sustainable mortality limits for any year will be based on the data and calculations for the previous year (as described in this protocol and the Updated Demographic Rates Document, IGBST 2012, Appendix N).
18. Estimates of uncertainty about the number of independent females, independent males, dependent young, and total population size will be derived following methods detailed in the

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Supplement to the Reassessing Methods Document (IGBST 2006) using updated vital rates as documented in IGBST (2012, Appendix N).

~~19.~~1. The objective of 48[2] females with cubs-of-the-year as estimated with Chao2 will be evaluated based on the model-averaged estimate of females with cubs-of-the-year (IGBST 2012).

~~20.~~19. ~~A biology and monitoring review by the IGBST will occur should the model-averaged Chao2 estimate decline below 48 females with cubs of the year for any 2 consecutive years~~.

~~21. Agencies will implement management to attempt to limit female mortality model averaged Chao2 estimate decline below 48 females with cub of the year in any given year.~~

~~22.~~20. In modeling the rate of change (trend) of females with cubs-of-the-year as described in the Supplement to the Reassessing Methods Document (IGBST 2006), if the AIC_c weight favors the quadratic term and corresponding $\Delta AIC_c \geq 2.0$ compared with the linear model for 3 consecutive years, a full review of the population's demographics will be undertaken to better understand its status. Given evidence of a population nearing carrying capacity and a population fluctuating around a long-term mean, this approach allows timely detection of a sustained increasing or decreasing trend (van Manen *et al.* 2015).

~~23.~~21. If dead bears are reported in years subsequent to actual year of mortality, they will be tallied against year of death and total mortality will be recalculated. If mortality exceeds the threshold for that year, the difference (total mortality minus threshold) will be counted against the current years' threshold.

~~24.~~22. For bears that are estimated to be independent of age, if sex cannot be determined, sex will be assigned randomly using ratio of 59:41 male:female as recommended in Appendix A of Schwartz and Haroldson (2001).

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[2] 48 independent females with cubs of the year in the DMA is approximately equivalent to a population of 600 bears.

Table 1. Annual sustainable mortality limits by sex and age cohorts[3] of grizzly bears in the Greater Yellowstone Ecosystem under the protocol to manage for a population at the average annual population estimate for the period 2002–2014 in the Demographic Monitoring Area (DMA) (using the Chao2 estimator this average number is 674).

Maximum mortality rate for:	Population estimate inside the DMA using the model-averaged Chao2 method.			
	<674	674	675-747	>747
% of independent <u>FEMALES</u>	<7.6%	7.6%	9%	10%
% of independent <u>MALES</u>	15%	15%	20%	22%
% of DEPENDENT <u>YOUNG</u>	<7.6%	7.6%	9%	10%

Literature Cited

Cherry, S., M.A. Haroldson, J. Robison-Cox, and C.C. Schwartz. 2002. Estimating total human-caused mortality from reported mortality using data from radio-instrumented grizzly bears. Ursus 13:175–184.

Interagency Grizzly Bear Study Team. 2005. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 60 pp.

Interagency Grizzly Bear Study Team. 2006. Reassessing methods to estimate population size and sustainable mortality limits for the Greater Yellowstone Ecosystem grizzly bear workshop document supplement 19–21 June 2006. Interagency Grizzly Bear Study Team, USGS Northern Rocky Mountain Science Center, Montana State University, Bozeman, Montana, USA. 21 pp.

[3] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

Interagency Grizzly Bear Study Team. 2012. Updating and evaluating approaches to estimate population size and sustainable mortality limits for grizzly bears in the Greater Yellowstone Ecosystem. Interagency Grizzly Bear Study Team, U.S. Geological Survey, Bozeman, Montana, USA. 66 pp.

Keating, K.A., C.C. Schwartz, M.A. Haroldson, and D. Moody. 2002. Estimating numbers of females with cubs-of-the-year in the Yellowstone grizzly bear population. Ursus 13: 161– 174.

Knight, R.R., B.M. Blanchard, and L.L. Eberhardt. 1995. Appraising status of the Yellowstone grizzly bear population by counting females with cubs-of-the-year. Wildlife Society Bulletin 23: 245–248.

Schwartz, C.C. and M.A. Haroldson. 2001. Appendix A. Pages 119–121 *in* Yellowstone grizzly bear investigations: annual report of the Interagency Grizzly Bear Sutdy Team, 2000.
U.S. Geological Survey, Bozeman, Montana, USA.

Van Manen, F.T., M.A. Haroldson, D.D. Bjornlie, M.R. Ebinger, D.J. Thompson, C.M. Costello, and G.C. White. 2015. Density dependence, whitebark pine decline, and changing vital rates of Yellowstone grizzly bears. Journal of Wildlife Management. doi: 10.1002/jwmg.1005.

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus
Subject:	Fwd: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date:	Friday, October 28, 2016 10:59:49 AM
Attachments:	Appendix C Proposal-10-28-16_FWS eds.docx

Gary came in with edits....JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Bush, Jodi** <jodi_bush@fws.gov>
Date: Fri, Oct 28, 2016 at 10:15 AM
Subject: Fwd: Please disseminate to YES committee in preparation for tomorrow's meeting
To: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Cc: Matt Hogan <Matt_Hogan@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>

> Mary. Thank for you letting us know about this new development regarding the YES conference call today. Attached please find the Service's proposed language regarding recalibration in Appendix C which we are providing as an alternative to the language proposed by the 3 State Directors. We ask that you forward this email and the attached to YES members for their consideration for this afternoon's call.
>
> As you are aware, the management commitments and mechanisms described in the Conservation Strategy are foundational to our delisting determination. We anticipate that we will be challenged if we move forward with delisting, so it is essential that we have a solid record upon which to defend our decision. We believe the language the State's suggest is too ambiguous with regard to what will happen if a new population estimator is adopted – it leaves the response to be determined by the YGCC, in consideration of a recovery standard as defined by the Conservation Strategy, not the Recovery Plan criteria. The Service cannot simply cede our authority to define recovery to another entity in the future and we and our legal counsel do not believe that such an approach would be defensible.
>
> The language proposed by the Service is written to state clearly that if the population estimator is changed we will recalibrate the associated metrics to ensure continuity with the overarching management objective – to maintain stability of the population around the long term population average.

Thank you for sharing this with the Committee. JB

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

Appendix C. Calculation of Total Population Size and Mortality Limits

Efforts to improve the population size estimation and management methods and to reevaluate the sustainable mortality limits in the Greater Yellowstone Ecosystem (GYE) have continued with the Interagency Grizzly Bear Study Team (IGBST) leading these efforts. Notably, several special reports have been produced including: "Reassessing Methods to Estimate Population Size and Sustainable Mortality Limits for the Yellowstone Grizzly Bear" (hereafter referred to as the Reassessing Methods Document, IGBST 2005, Appendix L), which was released for public comment and peer review. In response to comments received during this process, a second document, "Reassessing Methods To Estimate Population Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear: Workshop document supplement on 19–21 June 2006" (hereafter referred to as the Supplement to the Reassessing Methods Document, IGBST 2006, Appendix M) was produced after further peer review. Most recently, a third document "Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem" (hereafter referred to as the Updated Demographics document, IGBST 2012) was prepared in response to updated information and changes in population trajectory related to grizzly bear demographics. This 2012 document is attached to this 2016 Conservation Strategy as Appendix N.

The goals of these IGBST workshops were to assemble internal and external experts to review and enhance existing methods and, to the extent feasible, use existing data to develop new population estimation methods in order and ensure that population estimation and mortality management methods for the GYE grizzly bear population are based on the best available science. This effort was undertaken as per the commitment in the Conservation Strategy of all management agencies to employ adaptive management using the best available science to manage the GYE grizzly bear population.

The IGBST will use the protocol described in this Appendix to annually estimate population size within the Demographic Monitoring Area (DMA), and then set mortality limits inside the DMA for the following year based on the sliding scale in Table 1. Methods used in this protocol are described in the Reassessing Methods Document (IGBST 2005), summarized in the Supplement

to the Reassessing Methods Document (IGBST 2006), and revised in the Updated Demographics Rates Document (IGBST 2012). Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator. Any change in the methods described below would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process with the requirement that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.

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~~The population goal is set for the average population size 2002–2014 inside the DMA. The current and approved method to estimate population size in the DMA uses the model averaged Chao2 estimator. If another population estimator was adopted as per the Conservation Strategy procedures described above, this new population estimator will be applied to the 2002–2014 data to estimate the average population size 2002–2014. The new population estimate results would be inserted in Table 1 to reset the population size numbers with the same sliding scale, with the intent to maintain the population goal of the average population size 2002–2014. If a review of the vital rate data by the IGBST (similar to that in the 2012 report) resulted in new mortality rate for a sustainable population at the 2002–2014 average population size, then the new sustainable mortality rate for the average 2002–2014 population size would replace the 7.6% for independent females and dependent young in Table 1. Any such change would be considered a change to the Conservation Strategy and would be revised through the Yellowstone Grizzly Bear Coordinating Committee process, which requires that any proposed changes: 1) be based upon the best available science; and 2) go through public review before they are accepted, as per p. 99 of this Conservation Strategy.~~

The following procedures detail how population size and mortality thresholds would be calculated:

1. Observations of sightings of females with cubs-of-the-year[1] will be separated into an estimate of unique females with cubs-of-the-year and repeat observations of the same female using the methods of Knight *et al.* (1995).

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[1] Adult female grizzly bears accompanied by cubs that are less than one year old.

2. Only sightings of unique females with cubs-of-the-year from within the DMA will be used for subsequent estimates.
3. The Chao2 estimator (Keating *et al*. 2002) will be applied to sighting frequencies of unique females with cubs-of-the-year to estimate the total number of females with cubs of the year in the population.
4. The number of unique females with cubs-of-the-year obtained from the Chao2 estimator each year will be added to the long-term dataset to conduct the model-averaging process described in the Supplement to the Reassessing Methods Document (IGBST 2006). This process involves fitting a linear and quadratic trend model, followed by averaging model parameters based on the respective Akaike's Information Criterion (AIC_c) weights of the linear and quadratic models. These model-averaged parameters are then used to estimate the number of females with cubs-of-the-year.
5. The estimated number of females with cubs-of-the-year obtained through the model averaging will be used as the best estimate of the total number of independent females with cub-of-the-year in the DMA for that year.
6. The purpose of fitting the trend model is to obtain the best estimate of the current number of females with cubs-of-the-year by using information from past estimates, recognizing that with each iteration, some change is expected. Retrospectively adjusting estimates from previous years will not occur.
7. The estimated number of females with cubs-of-the-year will be divided by the proportion of females ≥4 years old estimated to be accompanied by cubs-of-the-year (transition probability = 0.2965) observed during 2002–2011. The resulting value represents the best estimate of the total number of females in the population ≥4 years old.
8. The number of females ≥4 years old will be divided by the estimated proportion of females ≥4 years old in the population of females ≥2 years old (proportion = 0.844) observed during 2002–2011. The resulting value is the best estimate of the number of independent females (≥2 years old) in the population that year.
9. The sustainable mortality limit for independent females is dependent on the population estimate of independent females (Table 1).
10. Unknown and unreported mortality will be estimated based on the methods of Cherry *et al*. (2002) as described in the Reassessing Methods Document (IGBST 2005).

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11. The number of independent males in the population will be based on the estimated ratio of independent males to independent females (ratio = 1:1) observed during 2002–2011 and derived via stochastic modeling described in the Supplement to the Reassessing Methods Document (IGBST 2006). The number of independent females in the population will thus be multiplied by 1.0 and the resulting value represents the best estimate of the number of independent males that year.
12. The sustainable mortality limit for independent males is dependent on the population estimate of independent males (Table 1).
13. The number of cubs-of-the-year in the annual population estimate will be calculated directly from the model-averaged estimate of females with cubs-of-the-year (IGBST 2006). The number of cubs will be estimated by multiplying the model-averaged estimate of females with cubs-of-the-year by the mean litter size (litter size = 2.49; mortality adjusted estimate) observed during 2002–2011.
14. The number of yearlings will be estimated by multiplying the estimated number of cubs from the previous year by the mean survival rate for cubs (cub survival = 0.553) observed during 2002–2011.
15. The sustainable mortality limit for dependent young (cubs and yearlings) is dependent on the population estimate of dependent young (Table 1). Only human-caused deaths (reported known and probable) will be tallied against the threshold for dependent young.
16. Unknown and unreported mortality will not be estimated for dependent young.
17. Sustainable mortality limits will be established annually based on the data collected in that year and the calculations described here. These mortality limits will then apply the following year. Because model-averaged estimates are used, annual variability among estimates is explicitly addressed. Consequently, annual limits based on a 3-year running average, as proposed in the Reassessing Methods Document (IGBST 2005), are not used. Instead, annual sustainable mortality limits for any year will be based on the data and calculations for the previous year (as described in this protocol and the Updated Demographic Rates Document, IGBST 2012, Appendix N).
18. Estimates of uncertainty about the number of independent females, independent males, dependent young, and total population size will be derived following methods detailed in the

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Supplement to the Reassessing Methods Document (IGBST 2006) using updated vital rates as documented in IGBST (2012, Appendix N).

~~19.~~1. The objective of 48[2] females with cubs-of-the-year as estimated with Chao2 will be evaluated based on the model-averaged estimate of females with cubs-of-the-year (IGBST 2012).

~~20.~~19. ~~A biology and monitoring review by the IGBST will occur should the model-averaged Chao2 estimate decline below 48 females with cubs of the year for any 2 consecutive years~~.

~~21. Agencies will implement management to attempt to limit female mortality model averaged Chao2 estimate decline below 48 females with cub of the year in any given year.~~

~~22.~~20. In modeling the rate of change (trend) of females with cubs-of-the-year as described in the Supplement to the Reassessing Methods Document (IGBST 2006), if the AIC_c weight favors the quadratic term and corresponding $\Delta AIC_c \geq 2.0$ compared with the linear model for 3 consecutive years, a full review of the population's demographics will be undertaken to better understand its status. Given evidence of a population nearing carrying capacity and a population fluctuating around a long-term mean, this approach allows timely detection of a sustained increasing or decreasing trend (van Manen *et al.* 2015).

~~23.~~21. If dead bears are reported in years subsequent to actual year of mortality, they will be tallied against year of death and total mortality will be recalculated. If mortality exceeds the threshold for that year, the difference (total mortality minus threshold) will be counted against the current years' threshold.

~~24.~~22. For bears that are estimated to be independent of age, if sex cannot be determined, sex will be assigned randomly using ratio of 59:41 male:female as recommended in Appendix A of Schwartz and Haroldson (2001).

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[2] 48 independent females with cubs of the year in the DMA is approximately equivalent to a population of 600 bears.

Table 1. Annual sustainable mortality limits by sex and age cohorts[3] of grizzly bears in the Greater Yellowstone Ecosystem under the protocol to manage for a population at the average annual population estimate for the period 2002–2014 in the Demographic Monitoring Area (DMA) (using the Chao2 estimator this average number is 674).

Maximum mortality rate for:	Population estimate inside the DMA using the model-averaged Chao2 method.			
	<674	674	675-747	>747
% of independent <u>FEMALES</u>	<7.6%	7.6%	9%	10%
% of independent <u>MALES</u>	15%	15%	20%	22%
% of DEPENDENT <u>YOUNG</u>	<7.6%	7.6%	9%	10%

Literature Cited

Cherry, S., M.A. Haroldson, J. Robison-Cox, and C.C. Schwartz. 2002. Estimating total human-caused mortality from reported mortality using data from radio-instrumented grizzly bears. Ursus 13:175–184.

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[3] Sustainable mortality estimates are based on the sustainable mortality percentage of the respective population segment relative to the population estimates.

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Knight, R.R., B.M. Blanchard, and L.L. Eberhardt. 1995. Appraising status of the Yellowstone grizzly bear population by counting females with cubs-of-the-year. Wildlife Society Bulletin 23: 245–248.

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U.S. Geological Survey, Bozeman, Montana, USA.

Van Manen, F.T., M.A. Haroldson, D.D. Bjornlie, M.R. Ebinger, D.J. Thompson, C.M. Costello, and G.C. White. 2015. Density dependence, whitebark pine decline, and changing vital rates of Yellowstone grizzly bears. Journal of Wildlife Management. doi: 10.1002/jwmg.1005.

From:	wayne_kasworm@fws.gov
To:	Frank van Manen; Mark Haroldson
Cc:	Fortin-Noreus, Jennifer
Subject:	Fwd: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date:	Tuesday, October 04, 2016 1:51:17 PM

Don't know if you have seen this feedback on your report?? Any suggestions for a response??

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT. 59923
406.293.4161. ext 205

From: Louisa Willcox
Sent: Tuesday, October 4, 12:50 PM
Subject: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
To: Wayne Kasworm

Hi Wayne,

Thanks for the response.

Why is the IGBST not reporting on these violations and why is FWS not making this public either? As you well know, after delisting, managers and the public need to know is there are problems meeting FWS's standards so as to make course corrections. If you don't know there are problems, how will this occur? Will there be some new plan to release these findings by FWS, if IGBST does not do it?

Until the 2015 report, the IGBST annual reports always included a very clear chart of total mortalities and whether limits were exceeded. Why was this stopped? Since FWS is one of the most important "clients" of USGS, if FWS wanted this information in the reports, it certainly would have been included.

From what I hear from the YES discussion yesterday, the states are not planning to show this kind of data so the public can see it. While that is disturbing in its own right, it makes it especially important for FWS and IGBST to be clear.

Also, by my math, using IGBST estimates for the population, 18 independent females was the limit last year, and 25 died. Can you please confirm that this is what you get?

This is not a subtle violation.

I look forward to hearing from you,

Sincerely,

Louisa

On 9/30/2016 1:46 PM, wayne_kasworm@fws.gov wrote:

> Under the 2007 supplement to the recovery plan for Yellowstone, the independent female mortality limit is 9%, the independent male mortality limit is 15%, and the dependent young mortality limit is 9%. The IGBST Yellowstone report for 2015 indicates that independent female mortality was 10.1%, independent males was 13% and dependent young was 5.8%. Therefore independent female mortality exceeded the limit in 2015, but independent males and dependent young did not exceed the limits.
>
> Wayne Kasworm
> US Fish and Wildlife Service
> 385 Fish Hatchery Road
> Libby, MT. 59923
> 406.293.4161. ext 205
>
> From: Louisa Willcox
> Sent: Thursday, September 29, 3:10 PM
> Subject: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
> To: Wayne Kasworm, Matt Hogan, FWS, jennifer.fortin-noreus@umontana.edu
>
> Dear Wayne, Jennifer and Matt, I am not sure who to direct this question to, so am sending it to all of you. Using the methods for assessing the population that are presently in place, were limits on annual Yellowstone grizzly bear mortality violated in 2015? Can you explain which cohort, and the degree of the violation? I would appreciate a prompt response to this request. Sincerely, Louisa Willcox Grizzly Times

From:	Kasworm, Wayne
To:	Jodi Bush; Jennifer Fortin-Noreus
Subject:	Fwd: Tribal Grizzly Bear Treaty
Date:	Wednesday, October 19, 2016 11:31:36 AM
Attachments:	grizzlytreaty__THE TREATY.html grizzly-bear-treaty.jpg signature letter-Grizzly Bear Treaty.pdf THE GRIZZLY TREATY.docx

---

FYI

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

---------- Forwarded message ----------
From: **Dale Becker** <dale@cskt.org>
Date: Wed, Oct 19, 2016 at 7:38 AM
Subject: Tribal Grizzly Bear Treaty
To: "Williams, Jim" <jiwilliams@mt.gov>, nanderson@mt.gov, wayne_kasworm@fws.gov, Dan Carney <dcarney@3rivers.net>

WE worked with the Tribal Council yesterday to develop a legal signing statement to accompany the Tribes' signature on the Tribal Grizzly Bear Treaty. I am attaching a copy of the text of the Treaty, as well as a copy of the Tribes' signed signing statement. Stacy, Tom and I had concerns specifically about the treaty language in Articles 7 and 10, which we felt could impinge on our ability to work cooperatively with MFWP and USFWS on grizzly bear management and recovery.. Our attorneys believe that the signing statement takes care of that, in addition to the Tribal Chairman's assurance received in the discussion with the Piikuni representative that brought the treaty to the Council.

The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration



Relationship to the Grizzly

Purpose & Objectives of the Treaty

Duties to the Treaty

Article I — Conservation

Article II — Welfare

Article III — Ownership

Article IV — Shelter

Article V — Education

Article VI — Management

Article VII — Research

Article VIII — Penalties

Article IX — Dispute Resolution

Article X — Withdrawal

Article XI — Partnerships & Appointees

Article XII — Amendments

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A Confederation of the Salish, Pend d' Oreille and Kootenai Tribes

A People of Vision

TRIBAL COUNCIL MEMBERS:
Vernon S. Finley - Chairman
Len Twoteeth - Vice Chair
Troy Felsman - Secretary
Anita Matt - Treasurer
Ronald Trahan
Shelly R. Fyant
Leonard W. Gray
Carole Lankford
Dennis Clairmont
Patty Stevens

October 18, 2016

Signing Statement of the Confederated Salish and Kootenai Tribes of the Flathead Reservation

This Signing Statement of the Confederated Salish and Kootenai Tribes (CSKT) is submitted together with the signature of the Tribal Chairman on the document entitled "The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration" (Grizzly Treaty) signed at the CSKT Tribal Council Chambers on October 18, 2016.

The CSKT is in agreement with the aspirations and goals of the Grizzly Treaty particularly regarding the reverence that Tribes have for the Grizzly Bear, and the spiritual, cultural, and ceremonial role that the Grizzly plays in the life and history of each signatory Tribe. The CSKT agrees that Grizzly Bears should be managed through the use of the best available science, traditional ecological knowledge, and culturally relevant information.

With these goals in mind, the CSKT signs this Grizzly Treaty with the intention of continuing our proven management of Grizzly Bears and their habitat in western Montana. The CSKT has a robust Grizzly Bear management program in place, and will continue to manage them utilizing our knowledge and experience, including our understanding of the current habitat conditions and status of Grizzlies in western Montana.

The CSKT offers its signature in solidarity with the other signatories to this Grizzly Treaty, but want to clearly state our intention to honor our existing and future partnerships with appropriate state and federal wildlife and natural resource management agencies. We believe these partnerships offer the best chance for meaningful recovery and management of this profoundly important species, particularly within the Crown of the Continent ecosystem, where intergovernmental cooperation is the key to successfully managing all activities for the benefit of Grizzly Bears.

Finally, the CSKT has not taken a formal position that delisting of the Grizzly Bear should never occur, however the CSKT will remain consistent in our opposition to the sport and trophy hunting of Grizzly Bears.

The CSKT joins with all Tribal Nations who are signatories to this Grizzly Treaty in hoping that this agreement will serve as a catalyst to all individuals, organizations and governments to voice their concern for Grizzly Bears. We hope to see this sacred Bear forever retain its place in our traditions and on our landscapes.

Sincerely,

Vernon S. Finley

Vernon S. Finley, Chairman

THE GRIZZLY: A TREATY OF COOPERATION, CULTURAL REVITALIZATION AND RESTORATION

RELATIONSHIP TO THE GRIZZLY

Since time immemorial, hundreds of generations of the first peoples of the FIRST NATIONS of North America have come and gone since before and after the melting of the glaciers that covered North America. For all those generations the GRIZZLY has been our ancestor, our relative. The GRIZZLY is part of us and WE are part of the GRIZZLY culturally, spiritually and ceremonially. Our ancient relationship is so close and so embodied in us that the GRIZZLY is the spirit of our holistic eco-cultural life-ways.

PURPOSE AND OBJECTIVE OF THE TREATY

To honor, recognize, and revitalize the ancient relationship we have with the GRIZZLY, it is the collective intention of WE, the undersigned NATIONS, to welcome the GRIZZLY to once again live beside us as CREATOR intended and to restore the balance where WE are the stewards and GRIZZLY is the guardian of our lands. WE will do everything within our means so that with GRIZZLY, WE will once again live in the sacred cycle of reciprocity to nurture each other culturally and spiritually. It is our collective intention to recognize the GRIZZLY as an umbrella species, central to the ecological system; and to provide a safe space and environment across our historic homelands we once shared with the GRIZZLY where biologically suitable habitat still exists in the United States and Canada, so together WE can have our grandparent, the GRIZZLY, guide us in nurturing our land, plants and the other two-legged, four-legged and winged beings to once again realize the GRIZZLY MEDICINE WAYS for our future generations and recognize that OUR DRUMBEAT IS THE HEARTBEAT OF THE GRIZZLY. In our collective NATIONS' efforts to protect and preserve the GRIZZLY – and by doing so protect, preserve and perpetuate indigenous cultures – this treaty is analogous to the UN Declaration on the Rights of Indigenous People (UNDRIP).

PARTIES TO THE TREATY

WE, the undersigned, including the PIIKANI NATION and TRIBAL NATIONS from the four sacred directions of TURTLE ISLAND.

ARTICLE 1 – CONSERVATION

Recognizing the GRIZZLY as a practitioner of conservation, WE, collectively, recognize that our ancestors were conservationists before the term existed in the Western lexicon, and that in their honor we agree to perpetuate their principals of caring for Mother Earth that is today called conservation. Fundamental to that is respecting the interrelationships between us and "all our relations" including animals, plants and all living and growing things that are shapes, as are WE, of Mother Earth. WE commit to perpetuate and continue our spiritual ceremonies, sacred societies, sacred languages and sacred bundles in which the GRIZZLY has a unique place, and to perpetuate and practice as a means to embody the thoughts and beliefs of ecological balance.

ARTICLE II – CULTURE

Realizing the GRIZZLY is a foundation of our traditional ways, WE, collectively, agree to perpetuate all aspects of our respective cultures related to the GRIZZLY including customs, practices, healing and curing rituals, naming, beliefs, songs, and ceremonies.

ARTICLE III – ECONOMICS

Recognizing the GRIZZLY as a traditional teacher and guardian of our lands and people, We, collectively, agree to pursue economic development revolving around the GRIZZLY in an environmentally and culturally compatible manner, including eco-tourism models with grizzly watching, photography and culturally oriented educational tourism, traditional crafts, publishing and literacy materials inspired by traditional narratives to which the GRIZZLY is central, and other beneficial by-products arising out of GRIZZLY's gifts to us.

ARTICLE IV – HEALTH

Taking into consideration all the social and health benefits the GRIZZLY has shared with our people for millennia, WE, collectively, agree to follow and develop the traditional GRIZZLY BEAR MEDICINE TEACHINGS that introduced our ancestors to our first healing and curing practices.

ARTICLE V – EDUCATION

Recognizing and continuing to embody all the teachings we have received from the GRIZZLY, WE, collectively, agree to develop programs revolving around GRIZZLY as a means of transferring intergenerational knowledge to the younger and future generations and sharing knowledge amongst our respective NATIONS.

ARTICLE VI – HUNTING

Understanding that the GRIZZLY is an ancestor, a grandparent, and a relative, no hunting of the GRIZZLY – be that categorized as sport or trophy hunting – will be permitted or licensed on any lands our NATIONS hold jurisdiction over. The GRIZZLY will enjoy full protections on all tribal lands.

ARTICLE VII – MANAGEMENT

Recognizing that our collective objective is to see the GRIZZLY returned to areas of biologically suitable habitat on tribal lands within the GRIZZLY's historic range pre-colonial contact, and for linkage zones to be established between the existing, fragmented populations, GRIZZLY management plans for our NATIONS will be formulated from a cultural foundation, while accommodating the "best available science." WE, collectively, recognize that our ancestors practiced the "best available science" in their stewardship of the land, as they lived in balance with our Mother Earth when the biomass was at its height. Our NATIONS will not adopt state, provincial or federal plans, as all are infringements of our sovereignty. WE, collectively, will formulate vocational and educational programs for our people, so that on our lands, they will be the leaders of our culturally compatible GRIZZLY management programs. Upon the signing of this TREATY, any management removal of a GRIZZLY will be undertaken with ceremony, and such parts of the GRIZZLY that have

always been kept in sacred bundles or used for traditional healing practices will be provided to such persons qualified. No GRIZZLY will be removed from the population before all other options have been exhausted.

ARTICLE VIII – RESEARCH

Recognizing that learning is a life-long process, WE, collectively, agree to perpetuate knowledge-gathering and knowledge-sharing according to our customs and inherent authorities revolving around the GRIZZLY that do not violate our traditional ethical standards as a means to expand our knowledge base regarding the environment, wildlife, plant life, water, and the role GRIZZLY played in the history, spiritual, economic, and social life of our NATIONS. WE, collectively, agree to consult with the leading, independent biologists qualified in the study of the GRIZZLY to ensure that our NATIONS continue to lead in the preservation and recovery of the GRIZZLY.

ARTICLE IX –THREATS

THE CROWN OF THE CONTINENT

WE, collectively, recognize that the GRIZZLY in the Crown of the Continent is threatened, as are the grizzly bears attempting to live in arterial habitats connecting with populations elsewhere in the Rocky Mountains. Only a limited portion of the Crown of the Continent is productive enough and safe enough to produce grizzly bears in excess of the numbers that die. These favored areas include Glacier and Waterton National Parks, the North and Middle Forks of the Flathead River, and western portions of the Blackfeet Reservation. Most other areas, including central and southern portions of the Bob Marshall Wilderness, the East Front, and portions of the Flathead Valley, produce lethal human interactions that kill grizzly bears at a greater rate than they can reproduce. In addition, the GRIZZLY in the Crown of the Continent has suffered from devastating environmental changes. On the west side, a 15-year berry famine lasted from 1996 through 2010. Between 1985 and 2012 some 25% of GRIZZLY habitat in the United States burned, including around 40% of core GRIZZLY distribution. Many of these burns have come back as unproductive habitats, including dog hair regeneration of lodgepole pine. Between the 1970s and 2012, most mature whitebark pine in the Crown was killed by white pine blister rust. Human populations in the Flathead and Swan Valleys have concurrently exploded. Not surprisingly, grizzly bear deaths increased between the early 1990s and early 2010s by 2-10 times as much as any plausible increase in population size. WE, collectively, recognize that the GRIZZLY is seeking habitats on the plains and elsewhere not because of increasing numbers, but because of the need to find new food sources.

GREATER YELLOWSTONE

All evidence indicates that the GRIZZLY population in Greater Yellowstone has been stationary since the early part of the twenty-first century, and repopulation of historic range is due to GRIZZLY seeking alternative foods. The catastrophic loss of GRIZZLY’s dietary staples in this region, including whitebark pine, which has been reduced by some 85%, and cutthroat throat, are well documented. One of GRIZZLY’s remaining protein-rich food sources, the army cutworm moth, is vulnerable to climate change and pesticides. If as a result of wasting disease or otherwise the region’s elk population suffers significant

reduction the impact on GRIZZLY would be similarly devastating. A greater reliance on meat for survival increases the potential for conflicts. No alternative food sources exist in this ecosystem that provide caloric equivalency to those that are rapidly disappearing. GRIZZLY in Greater Yellowstone is an island population, genetically isolated, and with no present opportunity to establish critical linkage zones with the Crown of the Continent population. An island population is forever a threatened population.

THE GREAT BEAR RAINFOREST

In common with those in the Crown of the Continent and Greater Yellowstone, the GRIZZLY in the Great Bear Rainforest faces significant threats from climate change, including deforestation and declining salmon runs. GRIZZLIES are abandoning areas where they were once supposed to be abundant, and seeking sustenance on islands where they have never been seen before. As salmon stocks dwindle, the GRIZZLY is searching for alternative food sources, and consequently having fewer cubs, replicating the pernicious cycle in Yellowstone and the Crown. The GRIZZLY population in the Great Bear Rainforest is unknown, but irrespective, in contravention of ordinances passed by the Coastal First Nations, authorities issue batches of trophy hunting tags every year based only on population guesstimates. GRIZZLIES are commonly spotted from planes, chased down in boats, or shot as they walk by camouflaged blinds. They are hunted in the fall when they come down to feed on salmon, and then hunted in the spring when they emerge from hibernation. There are no rules against trophy hunting mothers, and a third of the GRIZZLIES killed in BC are female.

GRIZZLY has been an integral part of human culture since time before memory, and factors into the songs, dances, and crests of every First Nation on the coast. GRIZZLY is more than a neighbor; in many families, GRIZZLIES are considered relatives, because bears move fluidly between the worlds in First Nations oral histories, transforming into people, and even marrying humans. GRIZZLY is a teacher, healer, and protector. Killing a GRIZZLY for no reason represents a grave breach of protocol and traditional law.

As the original stewards of this land, our NATIONS commit to act to aid our sacred relative, the GRIZZLY.

ARTICLE X – CONFLICT REDUCTIONS

Following the precedent set by some of our sister NATIONS, WE, collectively, recognize the need to establish seasonal closures to areas that offer the GRIZZLY sensitive habitat, be that for food gathering, reproduction, or the rearing of young. In the spirit of our ancestors, WE will introduce culturally compatible conflict reduction programs on our NATIONS, that are inclusive and educational, and reconnect our people with GRIZZLY and traditional precepts of tribal society and responsibility.

ARTICLE XI – ADHESIONS

North American Tribes and First Nations, and NATIONS, STATES, AND PROVINCES may become signatories to this treaty providing they agree to the terms of this treaty.

ARTICLE XII – PARTNERSHIPS AND SUPPORTERS

WE, collectively, seek to be true partners with federal authorities in the reintroduction and future management of the GRIZZLY, in a relationship of reciprocity and equality. WE, collectively, invite Non-Governmental Organizations, Corporations and others of the business and commercial community, to form partnerships with the signatories to bring about the manifestation of the intent of this treaty. Organizations and individuals may become signatories to this treaty as partners and supporters providing they perpetuate the spirit and intent of this treaty.

ARTICLE XIII – AMENDMENTS

This treaty may be amended from time-to-time by a simple majority of the signatories.

From:	Bush, Jodi
To:	Jennifer Fortin-Noreus; Matt Hogan
Subject:	Fwd: URGENT - Yellowstone Grizzly Bear
Date:	Friday, October 28, 2016 9:13:29 AM

Jen. this is the agreed language from Gary and Dan. I don't think anything else is an option.
JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Mackey, Dennis** <dennis_mackey@fws.gov>
Date: Fri, Oct 28, 2016 at 8:49 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear
To: Jodi Bush <jodi_bush@fws.gov>
Cc: "Hughes, Gregory" <greg_m_hughes@fws.gov>

Jodi:

You around this morning for a quick talk? We are trying to figure out our role, if any. Thanks.

Dennis
---------- Forwarded message ----------
From: **Rabot, Theresa** <theresa_rabot@fws.gov>
Date: Fri, Oct 28, 2016 at 8:08 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear
To: Gregory Hughes <greg_m_hughes@fws.gov>, Dennis Mackey <Dennis_Mackey@fws.gov>
Cc: Rollie White <rollie_white@fws.gov>

---------- Forwarded message ----------
From: **Thabault, Michael** <michael_thabault@fws.gov>
Date: Fri, Oct 28, 2016 at 7:05 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear
To: Theresa Rabot <Theresa_Rabot@fws.gov>

Service language. Thanks

Michael Thabault

Assistant Regional Director
Ecological Services
U.S. Fish and Wildlife Service
Mountain Prairie Region
303-236-4210
michael_thabault@fws.gov

---------- Forwarded message ----------
From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Thu, Oct 27, 2016 at 8:37 PM
Subject: Re: URGENT - Yellowstone Grizzly Bear
To: Dan Ashe <d_m_ashe@fws.gov>
Cc: Noreen Walsh <Noreen_walsh@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Mike Thaubault <michael_thabault@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Jim Kurth <jim_kurth@fws.gov>, Teresa Christopher <teresa_christopher@fws.gov>

Our proposed language for App C is as follows:

"Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

The language that the 3 states are putting forward is as follows:

"Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy."

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Thu, Oct 27, 2016 at 10:11 PM, Dan Ashe <d_m_ashe@fws.gov> wrote:

> FYI.
>
> I need to send them our language, first thing in the morning. Can someone send it to me. Also probably need to send the WY language.
>
> Thanks.
>
> Dan Ashe
> Director, U.S. Fish and Wildlife Service
>
> Begin forwarded message:

From: Dan Ashe <d_m_ashe@fws.gov>
Date: October 27, 2016 at 9:17:59 PM EDT
To: Jon Jarvis <jon_jarvis@nps.gov>, nkornze@blm.gov, Tom Tidwell <ttidwell@fs.fed.us>
Cc: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Robert Bonnie <Robert.Bonnie@osec.usda.gov>, Michael Bean <michael_bean@ios.doi.gov>
Subject: URGENT - Yellowstone Grizzly Bear

Jon, Neil and Tom, we need your help to ensure solidarity among the federal representatives to the Yellowstone Ecosystem Subcommittee (YES) to the Interagency Grizzly Bear Committee (IGBC). For several weeks, we have been trying to reach a compromise on key language to the Grizzly Bear Conservation Strategy. It regards the issue of "recalibration" of the demographic standards (population goals, mortality limits and rates, etc.) if the population estimator is changed post-delisting. We believe this is a key commitment that must be clear in the strategy in order to ensure that the states are committed to the basic goal of maintaining the delisted population of bears.

We heard today that the 3 Governors cannot accept our final recommended recalibration language, and apparently, today, 3 state fish and game directors sent a letter to the YES chair urging that the WY language be brought to a vote at the YES meeting tomorrow.

The Service representatives on the YES will offer our language as an alternative to the language proposed by the states. We need the USFS, BLM and NPS members on the YES to stand with the Service on this key issue. The membership of the YES is as follows:

Mary Erickson, Custer-Gallatin NF

Tricia O'Conner, Bridger Teton NF

Melany Gossa, Beaverhead Deerlodge NF

Garth Smelser, Caribou-Targhee NF

Joe Alexander, Shoshone NF

David Vela, Grant Teton National Park

Dan Wenk, Yellowstone National Park

Ken McDonald, MT Fish, Wildlife And Parks

Jeff Gould, Idaho Dept. of Fish and Game

Brian Nesvik, WY Game and Fish Department

Tom Rice, MT Association of Counties

Lee Miller, ID County Commissioners

Loren Grosskopf, WY County Commission

Leander Watson, Shoshone Bannock Tribes

Delissa Minnick, WY BLM

Cornie Hudson, MT BLM

Matt Hogan, FWS

Jodi Bush, FWS

Thanks for your support. I'll be in the office tomorrow and available to talk if you have questions.

Dan.

Dan Ashe
Director, U.S. Fish and Wildlife Service

--
Terry Rabot
Deputy Regional Director, Pacific Region One
Idaho, Oregon, Washington, Hawaii & Pacific Islands
U.S. Fish & Wildlife Service
911 NE 11th Avenue
Portland, OR 97232
503.231.6122
theresa_rabot@fws.gov

--
Dennis Mackey
Deputy State Supervisor
United States Fish and Wildlife Service
Boise, Idaho
Office: 208-378-5267
Cell: 208-860-1970

From:	Bush, Jodi
To:	Matt Hogan; Thabault, Michael; Willey, Seth
Cc:	Jennifer Fortin-Noreus
Subject:	Fwd: Upcoming YES meeting - November 16 and 17
Date:	Monday, November 07, 2016 8:18:57 PM

---

any feedback on topics (see below)? Probably should talk later this week when we see what the State is going to share as their proposed alternative. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Tyers, Daniel - FS** <dtyers@fs.fed.us>
Date: Mon, Nov 7, 2016 at 5:26 PM
Subject: Upcoming YES meeting - November 16 and 17
To: "Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu)" <jennifer.fortin-noreus@mso.umt.edu>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>, "Landenburger, Lisa A -FS" <lalandenburger@fs.fed.us>, "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>
Cc: "Rupert, Susan -FS" <srupert@fs.fed.us>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>

As current chair of YES, Mary Erickson is putting together the agenda for the upcoming meeting in Cody, November 16-17. We need your help with that. Originally, the intent for this meeting was to provide updates on the delisting process reflecting final stages or conclusion of this effort.

However, we find ourselves in a very different spot, which the conference call this past Friday revealed. Topics that we expected to fill much of the meeting are no longer worthy (e.g. State Plans, commitment for signatures with a level of ceremony, sentimental retrospect on this conservation success story). Consequently, we need to find a way to express the current reality- the current status of the process.

We owe the public good and transparent updates, but we also have big gaps in the agenda that we now need to responsibly use. We need your help with this, especially since public expectations are very high given the time-line for delisting provided the public at previous meetings. Consider as well the unique culture of Cody, WY.

Here is a list of potential topics for your consideration- ones we could use your help with:

- Overview of the delisting process to date.
- Current status of the delisting process.
- Strategic look at next steps in the delisting process- USFWS expectations.
- Posting of the draft Conservation Strategy.
- Summary of response to comments.
- Process used to revise the Conservation Strategy.
- Summary of changes made to the Conservation Strategy and potential effects to grizzly bear management in the GYE.
- Portions of the Conservation Strategy not approved and why.
- Associated status of the proposed delisting Rule.
- The role of YES and IGBC in the delisting process in relationship to FWS authority.
- Relationship of the Conservation Strategy to Forest Plans.

We should have an agenda available Wednesday. So, could we get your response to this tomorrow? We can talk this through and assign and consolidate topics. Thanks! I will be around all day tomorrow and checking in with Mary.

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From: Jodi Bush
To: Jennifer_fortin-noreus@fws.gov
Subject: Fwd: Upcoming YES meeting - November 16 and 17
Date: Tuesday, November 08, 2016 12:36:12 PM

For call today, please be prepared to weigh in. JB

Sent from my iPhone

Begin forwarded message:

> **From:** "Bush, Jodi" <jodi_bush@fws.gov>
> **Date:** November 7, 2016 at 9:44:57 PM MST
> **To:** Matt Hogan <matt_hogan@fws.gov>
> **Cc:** "Thabault, Michael" <michael_thabault@fws.gov>, "Willey, Seth" <seth_willey@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>, "Frazer, Gary" <gary_frazer@fws.gov>
> **Subject: Re: Upcoming YES meeting - November 16 and 17**
>
> I can step out of my meeting tomorrow at any time -as long as I have a few minutes heads up. JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Mon, Nov 7, 2016 at 9:28 PM, Matt Hogan <matt_hogan@fws.gov> wrote:
>> Let's get a call tomorrow
>>
>> Sent from my iPhone
>>
>> On Nov 7, 2016, at 8:18 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:
>>
>>> any feedback on topics (see below)? Probably should talk later this week when we see what the State is going to share as their proposed alternative. JB
>>>
>>> Jodi L. Bush
>>> Office Supervisor
>>> Montana State Ecological Services Office
>>> 585 Shepard Way, Suite 1
>>> Helena, MT 59601
>>> (406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Tyers, Daniel - FS** <dtyers@fs.fed.us>
Date: Mon, Nov 7, 2016 at 5:26 PM
Subject: Upcoming YES meeting - November 16 and 17
To: "Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu)" <jennifer.fortin-noreus@mso.umt.edu>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>, "Landenburger, Lisa A -FS" <lalandenburger@fs.fed.us>, "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>
Cc: "Rupert, Susan -FS" <srupert@fs.fed.us>, "O'Connor, Patricia - FS" <poconnor@fs.fed.us>

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However, we find ourselves in a very different spot, which the conference call this past Friday revealed. Topics that we expected to fill much of the meeting are no longer worthy (e.g. State Plans, commitment for signatures with a level of ceremony, sentimental retrospect on this conservation success story). Consequently, we need to find a way to express the current reality- the current status of the process.

We owe the public good and transparent updates, but we also have big gaps in the agenda that we now need to responsibly use. We need your help with this, especially since public expectations are very high given the time-line for delisting provided the public at previous meetings. Consider as well the unique culture of Cody, WY.

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From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus; Seth Willey
Subject: Fwd: Voicemails
Date: Friday, October 07, 2016 11:27:06 AM

Jodi's response to HSUS letter.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

---------- Forwarded message ----------
From: **Bush, Jodi** <jodi_bush@fws.gov>
Date: Fri, Oct 7, 2016 at 10:50 AM
Subject: Re: Voicemails
To: "Kasdin, Alexandra" <alexandra_kasdin@fws.gov>

looks fine to me. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Fri, Oct 7, 2016 at 10:32 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> ------ATTORNEY-CLIENT PRIVILEGE-------
>
> Hi Tyson,
>
> Please see attached my first attempt at a response to the Humane Society's request, as per my discussions with you. I tried to keep it short and sweet. Please let me know your thoughts and perspective.
>
> It would be great if we could get this as final as possible today.
>
> Thanks!
> Alex
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217

On Tue, Oct 4, 2016 at 9:58 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

> Alex and Seth:
>
> We recommend that you deny the HSUS's request to extend the comment deadline. The proposed Idaho rulemaking covers specific details that do not invalidate or supersede the five elements the Service required in its proposed rule, and which Idaho set forth in its proclamation.
>
> We recommend that you send the Service's draft letter denying the HSUS request to us so that we can review it.
>
> Have you received any other letters requesting an extension? If so, out of fairness, you should notify those others that the Service does not intend to extend the comment period.
>
> Tyson

On Tue, Oct 4, 2016 at 9:00 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Thanks Tyson!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Tue, Oct 4, 2016 at 8:59 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:
>
> > For some reason I could not retrieve voicemail messages from home yesterday, so I did not get your VMs until today. I will provide you with a response on the comment period extension request shortly. Dana and I spoke about it last week, and I want to confirm with her my recommendation.
> >
> > --
> > Tyson Powell
> > Office of the Regional Solicitor
> > Rocky Mountain Region
> > U.S. Department of Interior
> > 755 Parfet Street, Suite 151
> > Lakewood, CO 80215
> > New telephone number: 303-445-0629

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior

755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From:	Willey, Seth
To:	Alexandra Kasdin; Jennifer Fortin-Noreus; Jodi Bush
Subject:	Fwd: Yellowstone Grizzly Bear: Webpages of interest
Date:	Thursday, September 29, 2016 5:02:28 PM
Attachments:	image005.png Tribal Outreach TPs 20160929.docx

EA's tribal consultation talking points. perhaps useful for us, including perhaps in response to comments. consider as appropriate.

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Baker, Serena** <serena_baker@fws.gov>
Date: Thu, Sep 29, 2016 at 3:27 PM
Subject: Fwd: Yellowstone Grizzly Bear: Webpages of interest
To: Anna Muñoz <anna_munoz@fws.gov>, Roya Mogadam <roya_mogadam@fws.gov>, Ivy Allen <ivy_allen@fws.gov>, Ryan Moehring <ryan_moehring@fws.gov>, Alexandra Kasdin <alexandra_kasdin@fws.gov>, Seth Willey <seth_willey@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Leith Edgar <leith_edgar@fws.gov>, Brent Lawrence <brent_lawrence@fws.gov>, Jason Holm <jason_holm@fws.gov>, Nathan Dexter <nathan_dexter@fws.gov>

Hello All,

Attached are the TPs I used for my interview with Laura Zuckerman with Reuter's today explaining the Service's tribal outreach on the Yellowstone grizzly bear population proposed delisting rule, and in response to tribal allegations that the Service has failed to properly offer consultation. Laura is a solid reporter, and one of our main media resources in Idaho.

Happy to answer questions. Thanks!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583

Serena_Baker@fws.gov

---------- Forwarded message ----------
From: **Baker, Serena** <serena_baker@fws.gov>
Date: Thu, Sep 29, 2016 at 2:58 PM
Subject: Yellowstone Grizzly Bear: Webpages of interest
To: Laura Zuckerman <idloislane@yahoo.com>

Laura,

Always a pleasure to talk to you! Really appreciate you reaching out.

Here is the tribal webpage: https://www.fws.gov/mountain-prairie/ea/tribal.php.

Here is our grizzly bear webpage: https://www.fws.gov/mountain-prairie/es/grizzlyBear.php.

Page 4 of the Tri-State MOA has the chart we discussed: https://www.fws.gov/mountain-prairie/es/Tristate%20MOA-GYE%20grizzly%20bears-signed.pdf.

Happy to answer any follow up questions. Thanks again!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov

The U.S. Fish and Wildlife Service (FWS) has and will continue to offer government-to-government consultation with federally-recognized Native American tribes west of the Mississippi River on the Yellowstone grizzly bear population proposed delisting. Tribes have a tremendous amount of traditional ecological knowledge and scientific information to contribute to this matter, and their input is very important to the Service

The Service conducted 5 consultations with tribes located in the GYE prior to the release of the proposed delisting rule.

Since the release of the proposed rule, the Service has held two consultation meetings - one in Bozeman, MT, one in Rapid City, SD - and invited all tribes west of the Mississippi River to attend. The Service announced the consultation meetings in the *Federal Register* notice for the proposed delisting and contacted tribes directly to ensure that they were invited to these meetings.

Since these meetings, we have reached out to 5 additional tribes who have requested government-to-government consultation and are actively working to schedule these meetings.

In addition to engaging in government-to-government consultation, the Service has been reaching out to and engaging tribes on this proposal through other meetings and forums.

For example, the Service met with the Rocky Mountain Tribal Leaders Council in Billings, Montana and invited tribal representative to engage in consultation concerning the bear.

In October 2015, the Service invited 53 tribes, Tribal Councils, and First Nations in Canada that have contacted the Service regarding the GYE grizzly bear population to participate in a Tribal webinar and conference call. The letters also invited Federal Tribes to engage in government-to-government consultation.

We have also hosted informational webinars and conference calls related to the proposed delisting. We recognize that these webinars and calls do not constitute government-to-government consultation. These were efforts made to provide

ongoing opportunities for providing timely information, answering questions, and explaining next steps.

Since April 2014, Service leadership has reached out to 48 tribes via both letters and personal phone calls or emails to offer an opportunity for government-to-government consultation related to the potential delisting of the Yellowstone grizzly bear.

We recognize that the grizzly bear is culturally and spiritually significant to many Tribes.

Region 6 has been maintaining a webpage to publish all meeting information and the hyperlink to this site was included in the tribal notification e-mails and letters

From: Jodi Bush
To: Jennifer_fortin-noreus@fws.gov
Subject: Fwd: Your phone isn"t muted
Date: Friday, November 04, 2016 10:19:39 AM

More

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Thabault <michael_thabault@fws.gov>
> **Date:** November 4, 2016 at 9:18:59 AM PDT
> **To:** Jodi Bush <jodi_bush@fws.gov>
> **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
> **Subject: Re: Your phone isn't muted**
>
> Has all the language that we have advanced been included in C
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
>
> > On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
> >
> > Are you ok with that. Trying to focus on what we agree on.
> >
> > Sent from my iPhone
> >
> > > On Nov 4, 2016, at 9:10 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> > >
> > > Not sure it was us as we've had it muted but hopefully it's not a
> > >
> > > malfunctioning mute button.

Matt Hogan

Deputy Regional Director

Mountain-Prairie Region

U.S. Fish & Wildlife Service

303-236-7920

> On Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>
> Haven't heard anything more., prob good
>
> Sent from my iPhone
>
> > On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> >
> > Still?
> >
> > Matt Hogan
> >
> > Deputy Regional Director
> >
> > Mountain-Prairie Region
> >
> > U.S. Fish & Wildlife Service
> >
> > 303-236-7920
> >
> > > On Nov 4, 2016, at 10:02 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Sent from my
iPhone

From: Willey, Seth
To: Jennifer Fortin-Noreus; Alexandra Kasdin
Subject: Fwd: changes to the Strategy
Date: Thursday, October 13, 2016 2:19:08 PM

---

for your records...

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Thu, Oct 13, 2016 at 1:42 PM
Subject: Re: changes to the Strategy
To: "Willey, Seth" <seth_willey@fws.gov>

Yes, thanks.

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Wed, Oct 12, 2016 at 6:37 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Adding Jodi to this discussion. Jodi, feel free to chime in. My thoughts on these questions, after chatting with Jennifer, are below.
>
> **What was the rationale for deleting reference to RC1 being for genetic health of the population?**
>
> The States felt 500 was an inaccurate representation of the Miller and Waits 2003 paper. This paper said 400 bears was enough for the short term genetic health. We buffered this genetic floor to 500 to be a little conservative. No other logic was offered as reason to drop the 500 (as far as jennifer and I know). Without reference to genetic health, it makes it appear we have two different population floors, already a point of confusion for the public (including in the recent Grijalva letter).
>
> **Is that recovery criterion, especially the numerical metric of 500 bears, still referenced in some fashion in the CS, or has all reference to it been removed entirely?**
>
> The number 500 number was retained; the rationale for 500 bears was dropped. The rationale for 500 (being genetics driven) is not otherwise captured in the CS.
>
> This creates a perception that 500 is a floor in RC1, and 600 is a floor in RC3. This obviously makes it very confusing. In a general sense, the intention of this part of the CS is to restate (capture) the recovery criterion. Now they are inconsistent (there are a few other minor differences too). States (but not necessarily other YES folks?) have indicated changes to the strategy should be made to the other documents too. i.e., we should change the plan per this vote. Our feeling is the RP is our document and is our call.

Does this answer the question?

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Tue, Oct 11, 2016 at 8:13 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

> Thanks. Very helpful.
>
> What was the rationale for deleting reference to RC1 being for genetic health of the population?
>
> Is that recovery criterion, especially the numerical metric of 500 bears, still referenced in some fashion in the CS, or has all reference to it been removed entirely? -- GDF
>
> *Gary Frazer*
> *Assistant Director -- Ecological Services*
> *U.S. Fish and Wildlife Service*
> *(202) 208-4646*
>
> On Tue, Oct 11, 2016 at 6:57 PM, Willey, Seth <seth_willey@fws.gov> wrote:
>
> > Hey Gary, Matt and Noreen,
> >
> > As requested during our last conversation, here is a summary of the changes to the CS from the version we put out for public comment. Mostly pretty minor stuff. A couple of note.
> >
> > Thanks,
> > Seth
> >
> > **********
> > Seth L. Willey
> > Branch Chief for Classification and Recovery
> > Mountain-Prairie Region, USFWS
> > Seth_Willey@fws.gov
> > 303-236-4257
> > **********
> >
> > ---------- Forwarded message ----------
> > From: **Jennifer Fortin-Noreus** <jennifer_fortin-noreus@fws.gov>
> > Date: Mon, Oct 10, 2016 at 1:57 PM
> > Subject: changes to the Strategy
> > To: Seth Willey <seth_willey@fws.gov>

Seth,

Attached is a list of changes to the Strategy. The specific language that you mentioned, “grizzly bears will not be persecuted just because they are present there” is in the recovery plan and not the proposed rule or strategy. Let me know if you have any questions.

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From:	Bush, Jodi
To:	Frazer, Gary; Matt Hogan; Thabault, Michael
Cc:	Willey, Seth; Jennifer Fortin-Noreus
Subject:	Fwd: public comment about allocation of discretionary mortality
Date:	Wednesday, October 19, 2016 3:26:21 PM

Good afternoon folks.

Jennifer was going through the second round of comments and found what we feel is an important issue that we will need to resolve in our response to comments. Because we will track the issue through our comment response and because we felt it was important to share with you as we go through discussions we have included it paraphrased in the email below.

The public comment is focused on the NPS allocation of mortality (or lack thereof) and its concomitant result to the YES GB population. The detailed comment demonstrates how not allocating the NPS their percentage of discretionary mortality could lead to over-harvest and a source-sink situation.

We have checked with USGS on this issue and on its face it appears to be plausible.

Perhaps we could have a call next week to determine how we might proceed in responding to the comment. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Fortin-Noreus, Jennifer** <jennifer_fortin-noreus@fws.gov>
Date: Tue, Oct 18, 2016 at 1:18 PM
Subject: public comment about allocation of discretionary mortality
To: Jodi Bush <jodi_bush@fws.gov>

During the second round of public comments, several commenters expressed concern that the National Park Service will not be allocated a percentage of the discretionary mortality based on the percentage of land under their jurisdiction within the GYE DMA. Under the draft Conservation Strategy and the Tri-state MOA, all discretionary mortality is allocated to the states for regulated harvest based on percentage of the DMA outside of NPS lands (i.e., WY = 58%, MT = 34%, ID = 8%). National Park Service lands comprise 21% of the DMA.

We also received a detailed public comment that demonstrates how not allocating the NPS

their percentage of discretionary mortality could lead to over-harvest and a source-sink situation. To paraphrase, the commenter describes that if allocation of discretionary mortality is solely between the three states, as is currently proposed, at a population of 674 allowable mortality rates are 7.6% and 15% for independent females and males, respectively. However, mortality within the park would probably be maintained at approximately 5% (current levels) and be >7.6% and >15% for independent females and males, respectively, on non-park lands if mortality limit are reached or exceeded. The subpopulation of reproductive females in the DMA and therefore the population estimate, would remain relatively stable because hunting will primarily target males. At the same time, males would likely emigrate out of the park, causing a mortality sink on non-park lands. In addition, transboundary males and females would be vulnerable to hunting. Although the population estimate would be stable, the population would actually be declining due to over-harvest of males. In this scenario, a significant population decline is possible without mortality limits being exceeded. This situation would only be exacerbated if the population estimate was >674 and therefore mortality limits were even higher.

I discussed this comment with Mark Haroldson of the Interagency Grizzly Bear Study team and he felt the commenter made a valid argument for the potential for over-harvest.

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From:	Kasdin, Alexandra
To:	Michel Bagbonon
Cc:	Jennifer Fortin-Noreus; Seth Willey
Subject:	Fwd: request for extension of the public comment reopener
Date:	Monday, October 03, 2016 2:05:34 PM
Attachments:	16-09-12_HSUS_letter_requesting_extension_public_comment_reopener.pdf

---

Hi Michel,

Coul you upload the attached comment to regulations.gov in the grizzly bear docket?

Thanks!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

---------- Forwarded message ----------
From: **Jennifer Fortin-Noreus** <Jennifer_fortin-noreus@fws.gov>
Date: Tue, Sep 20, 2016 at 4:00 PM
Subject: request for extension of the public comment reopener
To: Seth Willey <seth_willey@fws.gov>, Alexandra Kasdin <alexandra_kasdin@fws.gov>
Cc: Wayne Kasworm <wayne_kasworm@fws.gov>

Hi all,

Attached is a letter that we received from the Humane Society of the US requesting that we extend the reopening of the public comment period by 60 days. Is Nathan available to draft a response to this?

Thanks!

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

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September 12, 2016

Wayne Kasworm
Acting Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University Hall, Rm #309
University of Montana
Missoula, MT 59812

Dear Mr. Kasworm:

On behalf of our supporters, The Humane Society of the United States (HSUS) requests an extension for the reopened comment period on the proposed rule removing the Greater Yellowstone Ecosystem (GYE) population of grizzly bears (*Ursus arctos horribilis*) from the federal list of endangered and threatened wildlife. 81 Fed. Reg. 61,658 (Sept. 7, 2016); *see also* 81 Fed. Reg. 13,173 (March 11, 2016). Specifically, the Fish and Wildlife Service (FWS) requested comments "on the proposed rule in light of [the peer review and Montana, Wyoming, and Idaho regulatory mechanisms]." *Id.* at 61,661. The FWS has provided only a 30-day comment period, with the comment period ending on October 7, 2016.

In its initial March 11 proposed rule, FWS made a firm commitment that before it would move forward on a final rule, the state regulatory mechanisms that would define post-delisting management of GYE grizzly bears "must be in place by law and regulation in each State." 81 Fed. Reg. at 13210. The current proposed rule reiterates that commitment. *See* 81 Fed. Reg. at 61661 ("We noted that regulatory mechanisms containing these provisions must be in place in each State for delisting ot occur because the adequacy or inadequacy of those regulatory mechanisms help inform us whether a species, once delisted, will remain recover."). Yet as explained below, these state regulatory mechanisms are *not* final: Idaho has just this week opened public comment on a proposed grizzly bear hunting rule docketed for its October 26 meeting, and key mechanisms adopted by Montana and Wyoming are the subject of ongoing litigation alleging the violation of state administrative procedure statutes. Thus, it is improper for FWS to move forward with finalizing the rule as the existence of final, stable, predictable rules is a prerequisite to FWS' ability to determine – and the public's ability to comment on – the adequacy of existing regulatory mechanisms.

However, if FWS continues to move forward as if the state regulatory mechanisms are final, we respectfully request that the comment period be extended an additional 60 days, so that the comment period closes on December 7, 2016. That extension would allow parties to analyze fully the tremendous volume of new documents relevant to this comment period, and prepare substantive and informed comment responses.

Idaho's regulatory mechanisms are not finalized and thus, it would be improper for FWS to move forward with the rule until such documents are finalized.
Section 4(a)(D) of the ESA mandates consideration of "*existing* regulatory mechanisms," and during the course of this rulemaking FWS has accordingly committed to ensuring that post-delisting regulatory mechanisms are "in place by law and regulation in each State" prior to delisting. 81 Fed. Reg. at 13210. That standard has not been met yet, and the comment period should be extended until it has been.

The new proposed rule notes that Idaho has issued a "proclamation" regarding the take of GYE grizzly bears, but fails to note that a state rulemaking process to amend IDAPA 13.01.08 – in the State's words, "proposed rules [to] administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list" – was opened on August 29, 2016, and has been filed for notice in the October 5, 2016 Idaho Administrative Bulletin (a copy of the advance notice is attached to this letter). A hearing is to be held on October 12, and the comment period closes on October 26. This state rulemaking – which will not conclude until nearly a month after FWS' deadline for comment on this proposed rule closes – has the potential to alter, amend, supplement, or supersede the content of the "proclamation." FWS cannot in good faith terminate a comment period meant to solicit public input on final state regulatory mechanisms in the middle of an open state rulemaking process on one of those very mechanisms. At a minimum, FWS should extend this comment period until Idaho's state process has concluded so that the public can comment on state regulations as they will actually exist at the time of any proposed delisting.

The Peer Review, State regulatory mechanisms, and supporting documentation total thousands of pages in length and introduce new concepts that demand additional time for comment. There is a tremendous amount of complex information to review for legal and scientific issues related to the proposed rule in light of the peer review analysis and the mechanisms put in place by the states of Idaho, Montana, and Wyoming.

First, the peer review itself totals 48 pages, and the studies and other documents cited therein total hundreds of additional pages of highly technical information. Furthermore, the peer review identifies several areas where "additional review and discussion" of concepts that it introduces or explicates for the first time in this rulemaking process, such as periodic environmental DNA sampling as a means of measuring genetic exchange, finer-grained analysis of human population growth factors, and other important but technically complex issues. Thirty days is simply not enough time for even the most sophisticated members of the public to research, consider, and comment meaningfully on these concepts.

Second, both the State regulatory documents referred to in the proposed rule and other state materials related to state management of grizzly bears in Wyoming, Montana, and Idaho - including memorandums of understanding; state management plans; state environmental impact analyses; and state laws and regulations that interact with or are incorporated by the specific state mechanisms

identified in the proposed rule - total thousands of pages of legal and scientific documentation. As FWS is well aware, the complex interplay among these state mechanisms is central to the health of the GYE grizzly bear population post-delisting. Summary documents like the Idaho proclamation cannot be adequately considered without reference to the many studies, state management plans, and broader legal frameworks referred to and relied on by each implementing State. Accordingly, more than thirty days is necessary for the public to review and substantively comment on those mechanisms that have been implemented.

For the foregoing reasons, the HSUS requests that the FWS extend the reopening of the comment period on the GYE grizzly bear proposed delisting rule by 60 days.

Thank you in advance for considering this request. Please contact me either by electronic mail (ksedlacek@hsus.org) or telephone (202-955-3661) as soon as possible to inform me of your decision on this matter or if you should have any questions about this request.

Sincerely,

Keisha Sedlacek

Keisha Sedlacek
Senior Regulatory Specialist
The Humane Society of the United States

From:	Willey, Seth
To:	Jennifer Fortin-Noreus
Subject:	Fwd:
Date:	Wednesday, November 09, 2016 11:32:46 AM
Attachments:	GYE.GovLtr.Nov.2016.DRAFT.docx

Call me. Let's work on this together (not two versions).

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Matt Hogan** <Matt_Hogan@fws.gov>
Date: Wed, Nov 9, 2016 at 11:30 AM
Subject:
To: Seth Willey <seth_willey@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>

Can you please give this a quick fact check. Thanks.

Governor Matt Mead
State of Wyoming

Governor Steve Bullock
State of Montana

Governor Butch Otter
State of Idaho

Dear Governor :

As you know, the U.S. Fish and Wildlife Service has proposed to delist the distinct population segment of the grizzly bear that occurs in the Greater Yellowstone Ecosystem (GYE) shared by the States of Wyoming, Montana, and Idaho. One of the foundational elements of a final delisting determination is an interagency conservation strategy that reflects the commitment of the federal, state, tribal, and local land and resource managers on how this population of grizzly bears will be managed in the foreseeable future, absent the protections of the Endangered Species Act. In the course of negotiating revisions to the draft conservation strategy, it has come to our attention that there may be fundamental differences in perspective about the nature of the management objective for this population in a post delisted environment.

Accordingly, this letter is to seek confirmation, for the record, of the views of the States regarding the management objective for GYE grizzly bear population post-delisting.

There exists a lengthy history of discussion and collaboration with the States on grizzly bear management, including on the post-delisting management objective. When we delisted the GYE grizzly bear population in 2007, the Service's recovery criteria and the associated conservation strategy called for a **stable or increasing** population objective following delisting. This proposal was developed in collaboration with and supported by all three states and reflected the agreement that at minimum the population would be managed for stability if not for continued growth.

When we proposed new recovery criteria and took public comment in 2013, we amended our recovery criterion to reflect the fact that the population had stabilized and that the objective would be to maintain that **stable population** following delisting. This change reflected our collective understanding that the population has reached or was approaching carrying capacity and that managing for an increasing population as called for in 2007 was no longer appropriate. The Wyoming Game and Fish Department responded via letter in support of these proposed revisions while the states of Montana and Idaho did not comment.

As we began work on a proposed delisting in 2015, it became apparent in conversations with States that they desired a bit more management flexibility in a post delisting environment. Accordingly, we revised our recovery criteria to provide additional flexibility to manage **around the long-term mean** (i.e., the mean population size over the period 2002-2014), thus allowing for flexibility in the management objective and the possibility of some decrease in population size. All three states agreed with the revised recovery criteria. The conservation strategy was likewise amended to address this new objective.

When we proposed delisting in February of this year, the conservation strategy was silent on the issue of what would happen if the parties decided to change from the current population estimator (Chao2) to an alternative methodology. However, through the course of responding to peer review and public comment about how such a change would be implemented, there now exists significant inconsistencies in the record about the post delisting management objective that must be addressed.

In order for the Service to make a final determination that the GYE population warrants delisting, i.e., no longer meets the definition of an endangered or threatened species under the ESA, and to then successfully defend that delisting determination, the conservation strategy must clearly commit to managing the population into the foreseeable future with an objective of stability around the 2002-2014 average population level.

However, recent discussions among the working group revising the conservation strategy lead us to question whether the States have the same understanding and a continued commitment to that population management objective. Specifically, we are concerned about the refusal to commit to recalibrating the metrics used for managing the population for stability around the 2002-2014 average if a new population estimator is adopted, along with statements to the effect that maintaining the population above 500 bears is sufficient to achieve recovery and delisting. Both are at odds with a commitment to manage the population for stability around the 2002-2014 average population level for the foreseeable future.

Managing for stability has been the approach for over a decade, up to and including the 2016 proposed rule, and the record simply does not support finalizing a rule with such a **significant deviation** from the agreed upon historical approach to post delisting management. Our ability to make a final determination that delisting is warranted, and to successfully defend that determination if challenged, is dependent upon a clear and firm commitment from the States to this population management objective. It is imperative that there is no confusion around this issue and accordingly, I request a response within 15 days as to whether the States are committed, for the foreseeable future, to managing the GYE population of grizzly bears for stability around the 2002-2014 mean population level.

From: Google Calendar on behalf of Alexandra Kasdin
To: jennifer_fortin-noreus@fws.gov; tyson.powell@sol.doi.gov; seth_willey@fws.gov; maricela_constantino@fws.gov
Subject: Grizz Call
Attachments: invite.ics

HYPERLINK "https://www.google.com/calendar/event?
action VIEW&eid Y2JjdWM3b2R1bjZwbGg2aDhldHFiZDk4bmMgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292Y2NmNjViNGQ5M2YwY2EyYjY1NzYxN2NjOTgxYjc5MjEzYTIwYjVlOA&ctz America/Denver&hl en"more details »

Grizz Call

When
Thu Nov 10, 2016 12:30pm – 1pm Mountain Time
Video call
HYPERLINK "https://plus.google com hangouts/_/doi gov/alexandra-kasdi?hceid YWxleGFuZHJhX2thc2RpbkBmd3MuZ292.cbcuc7odun6plh6h8etqbd98nc"https://plus google.com/hangouts/_/doi.gov/alexandra-kasdi
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• maricela_constantino@fws.gov

Going?
HYPERLINK "https://www.google.com/calendar/event?
action RESPOND&eid Y2JjdWM3b2R1bjZwbGg2aDhldHFiZDk4bmMgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 1&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292Y2NmNjViNGQ5M2YwY2EyYjY1NzYxN2NjOTgxYjc5MjEzYTIwYjVlOA&ctz America/Denver&hl en"Yes -
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action RESPOND&eid Y2JjdWM3b2R1bjZwbGg2aDhldHFiZDk4bmMgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 3&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292Y2NmNjViNGQ5M2YwY2EyYjY1NzYxN2NjOTgxYjc5MjEzYTIwYjVlOA&ctz America/Denver&hl en"Maybe -
HYPERLINK "https://www.google.com/calendar/event?
action RESPOND&eid Y2JjdWM3b2R1bjZwbGg2aDhldHFiZDk4bmMgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 2&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292Y2NmNjViNGQ5M2YwY2EyYjY1NzYxN2NjOTgxYjc5MjEzYTIwYjVlOA&ctz America/Denver&hl en"No HYPERLINK "https://www.google.com/calendar/event?
action VIEW&eid Y2JjdWM3b2R1bjZwbGg2aDhldHFiZDk4bmMgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292Y2NmNjViNGQ5M2YwY2EyYjY1NzYxN2NjOTgxYjc5MjEzYTIwYjVlOA&ctz America/Denver&hl en"more options »

Invitation from HYPERLINK "https://www.google.com/calendar/"Google Calendar

You are receiving this email at the account jennifer_fortin-noreus@fws.gov because you are subscribed for invitations on calendar jennifer_fortin-noreus@fws gov.

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Comment I... - Made a comment
Date: Wednesday, October 26, 2016 1:33:14 PM
Attachments: logo.png

Alexandra Kasdin replied to a comment on Grizzly Comment Issue and Response Drafts

Jennifer Fortin-Noreus
Made a comment

Alexandra Kasdin
Made a comment

Reply Open

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Comment I... - Made a comment
Date: Monday, November 07, 2016 9:19:29 AM
Attachments: logo.png

Alexandra Kasdin resolved a comment on Grizzly Comment Issue and Response Drafts

Alexandra Kasdin
Made a comment

Jennifer Fortin-Noreus
Made a comment

Alexandra Kasdin
Marked as resolved

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Comment I... - Made a suggestion
Date: Thursday, October 27, 2016 9:56:34 AM
Attachments: logo.png

Alexandra Kasdin replied to a suggestion in Grizzly Comment Issue and Response Drafts

Alexandra Kasdin
Made a suggestion

Jennifer Fortin-Noreus
Made a comment

Alexandra Kasdin
Made a comment

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Comment I... - Made a suggestion
Date: Wednesday, November 02, 2016 11:32:02 AM
Attachments: logo.png

Alexandra Kasdin accepted a suggestion in Grizzly Comment Issue and Response Drafts

Alexandra Kasdin
Made a suggestion

Jennifer Fortin-Noreus
Made a comment

Alexandra Kasdin
Made a comment

Alexandra Kasdin
Accepted suggestion

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Comment Issue and Response Drafts
Date: Wednesday, October 26, 2016 10:30:05 AM
Attachments: logo.png

Alexandra Kasdin resolved suggestions in Grizzly Comment Issue and Response Drafts

Resolved

4 accepted suggestions

Resolved

Suggestions

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Issue Sum... - Made a suggestion
Date: Thursday, October 13, 2016 4:03:13 PM
Attachments: logo.png

Alexandra Kasdin accepted a suggestion in Grizzly Issue Summaries_for team review

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Issue Summaries_for team review
Date: Thursday, October 13, 2016 3:12:44 PM
Attachments: logo.png

Alexandra Kasdin resolved suggestions in Grizzly Issue Summaries_for team review

Resolved

1 accepted suggestion, 1 rejected suggestion

Resolved

Suggestions

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Rejected suggestion

Reply Open

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

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From: Alexandra Kasdin (Google Docs)
To: jennifer_fortin-noreus@fws.gov
Subject: Grizzly Issue Summaries_for team review
Date: Thursday, October 13, 2016 4:08:44 PM
Attachments: logo.png

Alexandra Kasdin resolved suggestions in Grizzly Issue Summaries_for team review

Resolved

2 accepted suggestions

Resolved

Suggestions

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

Jennifer Fortin-Noreus
Made a suggestion

Alexandra Kasdin
Accepted suggestion

Reply Open

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From: Kasdin, Alexandra
To: Tyson Powell
Cc: Jennifer Fortin-Noreus; Seth Willey; Marjorie Nelson; Maricela Constantino
Subject: Humane Society Letter and ID rules
Date: Thursday, September 29, 2016 12:52:32 PM
Attachments: 16-09-12_HSUS_letter_requesting_extension_public_comment_reopener.pdf

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(b)(5) attorney-client

[redacted]

(b)(5) attorney-client

[redacted]

(b)(5) attorney-client

[redacted]

[redacted]

- [redacted]
- [redacted]

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

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OF THE UNITED STATES

Celebrating Animals | Confronting Cruelty

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September 12, 2016

Wayne Kasworm
Acting Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University Hall, Rm #309
University of Montana
Missoula, MT 59812

Dear Mr. Kasworm:

On behalf of our supporters, The Humane Society of the United States (HSUS) requests an extension for the reopened comment period on the proposed rule removing the Greater Yellowstone Ecosystem (GYE) population of grizzly bears (*Ursus arctos horribilis*) from the federal list of endangered and threatened wildlife. 81 Fed. Reg. 61,658 (Sept. 7, 2016); *see also* 81 Fed. Reg. 13,173 (March 11, 2016). Specifically, the Fish and Wildlife Service (FWS) requested comments "on the proposed rule in light of [the peer review and Montana, Wyoming, and Idaho regulatory mechanisms]." *Id.* at 61,661. The FWS has provided only a 30-day comment period, with the comment period ending on October 7, 2016.

In its initial March 11 proposed rule, FWS made a firm commitment that before it would move forward on a final rule, the state regulatory mechanisms that would define post-delisting management of GYE grizzly bears "must be in place by law and regulation in each State." 81 Fed. Reg. at 13210. The current proposed rule reiterates that commitment. *See* 81 Fed. Reg. at 61661 ("We noted that regulatory mechanisms containing these provisions must be in place in each State for delisting ot occur because the adequacy or inadequacy of those regulatory mechanisms help inform us whether a species, once delisted, will remain recover."). Yet as explained below, these state regulatory mechanisms are *not* final: Idaho has just this week opened public comment on a proposed grizzly bear hunting rule docketed for its October 26 meeting, and key mechanisms adopted by Montana and Wyoming are the subject of ongoing litigation alleging the violation of state administrative procedure statutes. Thus, it is improper for FWS to move forward with finalizing the rule as the existence of final, stable, predictable rules is a prerequisite to FWS' ability to determine – and the public's ability to comment on – the adequacy of existing regulatory mechanisms.

However, if FWS continues to move forward as if the state regulatory mechanisms are final, we respectfully request that the comment period be extended an additional 60 days, so that the comment period closes on December 7, 2016. That extension would allow parties to analyze fully the tremendous volume of new documents relevant to this comment period, and prepare substantive and informed comment responses.

Idaho's regulatory mechanisms are not finalized and thus, it would be improper for FWS to move forward with the rule until such documents are finalized.
Section 4(a)(D) of the ESA mandates consideration of "*existing* regulatory mechanisms," and during the course of this rulemaking FWS has accordingly committed to ensuring that post-delisting regulatory mechanisms are "in place by law and regulation in each State" prior to delisting. 81 Fed. Reg. at 13210. That standard has not been met yet, and the comment period should be extended until it has been.

The new proposed rule notes that Idaho has issued a "proclamation" regarding the take of GYE grizzly bears, but fails to note that a state rulemaking process to amend IDAPA 13.01.08 – in the State's words, "proposed rules [to] administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list" – was opened on August 29, 2016, and has been filed for notice in the October 5, 2016 Idaho Administrative Bulletin (a copy of the advance notice is attached to this letter). A hearing is to be held on October 12, and the comment period closes on October 26. This state rulemaking – which will not conclude until nearly a month after FWS' deadline for comment on this proposed rule closes – has the potential to alter, amend, supplement, or supersede the content of the "proclamation." FWS cannot in good faith terminate a comment period meant to solicit public input on final state regulatory mechanisms in the middle of an open state rulemaking process on one of those very mechanisms. At a minimum, FWS should extend this comment period until Idaho's state process has concluded so that the public can comment on state regulations as they will actually exist at the time of any proposed delisting.

The Peer Review, State regulatory mechanisms, and supporting documentation total thousands of pages in length and introduce new concepts that demand additional time for comment. There is a tremendous amount of complex information to review for legal and scientific issues related to the proposed rule in light of the peer review analysis and the mechanisms put in place by the states of Idaho, Montana, and Wyoming.

First, the peer review itself totals 48 pages, and the studies and other documents cited therein total hundreds of additional pages of highly technical information. Furthermore, the peer review identifies several areas where "additional review and discussion" of concepts that it introduces or explicates for the first time in this rulemaking process, such as periodic environmental DNA sampling as a means of measuring genetic exchange, finer-grained analysis of human population growth factors, and other important but technically complex issues. Thirty days is simply not enough time for even the most sophisticated members of the public to research, consider, and comment meaningfully on these concepts.

Second, both the State regulatory documents referred to in the proposed rule and other state materials related to state management of grizzly bears in Wyoming, Montana, and Idaho - including memorandums of understanding; state management plans; state environmental impact analyses; and state laws and regulations that interact with or are incorporated by the specific state mechanisms

identified in the proposed rule - total thousands of pages of legal and scientific documentation. As FWS is well aware, the complex interplay among these state mechanisms is central to the health of the GYE grizzly bear population post-delisting. Summary documents like the Idaho proclamation cannot be adequately considered without reference to the many studies, state management plans, and broader legal frameworks referred to and relied on by each implementing State. Accordingly, more than thirty days is necessary for the public to review and substantively comment on those mechanisms that have been implemented.

For the foregoing reasons, the HSUS requests that the FWS extend the reopening of the comment period on the GYE grizzly bear proposed delisting rule by 60 days.

Thank you in advance for considering this request. Please contact me either by electronic mail (ksedlacek@hsus.org) or telephone (202-955-3661) as soon as possible to inform me of your decision on this matter or if you should have any questions about this request.

Sincerely,

Keisha Sedlacek

Keisha Sedlacek
Senior Regulatory Specialist
The Humane Society of the United States

From: Kasdin, Alexandra
To: Michel Bagbonon
Cc: Seth Willey; Jennifer Fortin-Noreus
Subject: Humane Society Letters
Date: Wednesday, October 12, 2016 11:36:21 AM

Hi Michel,

I got both rtf files in document ID number FWS-R6-ES-2016-0042-9775 from the Humane Society Legislative Fund (both the edited letters and the unedited letters). Thanks!

I am now waiting on the second set of Humane Society form letters to process and appear in regulations.gov. You said it was around 26 rtf files? That should hopefully be in a new document ID as they are from a different chapter of the Humane Society.

Thanks Michel!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Issue 8
Date: Wednesday, October 05, 2016 11:47:44 AM

Hey Jennifer,

I noticed that you were waiting for a response from Gary and up to draft response to issue 8. I read it and thought we could adequately respond with the information in hand, so I took a stab at it. I suppose we could augment once the Gary on up issues are resolved, but thought we could knock this one out. Let me know what you think (its in the google doc). Feel free to edit as you see fit.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

From: Alexandra Kasdin (via Google Drive)
To: jennifer_fortin-noreus@fws.gov
Subject: Literature Cited in Responses - Invitation to collaborate
Date: Friday, October 21, 2016 8:42:24 AM

Alexandra Kasdin has invited you to **contribute to** the following shared folder:

Literature Cited in Responses

Open

Google Drive: Have all your files within reach from any device.

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From: Matt Hogan
To: Jennifer Fortin-Noreus
Cc: Michael Thabault; Seth Willey
Date: Thursday, October 27, 2016 4:32:12 PM

Jennifer,

Can you send the list of YES members to Gary Frazer ASAP. Thanks.

From: Matt Hogan
To: jodi_bush@fws.gov; jennifer_fortin-noreus@fws.gov; Seth Willey
Date: Thursday, October 13, 2016 3:28:59 PM

As part of the call tomorrow, can someone come prepared to discuss how the YGCC will work (voting v consensus) as well as membership. Thanks.

From: Matt Hogan
To: jodi_bush@fws.gov; jennifer_fortin-noreus@fws.gov
Cc: Seth Willey; Michael Thabault
Date: Wednesday, October 12, 2016 8:22:36 PM

How does the current draft of the Conservation Strategy define a recovered grizzly bear population? Thanks.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Date: Monday, October 03, 2016 8:47:43 AM

- Failure to meet the model-averaged Chao2 estimate of 48 females with cubs-of-the-year for any 2 consecutive years .

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

From: Matt Hogan
To: Seth Willey; Jennifer Fortin-Noreus
Date: Wednesday, November 09, 2016 11:30:53 AM
Attachments: GYE.GovLtr.Nov.2016.DRAFT.docx

Can you please give this a quick fact check. Thanks.

Governor Matt Mead
State of Wyoming

Governor Steve Bullock
State of Montana

Governor Butch Otter
State of Idaho

Dear Governor :

As you know, the U.S. Fish and Wildlife Service has proposed to delist the distinct population segment of the grizzly bear that occurs in the Greater Yellowstone Ecosystem (GYE) shared by the States of Wyoming, Montana, and Idaho. One of the foundational elements of a final delisting determination is an interagency conservation strategy that reflects the commitment of the federal, state, tribal, and local land and resource managers on how this population of grizzly bears will be managed in the foreseeable future, absent the protections of the Endangered Species Act. In the course of negotiating revisions to the draft conservation strategy, it has come to our attention that there may be fundamental differences in perspective about the nature of the management objective for this population in a post delisted environment.

Accordingly, this letter is to seek confirmation, for the record, of the views of the States regarding the management objective for GYE grizzly bear population post-delisting.

There exists a lengthy history of discussion and collaboration with the States on grizzly bear management, including on the post-delisting management objective. When we delisted the GYE grizzly bear population in 2007, the Service's recovery criteria and the associated conservation strategy called for a **stable or increasing** population objective following delisting. This proposal was developed in collaboration with and supported by all three states and reflected the agreement that at minimum the population would be managed for stability if not for continued growth.

When we proposed new recovery criteria and took public comment in 2013, we amended our recovery criterion to reflect the fact that the population had stabilized and that the objective would be to maintain that **stable population** following delisting. This change reflected our collective understanding that the population has reached or was approaching carrying capacity and that managing for an increasing population as called for in 2007 was no longer appropriate. The Wyoming Game and Fish Department responded via letter in support of these proposed revisions while the states of Montana and Idaho did not comment.

As we began work on a proposed delisting in 2015, it became apparent in conversations with States that they desired a bit more management flexibility in a post delisting environment. Accordingly, we revised our recovery criteria to provide additional flexibility to manage **around the long-term mean** (i.e., the mean population size over the period 2002-2014), thus allowing for flexibility in the management objective and the possibility of some decrease in population size. All three states agreed with the revised recovery criteria. The conservation strategy was likewise amended to address this new objective.

When we proposed delisting in February of this year, the conservation strategy was silent on the issue of what would happen if the parties decided to change from the current population estimator (Chao2) to an alternative methodology. However, through the course of responding to peer review and public comment about how such a change would be implemented, there now exists significant inconsistencies in the record about the post delisting management objective that must be addressed.

In order for the Service to make a final determination that the GYE population warrants delisting, i.e., no longer meets the definition of an endangered or threatened species under the ESA, and to then successfully defend that delisting determination, the conservation strategy must clearly commit to managing the population into the foreseeable future with an objective of stability around the 2002-2014 average population level.

However, recent discussions among the working group revising the conservation strategy lead us to question whether the States have the same understanding and a continued commitment to that population management objective. Specifically, we are concerned about the refusal to commit to recalibrating the metrics used for managing the population for stability around the 2002-2014 average if a new population estimator is adopted, along with statements to the effect that maintaining the population above 500 bears is sufficient to achieve recovery and delisting. Both are at odds with a commitment to manage the population for stability around the 2002-2014 average population level for the foreseeable future.

Managing for stability has been the approach for over a decade, up to and including the 2016 proposed rule, and the record simply does not support finalizing a rule with such a **significant deviation** from the agreed upon historical approach to post delisting management. Our ability to make a final determination that delisting is warranted, and to successfully defend that determination if challenged, is dependent upon a clear and firm commitment from the States to this population management objective. It is imperative that there is no confusion around this issue and accordingly, I request a response within 15 days as to whether the States are committed, for the foreseeable future, to managing the GYE population of grizzly bears for stability around the 2002-2014 mean population level.

From: Google Calendar on behalf of Alexandra Kasdin
To: jennifer_fortin-noreus@fws.gov; seth_willey@fws.gov
Subject: Prep for grizz coordination call
Attachments: invite.ics

HYPERLINK "https://www.google.com/calendar/event?
action VIEW&eid OWlrbTJhdjRscmJxN2V2aWQ2dTc4OXZwdjAgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292YTlyNTg3YjZjZGZkZDgwN2I0NTQ4MDRmNDFjYzFhZDk1OWM3ZjRlNA&ctz America/Denver&hl en"more details »

Prep for grizz coordination call

When
Wed Nov 9, 2016 9:30am – 10am Mountain Time
Video call
HYPERLINK "https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi?hceid YWxleGFuZHJhX2thc2RpbkBmd3MuZ292.9ikm2av4lrbq7evid6u789vpv0"https://plus.google com/hangouts/_/doi.gov/alexandra-kasdi
Calendar
jennifer_fortin-noreus@fws.gov
Who
• alexandra_kasdin@fws.gov
- organizer
• seth_willey@fws gov
• jennifer_fortin-noreus@fws.gov

Going?
HYPERLINK "https://www.google.com/calendar/event?
action RESPOND&eid OWlrbTJhdjRscmJxN2V2aWQ2dTc4OXZwdjAgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 1&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292YTlyNTg3YjZjZGZkZDgwN2I0NTQ4MDRmNDFjYzFhZDk1OWM3ZjRlNA&ctz America/Denver&hl en"Yes -
HYPERLINK "https://www.google.com/calendar/event?
action RESPOND&eid OWlrbTJhdjRscmJxN2V2aWQ2dTc4OXZwdjAgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 3&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292YTlyNTg3YjZjZGZkZDgwN2I0NTQ4MDRmNDFjYzFhZDk1OWM3ZjRlNA&ctz America/Denver&hl en"Maybe -
HYPERLINK "https://www.google.com/calendar/event?
action RESPOND&eid OWlrbTJhdjRscmJxN2V2aWQ2dTc4OXZwdjAgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&rst 2&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292YTlyNTg3YjZjZGZkZDgwN2I0NTQ4MDRmNDFjYzFhZDk1OWM3ZjRlNA&ctz America/Denver&hl en"No HYPERLINK "https://www.google.com/calendar/event?
action VIEW&eid OWlrbTJhdjRscmJxN2V2aWQ2dTc4OXZwdjAgamVubmlmZXJfZm9ydGluLW5vcmV1c0Bmd3MuZ292&tok MjQjYWxleGFuZHJhX2thc2RpbkBmd3MuZ292YTlyNTg3YjZjZGZkZDgwN2I0NTQ4MDRmNDFjYzFhZDk1OWM3ZjRlNA&ctz America/Denver&hl en"more options »

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From:	Constantino, Maricela
To:	Seth Willey; Jennifer Fortin-Noreus; Alexandra Kasdin; Tyson Powell; Jodi Bush; Rebecca Shoemaker
Subject:	Question related to follow-up with the Tribes
Date:	Thursday, October 06, 2016 1:30:56 PM

And as a follow-up to the question about Tribal coordination, SECRETARIAL ORDER # 3206
Subject: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act Section B(6) states the following.

(6) Having first provided the affected Indian tribe(s) the opportunity to actively review and
comment on proposed listing actions, provide affected Indian tribe(s) with a written explanation whenever a final decision on any of the following activities conflicts with comments provided by an affected Indian tribe: (i) list a species as endangered or threatened; (ii) designate critical habitat; (iii) reclassify a species from endangered to threatened (or vice versa); (iv) remove a species from the list; or (v) designate experimental populations. If an affected Indian tribe petitions for rulemaking under Section 4(b)(3), the Services will consult with and provide a written explanation to the affected tribe if they fail to adopt the requested regulation.

Sounds kinda like what we do for 4(i) and States. I don't have much background with this though so I'd recommend consulting with Ivy.

Maricela Constantino
Endangered Species Biologist
Branch of Recovery and State Grants
Ecological Services - Headquarters Office
U.S. Fish and Wildlife Service

maricela_constantino@fws.gov
571/969-9804

From:	Tyers, Daniel - FS
To:	Daniel Thompson
Cc:	Erickson, Mary C -FS; Rupert, Susan -FS; Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu); Jodi_Bush@fws.gov; fvanmanen (fvanmanen@usgs.gov); Alexander, Joseph G -FS; O"Connor, Patricia -FS; Jennifer Fortin-Noreus; Barndt, Scott A -FS; Jackson, Scott -FS
Subject:	RE: First draft agenda for Cody YES meeting
Date:	Wednesday, November 09, 2016 1:15:58 PM

Yes- thanks for your understanding. We also thought the focus of this meeting was delisting and the Conservation Strategy- we also wish it was. Yes- the script is different now .

From: Daniel Thompson [mailto:daniel.thompson@wyo.gov]
Sent: Wednesday, November 09, 2016 10:48 AM
To: Tyers, Daniel - FS <dtyers@fs.fed.us>
Cc: Erickson, Mary C -FS <mcerickson@fs.fed.us>; Rupert, Susan -FS <srupert@fs.fed.us>; Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu) <jennifer.fortin-noreus@mso.umt.edu>; Jodi_Bush@fws.gov; fvanmanen (fvanmanen@usgs.gov) <fvanmanen@usgs.gov>; Alexander, Joseph G -FS <jgalexander@fs.fed.us>; O'Connor, Patricia -FS <poconnor@fs.fed.us>; Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov>; Barndt, Scott A -FS <sbarndt@fs.fed.us>; Jackson, Scott -FS <sjackson03@fs.fed.us>
Subject: Re: First draft agenda for Cody YES meeting

Appreciate that and I look forward to doing so, we normally put in an agenda item or two when in Wyoming, but assumed we were focused on finalization of Strategy, which I still am in favor of, but understand things have changed.

DT

On Wed, Nov 9, 2016 at 10:46 AM, Tyers, Daniel - FS <dtyers@fs.fed.us> wrote:

> Ok. Thanks! I will adjust the schedule. Again, since WY is "hosting " the meeting it seemed good to give WYGFD some time to highlight the local bear management program.
>
> **From:** Daniel Thompson [mailto:daniel.thompson@wyo.gov]
> **Sent:** Wednesday, November 09, 2016 10:43 AM
> **To:** Tyers, Daniel - FS <dtyers@fs.fed.us>
> **Cc:** Erickson, Mary C -FS <mcerickson@fs.fed.us>; Rupert, Susan -FS <srupert@fs.fed.us>; Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu) <jennifer.fortin-noreus@mso.umt.edu>; Jodi_Bush@fws.gov; fvanmanen (fvanmanen@usgs.gov) <fvanmanen@usgs.gov>; Alexander, Joseph G -FS <jgalexander@fs.fed.us>; O'Connor, Patricia -FS <poconnor@fs.fed.us>; Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov>; Barndt, Scott A -FS <sbarndt@fs.fed.us>; Jackson, Scott -FS <sjackson03@fs.fed.us>
> **Subject:** Re: First draft agenda for Cody YES meeting
>
> I am happy to give an update on our Bear Wise Program and local conflict prevention, proactive efforts as well as discuss on the ground reality and work in the local area and GYE -- but an hour seems a bit long for that. 15-30 minutes would be more appropriate, can happily do 30.

Sorry I missed you call Dan, was in a separate meeting.

On Wed, Nov 9, 2016 at 10:38 AM, Tyers, Daniel - FS <dtyers@fs.fed.us> wrote:

> Here is a tentative agenda for the YES meeting next week in Cody. Mary hopes to release a draft for wider review later today. However, we wanted to solicit your opinion before we took the next step. Jodi and Jennifer, we realize there are constraints on what you can present, so feel free to match the material you provide to your political reality.
>
> What feedback would you offer? Thanks for your review. If you are presenting- thanks also for your help at the conference.
>
> Scott Jackson- if you are still at NCDE meeting with Jennifer, could you check with her to see if she received this message?
>
> This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

--
Dan J. Thompson, PhD
Large Carnivore Section Supervisor
Wyoming Game and Fish Dept
260 Buena Vista Dr
Lander, WY 82520
(307) 332-2688
Daniel.Thompson@wyo.gov
--

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

--
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--

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From: Wade Vagias
To: Jennifer Fortin-Noreus
Subject: RE: YNP Snowmobile plan
Date: Thursday, November 03, 2016 2:22:43 PM

Hi, Jennifer:

I've moved on from Yellowstone and no longer have access to my files.

The Winter Use Plan/EIS was managed by the Environmental Quality Division of the NPS, and contracted to Louis Berger Group. I'd encourage you to reach out to David Jacob (David_Jacob@nps.gov) who may be able to point you in the right direction. Or consult: https://www.nps.gov/yell/learn/management/currentmgmt.htm

Good luck! -wv

~*~*~*~*~*~*~*~*~*~*~*~

Wade M. Vagias, Ph.D.
Superintendent
Craters of the Moon National Monument & Preserve
(208) 527-1310 (office)
(406) 581-1367 (cell)

2016 National Park Service CENTENNIAL | FIND YOUR PARK

From: Fortin-Noreus, Jennifer [mailto:jennifer_fortin-noreus@fws.gov]
Sent: Thursday, November 03, 2016 2:17 PM
To: Wade Vagias
Subject: YNP Snowmobile plan

Hi Wade,

I work for the Fish and Wildlife Service Grizzly Bear Recovery Program and am working responses to public comment for the proposed delisting of the Yellowstone grizzly bear. The Service has been asked to consider the potential impacts from activities associated with snow mobiles, particularly artillery for avalanche control. Kerry Gunther thought that a similar comment may have come up in the YNP Snowmobile plan public comment period in regards to wolverines or pikas. I would like to be able to provide some information in our response about the limited scope and timing of avalanche control. Thank you for your time and help.

Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana

University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From:	Landenburger, Lisa A -FS
To:	Griebel, Randall L -FS; jennifer_fortin-noreus@fws.gov
Cc:	Snyder, Justin - FS; Murphy, Kerry M -FS; Archual, Paul D -FS
Subject:	RE: fact check
Date:	Wednesday, October 12, 2016 3:19:02 PM
Attachments:	DMA.JPG

Thank you all for your quick assistance!
Randy, are the wells located south and outside of the DMA, or in the south portion of the DMA? (see attached map showing DMA)

Lisa Landenburger
Grizzly Bear GIS Database Coordinator, Greater Yellowstone Ecosystem
USGS Northern Rocky Mountain Science Center
USFS Affiliate, Region 1
Email: lalandenburger@fs fed.us
phone: 406-994-7430

-----Original Message-----
From: Griebel, Randall L -FS
Sent: Wednesday, October 12, 2016 3:11 PM
To: jennifer_fortin-noreus@fws.gov; Landenburger, Lisa A -FS <lalandenburger@fs.fed.us>
Cc: Snyder, Justin - FS <justinsnyder@fs fed.us>; Murphy, Kerry M -FS <kmmurphy02@fs fed.us>; Archual, Paul D -FS <parchual@fs.fed.us>
Subject: FW: fact check

Ok, read the email from Justin below.

There are actually 13 active wells and yes, they are all located south of the DMA.

Hope that helps.

Thanks,

Randy

Randall Griebel
Wildlife, Fish and Rare Plants Program Manager Forest Service Bridger-Teton National Forest
p: 307-739-5537
c: 307-699-4163
f: 307-739-5010
rgriebel@fs.fed.us
PO Box 1888, 340 N. Cache
Jackson, WY 83001
www.fs fed.us

Caring for the land and serving people

-----Original Message-----

From: Snyder, Justin - FS
Sent: Wednesday, October 12, 2016 2:00 PM
To: Griebel, Randall L -FS <rgriebel@fs fed.us>
Cc: Archual, Paul D -FS <parchual@fs.fed.us>
Subject: RE: fact check

Hey Randy,

There are 13 active wells on the Forest that I know of (all gas +-condensate wells on the Big Piney RD, 7 producing and 1 shut-in on Deadline Ridge, 4 shut-in at South Cottonwood/Bare Creek, 1 temporarily abandoned in South Piney Creek). There are an additional 3 pads on which the well has been plugged, but the location not yet reclaimed.

The best source for O&G well GIS data is the Wyoming Oil & Gas Conservation Commission. You can check out their esri online map at http://wogccms.state.wy.us/flexviewers/unitmap/. The same data can be downloaded from the Wyoming Geospatial Hub at http://pathfinder.geospatialhub.org/ ("Highlight: Oil and Gas Wells"). Note that different types of O&G wells are in different datasets (e.g. conventional, horizontal, coalbed, disposal, injection), but that all the B-T wells are in the conventional category.

I downloaded some data earlier this year that is located at T:\FS\NFS\BridgerTeton\Program\2800MineralsGeology\GIS\WOGCC Wells dwnld 13JUNE2016.

Cheers,
Justin

Justin C. Snyder
Forest Geologist
Forest Service
Bridger-Teton National Forest
p: 307-367-5740
justinsnyder@fs fed.us
29 E. Fremont Lake Road
P.O. Box 220
Pinedale, WY 82941
www.fs fed.us

Caring for the land and serving people

-----Original Message-----
From: Griebel, Randall L -FS
Sent: Wednesday, October 12, 2016 12:44 PM
To: Snyder, Justin - FS <justinsnyder@fs fed.us>
Cc: Murphy, Kerry M -FS <kmmurphy02@fs.fed.us>; Landenburger, Lisa A -FS <lalandenburger@fs fed.us>; Archual, Paul D -FS <parchual@fs.fed.us>
Subject: FW: fact check

Justin,

Please see the email thread below - wondering if you could validate that answer to the group? Mainly, if the number of active oil and gas wells is correct and if there is a shapefile of those we could access and see where they are located in relation to grizzly bear habitat.

PAUL: Let us know if you have any GIS info on this subject that could help answer the questions.

Thanks,

Randy

Randall Griebel
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Caring for the land and serving people

-----Original Message-----
From: Murphy, Kerry M -FS
Sent: Wednesday, October 12, 2016 12:38 PM
To: Griebel, Randall L -FS <rgriebel@fs fed.us>
Cc: Landenburger, Lisa A -FS <lalandenburger@fs fed.us>
Subject: FW: fact check

Randy: not sure who cold answer this question. Maybe forward to Pam or Brian Goldberg? Do we have a database on active oil and gas?

-----Original Message-----
From: Landenburger, Lisa A -FS
Sent: Wednesday, October 12, 2016 12:04 PM
To: Murphy, Kerry M -FS <kmmurphy02@fs.fed.us>
Cc: jennifer.fortin-noreus@mso.umt.edu
Subject: FW: fact check

Hi Kerry,
As part of the grizzly bear delisting effort, the USFWS needs to know if the following statement is true:

"Even with the high potential for occurrence and development in the Bridger-Teton, only 14 active oil and gas wells are currently inside that National Forest and none are within Service defined suitable grizzly habitat."

Can you point me to someone who could address the validity of the above statement? Thanks.

Lisa Landenburger
Grizzly Bear GIS Database Coordinator, Greater Yellowstone Ecosystem USGS Northern Rocky Mountain Science Center USFS Affiliate, Region 1
Email: lalandenburger@fs fed.us
phone: 406-994-7430

-----Original Message-----
From: Fortin-Noreus, Jennifer [mailto:jennifer.fortin-noreus@mso.umt.edu]
Sent: Wednesday, October 12, 2016 11:53 AM
To: Landenburger, Lisa A -FS <lalandenburger@fs fed.us>
Subject: RE: fact check

If you have a contact person then please do reach out to get the information. We are trying to be as inclusive as

possible in our responses.
Thanks!

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu

From: Landenburger, Lisa A -FS [lalandenburger@fs fed.us]
Sent: Wednesday, October 12, 2016 11:50 AM
To: Fortin-Noreus, Jennifer
Subject: RE: fact check

Jennifer,
Unfortunately, I have no idea whether this is true or not. I do not track this specific kind information. I could contact someone from the BT and try to track this down if you think it's necessary.

-----Original Message-----
From: Fortin-Noreus, Jennifer [mailto:jennifer.fortin-noreus@mso.umt.edu]
Sent: Wednesday, October 12, 2016 11:45 AM
To: Landenburger, Lisa A -FS <lalandenburger@fs fed.us>
Subject: fact check

Lisa,

Is this sentence still accurate?

Thanks!

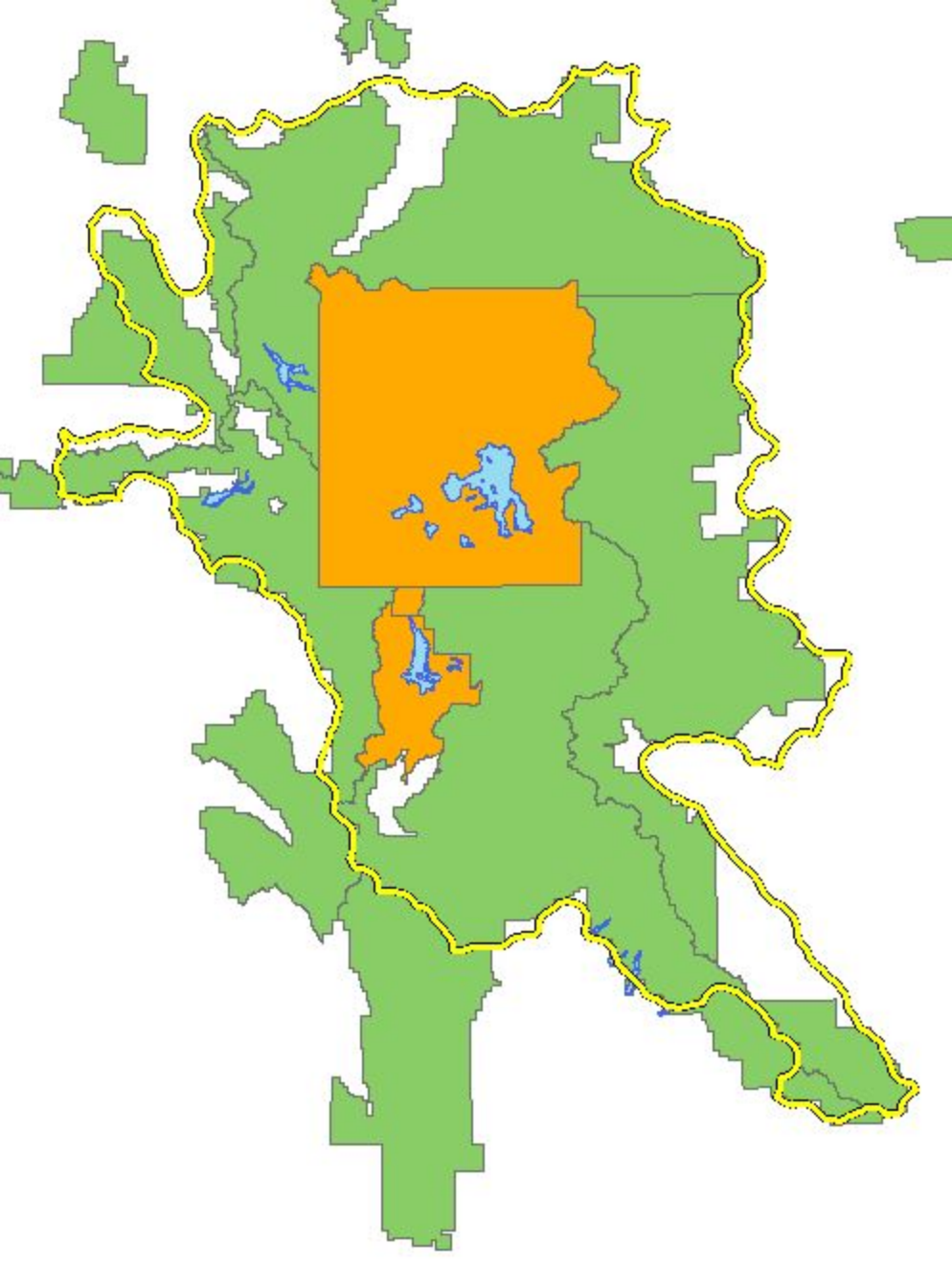
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From: Landenburger, Lisa A -FS
To: Griebel, Randall L -FS; jennifer_fortin-noreus@fws.gov
Cc: Snyder, Justin - FS; Murphy, Kerry M -FS; Archual, Paul D -FS
Subject: RE: fact check
Date: Wednesday, October 12, 2016 4:04:14 PM

Excellent! Thanks Randy and others.

-----Original Message-----
From: Griebel, Randall L -FS
Sent: Wednesday, October 12, 2016 3:34 PM
To: Landenburger, Lisa A -FS <lalandenburger@fs fed.us>; jennifer_fortin-noreus@fws.gov
Cc: Snyder, Justin - FS <justinsnyder@fs fed.us>; Murphy, Kerry M -FS <kmmurphy02@fs fed.us>; Archual, Paul D -FS <parchual@fs.fed.us>
Subject: RE: fact check

South and outside the DMA.

Randy

Randall Griebel
Wildlife, Fish and Rare Plants Program Manager Forest Service Bridger-Teton National Forest
p: 307-739-5537
c: 307-699-4163
f: 307-739-5010
rgriebel@fs.fed.us
PO Box 1888, 340 N. Cache
Jackson, WY 83001
www.fs fed.us

Caring for the land and serving people

-----Original Message-----
From: Landenburger, Lisa A -FS
Sent: Wednesday, October 12, 2016 3:19 PM
To: Griebel, Randall L -FS <rgriebel@fs fed.us>; jennifer_fortin-noreus@fws.gov
Cc: Snyder, Justin - FS <justinsnyder@fs fed.us>; Murphy, Kerry M -FS <kmmurphy02@fs fed.us>; Archual, Paul D -FS <parchual@fs.fed.us>
Subject: RE: fact check

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Email: lalandenburger@fs fed.us

phone: 406-994-7430

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Cheers,
Justin

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Caring for the land and serving people

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From: O"Connor, Patricia -FS
To: Jennifer Fortin-Noreus
Subject: RE: sensitive species language
Date: Friday, October 07, 2016 2:08:23 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Here you go:

ISSUE 81: We received some comments from peer reviewers and the public in reference to the Forest Service designation of the grizzly bear as a "sensitive species" or "species of conservation concern" upon delisting. This designation by the Forest Service was considered to be an important component of ongoing management of grizzly bears. Some asked for specific statutory and regulatory definitions for "sensitive species" and "species of conservation concern." There was concern about the authority provided by the Forest Service designations and that the new designation of "species of conservation concern" under the 2012 Planning Rule does not provide the same project-level prohibitions as the "sensitive species" designation.

Answer 81: The inherent protections afforded by the Sensitive Species designation and the Species of Conservation Concern and the Individual Species Direction are comparable. All three are designed to meet the intent of U.S. Department of Agriculture Departmental Regulation 9500-4 which directs the Forest Service to "Avoid actions which may cause a species to become threatened or endangered" and Sensitive Species Objectives (FSM 2670.22) which include: "Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions and "Develop and implement management objectives for populations and/or habitat of sensitive species." Following are the regulatory definitions:

- **Sensitive Species**. Those plant and animal species identified by a regional forester for which population viability is a concern, as evidenced by:
  - Significant current or predicted downward trends in population numbers or density.
  - Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. (FSM 2670.05)

- **Species of conservation concern**. For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area. (FSM 219.9(c).

Tricia O'Connor
Forest Supervisor
Forest Service

Bridger-Teton National Forest

p: 307-739-5511
c: 307-699-3319
poconnor@fs.fed.us

P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

Caring for the land and serving people

From: Jennifer Fortin-Noreus [mailto:jennifer_fortin-noreus@fws.gov]
Sent: Friday, October 07, 2016 11:57 AM
To: O'Connor, Patricia -FS <poconnor@fs.fed.us>
Subject: RE: sensitive species language

Hi Tricia,
I wanted to check on the status of the response to the sensitive species issue.
Thank you!
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: O'Connor, Patricia -FS [mailto:poconnor@fs.fed.us]
Sent: Friday, September 23, 2016 7:32 AM
To: Jennifer Fortin-Noreus
Subject: RE: sensitive species language

Can you also resend me that last request you made for the FS on response to comments? I seem to have deleted and need to send upwards. thx

Tricia O'Connor
Forest Supervisor

Forest Service
Bridger-Teton National Forest

p: 307-739-5511
c: 307-699-3319
poconnor@fs.fed.us

P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

Caring for the land and serving people

From: Jennifer Fortin-Noreus [mailto:Jennifer_fortin-noreus@fws.gov]
Sent: Thursday, September 22, 2016 4:50 PM
To: O'Connor, Patricia -FS <poconnor@fs.fed.us>
Subject: RE: sensitive species language

Hi Tricia,
I am hoping that you may have time to help me draft a response to the sensitive specie issue as it was raised in public comment and peer review in light of your revisions. If so, I am attaching the summary paragraph of the comments that we need to respond to.
Thank you!
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: O'Connor, Patricia -FS [mailto:poconnor@fs.fed.us]
Sent: Saturday, September 10, 2016 11:35 AM
To: Jennifer Fortin-Noreus
Subject: Re: sensitive species language

I sent Mary Erickson a note to send it to you. I am traveling and won't be back until Wed so hopefully she can get it to you before then

Tricia O'Connor
Forest Supervisor

Forest Service
Bridger-Teton National Forest

p: 307-739-5511
c: 307-699-3319

poconnor@fs.fed.us
P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

On Sep 9, 2016, at 11:59 AM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Hi Tricia,
> Would you please send me the sensitive species language? Given the tight timeline for continued edits to the Strategy it would be extremely helpful for me to receive edits as soon as they are ready.
> Thank you!
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*

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From:	Griebel, Randall L -FS
To:	jennifer_fortin-noreus@fws.gov
Cc:	O"Connor, Patricia -FS
Subject:	RE: sensitive species language
Date:	Tuesday, October 11, 2016 9:36:06 AM
Attachments:	image005.png image007.png image009.png image011.png image012.png

---

Jennifer,

That reference to Species of Conservation Concern (FSM 219.9(c)), is actually a CFR not a FSM.

Should be referenced as CFR 36 219.9(c). Here is the link:

http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=5ef4a31b3b978f8e839f582d3504646c&mc=true&n=pt36.2.219&r=PART&ty=HTML#se36.2.219_19

Hope that helps,

Randy

Randall Griebel
Wildlife, Fish and Rare Plants Program Manager
Forest Service
Bridger-Teton National Forest
p: 307-739-5537
c: 307-699-4163
f: 307-739-5010
rgriebel@fs.fed.us
PO Box 1888, 340 N. Cache
Jackson, WY 83001
www.fs.fed.us


Caring for the land and serving people

From: O'Connor, Patricia -FS
Sent: Monday, October 10, 2016 7:42 PM
To: Griebel, Randall L -FS <rgriebel@fs.fed.us>
Subject: Fwd: sensitive species language

Hi Randy. Can you send Jennifer a copy of this manual? She is working on response to comments for USFWS and the WO responded to the issue but she needs the manual and I am heading out of town. Thanks,

Tricia O'Connor
Forest Supervisor
Forest Service
Bridger-Teton National Forest

p: 307-739-5511
c: 307-699-3319
poconnor@fs.fed.us
P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

Caring for the land and serving people

Begin forwarded message:

From: Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>
Date: October 7, 2016 at 2:52:35 PM MDT
To: "O'Connor, Patricia -FS" <poconnor@fs.fed.us>
Subject: RE: sensitive species language

Would you be able to send me a copy of FSM 219.9? Thank you!

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: O'Connor, Patricia -FS [mailto:poconnor@fs.fed.us]
Sent: Friday, October 07, 2016 2:08 PM
To: Jennifer Fortin-Noreus
Subject: RE: sensitive species language

Here you go:

ISSUE 81: We received some comments from peer reviewers and the public in reference to the Forest Service designation of the grizzly bear as a "sensitive species" or "species of conservation concern" upon delisting. This designation by the Forest Service was considered to be an important component of ongoing management of grizzly bears. Some asked for specific statutory and regulatory definitions for "sensitive species" and "species of conservation concern." There was concern about the authority provided by the Forest Service designations and that the new designation of "species of conservation concern" under the 2012 Planning Rule does not provide the same project-level prohibitions as the "sensitive species" designation.

Answer 81: The inherent protections afforded by the Sensitive Species designation and the Species of Conservation Concern and the Individual Species Direction are comparable. All three are designed to meet the intent of U.S. Department of Agriculture Departmental Regulation 9500-4 which directs the Forest Service to "Avoid actions which may cause a species to become threatened or endangered" and Sensitive Species

Objectives (FSM 2670.22) which include: "Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions and "Develop and implement management objectives for populations and/or habitat of sensitive species."
Following are the regulatory definitions:

- **Sensitive Species**. Those plant and animal species identified by a regional forester for which population viability is a concern, as evidenced by:
  - Significant current or predicted downward trends in population numbers or density.
  - Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. (FSM 2670.05)

- **Species of conservation concern**. For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area. (FSM 219.9(c).

Tricia O'Connor
Forest Supervisor

Forest Service
Bridger-Teton National Forest

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c: 307-699-3319
poconnor@fs.fed.us

P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

Caring for the land and serving people

From: Jennifer Fortin-Noreus [mailto:jennifer_fortin-noreus@fws.gov]
Sent: Friday, October 07, 2016 11:57 AM
To: O'Connor, Patricia -FS <poconnor@fs.fed.us>
Subject: RE: sensitive species language

Hi Tricia,
I wanted to check on the status of the response to the sensitive species issue.
Thank you!
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service

University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: O'Connor, Patricia -FS [mailto:poconnor@fs.fed.us]
Sent: Friday, September 23, 2016 7:32 AM
To: Jennifer Fortin-Noreus
Subject: RE: sensitive species language

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Tricia O'Connor
Forest Supervisor

Forest Service
Bridger-Teton National Forest

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c: 307-699-3319
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Jackson, WY 83001
www.fs.fed.us

Caring for the land and serving people

From: Jennifer Fortin-Noreus [mailto:Jennifer_fortin-noreus@fws.gov]
Sent: Thursday, September 22, 2016 4:50 PM
To: O'Connor, Patricia -FS <poconnor@fs.fed.us>
Subject: RE: sensitive species language

Hi Tricia,
I am hoping that you may have time to help me draft a response to the sensitive specie issue as it was raised in public comment and peer review in light of your revisions. If so, I am attaching the summary paragraph of the comments that we need to respond to.
Thank you!
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: O'Connor, Patricia -FS [mailto:poconnor@fs.fed.us]
Sent: Saturday, September 10, 2016 11:35 AM
To: Jennifer Fortin-Noreus
Subject: Re: sensitive species language

I sent Mary Erickson a note to send it to you. I am traveling and won't be back until Wed so hopefully she can get it to you before then

Tricia O'Connor
Forest Supervisor

Forest Service
Bridger-Teton National Forest

p: 307-739-5511
c: 307-699-3319
poconnor@fs.fed.us

P O Box 1888, 340 N Cache
Jackson, WY 83001
www.fs.fed.us

On Sep 9, 2016, at 11:59 AM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Hi Tricia,
> Would you please send me the sensitive species language? Given the tight timeline for continued edits to the Strategy it would be extremely helpful for me to receive edits as soon as they are ready.
> Thank you!
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
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> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*

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civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Matt Hogan
To: Jennifer Fortin-Noreus; Jodi Bush
Cc: Seth Willey; Michael Thabault
Subject: RE:
Date: Thursday, October 13, 2016 9:50:54 AM

Very helpful....thanks Jennifer.

-----Original Message-----
From: Jennifer Fortin-Noreus [mailto:jennifer_fortin-noreus@fws.gov]
Sent: Thursday, October 13, 2016 9:35 AM
To: Matt Hogan; Jodi Bush
Cc: Seth Willey; Michael Thabault
Subject: RE:

Matt,

The Conservation Strategy says that the goal is to maintain a recovered population in accordance with the Recovery Criteria. However, recovery criterion 1 in the Conservation Strategy is inconsistent with the Recovery Plan Supplement because all reference to genetic health have been removed. This adds to confusion as to whether the population goal is a minimum of 500 (criterion 1) or to maintain the population around the 2002-2014 model-averaged Chao2 estimate (criterion 3). Furthermore, in the Executive Summary it now says "maintaining at least 500 bears in the GYE" but there is no mention of the population goal from criterion 3. In addition, without language that requires recalibration if a new population estimator is implemented, it is unclear as to whether the population goal in criterion 3 is a number (i.e., around 674 or between 600-747) or a condition (i.e., stability).

I hope that helps,
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

-----Original Message-----
From: Matt Hogan [mailto matt_hogan@fws.gov]
Sent: Wednesday, October 12, 2016 8:23 PM
To: jodi_bush@fws.gov; jennifer_fortin-noreus@fws.gov
Cc: Seth Willey; Michael Thabault
Subject:

How does the current draft of the Conservation Strategy define a recovered grizzly bear population? Thanks.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

From: Willey, Seth
To: Shoemaker, Rebecca; Alexandra Kasdin; Jennifer Fortin-Noreus; Tyson Powell
Subject: Re: A/C privilege - paragraph for your review
Date: Tuesday, October 04, 2016 4:07:30 PM
Attachments: Issue 6.docx

--- Attorney Client Priv. ---

(b)(5) attorney-client [redacted]

[redacted]

[redacted]

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Fri, Sep 30, 2016 at 11:47 AM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:

> hi Tyson,
>
> (b)(5) attorney-client [redacted]
>
> rebecca
>
> (b)(5) attorney-client [redacted]

(b)(5) attorney-client

(b)(5) attorney-client

[redacted]

[redacted]

[redacted]

From: Powell, Tyson
To: Willey, Seth
Cc: Shoemaker, Rebecca; Alexandra Kasdin; Jennifer Fortin-Noreus
Subject: Re: A/C privilege - paragraph for your review
Date: Wednesday, October 05, 2016 4:02:02 PM

(b)(5) attorney-client [redacted]

On Tue, Oct 4, 2016 at 4:06 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> --- Attorney Client Priv. ---
>
> (b)(5) attorney-client [redacted]
>
> [redacted]
>
> [redacted]
>
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> On Fri, Sep 30, 2016 at 11:47 AM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:
>
> > hi Tyson,
> >
> > (b)(5) attorney-client [redacted]
> >
> > rebecca
> >
> > (b)(5) attorney-client [redacted]

(b)(5) attorney-client

[redacted]

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Additional highly substantive comments
Date: Wednesday, October 19, 2016 1:28:39 PM

Yeah, I was keeping my eye out for them as well. They were sent here instead of PPM and finally made their way to me. I FedExed them to Michel on Monday and they were uploaded to regs.gov yesterday.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Oct 19, 2016 at 1:27 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> That sounds good. I was wondering about her attachments when I was reading her comment last night.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Wednesday, October 19, 2016 1:26 PM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Additional highly substantive comments

I am going to send you an email every time I add something to the highly substantive comments Google Drive folder beyond what was on the CD I sent you, so we can keep a record of it. So far, it is just one document. Deidre Bainbridge sent her exhibits by mail (she uploaded the text of her comment electronically so that is on your CD). I thus added these scanned exhibits to her folder in the Google drive and will update the spreadsheet accordingly.

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

From:	Kasdin, Alexandra
To:	Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson; Tyson Powell
Subject:	Re: Agenda for Grizz Coordination Call 10/19 - Invitation to edit
Date:	Friday, October 21, 2016 9:10:08 AM

Apologies all! The date in the document title was incorrect. It is now called "Agenda for Grizz Coordination Call 10/26."

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 21, 2016 at 9:08 AM, <alexandra_kasdin@fws.gov> wrote:

Alexandra Kasdin has invited you to **edit** the following document:

Agenda for Grizz Coordination Call 10/19

Hi everyone,
Please add any agenda items you think we should discuss on Wednesday's grizzly coordination call.
Talk soon!
Alex

Open in Docs

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click here to learn more.

From: Kasdin_Alexandra
To: Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson; Tyson Powell
Subject: Re: Agenda for Grizz Coordination Call 10/26 - Invitation to edit
Date: Wednesday, October 26, 2016 8:20:57 AM

Hi everyone,

Just a friendly reminder to please add your agenda items to to the agenda before today's call.

Here's a link to the agenda: https://docs.google.com/a/doi.gov/document/d/11xEzUV8dFGeew9ACMb3MKl9ZAYqgaUGVAzDN2zl6Moo/edit?usp=sharing

Thanks!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 21, 2016 at 9:10 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Apologies all! The date in the document title was incorrect. It is now called "Agenda for Grizz Coordination Call 10/26."
>
> Alex
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Fri, Oct 21, 2016 at 9:08 AM, <alexandra_kasdin@fws.gov> wrote:
>
> Alexandra Kasdin has invited you to **edit** the following document:
>
> Agenda for Grizz Coordination Call 10/19
>
> Hi everyone,
> Please add any agenda items you think we should discuss on Wednesday's grizzly coordination call.
> Talk soon!
> Alex
>
> Open in Docs
>
> This is a courtesy copy of an email for your record only. t's not the same email your collaborators received.
> Click here to learn more.

From:	Powell, Tyson
To:	Kasdin, Alexandra
Cc:	Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson
Subject:	Re: Call today cancelled
Date:	Thursday, October 20, 2016 1:01:43 PM

Thanks Alex.

On Thu, Oct 20, 2016 at 12:20 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> We will move this call to next week when we have more to discuss. Stay tuned!
>
> Thanks for your flexibility!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217

--

Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From:	Kasdin, Alexandra
To:	Powell, Tyson
Cc:	Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson
Subject:	Re: Call today cancelled
Date:	Thursday, October 20, 2016 1:37:17 PM

Hi all,

I just moved this call to Thursday October 27 at 11am. Please let me know if you cannot make that work.

Thanks!
Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 20, 2016 at 1:01 PM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

> Thanks Alex.
>
> On Thu, Oct 20, 2016 at 12:20 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > We will move this call to next week when we have more to discuss. Stay tuned!
> >
> > Thanks for your flexibility!
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office
> > 134 Union Boulevard
> > Lakewood, CO 80228
> > Phone: (303) 236-4217
>
> --
> Tyson Powell
> Office of the Regional Solicitor
> Rocky Mountain Region
> U.S. Department of Interior
> 755 Parfet Street, Suite 151
> Lakewood, CO 80215
> New telephone number: 303-445-0629

From:	Kasdin, Alexandra
To:	Willey, Seth
Cc:	Thabault, Michael; Jodi Bush; Jennifer Fortin-Noreus
Subject:	Re: Call today
Date:	Monday, November 07, 2016 1:25:44 PM

Works for me!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Nov 7, 2016 at 1:24 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> sure. talk to you then
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> On Mon, Nov 7, 2016 at 1:17 PM, Thabault, Michael <michael_thabault@fws.gov> wrote:
>
> > Just got off a call with the Director. We should talk. Is everybody around at 2:00? I see Jodi is off line. I may have to catch her up.
> >
> > Use this call in number 877-357-9157 Participant 32153955#
> >
> > Michael Thabault
> > Assistant Regional Director
> > Ecological Services
> > U.S. Fish and Wildlife Service
> > Mountain Prairie Region
> > 303-236-4210
> > michael_thabault@fws.gov

From:	Willey, Seth
To:	Thabault, Michael
Cc:	Jodi Bush; Jennifer Fortin-Noreus; Alexandra Kasdin
Subject:	Re: Call today
Date:	Monday, November 07, 2016 2:01:50 PM

---

this line is taken. use the other one

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Nov 7, 2016 at 1:17 PM, Thabault, Michael <michael_thabault@fws.gov> wrote:

> Just got off a call with the Director. We should talk. Is everybody around at 2:00? I see Jodi is off line. I may have to catch her up.
>
> Use this call in number (b)(5) commercial priv Participant (b)(5) commercial priv
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> U.S. Fish and Wildlife Service
> Mountain Prairie Region
> 303-236-4210
> michael_thabault@fws.gov

From:	Kasdin, Alexandra
To:	Constantino, Maricela
Cc:	Seth Willey; Jennifer Fortin-Noreus; Tyson Powell; Jodi Bush; Sarah Hall; Rebecca Shoemaker
Subject:	Re: Director"s memo on 4(i) responses
Date:	Thursday, October 06, 2016 1:01:16 PM

As of now, we do not have the state comments organized into a different part of the rule. However, I am working on re-reading the state comments and attributing any appropriate pieces of the issue summaries to the state that raised the issue.

Should we change this to a separate part of the rule?

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 6, 2016 at 12:57 PM, Constantino, Maricela <maricela_constantino@fws.gov> wrote:

> Per our discussion today, I found some helpful information related to 4(i) on the Listing Library. You'll see that the 2003 Director's memo says these letters should be done "within 15 days of publication of the final rule". It also recommends we address the State comments in a separate section of the final rule.
>
> https://fishnet.fws.doi.net/regions/9/es/Listing/Docs/Forms/AllItems.aspx?RootFolder=%2Fregions%2F9%2Fes%2FListing%2FDocs%2FGuidance%2C%20Policies%2C%20Help%2FCoordination%20with%20States
>
> Maricela Constantino
> Endangered Species Biologist
> Branch of Recovery and State Grants
> Ecological Services - Headquarters Office
> U.S. Fish and Wildlife Service
>
> maricela_constantino@fws.gov
> 571/969-9804

From:	Kasdin, Alexandra
To:	Constantino, Maricela
Cc:	Willey, Seth; Jennifer Fortin-Noreus; Tyson Powell; Jodi Bush; Sarah Hall; Rebecca Shoemaker
Subject:	Re: Director"s memo on 4(i) responses
Date:	Thursday, October 06, 2016 1:13:16 PM

It is on my list to attribute state comments within the issue summaries so I will be sure to do that!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 6, 2016 at 1:11 PM, Constantino, Maricela <maricela_constantino@fws.gov> wrote:

> Agreed, the 15 day reference is taken from the Listing Handbook. I think the other part is just recommended. I'm not sure we have consistently pulled out the state comments in any of the rules I've worked on in the past. So long as we meet the 4(i) requirement I think we'll be fine.
>
> Maricela Constantino
> Endangered Species Biologist
> Branch of Recovery and State Grants
> Ecological Services - Headquarters Office
> U.S. Fish and Wildlife Service
>
> maricela_constantino@fws.gov
> 571/969-9804
>
> On Thu, Oct 6, 2016 at 3:08 PM, Willey, Seth <seth_willey@fws.gov> wrote:
>
> > I don't think we can reasonably change course on this at this stage. We made a decision on this early on, that it made more sense from a flow and readability perspective, given how many comments and issues we received, to keep them sorted by topic. Let's stay the course on this one. That said, noting which came from a State would be nice to do (if we can do it without way too much time and energy).
> >
> > **********
> > Seth L. Willey
> > Branch Chief for Classification and Recovery
> > Mountain-Prairie Region, USFWS
> > Seth_Willey@fws.gov
> > 303-236-4257
> > **********
> >
> > On Thu, Oct 6, 2016 at 1:01 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
> >
> > > As of now, we do not have the state comments organized into a different part of the rule. However, I am working on re-reading the state comments and attributing any appropriate pieces of the issue summaries to the state that raised the issue.

Should we change this to a separate part of the rule?

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 6, 2016 at 12:57 PM, Constantino, Maricela <maricela_constantino@fws.gov> wrote:

> Per our discussion today, I found some helpful information related to 4(i) on the Listing Library. You'll see that the 2003 Director's memo says these letters should be done "within 15 days of publication of the final rule". It also recommends we address the State comments in a separate section of the final rule.
>
> https://fishnet.fws.doi.net/regions/9/es/Listing/Docs/Forms/AllItems.aspx?RootFolder=%2Fregions%2F9%2Fes%2FListing%2FDocs%2FGuidance%2C%20Policies%2C%20Help%2FCoordination%20with%20States
>
> Maricela Constantino
> Endangered Species Biologist
> Branch of Recovery and State Grants
> Ecological Services - Headquarters Office
> U.S. Fish and Wildlife Service
>
> maricela_constantino@fws.gov
> 571/969-9804

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Discussing Comment Responses
Date: Wednesday, September 28, 2016 1:00:01 PM

Hi Jennifer,

I am thinking Thursday October 6. Would afternoon be better for you on that day too?

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Sep 28, 2016 at 12:25 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I will very likely be driving back from Jackson Hole on Tuesday so wouldn't be available until 3pm. Thanks! Jennifer
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Wednesday, September 28, 2016 12:24 PM
> **To:** Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson; Tyson Powell
> **Subject:** Discussing Comment Responses
>
> Hi team,
>
> As discussed on today's coordination call, I am going to schedule a conversation for us to chat about responses to a few of the remaining issues. I am looking at next Thursday (October 6). Can you all let me know what times on that day works for you (or don't work for you). I can't see everyone's calendar in Google Calendars.
>
> Thanks!
>
> Alex Kasdin
>
> Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

From:	Kasdin, Alexandra
To:	Wayne Kasworm; Jennifer Fortin-Noreus; Jodi Bush; Sarah Hall; Serena Baker; Seth Willey; Maricela Constantino; Marjorie Nelson; Tyson Powell
Subject:	Re: Discussing Comment Responses
Date:	Wednesday, September 28, 2016 2:35:37 PM

Hi everyone,

I am scheduling this call for October 6 from 9:30am-11am MT (11:30am-1pm ET). I know Marj and Jodi likely will not be able to join because of the Project Leaders/Biologists meeting.

Let me know if you foresee any issues with this! I will be in touch later next week if it turns out this conversation will not be necessary.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Sep 28, 2016 at 12:23 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi team,
>
> As discussed on today's coordination call, I am going to schedule a conversation for us to chat about responses to a few of the remaining issues. I am looking at next Thursday (October 6). Can you all let me know what times on that day works for you (or don't work for you). I can't see everyone's calendar in Google Calendars.
>
> Thanks!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217

From: Kasdin, Alexandra
To: Willey, Seth
Cc: Jennifer Fortin-Noreus; Wayne Kasworm; Jodi Bush
Subject: Re: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
Date: Friday, October 07, 2016 10:20:16 AM
Attachments: Response v.1_aek edits.docx

Hi everyone,

Please see attached clean version of the response letter, which contains my edits/changes.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Oct 3, 2016 at 3:38 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> I took a stab at responding to this DTS. Comments welcome.
>
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> ---------- Forwarded message ----------
> From: **Annette Naylon** <annette_naylon@fws.gov>
> Date: Wed, Sep 28, 2016 at 1:39 PM
> Subject: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
> To: Michael Thabault <michael_thabault@fws.gov>, Nicole Alt <nicole_alt@fws.gov>, Marjorie Nelson <marjorie_nelson@fws.gov>
> Cc: Seth Willey <seth_willey@fws.gov>
>
> Please let me know who else to forward to and who the POC is. Thanks!
>
> Please work with EA to draft reply for signature - RD will upload draft response
>
> Due : 10-12-16

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/RO-ES
DCN: 064200

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your September 27, 2016 letter, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Specifically, your letter expressed concern about the Conservation Strategy, population targets, connectivity, and hunting. We share your interest in the conservation of the Yellowstone grizzly bear population. Delisting will only occur if I am completely satisfied that we have robust commitments to maintain this conservation success in the long-term.

Recovery of the Yellowstone grizzly bear population is a remarkable conservation success story and further validation of the achievements of the Endangered Species Act. The Yellowstone grizzly bear population has rebounded from as few as 136 bears in 1975 to more than 700 today. Yellowstone grizzly bear's range has doubled since listing; this population now occupies more than 22,500 square miles of the ecosystem. This success would not have been possible without the tireless efforts of countless partners including Federal, State, and Tribal agencies, conservation groups, and private citizens, including ranchers, sportsmen, and outfitters.

As a result, last month we reopened the comment period on our proposed delisting. In total, we have offered two public comment periods totaling 90-days over the last seven months including March 11, 2016 to May 10, 2016, and September 7, 2016 to October 7, 2016. The most pertinent documents guiding management after delisting have now all been provided to the public for comment including the draft Conservation Strategy, Federal land management regulatory documents, and State discretionary mortality regulatory documents. Additional changes to the Conservation Strategy being considered are either minor or responsive to the public comments. Therefore, we do not believe an additional public comment period on the final draft Conservation Strategy is necessary.

Regarding management intentions, our management partners have agreed to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014 (i.e., 674 bears as measured by the model-averaged Chao2 estimate with a 95% confidence interval of 600 to 747 bears). This will be accomplished by reducing discretionary mortality to modest, sustainable levels

(<7.6%) should the model-averaged Chao2 fall below 674 bears and prohibiting discretionary mortality (except as necessary for human safety) in the unlikely event that the population ever falls below 600 bears. Montana, Idaho, and Wyoming have now all formally adopted these commitments.

Your letter also raised concerns related to the geography of harvest. Specifically, you asked that the John D. Rockefeller, Jr. Memorial Parkway retain its authority to prohibit hunting as a National Park Service Unit. You also indicated hunting should be prohibited on lands adjacent to the National Parks and within the Primary Conservation Area. Nothing in this rule would alter, or in any way affect, the jurisdiction or authority of the State of Wyoming, Tribal governments, the National Park Service, the U.S. Fish and Wildlife Service, or any other entity with respect to the regulation of hunting. The promulgation of a final determination will preserve the jurisdictions or authorities to authorize, prohibit, or regulate hunting that currently exist in these areas (except, of course, that this rule removes the protections of the Act). In short, it is beyond our authority to negotiate further on this point unless these issues present threats to the viability of the population.

Finally, your letter expressed concern about connectivity to other grizzly bear populations. We agree that connectivity to other grizzly bear populations to the north is desirable. Such connectivity has been and remains a focus of the Service and our partners. In the context of our proposed delisting, nearly all of the intervening habitat where dispersal would occur retains the full protections of the ESA, suggesting limited impacts to connectivity of grizzly bear habitat.

In our view, the current suite of discretionary mortality regulations will maintain the Yellowstone grizzly bear's recovered status. That said, the National Park Service and the States have a long history of cooperatively managing harvest for other species in a way that provides for the needs of all parties. We expect this partnership and successful management of harvest will continue.

Thank you for your interest in this iconic species and the conservation success story it represents. I hope this letter addresses your concerns. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Director

From: Kasdin, Alexandra
To: Bush, Jodi
Cc: Willey, Seth; Jennifer Fortin-Noreus; Wayne Kasworm
Subject: Re: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
Date: Friday, October 07, 2016 11:40:06 AM

I changed to "States, Tribal governments, the National Park Service..." as per your suggestion, Jodi.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 10:54 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> This looks good but I would add in the sentence (2nd page, first full paragraph):
>
> Nothing in this rule would alter, or in any way affect, the jurisdiction or authority of the States of Wyoming, Montana or Idaho, Tribal governments, the National Park Service, the U.S. Fish and Wildlife Service, or any other entity with respect to the regulation of hunting.
>
> Or you could just say States...
>
> *Remember Yellowstone Park goes into both MT and Idaho as well as WY. JB*
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Fri, Oct 7, 2016 at 10:20 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > Hi everyone,
> >
> > Please see attached clean version of the response letter, which contains my edits/changes.
> >
> > Alex
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office
> > 134 Union Boulevard
> > Lakewood, CO 80228
> > Phone: (303) 236-4217
> >
> > On Mon, Oct 3, 2016 at 3:38 PM, Willey, Seth <seth_willey@fws.gov> wrote:

I took a stab at responding to this DTS. Comments welcome.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Annette Naylon** <annette_naylon@fws.gov>
Date: Wed, Sep 28, 2016 at 1:39 PM
Subject: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
To: Michael Thabault <michael_thabault@fws.gov>, Nicole Alt <nicole_alt@fws.gov>, Marjorie Nelson <marjorie_nelson@fws.gov>
Cc: Seth Willey <seth_willey@fws.gov>

Please let me know who else to forward to and who the POC is. Thanks!

Please work with EA to draft reply for signature - RD will upload draft response

Due : 10-12-16

From:	Kasdin, Alexandra
To:	Bush, Jodi
Cc:	Jennifer Fortin-Noreus; Katrina Dixon
Subject:	Re: FW: snow mobiling
Date:	Friday, October 28, 2016 3:29:58 PM

Thanks Jodi and Kat!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 28, 2016 at 3:28 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> Here you go Alex. Please reach out to Kat directly if you have anymore questions on this.
> JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> ---------- Forwarded message ----------
> From: **Katrina Dixon** <katrina_dixon@fws.gov>
> Date: Fri, Oct 28, 2016 at 1:24 PM
> Subject: RE: FW: snow mobiling
> To: Jodi Bush <jodi_bush@fws.gov>
>
> We consulted with the Gallatin on their travel plan, which included winter motorized use (snowmobiles), in 2006 and issued an amended ITS for the Travel Plan in 2013 (the winter portion did not change from 2006 but was included in the 2013 ITS to keep it all in 1 place).
>
> The Custer was part of the 5-forest consultation completed with a BO in 2002 (The date in the email below says 2001, but the BO was issued May 30, 2002). As far as I am aware, there is no additional consultation related to snowmobiles on the Custer.
>
> We consulted with the Beaverhead-Deerlodge on their Forest Plan Revision and completed a BO in 2010, which included winter motorized use in the Yellowstone Area. We reinitiated consultation in 2013 to include the remainder of the Forest outside of the Yellowstone Area and issued a

supplement to the 2010 BO.

I am not aware of what the Bridger-Teton and Shoshone NF have related to consultation. They were both part of the 2002 BO.

Katrina Dixon

Montana Field Office

US Fish and Wildlife Service

katrina_dixon@fws.gov

406-449-5225 ext. 222

From: Bush, Jodi [mailto:jodi_bush@fws.gov]
Sent: Friday, October 28, 2016 12:49 PM
To: Katrina Dixon
Subject: Fwd: FW: snow mobiling

Kat. Do you have any updated information on this question that Alex (from RO) has? JB

Jodi L. Bush

Office Supervisor

Montana State Ecological Services Office

585 Shepard Way, Suite 1

Helena, MT 59601

(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Kasdin, Alexandra** <alexandra_kasdin@fws.gov>
Date: Fri, Oct 21, 2016 at 8:58 AM

Subject: Re: FW: snow mobiling

To: Jodi Bush <Jodi_Bush@fws.gov>
Cc: "Fortin-Noreus, Jennifer" <jennifer.fortin-noreus@mso.umt.edu>

Hi Jodi,

I hope you are doing well! Jennifer suggested I reach out to you to see if you had an updated statistic for this tidbit that was in the 2007 delisting. "Five of the six GYA National Forests consulted with us in 2001 regarding the effect of snowmobiles on denning grizzly bears."

Thanks Jodi!
Alex

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Fri, Oct 21, 2016 at 8:40 AM, Fortin-Noreus, Jennifer <jennifer.fortin-noreus@mso.umt.edu> wrote:

Jodi may be a good person to ask about that because the Section 7 person is in their office.

From: Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
Sent: Friday, October 21, 2016 8:38 AM
To: Fortin-Noreus, Jennifer
Subject: Re: FW: snow mobiling

Do we have an updated statistic on this? "Five of the six GYA National Forests consulted with us in 2001 regarding the effect of snowmobiles on denning grizzly bears."

Alex Kasdin
Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 20, 2016 at 2:57 PM, Fortin-Noreus, Jennifer <jennifer.fortin-noreus@mso.umt.edu<mailto:jennifer.fortin-noreus@mso.umt.edu>> wrote:

From: Haroldson, Mark [mailto:mharoldson@usgs.gov<mailto:mharoldson@usgs.gov>]
Sent: Friday, October 14, 2016 1:15 PM
To: Fortin-Noreus, Jennifer
Subject: Re: snow mobiling

We have no documented records of grizzly bears abandoning dens do to snowmobile activity. Since the winter of 2013-2014, I have been responsible for documenting potential conflicts between denning and/or emerging grizzly bears and snowmobile use on the Gallatin National Forest. For the last 3 denning seasons there have been no reports of grizzly bear active during the winter/early spring seasons by agency personnel (IGBST or MTFWP) that indicated potential conflicts between denning and/or emerging grizzly bears and snowmobile use. Reports to the Gallatin National Forest for the winters of 2013-14, 2014-15, and 2015-16 are attached.

Additionally, during the winter of 2009-2010, a grizzly bear was observed digging a den in the Squaw Basin, Bridger-Teton National Forest in a area heavily used by snowmobiles. The attached reports documents over winter snowmobile activity near the den site. The grizzly bear remained in the den throughout the winter and emerged 20 April 2010 with one cub-of-the-year.

On Thu, Oct 13, 2016 at 3:36 PM, Fortin-Noreus, Jennifer <jennifer.fortin-noreus@mso.umt.edu<mailto:jennifer.fortin-noreus@mso.umt.edu><mailto:jennifer.fortin-noreus@mso.umt.edu<mailto:jennifer.fortin-noreus@mso.umt.edu>>> wrote:
Has the IGBST documented any disturbance of grizzly bears from snowmobiling since 2000?

Thanks!

Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
University of Montana
University Hall, Room 309
Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu<mailto:jennifer.fortin-noreus@umontana.edu>
<mailto:jennifer.fortin-noreus@umontana.edu<mailto:jennifer.fortin-

noreus@umontana.edu>>

--
Mark A. Haroldson
USGS Northern Rocky Mountain Science Center
Interagency Grizzly Bear Study Team
2327 University Way, Suite 2
Bozeman MT 59715
Phone 406-994-5042
Cell 406-570-7754
Fax 406-994-6416

From: Willey, Seth
To: Kasdin, Alexandra
Cc: Jodi Bush; Jennifer Fortin-Noreus; Maricela Constantino; Tyson Powell
Subject: Re: FYI -- Letter from NWF and GYC
Date: Monday, October 31, 2016 4:26:56 PM

We will need a response to this, in approximately a month. I would not recommend starting yet in light of all the moving pieces.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Oct 31, 2016 at 3:02 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi everyone,
>
> Just for situational awareness, I am attaching a letter we received from GYC and NWF last week.
>
> Thanks!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217

From:	Daniel Thompson
To:	Tyers, Daniel - FS
Cc:	Erickson, Mary C -FS; Rupert, Susan -FS; Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu); Jodi_Bush@fws.gov; fvanmanen (fvanmanen@usgs.gov); Alexander, Joseph G -FS; O"Connor, Patricia -FS; Jennifer Fortin-Noreus; Barndt, Scott A -FS; Jackson, Scott -FS
Subject:	Re: First draft agenda for Cody YES meeting
Date:	Wednesday, November 09, 2016 10:43:26 AM

I am happy to give an update on our Bear Wise Program and local conflict prevention, proactive efforts as well as discuss on the ground reality and work in the local area and GYE -- but an hour seems a bit long for that. 15-30 minutes would be more appropriate, can happily do 30.

Sorry I missed you call Dan, was in a separate meeting.

On Wed, Nov 9, 2016 at 10:38 AM, Tyers, Daniel - FS <dtyers@fs.fed.us> wrote:

> Here is a tentative agenda for the YES meeting next week in Cody. Mary hopes to release a draft for wider review later today. However, we wanted to solicit your opinion before we took the next step. Jodi and Jennifer, we realize there are constraints on what you can present, so feel free to match the material you provide to your political reality.
>
> What feedback would you offer? Thanks for your review. If you are presenting- thanks also for your help at the conference.
>
> Scott Jackson- if you are still at NCDE meeting with Jennifer, could you check with her to see if she received this message?
>
> This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

--
Dan J. Thompson, PhD
Large Carnivore Section Supervisor
Wyoming Game and Fish Dept
260 Buena Vista Dr
Lander, WY 82520
(307) 332-2688
Daniel.Thompson@wyo.gov

--

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

From: Bush, Jodi
To: Frazer, Gary; Matt Hogan
Cc: Willey, Seth; Jennifer Fortin-Noreus; Thabault, Michael
Subject: Re: GYE grizzly Conservation Strategy
Date: Monday, October 31, 2016 9:47:22 AM

Wanted to make sure you folks knew that the Forest Service was going to have their internal conversation today. If folks have contacts at HQ might be good to weigh in with them. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Fri, Oct 28, 2016 at 5:16 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Hey Jodi,
>
> FYI on the below. I certainly heard this foundational difference shaping the different view points.
>
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> ---------- Forwarded message ----------
> From: **Powell, Tyson** <tyson.powell@sol.doi.gov>
> Date: Fri, Oct 28, 2016 at 4:51 PM
> Subject: Fwd: GYE grizzly Conservation Strategy
> To: Seth Willey <seth_willey@fws.gov>, Michael Thabault <michael_thabault@fws.gov>
>
> ---------- Forwarded message ----------
> From: **Ann Navaro** <ann.navaro@sol.doi.gov>
> Date: Fri, Oct 28, 2016 at 4:01 PM
> Subject: Fwd: GYE grizzly Conservation Strategy
> To: tyson.powell@sol.doi.gov, dana.jacobsen@sol.doi.gov, matthew.mckeown@sol.doi.gov
>
> FYI

Sent from my iPhone

Begin forwarded message:

From: "Frazer, Gary" <gary_frazer@fws.gov>
Date: October 28, 2016 at 5:55:39 PM EDT
To: Dan ASHE <d_m_ashe@fws.gov>, Teresa Christopher <teresa_christopher@fws.gov>, Jim Kurth <Jim_Kurth@fws.gov>, Steve Guertin <Stephen_Guertin@fws.gov>, Betsy Hildebrandt <Betsy_Hildebrandt@fws.gov>, Michael BEAN <michael_bean@ios.doi.gov>, "Hyun, Karen" <karen_hyun@ios.doi.gov>, Ann Navaro <ann.navaro@sol.doi.gov>
Cc: Noreen Walsh <Noreen_Walsh@fws.gov>, Matt Hogan <Matt_Hogan@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>, Jeff Newman <jeff_newman@fws.gov>, Don Morgan <Don_Morgan@fws.gov>
Subject: GYE grizzly Conservation Strategy

Mike Thabault just called to report that the Yellowstone Ecosystem Subcommittee postponed a vote on the recalibration language until next Friday, Nov 4. The federal agency reps reportedly said that they needed that additional time to review and discuss with their agency leadership.

I understand that the USFS co-chair of the YES stated on the call that, "The States believe the recovery goal is a number, not related to the population estimator", and the State reps agreed with that characterization. I have not seen them put their view forward so plainly before.

Our position, of course, is that recovery is a condition, not an absolute number, and that the mean, confidence intervals, triggers, and floor used to describe and manage for that condition are absolutely tied to the population estimator being employed.

Hard to believe that after 2 years of arguing about this threshold issue, and after negotiating the language of demographic recovery criterion last January, we still remain in such fundamental disagreement. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

--
Tyson Powell
Office of the Regional Solicitor

Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From: Michael Thabault
To: Bush, Jodi
Cc: Matt Hogan; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:47:29 AM

What time does meeting start Mon.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 30, 2016, at 8:27 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> unfortunately I have dentist appointment at 10am. If that's the only time that works I'll see if Jen can relay what the discussion is to me. JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Thu, Sep 29, 2016 at 6:47 PM, Michael Thabault <michael_thabault@fws.gov> wrote:
>
> Use (b)(5) commercial priv
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> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
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> On Sep 29, 2016, at 6:32 PM, Matt Hogan <matt_hogan@fws.gov> wrote:
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Michael Thabault
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Ecological Services
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YES mtg. This is where our YES meeting is being held. We do not know if there are plans to somehow present this or otherwise mark it at YES mtg. Might be something to consider at least planning for the unexpected, especially after what is going on with the pipeline issue……

http://nativenewsonline.net/currents/tribes-make-history-signing-grizzly-treaty-alberta-greater-yellowstone-sept-30-oct-2/

FYI. From the release.

The Department of the Interior needs to institute a moratorium on the delisting of the Yellowstone grizzly bear until proper consultation is addressed with each affected tribal nation respectively, so we can get better solutions for the future of the grizzly bear and for our people," says Shoshone-Bannock

Any words of wisdom? They are likely to be there at the meeting on Monday. JB

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(406) 449-5225, ext.205

From: Bush, Jodi
To: Michael Thabault
Cc: Matt Hogan; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:27:12 AM

---

unfortunately I have dentist appointment at 10am. If that's the only time that works I'll see if Jen can relay what the discussion is to me. JB

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Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

From: Michael Thabault
To: Matt Hogan
Cc: Bush, Jodi; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Thursday, September 29, 2016 6:37:20 PM

Ok let's set it up can always cancel. Looped Scott A in too.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 29, 2016, at 6:32 PM, Matt Hogan <matt_hogan@fws.gov> wrote:

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Services Office
585 Shepard Way, Suite 1
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(406) 449-5225, ext.205

From: Michael Thabault
To: Matt Hogan
Cc: Jodi Bush; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:56:41 AM

I have a 9 with DOJ and then pretty much need do the stuff I took leave today to do. Matt can you just talk to Jodi sometime today?

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 30, 2016, at 8:47 AM, Matt Hogan <Matt_Hogan@fws.gov> wrote:

> I'm pretty flexible as I was supposed to be on AL but am in the office and have a pretty open schedule.
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, September 30, 2016 8:27 AM
> **To:** Michael Thabault
> **Cc:** Matt Hogan; Jennifer Fortin-Noreus
> **Subject:** Re: Grizz Treaty signing
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From: Bagbonon, Michel
To: Kasdin, Alexandra
Cc: Jennifer Fortin-Noreus; Seth Willey
Subject: Re: Grizzly - public comment - corrupt file
Date: Friday, October 14, 2016 11:09:08 AM

The new files have been added to the document id. I was also able to open all the existing files in both FDMS and on regulations.gov. The newly added also were accessible in both systems! the contents are indeed identical.

Anyhow there are part of the document id.

That is all for now

Michel

On Fri, Oct 14, 2016 at 12:45 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi Michel,
>
> Could you please add the attached two files to the Humane Society's comment (FWS-R6-ES-2016-0042-9781)?
>
> Thanks!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> ---------- Forwarded message ----------
> From: **Jennifer Lonergan** <jlonergan@humanesociety.org>
> Date: Fri, Oct 14, 2016 at 8:58 AM
> Subject: RE: Grizzly - public comment - corrupt file
> To: Tracie Letterman <tletterman@humanesociety.org>, "Willey, Seth" <seth_willey@fws.gov>
> Cc: Alexandra Kasdin <alexandra_kasdin@fws.gov>, Tyson Powell <Tyson.Powell@sol.doi.gov>, Keisha Sedlacek <ksedlacek@humanesociety.org>
>
> Good morning,
>
> I am attaching here two .rtf files – depending on in which order you received the files (including the edited comments), one of the attached versions should be the 3rd (corrupted) file. These seem to open fine on my computer, but please let me know if they continue to be inoperable on

your end, and I will figure out a different format for them.

Thanks so much for letting us know about the problem!

Very best,

Jen Lonergan

From: Tracie Letterman
Sent: Thursday, October 13, 2016 4:21 PM
To: Willey, Seth
Cc: Alexandra Kasdin; Tyson Powell; Keisha Sedlacek; Jennifer Lonergan
Subject: RE: Grizzly - public comment - corrupt file

Thanks for reaching out about the damaged file, Seth. We're connecting with our IT department now and will circle back with you tomorrow on the status of the file.

Thanks,

Tracie

From: Willey, Seth [mailto:seth_willey@fws.gov]
Sent: Thursday, October 13, 2016 4:10 PM
To: Tracie Letterman
Cc: Alexandra Kasdin; Tyson Powell; Keisha Sedlacek
Subject: Fwd: Grizzly - public comment - corrupt file

Hello Tracie,

Thank you for chatting. Below is the email sent to Keisha describing the situation. Please let me know if you are able and interested in resubmitting the third file for our consideration. We would like to consider the comments if possible. As indicated below, we request the resubmitted file no later than 3pm mountain tomorrow.

Thanks,

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

---------- Forwarded message ----------
From: **Willey, Seth** <seth_willey@fws.gov>
Date: Thu, Oct 13, 2016 at 1:56 PM
Subject: Grizzly - public comment - corrupt file
To: ksedlacek@humanesociety.org
Cc: Alexandra Kasdin <alexandra_kasdin@fws.gov>, Tyson Powell <Tyson.Powell@sol.doi.gov>

Hello Keisha,

I am contacting you regarding your comments on the proposed delisting of the Yellowstone Grizzly Bear population (Docket ID: FWS-R6-ES-2016-0042). This is a follow up to two previous voice messages from myself (10/13) and Michel Bagbonon (10/12). As previously indicated, we received 30 rtf files with member comments. However, the 3rd of the 30 files was corrupt and cannot be opened; the remaining files function normally. Your comments, minus the third corrupt file, have been uploaded here: https://www.regulations.gov/document?D=FWS-R6-ES-2016-0042-9781

We are reaching out again to see if you wish to resubmit the third file. If so, we need this file by 3pm mountain time tomorrow. Please let me know.

Additionally, on the off chance you are on leave, I am going to call your main line to see if we can reach another person in your shop.

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Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

--
Michel Bagbonon
Division of Policy Performance and Management Programs (PPM)
U.S Fish and Wildlife Service
5275 Leesburg Pike M/S:BPHC
Falls Church, VA 22041-3803
Telephone: 703-358-1851
Fax: 703-358-1981

From: Kasdin, Alexandra
To: Bagbonon, Michel
Cc: Jennifer Fortin-Noreus; Seth Willey
Subject: Re: Grizzly - public comment - corrupt file
Date: Friday, October 14, 2016 11:13:17 AM

Great! Thanks Michel.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 14, 2016 at 11:09 AM, Bagbonon, Michel <michel_bagbonon@fws.gov> wrote:

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Michel Bagbonon
Division of Policy Performance and Management Programs (PPM)
U.S Fish and Wildlife Service
5275 Leesburg Pike M/S:BPHC
Falls Church, VA 22041-3803
Telephone: 703-358-1851

Fax: 703-358-1981

From:	Kasworm, Wayne
To:	Kasdin, Alexandra
Cc:	Powell, Tyson; jennifer.fortin-noreus; Seth Willey; Dana Jacobsen; Jodi Bush; Jennifer Fortin-Noreus
Subject:	Re: HSUS response
Date:	Friday, October 07, 2016 2:37:41 PM
Attachments:	Humane Society Response_final.pdf

All,

Attached is a signed copy of the letter as a pdf. I do not know the email address of this group. Can someone send it or can I get the address. I also assume this needs to be mailed as a hard copy?

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Fri, Oct 7, 2016 at 2:03 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Attached is the final letter for Wayne's signature.
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> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Fri, Oct 7, 2016 at 10:52 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:
>
> > Looks good Alex. Thanks for getting this out quickly this morning.
> >
> > (b)(5) attorney-client [redacted]
> >
> > Tyson
> >
> > --
> > Tyson Powell
> > Office of the Regional Solicitor

Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Ms. Keisha Sedlacek
Senior Regulatory Specialist
Humane Society of the United States
1255 23rd Street, NW, Suite 450
Washington, D.C. 20037

Dear Ms. Sedlacek,

Thank you for your September 12, 2016 letter requesting a 60-day extension of the current comment period on the proposal to remove the Greater Yellowstone Ecosystem population of grizzly bears from the federal list of endangered and threatened wildlife. The comment period between March 11, 2016 and May 10, 2016 together with the current comment period between September 7, 2016 and October 7, 2016 provided the public with 90 days to share their thoughts on our proposal. The states have finalized regulatory mechanisms that meet the letter or intent of the five specific regulatory requirements we outlined in our proposed rule and we shared the content of these regulatory mechanisms with the public. Provided those specific regulatory requirements are met, as they are in Idaho, the Service considers it the prerogative of the states to regulate other aspects of grizzly bear hunting. We believe we have given the public ample time to comment on the proposed rule, both initially and following enactment of state regulatory mechanisms and completion of the peer review. Therefore, we are denying your request to extend this comment period. We will reply to the specific concerns you presented in your letter as responses to public comments in our final determination.

We appreciate your continued involvement and interest in this process. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Wayne Kasworm

Acting Grizzly Bear Recovery Coordinator

From:	Kasdin, Alexandra
To:	Powell, Tyson
Cc:	jennifer.fortin-noreus; Seth Willey; Dana Jacobsen; Wayne Kasworm; Jodi Bush; Jennifer Fortin-Noreus
Subject:	Re: HSUS response
Date:	Friday, October 07, 2016 2:04:01 PM
Attachments:	Humane Society Response_final.docx

Attached is the final letter for Wayne's signature.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 10:52 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

> Looks good Alex. Thanks for getting this out quickly this morning.
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> (b)(5) attorney-client [redacted]
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> Tyson
>
> --
> Tyson Powell
> Office of the Regional Solicitor
> Rocky Mountain Region
> U.S. Department of Interior
> 755 Parfet Street, Suite 151
> Lakewood, CO 80215
> New telephone number: 303-445-0629

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
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Washington, D.C. 20037

Dear Ms. Sedlacek,

Thank you for your September 12, 2016 letter requesting a 60-day extension of the current comment period on the proposal to remove the Greater Yellowstone Ecosystem population of grizzly bears from the federal list of endangered and threatened wildlife. The comment period between March 11, 2016 and May 10, 2016 together with the current comment period between September 7, 2016 and October 7, 2016 provided the public with 90 days to share their thoughts on our proposal. The states have finalized regulatory mechanisms that meet the letter or intent of the five specific regulatory requirements we outlined in our proposed rule and we shared the content of these regulatory mechanisms with the public. Provided those specific regulatory requirements are met, as they are in Idaho, the Service considers it the prerogative of the states to regulate other aspects of grizzly bear hunting. We believe we have given the public ample time to comment on the proposed rule, both initially and following enactment of state regulatory mechanisms and completion of the peer review. Therefore, we are denying your request to extend this comment period. We will reply to the specific concerns you presented in your letter as responses to public comments in our final determination.

We appreciate your continued involvement and interest in this process. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Acting Grizzly Bear Recovery Coordinator

From:	Kasdin, Alexandra
To:	Kasworm, Wayne
Cc:	Powell, Tyson; jennifer.fortin-noreus; Seth Willey; Dana Jacobsen; Jodi Bush; Jennifer Fortin-Noreus
Subject:	Re: HSUS response
Date:	Friday, October 07, 2016 2:53:58 PM

Hi Wayne,

Please email Keisha a copy today. Her email address is ksedlacek@hsus.org. Please also email her a hard copy. Her address is in the letter.

Thanks!
Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 2:36 PM, Kasworm, Wayne <wayne_kasworm@fws.gov> wrote:

> All,
>
> Attached is a signed copy of the letter as a pdf. I do not know the email address of this group. Can someone send it or can I get the address. I also assume this needs to be mailed as a hard copy?
>
> Wayne
>
> Wayne Kasworm
> US Fish and Wildlife Service
> 385 Fish Hatchery Road
> Libby, MT 59923
>
> TEL 406.293.4161 ext 205
> FAX 406.293.6338
> Wayne_Kasworm@fws.gov
>
> Reports found at:
> http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
> or
> http://www.igbconline.org/index.php/scy-reports
>
> On Fri, Oct 7, 2016 at 2:03 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > Attached is the final letter for Wayne's signature.
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 10:52 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

> Looks good Alex. Thanks for getting this out quickly this morning.
>
> (b)(5) attorney-client [redacted]
>
> Tyson
>
> --
> Tyson Powell
> Office of the Regional Solicitor
> Rocky Mountain Region
> U.S. Department of Interior
> 755 Parfet Street, Suite 151
> Lakewood, CO 80215
> New telephone number: 303-445-0629

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Highly substantive comments so far
Date: Tuesday, October 11, 2016 12:02:14 PM

Right. I glanced through as I was uploading and I think most of them are new (most of them are shorter than those we received in the first round)

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Oct 11, 2016 at 12:01 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Thank you! Overall not as many comments as I expected. I looked quickly at a few of the highly substantive comments and it was new material. Many comments on the peer reviews so reading them will be time consuming but theoretically we have already capture those issues through the peer review summary.
>
> JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Tuesday, October 11, 2016 11:58 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Highly substantive comments so far

There were 1,124 comments in the latest bulk extract. It deduplicated down to 945 units. Once I removed the overlapping comments that we already coded last week, there are only 673 for us to code. Some of those 673 units are the highly substantive comments I already place in our shared folder. Some of them are also the spreadsheets with form letter submissions.

We have form letters/petitions now, though. I will share the spreadsheet tracking these with you so you can see how many units we have to code from form letter submissions.

I will start doing some comparisons in Adobe.

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Oct 11, 2016 at 11:53 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Yikes, there's a lot. Do you have time to double check the substantive comments against the first round so remove duplication? How many new comments were in the second bulk download?

Thanks!

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
Sent: Tuesday, October 11, 2016 11:44 AM
To: Jennifer Fortin-Noreus
Cc: Seth Willey
Subject: Highly substantive comments so far

Hi Jennifer,

I spent some time yesterday looking at every attachment we received thus far. I uploaded all of the highly substantive comments to our shared folder in google drive ("Highly substantive comments_Round 2"). We may still receive some highly substantive comments in hard copy. These may not appear in regulations.gov until late this week or early next week. But, I think we have received the bulk of the highly substantive comments.

We are forging ahead with the comment processing. I already have two output spreadsheets that I can start cleaning up.

Let me know if there are other things I can be doing to be helpful!

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Home sick
Date: Monday, October 17, 2016 12:14:59 PM

That sounds perfect! Did you get the CD or are you still working off of the google drive?

So far, nothing additional on regs.gov... Though I just mailed another package of stuff to Michel today (one of which is a collection of exhibits for Deidre Bainbridge's comments)

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Oct 17, 2016 at 12:06 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Hi Alex,
>
> Hope you feel better soon! I'm slowly working through the highly substantive comments. Let me know if there's anything else I can do.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Monday, October 17, 2016 11:58 AM
> **To:** Jennifer Fortin-Noreus

Subject: Home sick

Hi Jennifer,

I woke up feeling quite under the weather this morning. I went in to get the team started on processing but started feeling worse so I decided to go home and rest. I will be online (in case the team has questions) but will try to rest for the day. Call me cell if you need anything!

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

From:	Constantino, Maricela
To:	Alexandra Kasdin
Cc:	Jennifer Fortin-Noreus; Seth Willey
Subject:	Re: Invitation: Call with Tyson and Maricela @ Wed Nov 9, 2016 1pm - 2pm (maricela_constantino@fws.gov)
Date:	Wednesday, November 09, 2016 11:09:21 AM

(b)(5) attorney-client
[redacted]

Maricela Constantino
Endangered Species Biologist
Branch of Recovery and State Grants
Ecological Services - Headquarters Office
U.S. Fish and Wildlife Service

maricela_constantino@fws.gov
703/358-2113 (office)
571/969-9804 (cell)

On Wed, Nov 9, 2016 at 11:51 AM, Alexandra Kasdin <alexandra_kasdin@fws.gov> wrote:

Call with Tyson and Maricela **more details »**

When Wed Nov 9, 2016 1pm – 2pm Eastern Time

Where Call# (b)(5) commercial-priv [redacted] (map)

Video call https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi

Calendar maricela_constantino@fws.gov

Who
- alexandra_kasdin@fws.gov - organizer
- maricela_constantino@fws.gov
- jennifer_fortin-noreus@fws.gov
- seth_willey@fws.gov

Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account maricela_constantino@fws.gov because you are subscribed for invitations on calendar maricela_constantino@fws.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Cc: Seth Willey
Subject: Re: Issue 59
Date: Wednesday, October 12, 2016 10:09:09 AM

Can you add that as a note on the climate change response draft?

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 6:34 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I added discussion of catastrophic events from the WY wolf rule to Factor E of the rule and deleted the response from the google doc. Please note that this discussion also includes fire and might be helpful to reference in response to the issue about climate change leading to an increase in fires.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Literature Cited in Responses - Invitation to collaborate
Date: Friday, October 21, 2016 8:47:27 AM

That's what I was hoping! There are a lot of citations that were in the example text we pulled from the 2007 delisting. Should I go through and cross-check each of those with the proposed rule lit cited? If any of those citations were not in the proposed rule, then I suppose that is literature I technically added and should put in this folder.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 21, 2016 at 8:44 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Thank you! That will make it easier to keep track of what you cite and add it to my literature cited and citation folder for the AR.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Friday, October 21, 2016 8:43 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Literature Cited in Responses - Invitation to collaborate

I know you are keeping careful track of this in your own folders but I wanted to make sure things I cite end up there as well. I am going to drop anything I cite in this folder. So far, the only things in it are the four documents on snowmobile use that were attached to Frank's email.

Alex

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Fri, Oct 21, 2016 at 8:41 AM, <alexandra_kasdin@fws.gov> wrote:

> Alexandra Kasdin has invited you to **contribute to** the following shared folder:
>
> Literature Cited in Responses
>
> Open

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click here to learn more.

From: Kasdin, Alexandra
To: Willey, Seth
Cc: Tyler Abbott; Marjorie Nelson; Maricela Constantino; Serena Baker; Jennifer Fortin-Noreus
Subject: Re: Notifying counties of grizz comment period re-opener
Date: Tuesday, November 08, 2016 10:31:09 AM

Hi Tyler,

I hope you have been having a great week. Just wanted to follow up again to see if you could share the email you sent to the counties about the reopener with me and Jennifer for the record.

Thanks!
Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Sep 15, 2016 at 12:57 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi Tyler,
>
> Just wanted to follow up to see if you'd be able to forward me the email you sent to the counties.
>
> Thanks so much!
> Alex
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Mon, Sep 12, 2016 at 3:08 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > Hi everyone,
> >
> > Quick request. Would you be able to forward me the message you sent to the counties so we can have a copy for our record here in the RO?
> >
> > Thanks so much!
> > Alex
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office
> > 134 Union Boulevard
> > Lakewood, CO 80228
> > Phone: (303) 236-4217

On Fri, Sep 2, 2016 at 8:13 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi everyone,
>
> My apologies for sending another email. We made a few final changes to the press release so I wanted to share the final version with you all; it is attached. Again, please do not share this press release with the counties but feel free to pull language from the attached document for your email message.
>
> Let me know if you have any questions or concerns!
>
> Thanks so much and have a fantastic long weekend,
> Alex
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Thu, Sep 1, 2016 at 10:11 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > Hi everyone,
> >
> > We now have a confirmed publication date for the notice reopening the comment period! It will publish in the Federal Register on Wednesday September 7. This reopener will allow the public to comment on the proposal in light of the peer reviews and recently finalized state regulations. We would greatly appreciate if you could notify the affected counties by email on September 7 to inform them of the comment period reopening. Please do not notify them today. We ask that you wait until September 7 so our outreach and notifications can proceed on a carefully laid out schedule.
> >
> > I am attaching the embargoed press release as a reference should you want to use any of this language in your notification emails; please do not share this press release. On the date of publication (when you will be notifying the counties), the notice will be available here: http://www.gpo.gov/fdsys/html/FR/todays_toc.html --- and also in the hard copy version of the Federal Register. After the date of publication, links to documents can be found here: http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR. Interested parties can also find the notice and supporting documents on regulations.gov if they search for the proposed rule's docket number: FWS–R6–ES–2016–0042.
> >
> > Please let me know if you have any questions or if there is anything I can do to help you in this effort!
> >
> > Thank you so much again for your help with this,
> > Alex
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office
> > 134 Union Boulevard

Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Aug 29, 2016 at 12:45 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi everyone,
>
> Maricela let me know that you all just emailed the counties when the proposed rule was released in March. Emailing should be fine this time around as well.
>
> My apologies for any confusion! I will be in touch when we know more about when these notifications will be necessary.
>
> Thanks so much again!
> Alex
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Mon, Aug 29, 2016 at 11:39 AM, Willey, Seth <seth_willey@fws.gov> wrote:
>
> > Thank you in advance everyone!
> >
> > Seth
> >
> > **********
> > Seth L. Willey
> > Branch Chief for Classification and Recovery
> > Mountain-Prairie Region, USFWS
> > Seth_Willey@fws.gov
> > 303-236-4257
> > **********
> >
> > On Mon, Aug 29, 2016 at 11:13 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
> >
> > > Hello Wyoming, Montana, and Idaho field offices,
> > >
> > > My name is Alex Kasdin and I am a graduate student fellow working in the R6 RO and assisting with grizzly bear. Hopefully you are all aware that we are planning to reopen the comment period on the proposed rule to delist the grizzly bear in the Greater Yellowstone Ecosystem. This reopener will allow the public to comment on the proposal in light of the peer reviews and recently finalized state regulations. We are still waiting to hear when this notice will publish in the Federal Register (we are hoping it will happen later this week or early next week). As we did with the proposed rule in March, we are hoping that you all can notify the affected counties of the comment reopener on the day the notice publishes in the Federal Register. The earliest this would happen would be on

Friday September 2. However, the notice may not publish until Wednesday September 7.

Please do not call the counties yet. I just wanted to give you a heads up that we will be requiring your assistance with this effort when the time comes. I will let you know ASAP when I know the publication date of the notice. Please let me know if you anticipate any issues with making these calls.

I am attaching the same county contact list we used with the proposed rule, though it is likely a bit out of date. Please let me know if I can be of any assistance in tracking down accurate contacts for any counties.

Thanks so much for your help in this effort!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: PCEC petition
Date: Friday, October 21, 2016 8:18:41 AM

Yup, we already processed the petition. It indeed has thousands of unique comments.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 20, 2016 at 7:33 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I wasn't sure if you had looked at the PCEC excel file yet but it does have unique comments from all petitioners, as mentioned in their letter that I'm currently reading. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Bush, Jodi
To: Matt Hogan
Cc: Jennifer Fortin-Noreus
Subject: Re: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date: Friday, October 28, 2016 9:41:17 AM

Thats fine. Your sentence isn't much different than mine. Do you want me to **leave out** the stuff about the YGCC and the stuff I cribbed from Gary? JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Fri, Oct 28, 2016 at 9:22 AM, Matt Hogan <matt_hogan@fws.gov> wrote:

> Forgive typos...trying to type on ipad and it's acting up for some reason but hopefully you get the gist of my suggestions.
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S. Fish & Wildlife Service
> 303-236-7920
>
> On Oct 28, 2016, at 9:18 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> > We believe the language the State 1) has too much ambiguity about the long term objectives of recovery, 2) is inconsistent with the recovery plan and criteria in place since the last delisting that calls for a stable population (modified this year in negotiations to mange around the long term average population); and will be impossible to defend successfully in litigation.
> >
> > Matt Hogan
> > Deputy Regional Director
> > Mountain-Prairie Region
> > U.S. Fish & Wildlife Service
> > 303-236-7920
> >
> > On Oct 28, 2016, at 8:55 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:
> >
> > > Matt and Jen. Can you take a quick look and see if you have any adds/REVISIONS? Matt I stole some of this from Gary's email. JB

I will attached revised Appendix C with our email.

_____
_____

Mary. Thank for you letting us know about this new development. Attached please find the Service's proposed language regarding recalibration in Appendix C. Given that we have not reached agreement with the States about the alternate language regarding recalibration in Appendix C and that they have chosen to bring their alternative language to the YES committee, we are providing this to you to share as well.

We believe the language the State suggests has too much ambiguity about the long term objectives of recovery, is inconsistent with the recovery plan and criteria and will be difficult to defend successfully in litigation.

(IT MIGHT BE USEFUL TO EXPLAIN WHY WE THINK ITS AMBIGUOUS AND INCONSISTENT HERE...)

Although the States language may appear "reasonable" by some, it leaves the recalibration question to a body (the YGCC) that is yet to be formed, and for which we do not know the membership, or rules of procedure.

The Service believes it is much clearer and scientifically warranted, to state clearly that if the population estimator is changed we will recalibrate.

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Oct 27, 2016 at 4:18 PM, Erickson, Mary C -FS <mcerickson@fs.fed.us> wrote:

> Jodi and Matt, please see the information provided from Brian.
>
> I will forward these documents to YES for review. I believe this is allowable under the YES process since any member can bring something forward for consideration. However it is rather awkward since this is not the result of agreement between FWS and the States. I think we will need some clarity from FWS on where your agency stands with this or whether you would offer a different alternative for consideration as well?
>
> Thanks, Mary
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** Brian Nesvik <brian.nesvik@wyo.gov>
> > **Date:** October 27, 2016 at 4:08:34 PM MDT
> > **To:** "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
> > **Cc:** "Jeff Gould (jeff.gould@idfg.idaho.gov)" <jeff.gould@idfg.idaho.gov>, "McDonald, Ken" <kmcdonald@mt.gov>
> > **Subject: Please disseminate to YES committee in preparation for tomorrow's meeting**
> >
> > Mary,
> >
> > Attached are two documents. One is a new proposal for Appendix C that I will present tomorrow at our meeting. The other is a letter expressing support for the proposal from the three State Agency Directors. Please forward these to YES members for their review prior to tomorrow's meeting.
> >
> > I look forward to a productive meeting and approval of the Conservation Strategy appendices tomorrow. The meeting will be a great opportunity to finish all of the hard work that has gone into revising the Conservation Strategy and renewing all of our commitments to a viable, healthy and recovered Yellowstone grizzly bear population for generations to come.
> >
> > VR,

Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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From: Matt Hogan
To: Bush, Jodi
Cc: Jennifer Fortin-Noreus
Subject: Re: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date: Friday, October 28, 2016 9:22:18 AM

Forgive typos...trying to type on ipad and it's acting up for some reason but hopefully you get the gist of my suggestions.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

On Oct 28, 2016, at 9:18 AM, Matt Hogan <matt_hogan@fws.gov> wrote:

> We believe the language the State 1) has too much ambiguity about the long term objectives of recovery, 2) is inconsistent with the recovery plan and criteria in place since the last delisting that calls for a stable population (modified this year in negotiations to mange around the long term average population); and will be impossible to defend successfully in litigation.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

On Oct 28, 2016, at 8:55 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> Matt and Jen. Can you take a quick look and see if you have any adds/REVISIONS? Matt I stole some of this from Gary's email. JB
>
> I will attached revised Appendix C with our email.
>
> ---
>
> Mary. Thank for you letting us know about this new development. Attached please find the Service's proposed language regarding recalibration in Appendix C. Given that we have not reached agreement with the States about the alternate language regarding recalibration in Appendix C and that they have chosen to bring their alternative language to the YES committee, we are providing this to you to share as well.

We believe the language the State suggests has too much ambiguity about the long term objectives of recovery, is inconsistent with the recovery plan and criteria and will be difficult to defend successfully in litigation.

(IT MIGHT BE USEFUL TO EXPLAIN WHY WE THINK ITS AMBIGUOUS AND INCONSISTENT HERE...)

Although the States language may appear "reasonable" by some, it leaves the recalibration question to a body (the YGCC) that is yet to be formed, and for which we do not know the membership, or rules of procedure.

The Service believes it is much clearer and scientifically warranted, to state clearly that if the population estimator is changed we will recalibrate.

FWS suggested revisions to State suggested Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Oct 27, 2016 at 4:18 PM, Erickson, Mary C -FS <mcerickson@fs.fed.us> wrote:

> Jodi and Matt, please see the information provided from Brian.
>
> I will forward these documents to YES for review. I believe this is allowable under the YES process since any member can bring something forward for consideration. However it is rather awkward since this is not the result of agreement between FWS and the States. I think we will need some clarity from FWS on where your agency stands with this or whether you would offer a different alternative for consideration as well?

Thanks, Mary

Sent from my iPad

Begin forwarded message:

From: Brian Nesvik <brian.nesvik@wyo.gov>
Date: October 27, 2016 at 4:08:34 PM MDT
To: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Cc: "Jeff Gould (jeff.gould@idfg.idaho.gov)" <jeff.gould@idfg.idaho.gov>, "McDonald, Ken" <kmcdonald@mt.gov>
Subject: Please disseminate to YES committee in preparation for tomorrow's meeting

Mary,

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VR,
Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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From: Matt Hogan
To: Bush, Jodi
Cc: Jennifer Fortin-Noreus
Subject: Re: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date: Friday, October 28, 2016 9:18:44 AM

We believe the language the State 1) has too much ambiguity about the long term objectives of recovery, 2) is inconsistent with the recovery plan and criteria in place since the last delisting that calls for a stable population (modified this year in negotiations to mange around the long term average population); and will be impossible to defend successfully in litigation.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
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VR,
Brian

--
Brian R. Nesvik
Chief Game Warden
Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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From: Matt Hogan
To: Bush, Jodi
Cc: Jennifer Fortin-Noreus
Subject: Re: Please disseminate to YES committee in preparation for tomorrow"s meeting
Date: Friday, October 28, 2016 9:43:56 AM

No....sorry. I really don't like this new operating system. I think we need a comment to say we simply can cede our authority to define recovery to another entity in the future. Good catch.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

On Oct 28, 2016, at 9:41 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> Thats fine. Your sentence isn't much different than mine. Do you want me to **leave out** the stuff about the YGCC and the stuff I cribbed from Gary? JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Fri, Oct 28, 2016 at 9:22 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>> Forgive typos...trying to type on ipad and it's acting up for some reason but hopefully you get the gist of my suggestions.
>>
>> Matt Hogan
>> Deputy Regional Director
>> Mountain-Prairie Region
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>
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>
> **FWS suggested revisions to State suggested**

Appendix C language.

Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards ~~if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy.~~ (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

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From: Kasdin, Alexandra
To: Hall, Sarah
Cc: Willey, Seth; Grant Canterbury; Jennifer Fortin-Noreus
Subject: Re: Possible R1 help on Yellowstone griz comments
Date: Tuesday, September 27, 2016 10:23:08 AM

Hi Grant,

It was so great to meet you in person last week. I hope you had safe travels back to Portland. I just wanted to ping this back to the top of your inbox. If you do have some time this week or early next week to work on a few responses to comments, it would be so appreciated. The google doc linked here contains the summaries of all the issues raised in the first round of public comment and the peer review. Any issue that still needs a response is highlighted in yellow. Give the document a read and let me know if any of the highlighted issues appeal to you. However, I am assigning and writing these responses as we speak so availability of responses is constantly changing. So, please check with me before starting to write a response. If the response you'd like to write is still available, I will send you some additional guidance and resources.

Thank you so much again for your willingness to help!
Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Sep 16, 2016 at 10:27 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi Jesse and Sandi,
>
> Thank you so much for your willingness to help us write responses to the issues that arose in the public comments on the grizzly bear delisting rule. I apologize for the delay in getting back to you to provide additional information. I was determining the best way to involve you both (while ensuring we are not duplicating effort). Here's what I think will work best:
>
> 1. Read through the google document at this link: https://docs.google.com/a/doi.gov/document/d/1N3ZqwxrgyO3eJ5-vjVA-PP4YebajotxbIXT6V0ob55g/edit?usp=sharing. This document contains all of the issue summaries from the first round of public comments and the peer review. Any issue that still needs a response is highlighted in yellow. See if any of the issues jump out as responses you'd like to write.
> 2. I am assigning and writing these responses as we speak so availability of responses is constantly changing. Please check with me before starting to write a response. If the response you'd like to write is still available, I will send you some additional guidance and resources.
>
> Let me know if you have any questions or concerns! We really appreciate any help you can provide and I am on hand to provide support.
>
> Thanks again,
> Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Sep 14, 2016 at 2:31 PM, Hall, Sarah <sarah_hall@fws.gov> wrote:

> Alex and Seth,
>
> Sandi Fisher in our Eastern ID office has expressed interest in helping out (though she has a bit of leave scheduled this month). She would like to better understand the need and timing before she commits. Here is her contact information if you could connect with her and let her know:
>
> Sandi Fisher, Team Leader
> U.S. Fish and Wildlife Service
> Eastern Idaho Field Office
> 4425 Burley Drive, Suite A
> Chubbuck, Idaho 83202
> (208) 237-6975 x 102 (office)
> (208) 241-8043 (cell)
>
> And Grant Canterbury in our Regional Office indicated he can help out for a few days (this week only), if that would be of use. His number is 503-231-6844.
>
> Thanks so much everyone!
> Sarah

On Wed, Sep 14, 2016 at 12:03 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Great! Thank you for the help!
>
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********

On Wed, Sep 14, 2016 at 12:51 PM, Hall, Sarah <sarah_hall@fws.gov> wrote:

> Hi Alex,
>
> Jesse D'Elia indicated he might have a day or two he can offer to help respond to a few comments, but he has too many things on his plate if the need/committment is longer than that. He is here in our Regional Office and is very familiar with rules, wolves, and some griz issues.
>
> Here is his contact information if you'd like to connect with him:
>
> **Jesse D'Elia, Ph.D.**
> *Endangered Species Reintroduction Coordinator*
> *Pacific Northwest Gray Wolf Coordinator*

U.S. Fish and Wildlife Service, Pacific Regional Office
911 NE 11th Avenue, 5th Floor, Portland, OR 97232
503.231.2349 phone; 503.231.6243 fax
jesse_delia@fws.gov

I'm also checking with our Idaho FWO to see if we can find any assistance there. (The first person I thought of is out of the office until 9/26 so that won't work.) Will keep you posted.

Thanks,
Sarah

Sarah Hall
Endangered Species Recovery Program Manager
USFWS Pacific Region
503-231-6868

From: Jodi B sh
To: Jennifer Fortin-Noreus
Subject: Re: Pre-YES Call
Date: Friday November 04 2016 9:23:11 AM

K

Sent from my iPhone

On Nov 4, 2016, at 8:22 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws gov> wrote:

> Wayne is going to try and listen in on both the pre-call and the YES call.
>
> *Jennifer Fortin-Noreus Ph.D.*
> *Postdoctoral Researcher*
> *Grizz y Bear Recovery Program*
> *US Fish and Wildlife Serv ce*
> *Univers ty of Montana*
> *Univers ty Hall Room 309*
> *Missoula MT 59812*
> *Phone 406.243.4903*
> *jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi sh@f s go]
> **Sent:** Friday November 04 2016 8:56 AM
> **To:** Jennifer_fortin-nore s@f s go
> **Subject:** Fwd: Pre-YES Ca l
>
> Try to call in
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Brian Salem <brian_salem@fws.gov>
> > **To:** "jodi_bush@fws gov" <jodi_bush@fws gov>, "michael_thabault@fws gov" <michael_thabault@fws gov>, "matt_hogan@fws gov" <matt_hogan@fws gov>, "stephanie_potter@fws gov" <stephanie_potter@fws gov>
> > **Subject: Pre-YES Call**
> >
> > You have been invited to the following event.
> >
> > Title: Pre-YES Call
> > Teleconference Number: (b)(5) comment
> > Passcode: (b)(5) com
> > When: Fri Nov 4, 2016 9:30am – 10am Mountain Time
> > Video call: https://plus.google.com/hangouts/ /doi.gov/brian-salem
> > <https://plus google com/hangouts/ /doi gov/brian-salem?hceid YnJpYW5fc2FsZW1AZndzLmdvdg f3uqfl36mp9vu2n8a8qm3scq60>
> > Calendar: jodi_bush@fws.gov
> > Who:
> > * brian_salem@fws.gov - organizer
> > * michael_thabault@fws gov
> > * jodi_bush@fws.gov
> > * matt_hogan@fws.gov
> > * stephanie_potter@fws.gov
> >
> > Event details:
> > https://www.google.com/calendar/event?
> > action_VIEW&eid_ZjN1cWZsMzZtcDl2dTJuOGE4cW0zc2NxNjAgam9kaV9idXNoQGZ3cy5nb3Y&tok_MTkjYnJpYW5fc2FsZW1AZndzLmdvdjMzNzI3ZjJhNGQ4MmJmZmY2NTFjODE2MDAxNDl0YzRmYmY2MjA1YjQ&ctz_America/Denver&hl_en
> >
> > Invitation from Google Calendar: https://www.google.com/calendar/
> >
> > You are receiving this email at the account jodi_bush@fws.gov because you are subscribed for invitations on calendar jodi_bush@fws gov.
> >
> > To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
> >
> > Forwarding this invitation could allow any recipient to modify your RSVP response. Learn more at https://support google com/calendar/answer/37135#forwarding

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: Response writing tracking - Invitation to edit
Date: Thursday, October 13, 2016 10:05:59 AM

Great!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 13, 2016 at 9:59 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I started tracking things in the excel file. Thanks for being so organized!
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Alexandra Kasdin (via Google Sheets) [mailto:drive-shares-noreply@google.com]
> **Sent:** Friday, October 07, 2016 12:45 PM
> **To:** jennifer_fortin-noreus@fws.gov
> **Subject:** Response writing tracking - Invitation to edit
>
> > Alexandra Kasdin has invited you to **edit** the following spreadsheet:
> >
> > 

Response writing tracking

Open in Sheets

Google Sheets: Create and edit spreadsheets online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a spreadsheet with you from Google Sheets.



From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Send me emails if you have stuff to add
Date: Friday, November 04, 2016 10:17:55 AM

We are ok with rest of appendix right

Sent from my iPhone

> On Nov 4, 2016, at 9:00 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> ok
>
> Jennifer Fortin-Noreus, Ph.D.
> Postdoctoral Researcher
> Grizzly Bear Recovery Program
> US Fish and Wildlife Service
> University of Montana
> University Hall, Room 309
> Missoula, MT 59812
> Phone: 406.243.4903
> Jennifer_fortin-noreus@fws.gov
>
> -----Original Message-----
> From: Jodi Bush [mailto:jodi_bush@fws.gov]
> Sent: Friday, November 04, 2016 10:00 AM
> To: Jennifer_fortin-noreus@fws.gov
> Subject: Send me emails if you have stuff to add
>
> Sent from my iPhone

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Subject: Re: Suggested language to add to the CS
Date: Thursday, September 29, 2016 4:44:37 PM

I dont think this is controversial. Lets just hold it. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Sep 29, 2016 at 2:00 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I just received the following language from the BLM to insert into Chapter 7 under regulatory mechanisms:
>
> *Bureau of Land Management*
>
> *If a change of status for the GYE grizzly bear population under the ESA takes place, the Bureau of Land Management in Idaho, Montana, and Wyoming will classify the grizzly bear as a sensitive species in the GYE for at least 5 years post-delisting. Manual 6840—Special Status Species Management Manual, Bureau of Land Management (2009). Grizzly bears and their habitats on BLM lands will then be managed consistent with Manual 6840.*
>
> Would you like to send it out before Monday or bring it up then? I can't imagine that anyone else will have an issue with it. I also need to add language specific to the BLM in Chapter 3 where it discusses the Forest Service and their sensitive species classification but am still waiting for Delissa to provide the necessary information.
>
> JF

From:	Bush, Jodi
To:	Brian Nesvik; Lorin Hicks; O"Connor, Patricia -FS; Delissa Minnick; little bear watson; Dan Wenk
Cc:	Jennifer Fortin-Noreus
Subject:	Re: Suggested language to address "Perpetuity"
Date:	Tuesday, September 27, 2016 9:07:17 PM
Attachments:	Edits from p48 Conservation Strategy 9-26-2016.docx

Apologies. I also told folks I would get back to them on the language that seemed to just "appear" in the CS on page 48.

At the September 8th YES meeting, issues were raised to the Committee regarding how discretionary and total mortality rates are calculated as the public had requested clarification on these two integral issues. Commenters suggested that the Strategy should include Table 3 and the subsequent from the proposed rule to clarify how hunting mortality will be calculated. Without these explanations commenters were concerned that the calculation of hunting mortality was unclear and could potentially equal 200 bears with the current population estimate of 717.

At the YES meeting Jennifer Fortin Noreus was asked to work with the IGBST to draft technical language for the Strategy and the Rule to address these questions/concerns. The suggested verbiage on pages 49-50 of the Sept 22 CS (see below) is the result of that assignment. The new language and tables were modified from those in the proposed rule in response to the public comments and to clarify that these are only examples.

Please note that given the short timeline for this request only Frank van Manen of the IGBST provided input.

That suggested language is attached and is what was in the 9-26-16 version of the CS that we saw on Monday.

Please review this language in that light so we can come to a decision regarding its inclusion or not on Monday, October 3. Thank you. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Tue, Sep 27, 2016 at 8:49 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:

Group. As was discussed on the call on Monday, I indicated I would get the suggested language to you to address the perpetuity question that was raised during the comment period and that we discussed at the September YES meeting. The suggested revision is to add "for the foreseeable future" in 2 places in the CS. One on page 7 the other on page 19. See language below. We will be talking about this at the Oct 3 meeting so wanted to make sure you were aware ahead of time. Thanks JB

On page 7 of the CS. The suggested change in red.

This Conservation Strategy was developed to be the document guiding management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting. The Conservation Strategy will remain in effect for the foreseeable future, well beyond recovery and delisting. Ongoing review and evaluation of the effectiveness of this Conservation Strategy is the responsibility of the state, tribal, and federal managers in the GYE. All monitoring protocols will be conducted and funded by those agencies assigned the responsibility. This Conservation Strategy will be evaluated by the management agencies every five years, allowing public comment in the updating process.

The other on page 19, just before the signatory block.

This Strategy will remain in effect for the foreseeable future well beyond the delisting and the five year monitoring period required by the Act to address the long-term need for continued coordination among signatory agencies. This Strategy will be adaptive in nature and will be re-evaluated at least every 5 years beginning on the date of the last signature below.

Jodi L. Bush

Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

Proposed revisions to pages 49-50 of the Conservation Strategy (9-26-16 version)

At the September 8th YES meeting, issues were raised to the group regarding how discretionary and total mortality rates are calculated as the public had requested clarification on these two integral issues. Commenters suggested that the Strategy should include Table 3 and the subsequent from the proposed rule to clarify how hunting mortality will be calculated. Without these explanations commenters were concerned that the calculation of hunting mortality was unclear and could potentially equal 200 bears with the current population estimate of 717.

At the YES meeting Jennifer Fortin Noreus was asked to work with the IGBST to draft technical language for the Strategy and the Rule to address these questions/concerns. The suggested verbiage on pages 49-50 of the Sept 22 CS (see below) is the result of that assignment. The new language and tables were modified from those in the proposed rule in response to the public comments and to clarify that these are only examples.

Please note that given the short timeline for this request only Frank van Manen of the IGBST provided input.

Proposed revisions to include in both the Rule and the Strategy (suggested to be added to page 48)

The number of bears available for discretionary mortality in a given year is based on the population estimate inside the DMA from the previous year, the total annual mortality rate (*see* Table 1), and the non-hunting mortality from the previous year. Total annual mortality numbers are calculated by multiplying the total annual mortality rate by the size for each sex/age cohort. The size of each sex/age cohort varies with population size. Total mortality includes documented known and probable grizzly bear mortalities from all causes including but not limited to: management removals, illegal kills, mistaken identity kills, self-defense kills, vehicle kills, natural mortalities, undetermined-cause mortalities, grizzly bear hunting, and a statistical estimate of the number of unknown/unreported mortalities (Cherry et al. 2002). The number of non-hunting mortalities for independent females and males from the previous year will then be subtracted from the total number of allowable mortalities for the most recent population estimate

resulting in the expected number of independent female and male bears available for hunting allocation. Two examples serve to demonstrate how the expected number of bears available for hunting mortality will be calculated: the number of independent female and male bears available for hunting inside the DMA based on the 2015 population estimate of 717 are shown in Table 3 and the 2002–2014 average population estimate of 674 are shown in Table 4. For each population estimate, examples are given for low non-hunting mortality in the previous year and high non-hunting mortality in the previous year.

Table 3. Example calculations of allowable total annual mortality inside the DMA and expected number of independent female and male bears available for hunting inside the DMA at the 2015 estimated population size of 717. These are example calculations under 2 scenarios: (1) low non-hunting mortality in the previous year, as occurred in 2014; and (2) high non-hunting mortality in the previous year, as occurred in 2015.

	Estimated population size of 717			
	Low mortality in preceding year (as occurred in 2014)		**High mortality in preceding year (as occurred in 2015)**	
	Independent **Females**	Independent **Males**	Independent **Females**	Independent **Males**
Size of sex/age cohort at this population size	250	250	250	250
Total annual mortality rate	9%	20%	9%	20%
Allowable total annual mortality number	22	50	22	50
Non-hunting mortality for the previous year	20	29	25	32
Bears available for hunting inside the DMA	**2**	**21**	**0**	**18**

Table 4. Example calculations of allowable total annual mortality inside the DMA and expected number of independent female and male bears available for hunting inside the DMA at the 2002–2014 average population size of 674. These are example calculations under 2 hypothetical scenarios: (1) low non-hunting mortality in the previous year; and (2) high non-hunting mortality in the previous year.

	Estimated population size of 674			
	Low mortality in preceding year		**High mortality in preceding year**	
	Independent **Females**	Independent **Males**	Independent **Females**	Independent **Males**
Size of sex/age cohort at this population size	236	236	236	236
Total annual mortality rate	7.6%	15%	7.6%	15%
Allowable total annual mortality number	18	35	18	35
Non-hunting mortality for the previous year	10	15	18	34
Bears available for hunting inside the DMA	**8**	**20**	**0**	**1**

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Subject: Re: URGENT - Yellowstone Grizzly Bear
Date: Friday, October 28, 2016 9:18:00 AM

---

yeah. I just got this morning. ahh communication. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Fri, Oct 28, 2016 at 9:15 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Thank you, I had not seen that email. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, October 28, 2016 9:13 AM
> **To:** Jennifer Fortin-Noreus; Matt Hogan
> **Subject:** Fwd: URGENT - Yellowstone Grizzly Bear
>
> Jen. this is the agreed language from Gary and Dan. I don't think anything else is an option. JB

Jodi L. Bush

Office Supervisor

Montana State Ecological Services Office

585 Shepard Way, Suite 1

Helena, MT 59601

(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Mackey, Dennis** <dennis_mackey@fws.gov>
Date: Fri, Oct 28, 2016 at 8:49 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear
To: Jodi Bush <jodi_bush@fws.gov>
Cc: "Hughes, Gregory" <greg_m_hughes@fws.gov>

Jodi:

You around this morning for a quick talk? We are trying to figure out our role, if any.
Thanks.

Dennis

---------- Forwarded message ----------
From: **Rabot, Theresa** <theresa_rabot@fws.gov>
Date: Fri, Oct 28, 2016 at 8:08 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear
To: Gregory Hughes <greg_m_hughes@fws.gov>, Dennis Mackey <Dennis_Mackey@fws.gov>
Cc: Rollie White <rollie_white@fws.gov>

---------- Forwarded message ----------
From: **Thabault, Michael** <michael_thabault@fws.gov>
Date: Fri, Oct 28, 2016 at 7:05 AM
Subject: Fwd: URGENT - Yellowstone Grizzly Bear

To: Theresa Rabot <Theresa_Rabot@fws.gov>

Service language. Thanks

Michael Thabault

Assistant Regional Director

Ecological Services

U.S. Fish and Wildlife Service

Mountain Prairie Region

303-236-4210

michael_thabault@fws.gov

---------- Forwarded message ----------
From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Thu, Oct 27, 2016 at 8:37 PM
Subject: Re: URGENT - Yellowstone Grizzly Bear
To: Dan Ashe <d_m_ashe@fws.gov>
Cc: Noreen Walsh <Noreen_walsh@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Mike Thaubault <michael_thabault@fws.gov>, Stephen Guertin <Stephen_Guertin@fws.gov>, Jim Kurth <jim_kurth@fws.gov>, Teresa Christopher <teresa_christopher@fws.gov>

Our proposed language for App C is as follows:

"Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards (e.g. populations objective, confidence intervals, mortality limits) that are based upon the population estimator.

The language that the 3 states are putting forward is as follows:

"Adoption of a different population estimator will require recalibration of the associated demographic objectives and standards if the YGCC determines that such recalibration is necessary for maintaining a recovered grizzly bear population as defined in the Conservation Strategy."

Gary Frazer

Assistant Director -- Ecological Services

U.S. Fish and Wildlife Service

(202) 208-4646

On Thu, Oct 27, 2016 at 10:11 PM, Dan Ashe <d_m_ashe@fws.gov> wrote:

FYI.

I need to send them our language, first thing in the morning. Can someone send it to me. Also probably need to send the WY language.

Thanks.

Dan Ashe

Director, U.S. Fish and Wildlife Service

Begin forwarded message:

> **From:** Dan Ashe <d_m_ashe@fws.gov>
> **Date:** October 27, 2016 at 9:17:59 PM EDT
> **To:** Jon Jarvis <jon_jarvis@nps.gov>, nkornze@blm.gov, Tom Tidwell <ttidwell@fs.fed.us>
> **Cc:** Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Robert Bonnie <Robert.Bonnie@osec.usda.gov>, Michael Bean <michael_bean@ios.doi.gov>
> **Subject: URGENT - Yellowstone Grizzly Bear**
>
> Jon, Neil and Tom, we need your help to ensure solidarity among the federal representatives to the Yellowstone Ecosystem Subcommittee (YES) to the Interagency Grizzly Bear Committee (IGBC). For several weeks, we have been trying to reach a compromise on key language to the Grizzly Bear Conservation Strategy. It regards the issue of "recalibration" of the demographic standards (population goals, mortality limits and rates, etc.) if the population estimator is

changed post-delisting. We believe this is a key commitment that must be clear in the strategy in order to ensure that the states are committed to the basic goal of maintaining the delisted population of bears.

We heard today that the 3 Governors cannot accept our final recommended recalibration language, and apparently, today, 3 state fish and game directors sent a letter to the YES chair urging that the WY language be brought to a vote at the YES meeting tomorrow.

The Service representatives on the YES will offer our language as an alternative to the language proposed by the states. We need the USFS, BLM and NPS members on the YES to stand with the Service on this key issue. The membership of the YES is as follows:

Mary Erickson, Custer-Gallatin NF

Tricia O'Conner, Bridger Teton NF

Melany Gossa, Beaverhead Deerlodge NF

Garth Smelser, Caribou-Targhee NF

Joe Alexander, Shoshone NF

David Vela, Grant Teton National Park

Dan Wenk, Yellowstone National Park

Ken McDonald, MT Fish, Wildlife And Parks

Jeff Gould, Idaho Dept. of Fish and Game

Brian Nesvik, WY Game and Fish Department

Tom Rice, MT Association of Counties

Lee Miller, ID County Commissioners

Loren Grosskopf, WY County Commission

Leander Watson, Shoshone Bannock Tribes

Delissa Minnick, WY BLM

Cornie Hudson, MT BLM

Matt Hogan, FWS

Jodi Bush, FWS

Thanks for your support. I'll be in the office tomorrow and available to talk if you have questions.

Dan.

Dan Ashe

Director, U.S. Fish and Wildlife Service

--

Terry Rabot

Deputy Regional Director, Pacific Region One

Idaho, Oregon, Washington, Hawaii & Pacific Islands

U.S. Fish & Wildlife Service

911 NE 11th Avenue

Portland, OR 97232

503.231.6122

theresa_rabot@fws.gov

--

Dennis Mackey

Deputy State Supervisor

United States Fish and Wildlife Service

Boise, Idaho

Office: 208-378-5267

Cell: 208-860-1970

From:	Willey, Seth
To:	Michael Thabault
Cc:	Jennifer Fortin-Noreus; Matt Hogan ; noreen_walsh@fws.gov
Subject:	Re: USFS Position Statement
Date:	Friday, September 30, 2016 9:44:58 AM
Attachments:	USFS Statement of Interest GYE Population Objective_15Sept2016.pdf

---

It was attached to Jennifer's email. And FS sent it to Gary directly. Therefore, I think we can say it was received by the FWS leadership. All it basically says is they support calibration. I think we knew that, but this says it formally.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Thu, Sep 29, 2016 at 6:12 PM, Michael Thabault <michael_thabault@fws.gov> wrote:

> Not sure maybe Seth can check tomorrow
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
>
> > On Sep 29, 2016, at 4:53 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
> >
> > I was asked by the Forest Service to confirm that the attached document
> > "USFS Statement of Interest GYE Population Objective 15Sept2016" was
> > received by our regional office. I will be at the YES meeting on Monday
> > and would like to confirm with them that it has been.
> >
> > Thank you,
> > Jennifer
> >
> > Jennifer Fortin-Noreus, Ph.D.
> > Postdoctoral Researcher
> > Grizzly Bear Recovery Program
> > University of Montana
> > University Hall, Room 309
> > Missoula, MT 59812
> > phone: (406) 243-4994
> > jennifer.fortin-noreus@umontana.edu
> > _____
> > From: Erickson, Mary C -FS [mcerickson@fs.fed.us]

> Sent: Thursday, September 22, 2016 2:40 PM
> To: Fortin-Noreus, Jennifer
> Subject: Fwd: USFS Position Statement
>
> Hello Jennifer. I wanted to be sure you had received this.
>
> Thanks, Mary
>
> Sent from my iPad
>
> Begin forwarded message:
>
> From: "Landenburger, Lisa A -FS"
> <lalandenburger@fs.fed.us<mailto:lalandenburger@fs.fed.us>>
> Date: September 22, 2016 at 1:58:48 PM MDT
> To: "Erickson, Mary C -FS"
> <mcerickson@fs.fed.us<mailto:mcerickson@fs.fed.us>>
> Subject: USFS Position Statement
>
> Mary,
> At Dan’s direction, and per your request, attached is a copy of the USFS
> Position Statement pertaining to GYE grizzly bear population objectives.
> This is the document that was sent to and approved by Dave Schmid. It is
> ready to be delivered to USFWS.
>
> p.s. – pdf and Word doc formats
>
> Lisa Landenburger
> Grizzly Bear GIS Database Coordinator, Greater Yellowstone Ecosystem USGS
> Northern Rocky Mountain Science Center USFS Affiliate, Region 1
> Email: lalandenburger@fs.fed.us<mailto:lalandenburger@fs.fed.us>
> phone: 406-994-7430
>
>
>
>
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> believe you have received this message in error, please notify the sender
> and delete the email immediately.
> <USFS Statement of Interest GYE Population Objective_15Sept2016.docx>
> <USFS Statement of Interest GYE Population Objective_15Sept2016.pdf>

US Forest Service Statement of interest in management objectives for the GYE grizzly bear
9/15/2016

In March 2016, the U.S. Fish and Wildlife Service (USFWS) published a Proposed Rule to remove the Greater Yellowstone Ecosystem (GYE) grizzly bear population from the Federal List of Endangered and Threatened Wildlife. As stated in the May 13, 2016, letter from Leslie Weldon (Deputy Chief, National Forest System) to the USFWS, the Forest Service supports the Proposed Rule, inclusive of the statements that the Yellowstone grizzly bear population is stable and that the threats to this population are sufficiently minimized. However, as also indicated in that letter, the Forest Service has concerns regarding language in the Proposed Rule and Conservation Strategy associated with population management objectives. Principally, these concerns involve language consistency between the two documents and clarity in stated objectives.

In recent decades, the Forest Service has contributed significantly to the successful multi-agency program to recover and conserve the GYE grizzly bear. These efforts have resulted in a demonstrative increase in secure habitat and a biological recovery of the population. In light of this commitment, the Forest Service has a vested interest in implementing a Conservation Strategy that provides the best framework for managing the GYE grizzly bear population into the future. To that end, it is in the best interest of all partner agencies, as well as the grizzly bear, that an overall population objective is clearly stated and in a manner consistent between the Final Delisting Rule and the Conservation Strategy. To ensure transparency in a delisting process and to withstand legal challenge, the Forest Service leadership supports providing a post-delisting management objective that promotes maintaining a stable grizzly bear population. Consistent with this objective, the best science available should be utilized to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014, regardless of which population estimator is used.

The Forest Service affirms the commitment to manage GYE habitat commensurate with this population objective. It also intends to manage habitat in a manner that promotes natural movement and genetic exchange between GYE grizzly bears and nearby populations.

Recovering the Yellowstone grizzly bear population has been a 40-year lesson in cooperation and commitment toward a common goal. In that spirit, the Forest Service is similarly committed to working with partner agencies to see the legacy of this remarkable accomplishment secured by attending to the conservation of the GYE grizzly bear population.

From:	Bush, Jodi
To:	Matt Hogan
Cc:	Thabault, Michael; Willey, Seth; Jennifer Fortin-Noreus; Frazer, Gary
Subject:	Re: Upcoming YES meeting - November 16 and 17
Date:	Monday, November 07, 2016 9:45:20 PM

I can step out of my meeting tomorrow at any time -as long as I have a few minutes heads up. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Mon, Nov 7, 2016 at 9:28 PM, Matt Hogan <matt_hogan@fws.gov> wrote:

> Let's get a call tomorrow
>
> Sent from my iPhone
>
> On Nov 7, 2016, at 8:18 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:
>
> > any feedback on topics (see below)? Probably should talk later this week when we see what the State is going to share as their proposed alternative. JB
> >
> > Jodi L. Bush
> > Office Supervisor
> > Montana State Ecological Services Office
> > 585 Shepard Way, Suite 1
> > Helena, MT 59601
> > (406) 449-5225, ext.205
> >
> > ---------- Forwarded message ----------
> > From: **Tyers, Daniel - FS** <dtyers@fs.fed.us>
> > Date: Mon, Nov 7, 2016 at 5:26 PM
> > Subject: Upcoming YES meeting - November 16 and 17
> > To: "Fortin-Noreus, Jennifer (jennifer.fortin-noreus@mso.umt.edu)" <jennifer.fortin-noreus@mso.umt.edu>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>, "Landenburger, Lisa A -FS" <lalandenburger@fs.fed.us>, "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>
> > Cc: "Rupert, Susan -FS" <srupert@fs.fed.us>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>
> >
> > As current chair of YES, Mary Erickson is putting together the agenda for the

upcoming meeting in Cody, November 16-17. We need your help with that. Originally, the intent for this meeting was to provide updates on the delisting process reflecting final stages or conclusion of this effort.

However, we find ourselves in a very different spot, which the conference call this past Friday revealed. Topics that we expected to fill much of the meeting are no longer worthy (e.g. State Plans, commitment for signatures with a level of ceremony, sentimental retrospect on this conservation success story). Consequently, we need to find a way to express the current reality- the current status of the process.

We owe the public good and transparent updates, but we also have big gaps in the agenda that we now need to responsibly use. We need your help with this, especially since public expectations are very high given the time-line for delisting provided the public at previous meetings. Consider as well the unique culture of Cody, WY.

Here is a list of potential topics for your consideration- ones we could use your help with:

- Overview of the delisting process to date.
- Current status of the delisting process.
- Strategic look at next steps in the delisting process- USFWS expectations.
- Posting of the draft Conservation Strategy.
- Summary of response to comments.
- Process used to revise the Conservation Strategy.
- Summary of changes made to the Conservation Strategy and potential effects to grizzly bear management in the GYE.
- Portions of the Conservation Strategy not approved and why.
- Associated status of the proposed delisting Rule.
- The role of YES and IGBC in the delisting process in relationship to FWS authority.
- Relationship of the Conservation Strategy to Forest Plans.

We should have an agenda available Wednesday. So, could we get your response to this tomorrow? We can talk this through and assign and consolidate topics. Thanks! I will be around all day tomorrow and checking in with Mary.

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From: Matt Hogan
To: Jennifer Fortin-Noreus
Cc: Jodi Bush; Michael Thabault; Noreen Walsh
Subject: Re: Update on GYE grizzly
Date: Thursday, October 27, 2016 8:01:42 PM

Thanks Jen. Do you have a phone number?

On Oct 27, 2016, at 7:59 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Leander Watson is the YES member for the Shoshone Bannock Tribes. His email is: lwatson@sbtribes.com.
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Matt Hogan [mailto:matt_hogan@fws.gov]
> **Sent:** Thursday, October 27, 2016 7:43 PM
> **To:** jodi_bush@fws.gov; jennifer_fortin-noreus@fws.gov
> **Cc:** Michael Thabault; Noreen Walsh
> **Subject:** Fwd: Update on GYE grizzly
>
> See below. We need to discuss how to do that first thing tomorrow. Also Can you give me the names and contact info of the tribal members on YES ASAP. Thanks.
>
> Begin forwarded message:
>
> > **From:** Dan Ashe <d_m_ashe@fws.gov>
> > **Date:** October 27, 2016 at 7:02:54 PM MDT
> > **To:** "Frazer, Gary" <gary_frazer@fws.gov>
> > **Cc:** Michael BEAN <michael_bean@ios.doi.gov>, "Hyun, Karen" <karen_hyun@ios.doi.gov>, Ann Navaro <ann.navaro@sol.doi.gov>, Teresa Christopher <teresa_christopher@fws.gov>, Jim Kurth <Jim_Kurth@fws.gov>, Steve Guertin <Stephen_Guertin@fws.gov>, Noreen Walsh <Noreen_Walsh@fws.gov>, Matt Hogan <Matt_Hogan@fws.gov>, Michael Thabault <Michael_Thabault@fws.gov>
> > **Subject: Re: Update on GYE grizzly**
> >
> > Yes, we should put forward our proposed language on recalibration. I'll send a note to Jarvis, Kornze and Tidwell. Does anyone know the

Shoshone-Bannock Rep?

Dan Ashe
Director, U.S. Fish and Wildlife Service

On Oct 27, 2016, at 8:17 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

> Dan -- Got a call from David Willms around 6p. The Governors are all in agreement that they cannot accept our recalibration language. (David said that he had all the WY interests in agreement to accept our language two days ago, but a WG&FD Commissioner managed to blow it all up. So close.) As a result, the 3 state directors sent a letter to the chair of the Yellowstone Ecosystem Subcommittee today urging that the WY language be brought to a vote at the YES meeting tomorrow. Ultimately, if the Service does not proceed with delisting, David said that the states would file suit to compel us to do so.
>
> I next spoke to Matt. He said he heard from the USFS that it might be difficult for them to oppose the state language unless the Service put forward an alternative. I don't see any downside to us putting forward to the Subcommittee our language for Appendix C and recommend that we do so. Do you agree?
>
> In addition, if the USFS and BLM and NPS members on the YES all stand with the Service on this issue, it is unlikely that the state language will get a majority of votes on the Subcommittee. Suggest that you reach out to Tom and Neil to encourage their agency reps to stand with us. I think it's a safe assumption that the NPS members will be with us. The membership of the YES is as follows:
>
> Mary Erickson, Custer-Gallatin NF
> Tricia O'Conner, Bridger Teton NF
> Melany Gossa, Beaverhead Deerlodge NF
> Garth Smelser, Caribou-Targhee NF
> Joe Alexander, Shoshone NF
> David Vela, Grant Teton National Park
> Dan Wenk, Yellowstone National Park
> Ken McDonald, MT Fish, Wildlife And Parks
> Jeff Gould, Idaho Dept. of Fish and Game
> Brian Nesvik, WY Game and Fish Department
> Tom Rice, MT Association of Counties
> Lee Miller, ID County Commissioners
> Loren Grosskopf, WY County Commission

Leander Watson, Shoshone Bannock Tribes
Delissa Minnick, WY BLM
Cornie Hudson, MT BLM
Matt Hogan, FWS
Jodi Bush, FWS

I'm about to head to the gym, but will be back home by 10p if you want to discuss. Or I'll be in first thing tomorrow. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

From: Willey, Seth
To: Jennifer Fortin-Noreus
Cc: Shoemaker, Rebecca; Alexandra Kasdin
Subject: Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
Date: Monday, October 03, 2016 4:35:51 PM

I'm free most of tomorrow if you want to chat though Rebecca.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Oct 3, 2016 at 4:29 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The call tomorrow (Tuesday) is about about the processing of the new round of public comments. The call on Thursday will be about issue responses.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Shoemaker, Rebecca [mailto:rebecca_shoemaker@fws.gov]
> **Sent:** Monday, October 03, 2016 4:26 PM
> **To:** Willey, Seth
> **Cc:** Alexandra Kasdin; Jennifer Fortin-Noreus

Subject: Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)

i thought this was the brain storming sesh for ones that are stumping me. I've pretty much already talked to Jennifer about these before adding them to my list so it'd be helpful (i think) with more people's brains to pick. eh?

On Mon, Oct 3, 2016 at 4:12 PM, Willey, Seth <seth_willey@fws.gov> wrote:

Depends on the nature of the conversation. I can be if desired. Alex, what are your thoughts?

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

On Mon, Oct 3, 2016 at 12:38 PM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:

Are you going to be on this call tomorrow afternoon?

---------- Forwarded message ----------
From: **Rebecca Shoemaker** <okoshono@gmail.com>
Date: Mon, Oct 3, 2016 at 12:19 PM
Subject: Fwd: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm -

4pm (okoshono@gmail.com)
To: Rebecca Shoemaker <rebecca_shoemaker@fws.gov>

---------- Forwarded message ----------
From: <alexandra_kasdin@fws.gov>
Date: Thu, Sep 29, 2016 at 3:50 PM
Subject: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
To: okoshono@gmail.com, jennifer_fortin-noreus@fws.gov

This event has been changed.

more details »

Call about public comments

When Tue Oct 4, 2016 3pm – 4pm Mountain Time

Where **Changed:** Tel # (b)(5) commercial-priv (map)

Video call https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi

Calendar okoshono@gmail.com

Who
- alexandra_kasdin@fws.gov - organizer
- jennifer_fortin-noreus@fws.gov
- Rebecca Shoemaker

Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account okoshono@gmail.com because you are subscribed for updated invitations on calendar okoshono@gmail.com.

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From:	Shoemaker, Rebecca
To:	Willey, Seth
Cc:	Alexandra Kasdin; Jennifer Fortin-Noreus
Subject:	Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
Date:	Monday, October 03, 2016 4:26:06 PM

---

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On Mon, Oct 3, 2016 at 4:12 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Depends on the nature of the conversation. I can be if desired. Alex, what are your thoughts?
>
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
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> >
> > ---------- Forwarded message ----------
> > From: <alexandra_kasdin@fws.gov>
> > Date: Thu, Sep 29, 2016 at 3:50 PM
> > Subject: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
> > To: okoshono@gmail.com, jennifer_fortin-noreus@fws.gov
> >
> > **This event has been changed.**
> >
> > **Call about public comments** **more details »**

When	Tue Oct 4, 2016 3pm – 4pm Mountain Time
Where	**Changed:** Tel # (b)(5) commercial-priv (map)
Video call	https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi
Calendar	okoshono@gmail.com
Who	• alexandra_kasdin@fws.gov - organizer • jennifer_fortin-noreus@fws.gov • Rebecca Shoemaker

Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

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From: Willey, Seth
To: Shoemaker, Rebecca; Alexandra Kasdin; Jennifer Fortin-Noreus
Subject: Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
Date: Monday, October 03, 2016 4:13:15 PM

Depends on the nature of the conversation. I can be if desired. Alex, what are your thoughts?

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Oct 3, 2016 at 12:38 PM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:

> Are you going to be on this call tomorrow afternoon?
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> From: **Rebecca Shoemaker** <okoshono@gmail.com>
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>
> **Call about public comments** more details »
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> When Tue Oct 4, 2016 3pm – 4pm Mountain Time
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> Video call https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi
>
> Calendar okoshono@gmail.com
>
> - organizer

Who	• alexandra_kasdin@fws.gov • jennifer_fortin-noreus@fws.gov • Rebecca Shoemaker

Going? **Yes** - **Maybe** - **No** more options »

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From: Kasdin, Alexandra
To: Shoemaker, Rebecca
Cc: Jennifer Fortin-Noreus; Seth Willey
Subject: Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)
Date: Tuesday, October 04, 2016 8:48:30 AM

Just resent the invite and details!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Oct 3, 2016 at 4:41 PM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:

> d'oh. what call on thursday? please send me the invite :-)
>
> On Mon, Oct 3, 2016 at 4:29 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> > The call tomorrow (Tuesday) is about about the processing of the new round of public comments. The call on Thursday will be about issue responses.
> >
> > *Jennifer Fortin-Noreus, Ph.D.*
> >
> > *Postdoctoral Researcher*
> >
> > *Grizzly Bear Recovery Program*
> >
> > *US Fish and Wildlife Service*
> >
> > *University of Montana*
> >
> > *University Hall, Room 309*
> >
> > *Missoula, MT 59812*
> >
> > *Phone: 406.243.4903*
> >
> > *Jennifer_fortin-noreus@fws.gov*
> >
> > **From:** Shoemaker, Rebecca [mailto:rebecca_shoemaker@fws.gov]
> > **Sent:** Monday, October 03, 2016 4:26 PM
> > **To:** Willey, Seth
> > **Cc:** Alexandra Kasdin; Jennifer Fortin-Noreus
> > **Subject:** Re: Updated Invitation: Call about public comments @ Tue Oct 4, 2016 3pm - 4pm (okoshono@gmail.com)

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Seth L. Willey

Branch Chief for Classification and Recovery

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Seth_Willey@fws.gov

303-236-4257

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more details »

Call about public comments

When Tue Oct 4, 2016 3pm – 4pm Mountain Time

Where **Changed:** Tel #(b)(5) commercial-priv (map)

Video call https://plus.google.com/hangouts/_/doi.gov/alexandra-kasdi

Calendar okoshono@gmail.com

Who
- alexandra_kasdin@fws.gov - organizer
- jennifer_fortin-noreus@fws.gov
- Rebecca Shoemaker

Going? **Yes** - **Maybe** - **No** more options »

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From: Kasdin, Alexandra
To: Powell, Tyson
Cc: Seth Willey; Dana Jacobsen; Jennifer Fortin-Noreus; Wayne Kasworm; Jodi Bush
Subject: Re: Voicemails
Date: Friday, October 07, 2016 10:32:24 AM
Attachments: (b)(5) attorney-client [redacted]

------ATTORNEY-CLIENT PRIVILEGE-------

Hi Tyson,

(b)(5) attorney-client [redacted]

It would be great if we could get this as final as possible today.

Thanks!
Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Oct 4, 2016 at 9:58 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

> Alex and Seth:
>
> (b)(5) attorney-client [redacted]
>
> Tyson
>
> On Tue, Oct 4, 2016 at 9:00 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
>
> > Thanks Tyson!
> >
> > Alex Kasdin
> > Princeton University SINSI Fellow
> > Ecological Services, Mountain-Prairie Regional Office
> > 134 Union Boulevard

Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Oct 4, 2016 at 8:59 AM, Powell, Tyson <tyson.powell@sol.doi.gov> wrote:

(b)(5) attorney-client [redacted]

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/RO-ES
DCN: 064200

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

(b)(5) attorney-client

[redacted]

?????

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: WY Wolf Lit Cited?
Date: Friday, October 07, 2016 10:46:30 AM
Attachments: YNP 2011.pdf

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 7, 2016 at 10:44 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> I:\4. Mammals\Wolf\FY11 WY proposed delisting\Literature cited
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217

National Park Service
U.S. Department of the Interior

Yellowstone National Park

Wildland Fire in Yellowstone

Read about the "Summer of Fire" in the **"Yellowstone Fires of 1988."** (1.2 MB pdf)



Landscapes such as those seen in Yellowstone have long been shaped by fire and not just the cool, creeping ground fires often described as "good" for grass production. The natural history of fire in the park includes large-scale conflagrations sweeping across the park's vast volcanic plateaus, hot, wind-driven fires torching up the trunks to the crowns of the pine and fir trees at several hundred-year intervals.

Such wildfires occurred across much of the ecosystem in the 1700s. But that, of course, was prior to the arrival of European explorers, to the designation of the park, and the pattern established by its early caretakers to battle all blazes in the belief that fire suppression was good stewardship. Throughout much of the 20th century, park managers and visitors alike have continued to view fire as a destructive force, one to be mastered, or at least tempered to a tamer, more controlled entity. By the 1940s, ecologists recognized that fire was a primary agent of change in many ecosystems, including the arid mountainous western United States. In the 1950s and 1960s, national parks and forests began to experiment with controlled burns, and by the 1970s Yellowstone and other parks had instituted a natural fire management plan to allow the process of lightning-caused fire to continue influencing wildland succession.

Many of Yellowstone's plant species are fire-adapted. Some (not all) of the lodgepole pines (*Pinus contorta*), which make up nearly 80% of the park's extensive forests, have cones that are serotinous sealed by resin until the intense heat of fire cracks the bonds and releases the seeds inside. Fires may stimulate regeneration of sagebrush, aspen, and willows, but the interactions between these plants and fire is complicated by other influences such as grazing levels and climate. Though above-ground parts of grasses and forbs are consumed by flames, the below-ground root systems typically remain unharmed, and for a few years after fire these plants commonly increase in productivity.

In the first sixteen years of Yellowstone's natural fire policy (1972-1987), 235 fires were allowed to burn 33,759 acres. Only 15 of those fires were larger than 100 acres, and all of the fires were extinguished naturally. Public response to the fires was good, and the program was considered a success. The summers of 1982-1987 were wetter than average, which may have contributed to the relatively low fire activity in those years.

No one anticipated that 1988 would be radically different. In April and May, Yellowstone received higher-than normal rainfall. But by June, the greater Yellowstone area was experiencing a severe drought. Forest fuels grew progressively drier, and the early summer thunderstorms produced lightning without rain. The fire season began, but still without hint of the record season to come. Eleven of 20 early-season fires went out by themselves, and the rest were being monitored in accordance with the existing fire management plan.

The summer of 1988 turned out to be the driest in the park's recorded history. By

July 15, only 8,500 acres had burned in the entire greater Yellowstone area. Still, due to continued dry conditions, on July 21 by which time fire activity had become noticeable to park visitors and to the national media the decision was made to suppress all fires. But within a week, fires within the park alone encompassed more nearly 99,000 acres, and by the end of the month, dry fuels and high winds combined to make the larger fires nearly uncontrollable. National news reporters poured into Yellowstone National Park, as did firefighters from around the country, bolstered by military recruits. On the worst single day, August 20, 1988, tremendous winds pushed fire across more than 150,000 acres. Throughout August and early September, some park roads and facilities were closed to the public, and residents of nearby towns outside the park feared for their property and their lives. Yellowstone's fire management policy was the topic of heated debate, from the restaurants of park border towns to the halls of Congress.

By September 11, 1988, the first snows of autumn had dampened the fires as the nation's largest fire-fighting effort could not. The imminent danger to life and property was over, and firefighters were gradually sent home, although the last of the smoldering flames were not extinguished until November. Staff in Yellowstone National Park went to work surveying the impacts of the fires on wildlife, plants, historic structures, trails, and more and answering the demands for information, explanation, and a new fire management policy.

A total of 248 fires started in greater Yellowstone in 1988; 50 of those were in Yellowstone National Park. Despite widespread misconceptions that all fires were initially allowed to burn, only 31 of the total were; 28 of these began inside the park. In the end, 7 major fires were responsible for more than 95% of the burned acreage. Five of those fires were ignited outside the park, and 3 of them were human-caused fires that firefighters attempted to control from the beginning. More than 25,000 firefighters, as many as 9000 at one time, attacked Yellowstone fires in 1988, at a total cost of about $120 million. Thankfully, the fires killed no park visitors and no nearby residents. Outside the park, two firefighters were killed, one by a falling tree and one while piloting a plane transporting other personnel.

Ecosystemwide, about 1.2 million acres was scorched; 793,000 (about 36%) of the park's 2,221,800 acres were burned. Sixty-seven structures were destroyed, including 18 cabins used by employees and guests and one backcountry patrol cabin in Yellowstone. Estimated property damage totaled more than $3 million. About 665 miles of hand-cut fireline and 137 miles of bulldozer lines, including 32 miles in the park, needed some rehabilitation, along with the remnants of fire camps and helicopter-landing spots. Surveys found that 345 dead elk (of an estimated 40,000-50,000), 36 deer, 12 moose, 6 black bears, and 9 bison died in greater Yellowstone as a direct result of the fires; 2 radio-collared grizzly bears were missing and were presumed to have been killed, (although one turned up alive and well several years later). Most of the animals that died were trapped as fire quickly swept down two drainages, and were discovered when biologists subsequently observed scavenging grizzlies, coyotes, and birds feeding on the carcasses. A few small fish-kills occurred as a result of either heated water or dropping fire retardant on the streams. Surveys revealed that less than 1% of soils were heated enough to burn below-ground plant seeds and roots.

A massive effort was funded by the U.S. Congress to restore damaged facilities and to study the long-term ecological, social, and economic effects of the Yellowstone fires. Although the tourist season was cut prematurely short by the fires and associated firefighting activity, the feared abandonment of regional visitors failed to materialize in 1989. The effects on many plants and animals are still being studied, although in the short-term, most wildlife populations showed no effect or rebounded

quickly from the fiery summer. In the several years following 1988, ample precipitation combined with the short-term effects of ash and nutrient influx to make for spectacular displays of wildflowers in burned areas. And, where serotinous lodgepole pines were burned, seed densities ranged from 50,000 to 1 million per acre, beginning a new cycle of forest growth under the blackened canopy above.

Across the nation, national parks and forests suspended and updated their fire management plans, assisted by the ecological assessment of a panel of independent scientists and by revised national fire management policies. In 1992, Yellowstone National Park again had a wildland fire management plan, but with stricter guidelines under which naturally occurring fires may be allowed to burn.

Although unprecedented in the 125-year history of the park, the scientists reviewing the effects of the 1988 fires reminded us that fires of such scale burned elsewhere in similar ecosystems during this century, and earlier in the landscape's history.

> *Only a miniscule portion of once vast wilderness landscapes has been preserved, and the boundaries and spatial extent of these preserved bear little relationship to the natural processes necessary for their preservation. The 1988 fires have laid bare the broad extent of our ignorance of those natural processes.*
>
> *N. A. Christensen, et al.*

Through continued public education, scientific research, and professional fire management, Yellowstone hopes to preserve the process of natural fire in the park while minimizing adverse effects on park visitors and neighbors, recognizing the inevitability of this force to continue shaping the landscape as it has for centuries.

Back to Main Fire Page



Did You Know?
Lake trout are an invasive species of fish that is decimating the native cutthroat trout population in Yellowstone Lake.

Last Updated: June 02, 2011 at 16:09 MST

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: YES agenda
Date: Wednesday, November 09, 2016 2:31:43 PM

Thanks!

Sent from my iPhone

On Nov 9, 2016, at 2:30 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I confirmed with Dan Tyers that there is not a charter for YES. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: YES call
Date: Thursday, November 03, 2016 4:05:51 PM

Awesome!

Sent from my iPhone

On Nov 3, 2016, at 2:40 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Matt will be on the YES call tomorrow. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*

From: Gary Frazer
To: Fortin-Noreus, Jennifer
Subject: Re: YES members
Date: Thursday, October 27, 2016 5:54:30 PM

Thanks, Jennifer.

Sent from my iPhone

On Oct 27, 2016, at 6:58 PM, Fortin-Noreus, Jennifer <jennifer_fortin-noreus@fws.gov> wrote:

> Gary,
>
> Current Yellowstone Subcommittee Members are:
>
> Mary Erickson, Custer-Gallatin NF
>
> Tricia O'Conner, Bridger Teton NF
>
> Melany Gossa, Beaverhead Deerlodge NF
>
> Garth Smelser, Caribou-Targhee NF
>
> Joe Alexander, Shoshone NF
>
> David Vela, Grant Teton National Park
>
> Dan Wenk, Yellowstone National Park
>
> Ken McDonald, MT Fish, Wildlife And Parks
>
> Jeff Gould, Idaho Dept. of Fish and Game
>
> Brian Nesvik, WY Game and Fish Department
>
> Tom Rice, MT Association of Counties
>
> Lee Miller, ID County Commissioners
>
> Loren Grosskopf, WY County Commission
>
> Leander Watson, Shoshone Bannock Tribes
>
> Delissa Minnick, WY BLM
>
> Cornie Hudson, MT BLM
>
> Matt Hogan, FWS

Jodi Bush, FWS

Please let me know if there is anything else I can assist with.

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From:	Bush, Jodi
To:	Matt Hogan
Cc:	Seth Willey; Jennifer Fortin-Noreus; Michael Thabault
Subject:	Re: YES
Date:	Tuesday, October 11, 2016 9:51:34 AM
Attachments:	20161010_Briefing YES and GB Delisting Update_Final.docx

---

Here you go. I'm out of the office today and tomorrow at meetings so please contact Jennifer if you have questions. thanks. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Fri, Oct 7, 2016 at 12:48 PM, Matt Hogan <Matt_Hogan@fws.gov> wrote:

> Sooner the better…..Gary asked again. Thanks.
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, October 07, 2016 12:03 PM
> **To:** Matt Hogan
> **Subject:** Re: YES
>
> Matt. When do you need this? JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Thu, Oct 6, 2016 at 6:50 AM, Matt Hogan <matt_hogan@fws.gov> wrote:

Can you provide a written summary of YES meeting that I can share with HQ. Thanks.

INFORMATION/BRIEFING MEMORANDUM

DATE: October 10, 2016

FROM: Jodi Bush, Supervisor, Montana Ecological Services Office, (406) 449-5225.

SUBJECT: Update on Yellowstone Grizzly Bear Delisting and YES Committee

The U.S. Fish and Wildlife Service (Service) is working, at all levels of the agency, to get agreement on outstanding issues in the Yellowstone Ecosystem (YES) grizzly bear delisting process. These include issues in the Conservation Strategy (CS), the Recovery Plan (RP) and the Proposed Rule/Federal Register document. Based on our most recent YES meeting (October 3, 2016), we appear to have agreement on all previous outstanding issues except for recalibration. The YES committee deferred any discussion on this topic (recalibration) at that meeting as management at higher levels in multiple agencies remain engaged in discussions.

BACKGROUND

On March 11, 2016 the Service proposed to delist the YES population of grizzly bear. With the proposed rule the Service also released two other documents for public comment, a draft supplement to the 1993 Grizzly Bear Recovery Plan with revised demographic criteria for the Yellowstone grizzly bear population, and a draft conservation strategy. These detail how both grizzly bears and their habitat will be managed in a post-delisting environment. The Conservation Strategy was developed by our State and Federal partners to be the document that identifies and guides management and monitoring of the Yellowstone grizzly bear population and its habitat upon delisting. Many of the comments we received during the open comment period pointed to inconsistencies between the CS and the Service's proposed rule and RP. In addition, our partners found errors and requested clarifications in the CS prior to its finalization. Since April of 2016, a subset of the YES committee –the YES Steering committee, has met regularly to address both the internal partner agency issues (identified at the April YES meeting), and those issues brought up by the public and peer reviewers during open comment period. This has resulted in resolution of most of the issues identified with the exception of recalibration and revisions of triggers for a Service status review.

KEY POINTS

- The Service had several issues that needed to be resolved prior to finalizing the delisting rule. These included: (1) clarifying the triggers, (2) addressing NPS concerns with the 1998 baseline, (3) language regarding how long the CS would be in place – revising the perpetuity language, (4) addressing food storage as a benefit to connectivity, and the concept of connectivity in general, (5) clarifying recovery criterion #1 –related to genetic health, and (6) recalibration.
- The majority vote by the YES was to remove any reference to genetic health in the discussion of recovery criterion #1. This removal makes recovery criterion #1 in the Strategy inconsistent with the Recovery Plan Supplement and the Rule. In addition, the Supplement

and Rule clarify that 500 is not a population target but a minimum. Genetic management is referred to in another location in the document (Chapter 2) as is a genetic monitoring protocol, and referenced to the science behind RC#1.

- The Service worked with our partners to address, clarify and revise all of these issues with the exception of recalibration. That issue remains with upper management to resolve. In addition issues that were brought up by the public, the peer reviewers, and the agencies themselves have been addressed in the CS and suggested edits to the Rule made.
- At the last YES meeting (October 3, 2016), the committee was able to work through each chapter of the CS and get to final agreement on the edits and revisions for the entire document.
- We are still working on the Appendices and plan to have draft versions for YES committee review by later this week. As most of the edits in these Appendices (except Appendices C), are tied to changes in the main CS document that have already been approved: we do not feel that these will be controversial.
- The outcome of Appendix C is directly related to discussions on recalibration and as such no changes have been agreed to yet.
- We continue to engage our State, Tribal and other Federal partners and other stakeholders, as well as through YES meetings and coordination calls.

POSITION OF PARTICIPATING AGENCIES

- The U.S. Forest Service is committed to the process, the CS and moving forward with delisting the YES grizzly bear. They have amended their Forest Plans as necessary to include relevant guidance and clarified language in their policies regarding the grizzly bear.
- The National Park Service remains concerned about hunting in the John D Rockefeller Parkway as well as immediately adjacent to both National Parks. They did approve the CS locally (Yellowstone NS and Grand Teton NP) and seem willing to go forward with delisting.
- The Bureau of Land Management seems willing to move forward with delisting and did not bring forward any concerns. They also approved the CS for their 3 state jurisdictions.
- The States have stated that they are unsure resolution on the recalibration will occur. They also approved the CS as edited for all 3 state jurisdictions.
- The Warm Springs Tribe went on record as being against the delisting and abstained from approving the CS.
- The Service is pleased with the progress we have made and is optimistic that a resolution on recalibration can be made.

From: Bush, Jodi
To: Jennifer Fortin-Noreus
Subject: Re: YES
Date: Thursday, October 06, 2016 10:18:55 AM

I know you have alot on your plate. Lets wait until we talk and I may be able to handle this one. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Oct 6, 2016 at 9:06 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I am available all day tomorrow. I will start drafting something today for
> your review. JF
>
> Jennifer Fortin-Noreus, Ph.D.
> Postdoctoral Researcher
> Grizzly Bear Recovery Program
> US Fish and Wildlife Service
> University of Montana
> University Hall, Room 309
> Missoula, MT 59812
> Phone: 406.243.4903
> Jennifer_fortin-noreus@fws.gov
>
> -----Original Message-----
> From: Jodi Bush [mailto:jodi_bush@fws.gov]
> Sent: Thursday, October 06, 2016 8:06 AM
> To: Jennifer Fortin-Noreus
> Subject: Re: YES
>
> Tomorrow works. I don't get back to HLN til 1230. JB
>
> Sent from my iPhone
>
> > On Oct 6, 2016, at 8:04 AM, Jennifer Fortin-Noreus
> > <jennifer_fortin-noreus@fws.gov> wrote:
> >
> > I have calls all day starting at 9:30am and then dentist at 4. I
> > could talk at 9 before my first call or at 5pm (on my cell
> > 208-301-1336). JF
> >
> > Jennifer Fortin-Noreus, Ph.D.

> Postdoctoral Researcher
> Grizzly Bear Recovery Program
> US Fish and Wildlife Service
> University of Montana
> University Hall, Room 309
> Missoula, MT 59812
> Phone: 406.243.4903
> Jennifer_fortin-noreus@fws.gov
>
> -----Original Message-----
> From: Jodi Bush [mailto:jodi_bush@fws.gov]
> Sent: Thursday, October 06, 2016 7:59 AM
> To: Matt Hogan
> Cc: jennifer_fortin-noreus@fws.gov; Seth Willey
> Subject: Re: YES
>
> Yes to YES.
>
> Jen. Let's talk about this later today if you are available. JB
>
> Sent from my iPhone
>
>> On Oct 6, 2016, at 6:51 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>>
>> Can you provide a written summary of YES meeting that I can share
>> with HQ. Thanks.

From: Matt Hogan
To: Bush, Jodi
Cc: Seth Willey; Jennifer Fortin-Noreus; Michael Thabault
Subject: Re: YES
Date: Tuesday, October 11, 2016 9:54:58 AM

Thanks!!

On Oct 11, 2016, at 9:51 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> Here you go. I'm out of the office today and tomorrow at meetings so please contact Jennifer if you have questions. thanks. JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Fri, Oct 7, 2016 at 12:48 PM, Matt Hogan <Matt_Hogan@fws.gov> wrote:
>
> > Sooner the better…..Gary asked again. Thanks.
> >
> > **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> > **Sent:** Friday, October 07, 2016 12:03 PM
> > **To:** Matt Hogan
> > **Subject:** Re: YES
> >
> > Matt. When do you need this? JB
> >
> > Jodi L. Bush
> >
> > Office Supervisor
> >
> > Montana State Ecological Services Office
> >
> > 585 Shepard Way, Suite 1
> >
> > Helena, MT 59601
> >
> > (406) 449-5225, ext.205

On Thu, Oct 6, 2016 at 6:50 AM, Matt Hogan <matt_hogan@fws.gov> wrote:

Can you provide a written summary of YES meeting that I can share with HQ. Thanks.

<20161010_Briefing YES and GB Delisting Update_Final.docx>

From:	Kasdin, Alexandra
To:	Willey, Seth
Cc:	Jennifer Fortin-Noreus; Jodi Bush
Subject:	Re: Yellowstone Grizzly Bear: Webpages of interest
Date:	Friday, September 30, 2016 8:35:29 AM
Attachments:	image005.png

I will confirm that our response to the Tribal involvement issue is consistent with these talking points.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Sep 29, 2016 at 5:01 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> EA's tribal consultation talking points. perhaps useful for us, including perhaps in response to comments. consider as appropriate.
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> ---------- Forwarded message ----------
> From: **Baker, Serena** <serena_baker@fws.gov>
> Date: Thu, Sep 29, 2016 at 3:27 PM
> Subject: Fwd: Yellowstone Grizzly Bear: Webpages of interest
> To: Anna Muñoz <anna_munoz@fws.gov>, Roya Mogadam <roya_mogadam@fws.gov>, Ivy Allen <ivy_allen@fws.gov>, Ryan Moehring <ryan_moehring@fws.gov>, Alexandra Kasdin <alexandra_kasdin@fws.gov>, Seth Willey <seth_willey@fws.gov>, Michael Thabault <michael_thabault@fws.gov>, Matt Hogan <matt_hogan@fws.gov>, Leith Edgar <leith_edgar@fws.gov>, Brent Lawrence <brent_lawrence@fws.gov>, Jason Holm <jason_holm@fws.gov>, Nathan Dexter <nathan_dexter@fws.gov>
>
> Hello All,
>
> Attached are the TPs I used for my interview with Laura Zuckerman with Reuter's today explaining the Service's tribal outreach on the Yellowstone grizzly bear population proposed delisting rule, and in response to tribal allegations that the Service has failed to properly offer consultation. Laura is a solid reporter, and one of our main media resources in Idaho.

Happy to answer questions. Thanks!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov



---------- Forwarded message ----------
From: **Baker, Serena** <serena_baker@fws.gov>
Date: Thu, Sep 29, 2016 at 2:58 PM
Subject: Yellowstone Grizzly Bear: Webpages of interest
To: Laura Zuckerman <idloislane@yahoo.com>

Laura,

Always a pleasure to talk to you! Really appreciate you reaching out.

Here is the tribal webpage: https://www.fws.gov/mountain-prairie/ea/tribal.php.

Here is our grizzly bear webpage: https://www.fws.gov/mountain-prairie/es/grizzlyBear.php.

Page 4 of the Tri-State MOA has the chart we discussed: https://www.fws.gov/mountain-prairie/es/Tristate%20MOA-GYE%20grizzly%20bears-signed.pdf.

Happy to answer any follow up questions. Thanks again!

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov


You
Tube

From:	Bagbonon, Michel
To:	Willey, Seth
Cc:	Alexandra Kasdin; Jennifer Fortin-Noreus
Subject:	Re: Yellowstone Grizzly bear delisting proposal
Date:	Wednesday, October 05, 2016 2:25:02 PM

Comment has been processed.

Thanks

Michel

On Wed, Oct 5, 2016 at 3:11 PM, Willey, Seth <seth_willey@fws.gov> wrote:

> Public comment to upload.
>
> Thanks,
> Seth
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> ---------- Forwarded message ----------
> From: **Michael Thabault** <michael_thabault@fws.gov>
> Date: Wed, Oct 5, 2016 at 1:04 PM
> Subject: Fwd: Yellowstone Grizzly bear delisting proposal
> To: "Mr. Seth Willey" <Seth_Willey@fws.gov>
>
> FYI.
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
>
> Begin forwarded message:
>
> > **From:** Gary Frazer <gary_frazer@fws.gov>
> > **Date:** October 5, 2016 at 11:16:31 AM MDT
> > **To:** Michael Thabault <Michael_Thabault@fws.gov>
> > **Subject: Fwd: Yellowstone Grizzly bear delisting proposal**

Sent from my iPhone

Begin forwarded message:

From: "Irwin, Thomas" <thomas_irwin@fws.gov>
Date: October 5, 2016 at 11:33:53 AM EDT
To: Gary Frazer <gary_frazer@fws.gov>
Cc: "Sellars, Roslyn" <Roslyn_Sellars@fws.gov>, Lois Wellman <lois_wellman@fws.gov>
Subject: Fwd: Yellowstone Grizzly bear delisting proposal

For ES's appropriate action.

---------- Forwarded message ---------- From: **Information, FWS** <fws_information@fws.gov>
From: **Kim Pierce** <kimpierce1958@gmail.com>
Date: Wed, Oct 5, 2016 at 6:04 AM
Subject: Yellowstone Grizzly bear delisting proposal
To: dan_ashe@fws.gov

Dear Mr Ashe,

I understand that you are planning to delist the Yellowstone grizzly bear from the endangered species list. The Sierra Club is concerned that the states that would be involved in their management, if this happened, are not interested in their ongoing recovery.

As the population is only around 700 this is of great concern. Please do not delist until and unless there is a strong agreement between USFWS and the states concerned for continued recovery and conservation of Greater Yellowstone grizzly bears. Would this involve on going monitoring by the USFWS?

Biodiversity is critical to a healthy environment and I'd just like to know that grizzly's are thriving somewhere, even if I never get to see one.

Thanks, Kim

--
Michel Bagbonon
Division of Policy Performance and Management Programs (PPM)
U.S Fish and Wildlife Service
5275 Leesburg Pike M/S:BPHC
Falls Church, VA 22041-3803
Telephone: 703-358-1851
Fax: 703-358-1981

From: Matt Hogan
To: Jennifer Fortin-Noreus
Cc: Jodi Bush; Michael Thabault; Seth Willey
Subject: Re: Yes votes
Date: Friday, November 04, 2016 11:26:05 AM

Will weigh in if necessary but Mary may be resolving it.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

> On Nov 4, 2016, at 11:24 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> Absolutely can not!
>
> Jennifer Fortin-Noreus, Ph.D.
> Postdoctoral Researcher
> Grizzly Bear Recovery Program
> US Fish and Wildlife Service
> University of Montana
> University Hall, Room 309
> Missoula, MT 59812
> Phone: 406.243.4903
> Jennifer_fortin-noreus@fws.gov
>
>
> -----Original Message-----
> From: Jodi Bush [mailto:jodi_bush@fws.gov]
> Sent: Friday, November 04, 2016 11:14 AM
> To: Michael Thabault
> Cc: Jennifer Fortin-Noreus; Matt Hogan; Seth Willey
> Subject: Re: Yes votes
>
> Yes. He did. I'm voting no until I see the doc.
>
> Sent from my iPhone
>
>> On Nov 4, 2016, at 10:13 AM, Michael Thabault <michael_thabault@fws.gov>
>> wrote:
>>
>> Ken just showed their hand
>>
>> Michael Thabault
>> Assistant Regional Director
>> Ecological Services
>> Mountain Prairie Region
>>
>>> On Nov 4, 2016, at 11:11 AM, Jennifer Fortin-Noreus
>>> <jennifer_fortin-noreus@fws.gov> wrote:
>>>
>>> Recalibration is actually better fit as part of the main body of the CS.
>>>

>>> Jennifer Fortin-Noreus, Ph.D.
>>> Postdoctoral Researcher
>>> Grizzly Bear Recovery Program
>>> US Fish and Wildlife Service
>>> University of Montana
>>> University Hall, Room 309
>>> Missoula, MT 59812
>>> Phone: 406.243.4903
>>> Jennifer_fortin-noreus@fws.gov
>>>
>>>
>>> -----Original Message-----
>>> From: Michael Thabault [mailto:michael_thabault@fws.gov]
>>> Sent: Friday, November 04, 2016 11:07 AM
>>> To: Jennifer Fortin-Noreus
>>> Cc: Matt Hogan; Jodi Bush; Seth Willey
>>> Subject: Re: Yes votes
>>>
>>> Suggest we deal with recal and then assess the whole C later.
>>>
>>> Michael Thabault
>>> Assistant Regional Director
>>> Ecological Services
>>> Mountain Prairie Region
>>>
>>>> On Nov 4, 2016, at 11:00 AM, Jennifer Fortin-Noreus
>>>> <jennifer_fortin-noreus@fws.gov> wrote:
>>>>
>>>> I believe so
>>>>
>>>> Jennifer Fortin-Noreus, Ph.D.
>>>> Postdoctoral Researcher
>>>> Grizzly Bear Recovery Program
>>>> US Fish and Wildlife Service
>>>> University of Montana
>>>> University Hall, Room 309
>>>> Missoula, MT 59812
>>>> Phone: 406.243.4903
>>>> Jennifer_fortin-noreus@fws.gov
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Matt Hogan [mailto:matt_hogan@fws.gov]
>>>> Sent: Friday, November 04, 2016 10:59 AM
>>>> To: Jennifer Fortin-Noreus
>>>> Cc: Michael Thabault; Jodi Bush; Seth Willey
>>>> Subject: Re: Yes votes
>>>>
>>>> So we are ok with that?
>>>>
>>>> Matt Hogan
>>>> Deputy Regional Director
>>>> Mountain-Prairie Region
>>>> U.S. Fish & Wildlife Service
>>>> 303-236-7920
>>>>
>>>>> On Nov 4, 2016, at 10:58 AM, Jennifer Fortin-Noreus

>>>>> <jennifer_fortin-noreus@fws.gov> wrote:
>>>>>
>>>>> The biology and monitoring review language was moved to the main
>>>>> body of the Strategy, however it was changed from 2 to 3 consecutive
>>>>> years.
>>>>>
>>>>> Jennifer Fortin-Noreus, Ph.D.
>>>>> Postdoctoral Researcher
>>>>> Grizzly Bear Recovery Program
>>>>> US Fish and Wildlife Service
>>>>> University of Montana
>>>>> University Hall, Room 309
>>>>> Missoula, MT 59812
>>>>> Phone: 406.243.4903
>>>>> Jennifer_fortin-noreus@fws.gov
>>>>>
>>>>>
>>>>> -----Original Message-----
>>>>> From: Michael Thabault [mailto:michael_thabault@fws.gov]
>>>>> Sent: Friday, November 04, 2016 10:56 AM
>>>>> To: Jodi Bush
>>>>> Cc: Matt Hogan; Seth Willey; jennifer_fortin-noreus@fws.gov
>>>>> Subject: Re: Yes votes
>>>>>
>>>>> But we wanted those moved to someplace else. Not deleted.
>>>>>
>>>>> Michael Thabault
>>>>> Assistant Regional Director
>>>>> Ecological Services
>>>>> Mountain Prairie Region
>>>>>
>>>>>> On Nov 4, 2016, at 10:53 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>>>>>>
>>>>>> Yes
>>>>>>
>>>>>> Sent from my iPhone
>>>>>>
>>>>>>> On Nov 4, 2016, at 9:51 AM, Michael Thabault
>>>>>>> <michael_thabault@fws.gov>
>>>>>>> wrote:
>>>>>>>
>>>>>>> You don't have it in front. Do we know what the paragraph is
>>>>>>>
>>>>>>> Michael Thabault
>>>>>>> Assistant Regional Director
>>>>>>> Ecological Services
>>>>>>> Mountain Prairie Region
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>>>>>>>> On Nov 4, 2016, at 10:34 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>>>>>>>>
>>>>>>>> Feel free to respond without my offer
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>>>>>>>>
>>>>>>>>> On Nov 4, 2016, at 8:51 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>>>>>>>>>
>>>>>>>>> Good question.....always thought it was 2 as we have 2

>>>>>>>>> signatures on the CS. But the FS only has 3 signatures.
>>>>>>>>>
>>>>>>>>> Matt Hogan
>>>>>>>>> Deputy Regional Director
>>>>>>>>> Mountain-Prairie Region
>>>>>>>>> U.S. Fish & Wildlife Service
>>>>>>>>> 303-236-7920
>>>>>>>>>
>>>>>>>>>> On Nov 4, 2016, at 9:49 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>>>>>>>>>>
>>>>>>>>>> Wouldn't we have 3. One from each state involved, rather than
>>>>>>>>>> 2 -one from each region. The FS doesn't vote by Region. They
>>>>>>>>>> vote by forest.
>>>>>>>>>> JB
>>>>>>>>>>
>>>>>>>>>> Sent from my iPhone

From: Jodi Bush
To: Michael Thabault
Cc: Jennifer Fortin-Noreus; Matt Hogan; Seth Willey
Subject: Re: Yes votes
Date: Friday, November 04, 2016 11:14:18 AM

Yes. He did. I'm voting no until I see the doc.

Sent from my iPhone

> On Nov 4, 2016, at 10:13 AM, Michael Thabault <michael_thabault@fws.gov> wrote:
>
> Ken just showed their hand
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
>
>> On Nov 4, 2016, at 11:11 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
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>> Jennifer Fortin-Noreus, Ph.D.
>> Postdoctoral Researcher
>> Grizzly Bear Recovery Program
>> US Fish and Wildlife Service
>> University of Montana
>> University Hall, Room 309
>> Missoula, MT 59812
>> Phone: 406.243.4903
>> Jennifer_fortin-noreus@fws.gov
>>
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>> Sent: Friday, November 04, 2016 11:07 AM
>> To: Jennifer Fortin-Noreus
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>> Subject: Re: Yes votes
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>> Suggest we deal with recal and then assess the whole C later.
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>> Michael Thabault
>> Assistant Regional Director
>> Ecological Services
>> Mountain Prairie Region
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>>> I believe so
>>>
>>> Jennifer Fortin-Noreus, Ph.D.
>>> Postdoctoral Researcher

>>> Grizzly Bear Recovery Program
>>> US Fish and Wildlife Service
>>> University of Montana
>>> University Hall, Room 309
>>> Missoula, MT 59812
>>> Phone: 406.243.4903
>>> Jennifer_fortin-noreus@fws.gov
>>>
>>>
>>> -----Original Message-----
>>> From: Matt Hogan [mailto matt_hogan@fws.gov]
>>> Sent: Friday, November 04, 2016 10:59 AM
>>> To: Jennifer Fortin-Noreus
>>> Cc: Michael Thabault; Jodi Bush; Seth Willey
>>> Subject: Re: Yes votes
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>>> So we are ok with that?
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>>> Matt Hogan
>>> Deputy Regional Director
>>> Mountain-Prairie Region
>>> U.S. Fish & Wildlife Service
>>> 303-236-7920
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>>>> of the Strategy, however it was changed from 2 to 3 consecutive years.
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>>>> Jennifer Fortin-Noreus, Ph.D.
>>>> Postdoctoral Researcher
>>>> Grizzly Bear Recovery Program
>>>> US Fish and Wildlife Service
>>>> University of Montana
>>>> University Hall, Room 309
>>>> Missoula, MT 59812
>>>> Phone: 406.243.4903
>>>> Jennifer_fortin-noreus@fws.gov
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>>>> Sent: Friday, November 04, 2016 10:56 AM
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>>>> Michael Thabault
>>>> Assistant Regional Director
>>>> Ecological Services
>>>> Mountain Prairie Region
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>>>>> On Nov 4, 2016, at 10:53 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>>>>>

>>>>> Yes
>>>>>
>>>>> Sent from my iPhone
>>>>>
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>>>>>> <michael_thabault@fws.gov>
>>>>>> wrote:
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>>>>>> You don't have it in front. Do we know what the paragraph is
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>>>>>>>> on the CS. But the FS only has 3 signatures.
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>>>>>>>> Matt Hogan
>>>>>>>> Deputy Regional Director
>>>>>>>> Mountain-Prairie Region
>>>>>>>> U.S. Fish & Wildlife Service
>>>>>>>> 303-236-7920
>>>>>>>>
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>>>>>>>>> -one from each region. The FS doesn't vote by Region. They vote
>>>>>>>>> by forest.
>>>>>>>>> JB
>>>>>>>>>
>>>>>>>>> Sent from my iPhone

From: Matt Hogan
To: Kasworm, Wayne
Cc: Jodi Bush; Jennifer Fortin-Noreus
Subject: Re: Yes votes
Date: Friday, November 04, 2016 11:31:17 AM

We are on the line.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

On Nov 4, 2016, at 11:28 AM, Kasworm, Wayne <wayne_kasworm@fws.gov> wrote:

> I have to begin traveling to another meeting and can't make an afternoon call.
>
> Wayne
>
> Wayne Kasworm
> US Fish and Wildlife Service
> 385 Fish Hatchery Road
> Libby, MT 59923
>
> TEL 406.293.4161 ext 205
> FAX 406.293.6338
> Wayne_Kasworm@fws.gov
>
> Reports found at:
> http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
> or
> http://www.igbconline.org/index.php/scy-reports
>
> On Fri, Nov 4, 2016 at 11:25 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>> We can use same conference number we used earlier.
>>
>> Matt Hogan
>> Deputy Regional Director
>> Mountain-Prairie Region
>> U.S. Fish & Wildlife Service
>> 303-236-7920
>>
>> > On Nov 4, 2016, at 11:22 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
>> >
>> > Can we get back on phone
>> >
>> > Sent from my iPhone

>
>> On Nov 4, 2016, at 10:15 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>>
>> Assume she'll do it the same way so you have all 3 votes.
>>
>> Matt Hogan
>> Deputy Regional Director
>> Mountain-Prairie Region
>> U.S. Fish & Wildlife Service
>> 303-236-7920
>>
>>> On Nov 4, 2016, at 11:14 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
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>>> Yes. He did. I'm voting no until I see the doc.
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>>>>> Recalibration is actually better fit as part of the main body of the CS.
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>>>>> University of Montana
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>>>>> Phone: 406.243.4903
>>>>> Jennifer_fortin-noreus@fws.gov
>>>>>
>>>>>
>>>>> -----Original Message-----
>>>>> From: Michael Thabault [mailto:michael_thabault@fws.gov]
>>>>> Sent: Friday, November 04, 2016 11:07 AM
>>>>> To: Jennifer Fortin-Noreus
>>>>> Cc: Matt Hogan; Jodi Bush; Seth Willey
>>>>> Subject: Re: Yes votes
>>>>>

>>>>> Suggest we deal with recal and then assess the whole C later.
>>>>>
>>>>> Michael Thabault
>>>>> Assistant Regional Director
>>>>> Ecological Services
>>>>> Mountain Prairie Region
>>>>>
>>>>>> On Nov 4, 2016, at 11:00 AM, Jennifer Fortin-Noreus
>>>>>> <jennifer_fortin-noreus@fws.gov> wrote:
>>>>>>
>>>>>> I believe so
>>>>>>
>>>>>> Jennifer Fortin-Noreus, Ph.D.
>>>>>> Postdoctoral Researcher
>>>>>> Grizzly Bear Recovery Program
>>>>>> US Fish and Wildlife Service
>>>>>> University of Montana
>>>>>> University Hall, Room 309
>>>>>> Missoula, MT 59812
>>>>>> Phone: 406.243.4903
>>>>>> Jennifer_fortin-noreus@fws.gov
>>>>>>
>>>>>>
>>>>>> -----Original Message-----
>>>>>> From: Matt Hogan [mailto:matt_hogan@fws.gov]
>>>>>> Sent: Friday, November 04, 2016 10:59 AM
>>>>>> To: Jennifer Fortin-Noreus
>>>>>> Cc: Michael Thabault; Jodi Bush; Seth Willey
>>>>>> Subject: Re: Yes votes
>>>>>>
>>>>>> So we are ok with that?
>>>>>>
>>>>>> Matt Hogan
>>>>>> Deputy Regional Director
>>>>>> Mountain-Prairie Region
>>>>>> U.S. Fish & Wildlife Service
>>>>>> 303-236-7920
>>>>>>
>>>>>>> On Nov 4, 2016, at 10:58 AM, Jennifer Fortin-Noreus
>>>>>>> <jennifer_fortin-noreus@fws.gov> wrote:
>>>>>>>
>>>>>>> The biology and monitoring review language was moved to the main
body
>>>>>>> of the Strategy, however it was changed from 2 to 3 consecutive
years.
>>>>>>>
>>>>>>> Jennifer Fortin-Noreus, Ph.D.
>>>>>>> Postdoctoral Researcher
>>>>>>> Grizzly Bear Recovery Program
>>>>>>> US Fish and Wildlife Service

>>>>>>> University of Montana
>>>>>>> University Hall, Room 309
>>>>>>> Missoula, MT 59812
>>>>>>> Phone: 406.243.4903
>>>>>>> Jennifer_fortin-noreus@fws.gov
>>>>>>>
>>>>>>>
>>>>>>> -----Original Message-----
>>>>>>> From: Michael Thabault [mailto:michael_thabault@fws.gov]
>>>>>>> Sent: Friday, November 04, 2016 10:56 AM
>>>>>>> To: Jodi Bush
>>>>>>> Cc: Matt Hogan; Seth Willey; jennifer_fortin-noreus@fws.gov
>>>>>>> Subject: Re: Yes votes
>>>>>>>
>>>>>>> But we wanted those moved to someplace else. Not deleted.
>>>>>>>
>>>>>>> Michael Thabault
>>>>>>> Assistant Regional Director
>>>>>>> Ecological Services
>>>>>>> Mountain Prairie Region
>>>>>>>
>>>>>>>> On Nov 4, 2016, at 10:53 AM, Jodi Bush <jodi_bush@fws.gov>
wrote:
>>>>>>>>
>>>>>>>> Yes
>>>>>>>>
>>>>>>>> Sent from my iPhone
>>>>>>>>
>>>>>>>>> On Nov 4, 2016, at 9:51 AM, Michael Thabault
>>>>>>>>> <michael_thabault@fws.gov>
>>>>>>>>> wrote:
>>>>>>>>>
>>>>>>>>> You don't have it in front. Do we know what the paragraph is
>>>>>>>>>
>>>>>>>>> Michael Thabault
>>>>>>>>> Assistant Regional Director
>>>>>>>>> Ecological Services
>>>>>>>>> Mountain Prairie Region
>>>>>>>>>
>>>>>>>>>> On Nov 4, 2016, at 10:34 AM, Jodi Bush <jodi_bush@fws.gov>
wrote:
>>>>>>>>>>
>>>>>>>>>> Feel free to respond without my offer
>>>>>>>>>>
>>>>>>>>>> Sent from my iPhone
>>>>>>>>>>
>>>>>>>>>>> On Nov 4, 2016, at 8:51 AM, Matt Hogan
<matt_hogan@fws.gov> wrote:
>>>>>>>>>>>
>>>>>>>>>>> Good question.....always thought it was 2 as we have 2

signatures
>>>>>>>>>>> on the CS. But the FS only has 3 signatures.
>>>>>>>>>>>
>>>>>>>>>>> Matt Hogan
>>>>>>>>>>> Deputy Regional Director
>>>>>>>>>>> Mountain-Prairie Region
>>>>>>>>>>> U.S. Fish & Wildlife Service
>>>>>>>>>>> 303-236-7920
>>>>>>>>>>>
>>>>>>>>>>> On Nov 4, 2016, at 9:49 AM, Jodi Bush
<jodi_bush@fws.gov> wrote:
>>>>>>>>>>>
>>>>>>>>>>> Wouldn't we have 3. One from each state involved, rather than
2
>>>>>>>>>>> -one from each region. The FS doesn't vote by Region. They
vote
>>>>>>>>>>> by forest.
>>>>>>>>>>> JB
>>>>>>>>>>>
>>>>>>>>>>> Sent from my iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:57:04 AM

And I dont understand your point

Sent from my iPhone

On Nov 4, 2016, at 9:55 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Table 1 in App. C has a separate column for a population estimate of 674 with female mortality at 7.6%.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:53 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Like what
>
> Sent from my iPhone
>
> On Nov 4, 2016, at 9:53 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
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> > We should make the table consistent with the Strategy if we are discussing other changes to App. C.
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> > *Jennifer Fortin-Noreus, Ph.D.*
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> > *Grizzly Bear Recovery Program*
> > *US Fish and Wildlife Service*
> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*

Jennifer_fortin-noreus@fws.gov

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:52 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

We are good

Sent from my iPhone

On Nov 4, 2016, at 9:49 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> It's not 21 and 22 but 20 and 21 that are struck.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
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> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:26 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Ok
>
> Sent from my iPhone
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> > *US Fish and Wildlife Service*
> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*

Jennifer_fortin-noreus@fws.gov

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:23 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Are we concerned?

Sent from my iPhone

On Nov 4, 2016, at 9:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The State's version does not include other items from our proposal.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:20 AM
> **To:** Jennifer_fortin-noreus@fws.gov
> **Subject:** Fwd: Your phone isn't muted
>
> More
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Michael Thabault <michael_thabault@fws.gov>
> >
> > **Date:** November 4, 2016 at 9:18:59 AM PDT

To: Jodi Bush <jodi_bush@fws.gov>

Cc: "matt_hogan@fws.gov" <matt_hogan@fws.gov>

Subject: Re: Your phone isn't muted

Has all the language that we have advanced been included in C

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.
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> Sent from my iPhone
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4,
2016,
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Hogan
<matt_hogan@fws.gov>
wrote:

Not
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Matt
Hogan
Deputy
Regional
Director
Mountain-
Prairie
Region
U.S.
Fish
&
Wildlife
Service
303-
236-
7920

On

Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Haven't heard anything more., prob good

Sent from my iPhone

> On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> Still?
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S.

Fish
&
Wildlife
Service

303-
236-
7920

On
Nov
4,
2016,
at
10:02
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Sent
from
my
iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:56:30 AM

It's late to make a change now. Do we fall on our sword on this?

Sent from my iPhone

On Nov 4, 2016, at 9:55 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Table 1 in App. C has a separate column for a population estimate of 674 with female mortality at 7.6%.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:53 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Like what
>
> Sent from my iPhone
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> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*

Jennifer_fortin-noreus@fws.gov

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:52 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

We are good

Sent from my iPhone

On Nov 4, 2016, at 9:49 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> It's not 21 and 22 but 20 and 21 that are struck.
>
> *Jennifer Fortin-Noreus, Ph.D.*
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> *Missoula, MT 59812*
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> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:26 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Ok
>
> Sent from my iPhone
>
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> > No because the revised table was included in the main body of the CS.
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> > *Missoula, MT 59812*
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Jennifer_fortin-noreus@fws.gov

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Sent: Friday, November 04, 2016 10:23 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Are we concerned?

Sent from my iPhone

On Nov 4, 2016, at 9:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The State's version does not include other items from our proposal.
>
> *Jennifer Fortin-Noreus, Ph.D.*
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> *US Fish and Wildlife Service*
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> *Jennifer_fortin-noreus@fws.gov*
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> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:20 AM
> **To:** Jennifer_fortin-noreus@fws.gov
> **Subject:** Fwd: Your phone isn't muted
>
> More
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Michael Thabault <michael_thabault@fws.gov>
> >
> > **Date:** November 4, 2016 at 9:18:59 AM PDT

To: Jodi Bush <jodi_bush@fws.gov>

Cc: "matt_hogan@fws.gov" <matt_hogan@fws.gov>

Subject: Re: Your phone isn't muted

Has all the language that we have advanced been included in C

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.
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4,
2016,
at
9:10
AM,
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<matt_hogan@fws.gov>
wrote:

Not
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as
we've
had
it
muted
but
hopefully
it's
not
a
malfunctioning
mute
button.

Matt
Hogan
Deputy
Regional
Director
Mountain-
Prairie
Region
U.S.
Fish
&
Wildlife
Service
303-
236-
7920

On

Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Haven't heard anything more., prob good

Sent from my iPhone

> On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> Still?
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S.

Fish
&
Wildlife
Service

303-
236-
7920

On
Nov
4,
2016,
at
10:02
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Sent
from
my
iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:55:16 AM

Are we good or not. I need to respond. JB

Sent from my iPhone

On Nov 4, 2016, at 9:53 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> We should make the table consistent with the Strategy if we are discussing other changes to App. C.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
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> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:52 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
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> Sent from my iPhone
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> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*
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From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:26 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Ok

Sent from my iPhone

On Nov 4, 2016, at 9:24 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> No because the revised table was included in the main body of the CS.
>
> *Jennifer Fortin-Noreus, Ph.D.*
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> *University of Montana*
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> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
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> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:23 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Are we concerned?
>
> Sent from my iPhone
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> > *University of Montana*
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> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*

Jennifer_fortin-noreus@fws.gov

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:20 AM
To: Jennifer_fortin-noreus@fws.gov
Subject: Fwd: Your phone isn't muted

More

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Thabault <michael_thabault@fws.gov>
> **Date:** November 4, 2016 at 9:18:59 AM PDT
> **To:** Jodi Bush <jodi_bush@fws.gov>
> **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
> **Subject: Re: Your phone isn't muted**
>
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> > On Nov 4, 2016, at 9:10

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Not sure it was us as we've had it muted but hopefully it's not a malfunctioning mute button.

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> Deputy Regional Director
> Mountain-Prairie Region
> U.S. Fish & Wildlife Service
> 303-236-7920

On Nov 4, 2016, at 10:02 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Sent from my iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:51:47 AM

We are good

Sent from my iPhone

On Nov 4, 2016, at 9:49 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> It's not 21 and 22 but 20 and 21 that are struck.
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> > Michael Thabault
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Ecological Services
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> > Mountain-Prairie Region
> > U.S. Fish & Wildlife Service
> > 303-236-7920
> >
> > > On Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Haven't heard anything more., prob good

Sent from my iPhone

> On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> Still?
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S. Fish & Wildlife Service
> 303-236-7920
>
> > On Nov 4,

2016,
at
10:02
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Sent
from
my
iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:50:09 AM

Yeah. I'll make sure

Sent from my iPhone

On Nov 4, 2016, at 9:37 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> It is part of the Strategy as criterion 3 as to what the objective is. It is only unclear if we don't have recalibration.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:26 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Ok
>
> Sent from my iPhone
>
> On Nov 4, 2016, at 9:24 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> > No because the revised table was included in the main body of the CS.
> >
> > *Jennifer Fortin-Noreus, Ph.D.*
> > *Postdoctoral Researcher*
> > *Grizzly Bear Recovery Program*
> > *US Fish and Wildlife Service*
> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*
> > *Jennifer_fortin-noreus@fws.gov*

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:23 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Are we concerned?

Sent from my iPhone

On Nov 4, 2016, at 9:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The State's version does not include other items from our proposal.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:20 AM
> **To:** Jennifer_fortin-noreus@fws.gov
> **Subject:** Fwd: Your phone isn't muted
>
> More
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Michael Thabault <michael_thabault@fws.gov>
> > **Date:** November 4, 2016 at 9:18:59 AM PDT
> > **To:** Jodi Bush <jodi_bush@fws.gov>
> > **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
> > **Subject: Re: Your phone isn't muted**
> >
> > Has all the language that we have advanced been included in C
> >
> > Michael Thabault

Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.
>
> Sent from my iPhone
>
> > On Nov 4, 2016, at 9:10 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> >
> > Not sure it was us as we've had it muted but hopefully it's not a malfunctioning mute button.
> >
> > Matt Hogan
> > Deputy Regional Director
> > Mountain-Prairie Region
> > U.S. Fish & Wildlife Service
> > 303-236-7920
> >
> > > On Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Haven't heard anything more., prob good

Sent from my iPhone

> On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> Still?
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S. Fish & Wildlife Service
> 303-236-7920
>
> On

Nov 4, 2016, at 10:02 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Sent from my iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:23:27 AM

Yeah.

Sent from my iPhone

On Nov 4, 2016, at 9:22 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> But they also weren't in the version we sent out.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:20 AM
> **To:** Jennifer_fortin-noreus@fws.gov
> **Subject:** Fwd: Your phone isn't muted
>
> More
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Michael Thabault <michael_thabault@fws.gov>
> > **Date:** November 4, 2016 at 9:18:59 AM PDT
> > **To:** Jodi Bush <jodi_bush@fws.gov>
> > **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
> > **Subject: Re: Your phone isn't muted**
> >
> > Has all the language that we have advanced been included in C
> >
> > Michael Thabault
> > Assistant Regional Director
> > Ecological Services
> > Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.
>
> Sent from my iPhone
>
> > On Nov 4, 2016, at 9:10 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> >
> > Not sure it was us as we've had it muted but hopefully it's not a
> > malfunctioning mute button.
> >
> > Matt Hogan
> > Deputy Regional Director
> > Mountain-Prairie Region
> > U.S. Fish & Wildlife Service
> > 303-236-7920
> >
> > > On Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
> > >
> > > Haven't heard anything more., prob good
> > >
> > > Sent from my iPhone
> > >
> > > > On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> > > >
> > > > Still?
> > > >
> > > > Matt Hogan
> > > > Deputy Regional Director

Mountain-Prairie
Region

U.S. Fish &
Wildlife Service

303-236-7920

On
Nov 4,
2016,
at
10:02
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Sent
from
my
iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 10:23:01 AM

Are we concerned?

Sent from my iPhone

On Nov 4, 2016, at 9:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The State's version does not include other items from our proposal.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:20 AM
> **To:** Jennifer_fortin-noreus@fws.gov
> **Subject:** Fwd: Your phone isn't muted
>
> More
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Michael Thabault <michael_thabault@fws.gov>
> > **Date:** November 4, 2016 at 9:18:59 AM PDT
> > **To:** Jodi Bush <jodi_bush@fws.gov>
> > **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
> > **Subject: Re: Your phone isn't muted**
> >
> > Has all the language that we have advanced been included in C
> >
> > Michael Thabault
> > Assistant Regional Director
> > Ecological Services
> > Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.
>
> Sent from my iPhone
>
> > On Nov 4, 2016, at 9:10 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> >
> > Not sure it was us as we've had it muted but hopefully it's not a
> > malfunctioning mute button.
> >
> > Matt Hogan
> > Deputy Regional Director
> > Mountain-Prairie Region
> > U.S. Fish & Wildlife Service
> > 303-236-7920
> >
> > > On Nov 4, 2016, at 10:09 AM, Jodi Bush <jodi_bush@fws.gov> wrote:
> > >
> > > Haven't heard anything more., prob good
> > >
> > > Sent from my iPhone
> > >
> > > > On Nov 4, 2016, at 9:09 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
> > > >
> > > > Still?
> > > >
> > > > Matt Hogan
> > > > Deputy Regional Director

Mountain-Prairie
Region

U.S. Fish &
Wildlife Service

303-236-7920

On
Nov 4,
2016,
at
10:02
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Sent
from
my
iPhone

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn"t muted
Date: Friday, November 04, 2016 11:06:07 AM

Can you send me what it looks like?

Sent from my iPhone

On Nov 4, 2016, at 9:58 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The mortality limit for independent females is higher in the table in App. C then the new one in the Strategy.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:57 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> And I dont understand your point
>
> Sent from my iPhone
>
> On Nov 4, 2016, at 9:55 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> > Table 1 in App. C has a separate column for a population estimate of 674 with female mortality at 7.6%.
> >
> > *Jennifer Fortin-Noreus, Ph.D.*
> > *Postdoctoral Researcher*
> > *Grizzly Bear Recovery Program*
> > *US Fish and Wildlife Service*
> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*
> > *Jennifer_fortin-noreus@fws.gov*

From: Jodi Bush [mailto:jodi_bush@fws.gov]
Sent: Friday, November 04, 2016 10:53 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Like what

Sent from my iPhone

On Nov 4, 2016, at 9:53 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> We should make the table consistent with the Strategy if we are discussing other changes to App. C.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:52 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> We are good
>
> Sent from my iPhone
>
> On Nov 4, 2016, at 9:49 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> > It's not 21 and 22 but 20 and 21 that are struck.
> >
> > *Jennifer Fortin-Noreus, Ph.D.*
> > *Postdoctoral Researcher*
> > *Grizzly Bear Recovery Program*
> > *US Fish and Wildlife Service*
> > *University of Montana*
> > *University Hall, Room 309*
> > *Missoula, MT 59812*
> > *Phone: 406.243.4903*
> > *Jennifer_fortin-noreus@fws.gov*
> >
> > **From:** Jodi Bush [mailto:jodi_bush@fws.gov]

Sent: Friday, November 04, 2016 10:26 AM
To: Jennifer Fortin-Noreus
Subject: Re: Your phone isn't muted

Ok

Sent from my iPhone

On Nov 4, 2016, at 9:24 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> No because the revised table was included in the main body of the CS.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Jodi Bush [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, November 04, 2016 10:23 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: Your phone isn't muted
>
> Are we concerned?
>
> Sent from my iPhone
>
> On Nov 4, 2016, at 9:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
>
> > The State's version does not include other items from our proposal.
> >
> > *Jennifer Fortin-Noreus, Ph.D.*
> > *Postdoctoral Researcher*

Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: Jodi Bush [mailto:jodi_bush@fws.gov]

Sent: Friday, November 04, 2016 10:20 AM
To: Jennifer_fortin-noreus@fws.gov
Subject: Fwd: Your phone isn't muted

More

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Thabault <michael_thabault@fws.gov>
>
> **Date:** November 4, 2016 at 9:18:59 AM PDT
> **To:** Jodi Bush <jodi_bush@fws.gov>
>
> **Cc:** "matt_hogan@fws.gov" <matt_hogan@fws.gov>
>
> **Subject:**

Re: Your phone isn't muted

Has all the language that we have advanced been included in C

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Nov 4, 2016, at 10:17 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

> Are you ok with that. Trying to focus on what we agree on.

Sent from my iPhone

> On Nov 4, 2016, at 9:10 AM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
> Not sure it was us as we've had it muted but hopefully it's not a malfunctioning mute button.
>
> Matt Hogan
> Deputy Regional Director
> Mountain-Prairie Region
> U.S. Fish & Wildlife

Service

303-
236-
7920

On
Nov
4,
2016,
at
10:09
AM,
Jodi
Bush
<jodi_bush@fws.gov>
wrote:

Haven't
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anything
more.,
prob
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Sent
from
my
iPhone

On
Nov
4,
2016,
at
9:09
AM,
Matt
Hogan
<matt_hogan@fws.gov>
wrote:

Still?

Matt
Hogan

Deputy
Regional

Director

Mountain-Prairie Region

U.S. Fish & Wildlife Service

303-236-7920

On Nov 4, 2016, at 10:02 AM, Jodi Bush <jodi_bush@fws.gov> wrote:

Sent from my iPhone

From:	Kasdin, Alexandra
To:	Jennifer Fortin-Noreus
Cc:	Tyson Powell; Jodi Bush; Seth Willey
Subject:	Re: [Update] Foreseeable future discussion
Date:	Friday, October 21, 2016 8:28:00 AM

I booked the conference line: (b)(5) commercial priv

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 20, 2016 at 4:54 PM, <jennifer_fortin-noreus@fws.gov> wrote:

> We would like to have a discussion on potentially defining foreseeable future in the final rule.
>
> **Foreseeable future discussion**
>
> When Tue Oct 25, 2016 3pm – 4pm Mountain Time
>
> Video call https://plus.google.com/hangouts/_/doi.gov/jennifer-fortin
>
> Who
> - jennifer_fortin-noreus@fws.gov - organizer

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: additional public comment bulleted points
Date: Friday, October 14, 2016 11:42:29 AM

That does!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Fri, Oct 14, 2016 at 11:41 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Alex,
>
> Although I am not double checking duplicates I am not repeating points that I know for sure are already included.
>
> Hope this makes sense!
>
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: adobe pro
Date: Thursday, October 06, 2016 3:24:33 PM

Oh perfect! Thanks!!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Thu, Oct 6, 2016 at 2:50 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Hi Alex,
>
> I just got off the phone with Barb Chavez, she will be in Denver helping you process comments next week and has a lot of experience with Adobe Acrobat Pro DC. I asked her to show you some of the ins and outs of it.
>
> JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasworm, Wayne
To: Jennifer Fortin-Noreus
Subject: Re: another issue
Date: Friday, October 21, 2016 8:25:31 AM

The Lacey Act of 1900 (16 U.S.C.3371–3378) is a conservation law in the United States that prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported, or sold.Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those protected by State law. Commercial guiding and outfitting are considered to be a sale under the provisions of the Act.

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Thu, Oct 20, 2016 at 3:55 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Wayne, another potential issue with a draft response that hopefully you can help finish. Please let me know if you can finish it. Thanks! Jennifer
>
> **Issue 43:** We received a public comment asking that we discuss the trade of grizzly bear parts, including the extent of trafficking in the U.S. and the state of current legislation. The commenter suggested that States pass appropriate laws making such trafficking illegal.
>
> **Response 43 (Team):** All international trade in brown bears is restricted by either CITES I (in parts of central Asia) or CITES II. All U.S. and Canadian populations are included in Appendix II. Even populations not at risk (e.g., the population in Canada) is still regulated by CITES as it is a look-alike to those populations in Appendix I (including other species of ursids). Grizzly bear harvest under Appendix II for the purpose of international trade is also

monitored via the issuance of CITES Export permits. Approved States and Tribes have procedures for placement of CITES export tags on skins (including furs and pelts) that were legally taken. The presence of a tag on a skin provides us with reasonable assurance that the skin was obtained legally and provides a basis for our legal acquisition finding. We review the information we receive annually from each State or Tribe to determine if there is a need to reevaluate our State-or Tribe-based finding or if the species needs closer monitoring. Although harvest of grizzly bears for the purpose of trade in parts for medicinal purposes still occurs to some extent despite it being prohibited, we lack information to indicate this is a meaningful threat to this or any lower 48-State grizzly bear population nor do we believe it is likely to become so within the foreseeable future. **[NOT COMPLETE]**

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: call this afternoon
Date: Tuesday, September 27, 2016 12:12:23 PM

Either works for me. I just heated up my lunch but can talk while I eat =0)

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 12:02 PM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Rebecca has to go get her DOI card at 1pm. Do you want to call before then or after? She may not come back to the office afterwards but could call in.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: call this afternoon
Date: Tuesday, September 27, 2016 12:16:51 PM

Perfect.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 12:15 PM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Great. We will give you a call when she gets back.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Tuesday, September 27, 2016 12:15 PM
>
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: call this afternoon
>
> Ok sounds good. I will be in until 4:45 or so and have nothing on my calendar for the afternoon.

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 12:13 PM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

She's decided to come back to the office afterwards so that we can get her setup on a Service laptop so we can talk then.

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
Sent: Tuesday, September 27, 2016 12:12 PM
To: Jennifer Fortin-Noreus
Subject: Re: call this afternoon

Either works for me. I just heated up my lunch but can talk while I eat =0)

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 12:02 PM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

Rebecca has to go get her DOI card at 1pm. Do you want to call before then or after? She may not come back to the office afterwards but could call in.

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: call
Date: Wednesday, October 12, 2016 9:05:39 PM

Hmmm. Never got that message. I'll be in office Thursday. Will call then. JB

Sent from my iPhone

On Oct 12, 2016, at 12:47 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I sent a message earlier this morning asking you to give me a call if you had time to talk about Appendix H. The times I said I was available were incorrect in the first email. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Wednesday, October 12, 2016 12:45 PM
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: call
>
> Where we supposed to talk? Im tied up today with Fisher. JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Wed, Oct 12, 2016 at 9:24 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:
> My meeting has been changed. I have the GYE coordination call from 11-12 and then a meeting at 2:30.
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*

US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Re: changes to the Strategy
Date: Thursday, October 13, 2016 2:23:06 PM

Did you mean to send this to Jodi? (looks like it went to me instead)

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Wed, Oct 12, 2016 at 9:07 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Jodi,
>
> Please give me a call if you have time today about Appendix H. I will be in the office until noon and then back at 2pm.
>
> Thank you,
>
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Willey, Seth [mailto:seth_willey@fws.gov]
Sent: Tuesday, October 11, 2016 4:49 PM
To: Jennifer Fortin-Noreus
Subject: Re: changes to the Strategy

Thanks! Can you call me on this (RP specifically).

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

On Mon, Oct 10, 2016 at 1:57 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Seth,

Attached is a list of changes to the Strategy. The specific language that you mentioned, "grizzly bears will not be persecuted just because they are present there" is in the recovery plan and not the proposed rule or strategy. Let me know if you have any questions.

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Matt Hogan
To: Jennifer Fortin-Noreus
Cc: Jodi Bush; Michael Thabault
Subject: Re: conservation strategy
Date: Thursday, November 10, 2016 7:02:47 PM

Ok thx.

Sent from my iPhone

On Nov 10, 2016, at 6:53 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The steering committee requested that the IGBST provide language that more accurately represents the current population trend.
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
> *University of Montana*
> *University Hall, Room 309*
> *Missoula, MT 59812*
> *Phone: 406.243.4903*
> *Jennifer_fortin-noreus@fws.gov*
>
> ---
>
> **From:** Matt Hogan [mailto:Matt_Hogan@fws.gov]
> **Sent:** Thursday, November 10, 2016 4:24 PM
> **To:** Jodi Bush; Jennifer Fortin-Noreus
> **Cc:** Michael Thabault
> **Subject:** RE: conservation strategy
>
> Just looking at document. Who edited RC#3 to replace when the pop stabilized with a relatively flat trajectory? P 47
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Thursday, November 10, 2016 4:15 PM
> **To:** Matt Hogan
> **Cc:** Michael Thabault
> **Subject:** Re: conservation strategy
>
> Jennifer is going to take a look at too and will email us if she finds anything.
>
> 2 known issues are:
>
> page 10. bullet with 500 bears. For consistency we would like the genetic stuff back in but if not that -then the whole bullet should go.
>
> page 125. The trigger section. We dropped trigger 3 because it was tied to recab and hadn't been decided on. Its something we think we need now.

thats all for now. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Nov 10, 2016 at 3:55 PM, Matt Hogan <Matt_Hogan@fws.gov> wrote:
Thanks.

From: Bush, Jodi [mailto:jodi_bush@fws.gov]
Sent: Thursday, November 10, 2016 3:53 PM
To: Matt Hogan; Thabault, Michael
Subject: Fwd: conservation strategy

Here you go.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Jennifer Fortin-Noreus** <jennifer_fortin-noreus@fws.gov>
Date: Thu, Nov 10, 2016 at 3:44 PM
Subject: conservation strategy
To: Jodi Bush <jodi_bush@fws.gov>

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov

From: Bush, Jodi
To: Loren Grosskopf
Bcc: jennifer_fortin-noreus@fws.gov
Subject: Re: deadline for delisting rule
Date: Thursday, November 10, 2016 12:15:28 PM

Thats a good question Loren. The expectation is that we will typically complete a final rule within 12 months of the proposed rule for a delisting. However, we have gone over that timeline before so its not really a drop dead date as such and there isn't anything in the Act itself which requires us to meet that timeline. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Nov 10, 2016 at 11:04 AM, Loren Grosskopf <LGrosskopf@parkcounty.us> wrote:

> Jodi
>
> Could you please remind me what the deadline is for the delisting order-can't confirm it from my notes? Since it was published in 3/11/16, is there a drop-dead date where the Service would have to "start over"?
>
> thanks
>
> Loren Grosskopf, Park County Commissioner

From: Kasworm, Wayne
To: Frank van Manen
Cc: Jennifer Fortin-Noreus
Subject: Re: followup on questions, please respond
Date: Thursday, November 03, 2016 4:41:40 PM

PROPOSED DRAFT RESPONSE - SEE ANY PROBLEMS WITH THIS?????

As it appears Frank van Manen has responded to your question about the dead bear and DNA analysis in 2014, I will only answer the remaining ones and will ask Frank to respond if I am wrong.

> **1. Also, by my math, using IGBST estimates for the population, 18 independent females was the limit last year, and 25 died. Can you please confirm that this is what you get?**
> Assuming your are referring to 2015 results (using table 18 on Page 37) of the 2015 IGBST report , I see that 25 died, but applying the 9% limit (2007 recovery criteria) to the estimate of independent females in (Table 7, page 17) which was 247 (0.09 x 247) I get a limit of 22 (22..23) females. This is over the 9% limit as I previous responded.
>
> **2. As to the reporting of the recovery plan limits and whether the IGBST reports should compare their results to the recovery plan goals?**
> I am currently in discussion with the IGBST about this issue for the next report, and why it was not included in the 2015 report. I will let you know the results of that discussion.

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Wed, Nov 2, 2016 at 3:26 PM, Louisa Willcox <wildgriz1@gmail.com> wrote:

> Dear Wayne,
>
> I am following up on correspondence I sent you a month ago, to which you have not yet responded. And I have another question that has arisen since that date.

First though, I would like to emphasize that I take such correspondence seriously. Protecting the public trust entails responding to questions from the public in a timely manner. I appreciate that you are very busy. But I feel the need to underscore the seriousness of this matter to me, so I am copying this to Matt Hogan and Director Dan Ashe. I will consider taking further steps if needed.

Here is my additional question: were the mortality thresholds for independent male grizzly bears violated in 2014? In the 2014 IGBST annual report (p. 30), authors state that the pending results of DNA analysis of one dead bear would determine whether sustainable mortality limits had been violated using the previous protocol. Although I have sent a separate email to Frank Van Manen with this question, it is FWS' job under the ESA to know whether mortality limits have been violated. (IGBST has been reporting using both current and previous protocols.) So, I assume you have an answer to this question.

I look forward to your response to this and the additional questions below.

Sincerely,

Louisa Willcox

-------- Forwarded Message --------
Subject: Fwd: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date: Wed, 2 Nov 2016 09:42:56 -0700
From: Louisa Willcox <wildgriz1@gmail.com>
To: Louisa Willcox <wildgriz1@gmail.com>

-------- Forwarded Message --------
Subject: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date: Tue, 4 Oct 2016 11:49:49 -0700
From: Louisa Willcox <wildgriz1@gmail.com>
To: wayne_kasworm@fws.gov

Hi Wayne,

Thanks for the response.

Why is the IGBST not reporting on these violations and why is FWS not making this public either? As you well know, after delisting, managers and the public need to know is there are problems meeting FWS's standards so as to make course corrections. If you don't know there are problems, how will this

occur? Will there be some new plan to release these findings by FWS, if IGBST does not do it?

Until the 2015 report, the IGBST annual reports always included a very clear chart of total mortalities and whether limits were exceeded. Why was this stopped? Since FWS is one of the most important "clients" of USGS, if FWS wanted this information in the reports, it certainly would have been included.

From what I hear from the YES discussion yesterday, the states are not planning to show this kind of data so the public can see it. While that is disturbing in its own right, it makes it especially important for FWS and IGBST to be clear.

Also, by my math, using IGBST estimates for the population, 18 independent females was the limit last year, and 25 died. Can you please confirm that this is what you get?

This is not a subtle violation.

I look forward to hearing from you,

Sincerely,

Louisa

On 9/30/2016 1:46 PM, wayne_kasworm@fws.gov wrote:

> Under the 2007 supplement to the recovery plan for Yellowstone, the independent female mortality limit is 9%, the independent male mortality limit is 15%, and the dependent young mortality limit is 9%. The IGBST Yellowstone report for 2015 indicates that independent female mortality was 10.1%, independent males was 13% and dependent young was 5.8%. Therefore independent female mortality exceeded the limit in 2015, but independent males and dependent young did not exceed the limits.
>
> Wayne Kasworm
> US Fish and Wildlife Service
> 385 Fish Hatchery Road
> Libby, MT. 59923
> 406.293.4161. ext 205
>
> From: Louisa Willcox
> Sent: Thursday, September 29, 3:10 PM
> Subject: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
> To: Wayne Kasworm, Matt Hogan, FWS, jennifer.fortin-noreus@umontana.edu

Dear Wayne, Jennifer and Matt, I am not sure who to direct this question to, so am sending it to all of you. Using the methods for assessing the population that are presently in place, were limits on annual Yellowstone grizzly bear mortality violated in 2015? Can you explain which cohort, and the degree of the violation? I would appreciate a prompt response to this request. Sincerely, Louisa Willcox Grizzly Times

From:	van Manen, Frank
To:	Kasworm, Wayne
Cc:	Jennifer Fortin-Noreus
Subject:	Re: followup on questions, please respond
Date:	Wednesday, November 02, 2016 5:00:23 PM

Hi Wayne,

I got the same inquiry and I will reply and copy you; I need to doublecheck 1 item with Mark before I do so. "Pleasant" side note is that Louisa finds it necessary to copy the USGS director and my regional director on the email! Supposedly because I had not answered a set of questions from her back in August, which is incorrect as I did answer her on Sep 7 (and fortunately have proof of it).

Frank

On Wed, Nov 2, 2016 at 4:12 PM, Kasworm, Wayne <wayne_kasworm@fws.gov> wrote:

> Frank,
>
> So Ms Wilcox is asking more questions and some that I did not get around to responding. So I guess I am asking for a little help on the numbers here (Two questions below in red). Also I would like to know a bit more why USGS is not indicating whether the recovery goals are being met or not in your reporting? We might want to put this on the study team meeting agenda if you feel it necessary. It seems like a minor issue to me to just report the relationship of the demographic data to the existing recovery criteria. I do it in the CY and Selkirks. We may want to consider ccing each other on these types of responses to Ms Wilcox to assure that our answers align.
>
> Thanks for any help.
>
> Wayne
>
> Wayne Kasworm
> US Fish and Wildlife Service
> 385 Fish Hatchery Road
> Libby, MT 59923
>
> TEL 406.293.4161 ext 205
> FAX 406.293.6338
> Wayne_Kasworm@fws.gov
>
> Reports found at:
> http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
> or
> http://www.igbconline.org/index.php/scy-reports
>
> ---------- Forwarded message ----------
> From: **Louisa Willcox** <wildgriz1@gmail.com>

Date: Wed, Nov 2, 2016 at 3:26 PM
Subject: followup on questions, please respond
To: Wayne_Kasworm@fws.gov, matt_hogan@fws.gov, dan_ashe@fws.gov

Dear Wayne,

I am following up on correspondence I sent you a month ago, to which you have not yet responded. And I have another question that has arisen since that date.

First though, I would like to emphasize that I take such correspondence seriously. Protecting the public trust entails responding to questions from the public in a timely manner. I appreciate that you are very busy. But I feel the need to underscore the seriousness of this matter to me, so I am copying this to Matt Hogan and Director Dan Ashe. I will consider taking further steps if needed.

Here is my additional question: were the mortality thresholds for independent male grizzly bears violated in 2014? In the 2014 IGBST annual report (p. 30), authors state that the pending results of DNA analysis of one dead bear would determine whether sustainable mortality limits had been violated using the previous protocol. Although I have sent a separate email to Frank Van Manen with this question, it is FWS' job under the ESA to know whether mortality limits have been violated. (IGBST has been reporting using both current and previous protocols.) So, I assume you have an answer to this question.

I look forward to your response to this and the additional questions below.

Sincerely,

Louisa Willcox

-------- Forwarded Message --------
Subject: Fwd: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date: Wed, 2 Nov 2016 09:42:56 -0700
From: Louisa Willcox <wildgriz1@gmail.com>
To: Louisa Willcox <wildgriz1@gmail.com>

-------- Forwarded Message --------
Subject: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date: Tue, 4 Oct 2016 11:49:49 -0700
From: Louisa Willcox <wildgriz1@gmail.com>
To: wayne_kasworm@fws.gov

Hi Wayne,

Thanks for the response.

Why is the IGBST not reporting on these violations and why is FWS not making this public either? As you well know, after delisting, managers and the public need to know is there are problems meeting FWS's standards so as to make course corrections. If you don't know there are problems, how will this occur? Will there be some new plan to release these findings by FWS, if IGBST does not do it?

Until the 2015 report, the IGBST annual reports always included a very clear chart of total mortalities and whether limits were exceeded. Why was this stopped? Since FWS is one of the most important "clients" of USGS, if FWS wanted this information in the reports, it certainly would have been included.

From what I hear from the YES discussion yesterday, the states are not planning to show this kind of data so the public can see it. While that is disturbing in its own right, it makes it especially important for FWS and IGBST to be clear.

Also, by my math, using IGBST estimates for the population, 18 independent females was the limit last year, and 25 died. Can you please confirm that this is what you get?

This is not a subtle violation.

I look forward to hearing from you,

Sincerely,

Louisa

On 9/30/2016 1:46 PM, wayne_kasworm@fws.gov wrote:

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independent female mortality exceeded the limit in 2015, but independent males and dependent young did not exceed the limits.

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT. 59923
406.293.4161. ext 205

From: Louisa Willcox
Sent: Thursday, September 29, 3:10 PM
Subject: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
To: Wayne Kasworm, Matt Hogan, FWS, jennifer.fortin-noreus@umontana.edu

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From: van Manen, Frank
To: Kasworm, Wayne
Cc: Jennifer Fortin-Noreus
Subject: Re: followup on questions, please respond
Date: Thursday, November 03, 2016 5:39:34 PM

Hi Wayne,

Your response under no. 1 is accurate; of course, Louisa's number of 18 independent females as the mortality limit is based on the 7.6% threshold and I wonder if you should mention that as well? In other words, both the 2007 recovery criteria and "updated" mortality thresholds are exceeded (this is why we presented the *mortality rate* only, as we did not want to make any assumptions about which mortality thresholds we are actually operating under).

Regarding No. 2, I suggest we put this on the agenda for the Study Team meeting in Cody.

All the best,

Frank

On Thu, Nov 3, 2016 at 4:41 PM, Kasworm, Wayne <wayne_kasworm@fws.gov> wrote:

> PROPOSED DRAFT RESPONSE - SEE ANY PROBLEMS WITH THIS?????
>
> As it appears Frank van Manen has responded to your question about the dead bear and DNA analysis in 2014, I will only answer the remaining ones and will ask Frank to respond if I am wrong.
>
> **1. Also, by my math, using IGBST estimates for the population, 18 independent females was the limit last year, and 25 died. Can you please confirm that this is what you get?**
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> I am currently in discussion with the IGBST about this issue for the next report, and why it was not included in the 2015 report. I will let you know the results of that discussion.
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> Wayne_Kasworm@fws.gov
>
> Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
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>
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>
> I look forward to your response to this and the additional questions below.
>
> Sincerely,
>
> Louisa Willcox
>
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> **Date:** Wed, 2 Nov 2016 09:42:56 -0700
> **From:** Louisa Willcox <wildgriz1@gmail.com>
> **To:** Louisa Willcox <wildgriz1@gmail.com>
>
> ---

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Subject: Re: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
Date: Tue, 4 Oct 2016 11:49:49 -0700
From: Louisa Willcox <wildgriz1@gmail.com>
To: wayne_kasworm@fws.gov

Hi Wayne,

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Sincerely,

Louisa

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independent males was 13% and dependent young was 5.8%. Therefore independent female mortality exceeded the limit in 2015, but independent males and dependent young did not exceed the limits.

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT. 59923
406.293.4161. ext 205

From: Louisa Willcox
Sent: Thursday, September 29, 3:10 PM
Subject: Question: Violation of Grizzly Bear Mortality Thresholds in 2015
To: Wayne Kasworm, Matt Hogan, FWS, jennifer.fortin-noreus@umontana.edu

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From:	Matt Hogan
To:	Willey, Seth
Cc:	Jodi Bush; Thabault, Michael; Jennifer Fortin-Noreus; Kasdin, Alexandra
Subject:	Re: grizz - 9th circuit quote on relisting
Date:	Monday, November 07, 2016 8:30:23 AM

Thanks Seth.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

On Nov 7, 2016, at 8:06 AM, Willey, Seth <seth_willey@fws.gov> wrote:

> pg 26 of the 2011, 9th circuit grizz delisting opinion (attached).
>
> "First of all, we reject out of hand any suggestion that the future possibility of relisting a species can operate as a reasonable justification for delisting. Whatever comfort may be taken in relisting as a safety net, it is no answer to conclude that a species is not threatened simply because it can be relisted if it is threatened."
>
> **********
> Seth L. Willey
> Branch Chief for Classification and Recovery
> Mountain-Prairie Region, USFWS
> Seth_Willey@fws.gov
> 303-236-4257
> **********
>
> <Ninth Cir. Grizzly.Opinion.pdf>

From: Willey, Seth
To: Jennifer Fortin-Noreus
Cc: Shoemaker, Rebecca; Alexandra Kasdin
Subject: Re: grizzly bear citation help
Date: Wednesday, October 05, 2016 10:04:47 AM

Thank you. I think adding the citation is addressing it, so, I don't think we need to keep it in (besides we have these emails too). I really want to start getting the comments and responses closer and closer to final shape for publication. This editing should be happening now, as we go.

Thanks,
Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Wed, Oct 5, 2016 at 9:36 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Will do. Should we leave it in the comments and response section for now so we have a draft that shows we addressed all issues? I know that we will narrow the comments and response section before publication.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*

Jennifer_fortin-noreus@fws.gov

From: Willey, Seth [mailto:seth_willey@fws.gov]
Sent: Wednesday, October 05, 2016 9:29 AM
To: Shoemaker, Rebecca; Alexandra Kasdin
Cc: Wayne Kasworm; Jennifer Fortin-Noreus
Subject: Re: grizzly bear citation help

Jennifer, if you could please add this to the rule, we will delete issue 35 from the comments and response section. OK?

Thanks,

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

On Wed, Oct 5, 2016 at 7:10 AM, Shoemaker, Rebecca <rebecca_shoemaker@fws.gov> wrote:

From the 2007 rule: Excessive human-caused mortality is one of the major contributing factors to grizzly bear decline during the nineteenth and twentieth centuries (Leopold 1967, p. 30; Koford 1969, p. 95; Servheen 1990, p. 1; Servheen 1999, pp. 50-52; Mattson and Merrill 2002, pp. 1129, 1132; Schwartz et al. 2003b, p. 571).

On Tue, Oct 4, 2016 at 5:00 PM, Willey, Seth <seth_willey@fws.gov> wrote:

Wayne, or others,

Any suggested citation for this sentence?

ISSUE 35: One peer reviewer requested citations to justify our statement that “the primary factor affecting grizzly bears at both the individual and population level is excessive human-caused mortality.”

Seems if we add this citation (or a series of citations) to the rule itself (revising the sentence if necessary), this issue goes away.

Thanks,

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: highly substantive comments
Date: Tuesday, October 18, 2016 12:13:17 PM

---

great!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Oct 18, 2016 at 11:35 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> You're CD arrived! Thank you!
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: issue 46
Date: Tuesday, September 27, 2016 10:26:44 AM

Awesome. I have made it to Issue 68 in my copy-paste exercise and I am working on it as we speak. Once I finish the first round of doing this for the comments assigned to me, I will do this for the comments assigned to Seth and Marj (unless you think that won't be helpful at this point). Then I can go back through a third time and draft responses to the remaining bullets for any issues that you want to pass on to me/the RO (I am thinking this might be the case with the Adequate Regulatory Mechanisms issues). Let me know if you think any of this will be counter-productive!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 10:23 AM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Rebecca and I were working on the issues and decided to give issue 46 to the study team. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Willey, Seth
To: Jennifer Fortin-Noreus
Cc: Alexandra Kasdin; Tyson Powell
Subject: Re: issue 74
Date: Friday, October 28, 2016 10:58:29 AM

Can you add this? Not sure if its better to weave this stuff into the existing text or create a new sentence or two. Seems are might know what's best.

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Thu, Oct 27, 2016 at 1:58 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Only one suggestion – add sentence or two about the ongoing monitoring that the IGBST will conduct in the final paragraph.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Willey, Seth [mailto:seth_willey@fws.gov]
> **Sent:** Wednesday, October 26, 2016 3:50 PM
> **To:** Kasdin, Alexandra; Powell, Tyson; Jennifer Fortin-Noreus
> **Subject:** issue 74

I think this is consistent with what we discussed. Added to the google doc. Please revise there as necessary.

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Cc: Seth Willey; Tyson Powell
Subject: Re: issue 74
Date: Monday, October 31, 2016 3:44:36 PM

Thanks Jennifer!

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Mon, Oct 31, 2016 at 3:40 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I wove it in where I thought appropriate. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
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> *University Hall, Room 309*
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> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Willey, Seth [mailto:seth_willey@fws.gov]
> **Sent:** Friday, October 28, 2016 10:58 AM
> **To:** Jennifer Fortin-Noreus
> **Cc:** Alexandra Kasdin; Tyson Powell
> **Subject:** Re: issue 74
>
> Can you add this? Not sure if its better to weave this stuff into the existing text or create a new sentence or two. Seems are might know what's best.

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

On Thu, Oct 27, 2016 at 1:58 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Only one suggestion – add sentence or two about the ongoing monitoring that the IGBST will conduct in the final paragraph.

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

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University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Willey, Seth [mailto:seth_willey@fws.gov]
Sent: Wednesday, October 26, 2016 3:50 PM
To: Kasdin, Alexandra; Powell, Tyson; Jennifer Fortin-Noreus
Subject: issue 74

I think this is consistent with what we discussed. Added to the google doc. Please revise there as necessary.

Seth

****

Seth L. Willey

Branch Chief for Classification and Recovery

Mountain-Prairie Region, USFWS

Seth_Willey@fws.gov

303-236-4257

****

From: Willey, Seth
To: Kasdin, Alexandra
Cc: Jennifer Fortin-Noreus
Subject: Re: issue 75 revisions
Date: Thursday, October 27, 2016 10:06:14 AM

Issue 75 woven into issue / responses 72 and 74. Thus, 75 deleted as a stand alone issue.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Thu, Oct 27, 2016 at 8:25 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> I have noted in the spreadsheet that the response to 75 is drafted.
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> On Wed, Oct 26, 2016 at 5:08 PM, Willey, Seth <seth_willey@fws.gov> wrote:
>
> > I think 72 has it covered - although I may tweak a bit to be sure. Therefore, I propose delisting #75 as addressed.
> >
> > Seth
> >
> > **********
> > Seth L. Willey
> > Branch Chief for Classification and Recovery
> > Mountain-Prairie Region, USFWS
> > Seth_Willey@fws.gov
> > 303-236-4257
> > **********
> >
> > On Wed, Oct 26, 2016 at 4:23 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:
> >
> > > In regard to your last point, we have a phrase basically to that in effect in the summary for Issue 72 right now.
> > >
> > > Alex Kasdin
> > > Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Oct 26, 2016 at 4:16 PM, Willey, Seth <seth_willey@fws.gov> wrote:

Issue 75: A few commenters requested additional clarity in the Conservation Strategy.

- One commenter asked us to explicitly note that the Conservation Strategy's preamble is subject to change given the availability of new research. **moved to issue 74.**
-
- This commenter also asked us to always refer to the Conservation Strategy as the "2016 Conservation Strategy," to clearly distinguish it from any past and future versions. **Suggest just making this change - which would make explicitly calling it out unnecessary.**
- Another commenter asked that we "clarify that the Conservation Strategy is a cooperative agreement and that the Service's role is not to oversee management but [rather to] evaluate the five factors under the ESA should it be necessary." Considering rephrasing to something like "One commenter requested that we clarify what the Service's role is after delisting."

****

Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257

- **********

From: Willey, Seth
To: Jennifer Fortin-Noreus
Cc: Alexandra Kasdin
Subject: Re: issue 76
Date: Tuesday, October 11, 2016 5:00:07 PM

Personally, I would keep this one. But your call.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

On Mon, Oct 10, 2016 at 9:32 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Seth,
>
> Below is the summary and response to issue 76. Because all of the response has been added to the body of the strategy and the rule can we delete the issue from the list to include in the final rule?
>
> Thanks,
>
> Jennifer
>
> **Issue 76:** One commenter expressed concern that we do not discuss the Bureau of Land Management's (BLM) sensitive species program in the proposed rule. This commenter wanted us to describe "how grizzly bears will be classified for planning and management purposes on BLM lands post-delisting."
>
> **Response 76:** Upon delisting of the GYE grizzly bear, they will be added classified as a sensitive species by the Bureau of Land Management for at least 5 years. Twenty-two percent of suitable habitat outside of the PCA is managed by the BLM. This information has been added to both the rule (*see* Factors A and D) and the Conservation Strategy (*see* Chapters 3 and 6).
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasworm, Wayne
To: Jennifer Fortin-Noreus
Subject: Re: issue responses
Date: Saturday, October 22, 2016 11:31:27 AM

Jennifer,

I can only comment on this from my personal experience here and this would be largely unsupported except by personal communication. Instead I pulled this from the 5 year review and wonder in some of this might be useful. Probably just the first 3 paragraphs and the last paragraph may be useful here, but I left the middle stuff in to see if some of the state specific stuff should be kept.

Public Support for Grizzly Bear Recovery. The 1975 listing identified human attitudes toward grizzly bears as the cause of "a continual loss of animals through indiscriminate illegal killing" (40 FR 31734, July 28, 1975). Public support is paramount to any successful large carnivore conservation program (Servheen 1998; Alberta GBRT 2008). Historically, human attitudes played a primary role in grizzly bear population declines through excessive human-caused mortality. Through government-endorsed eradication programs and perceived threats to human life and economic livelihood, humans settling the West were able to effectively eliminate most known grizzly populations after only 100 years of westward expansion. Today, human attitudes still play a pivotal role in grizzly bear conservation with mortalities related to malicious killing. Overall, we have seen an improvement in public perceptions and attitudes toward grizzly bears in the last several decades. The same government that once financially supported active extermination of the bear now uses its resources to protect the great symbol of American wildness. This change in government policy and practice is a product of changing public attitudes about the grizzly bear. Although attitudes about grizzlies vary geographically and demographically, there has been a widespread increase in positive attitudes toward the grizzly bear and its conservation, even among traditionally conflict-related communities, like the ranching industry (Kellert et al. 1996). A survey of public attitudes in northwest Montana in 2007 found that athough 54% of respondents believed that grizzly bears can be dangerous to humans, more than 70% indicated that grizzly bears belong in the CYE and should be preserved as a symbol of our national heritage (Canepa et al. 2008). Similar surveys in the North Cascades in 2002 indicated that 76% of respondents supported grizzly bear recovery (Davis and Morgan 2005). Grizzly bear/human conflicts often lead to grizzly bear mortalities, either legally in self defense or a management removal or illegally through vandal killing. Effective I&E programs increase public understanding of grizzly bear biology, behavior, and recovery efforts which in turn reduces grizzly bear/human conflicts and grizzly bear mortalities while increasing human safety.

Public outreach presents a unique opportunity to effectively integrate human dimensions of wildlife management into comprehensive programs that can modify societal beliefs about, perceptions of, and behaviors toward grizzly bears. Attitudes toward wildlife are shaped by numerous factors including basic wildlife values, biological and ecological understanding of species, perceptions of individual species, and specific interactions or experiences with species (Kellert 1994; Kellert et al. 1996).

The I&E programs teach visitors and residents about grizzly bear biology, ecology, and behavior which enhances appreciation for this large predator by dispelling myths about its

temperament and feeding habits. Effective I&E programs have been an essential factor contributing to grizzly bear conservation since its listing in 1975. Being aware of specific values
common to certain user groups allows I&E materials and workshops to be tailored to their specific concerns and perceptions. By providing general information to visitors and targeting specific user groups living and working in grizzly country, coexistence between grizzly bears and humans can be accomplished. Traditionally, people involved in resource extraction industries (i.e., timber harvest, mining, ranching, and hunting) are the largest opponents to land-use restrictions which place the needs of the grizzly bear above human needs (Kellert 1994; Kellert et al. 1996). Surveys of these user groups have shown that they tolerate large predators when they are not seen as direct threats to their economic stability or personal freedoms
(Kellert et al. 1996).

State wildlife agencies recognize that the key to preventing grizzly bear/human conflicts is providing I&E to the public and connecting the public with the right resources to prevent conflicts (Dood et al. 2006; Wakkinen et al. 2009). This outreach is the most effective long-term solution to grizzly bear/human conflicts and is paramount to ongoing grizzly bear survival and successful coexistence with humans so that the measures of the ESA are no longer necessary. All four affected States wildlife agencies (MFWP, WGFD, IDFG, and WDFW) and associated partners (e.g., Grizzly Bear Outreach Project) have been actively involved in I&E outreach for over a decade. In addition, the grizzly bear management plans developed by MFWP, WGFD, and IDFG contain chapters detailing efforts to continue current programs and expand them when possible. Since 1993, MFWP has implemented countless public outreach efforts to minimize bear/human conflicts including: presentations to schools, colleges, civic and sportsmen's groups; interviews with newspaper, radio, and TV reporters; Statewide newspaper features; press releases; radio reports; MFWP website devoted to bear identification; Public Information Plan designed by Conservation/Education Division in reaching public; video entitled "Bears and Bees," advising beekeepers about avoiding conflicts with bears; information on electric fencing to keep bears out of orchards, garbage, grain storage and bee yards; meetings with homeowner groups on sanitation, bear-proof containers at Whitefish; bear-proof enclosure fences for garbage containment; day-to-day public contacts by MFWP personnel during conflict situations with bears; design and production of several brochures ("Living with Grizzlies," "Who's Who? - Know Your Bear," "Bears," "Be Bear Aware – for children"); "Bear Hunters - Know Your Target!" wallet cards; internal education and training; and bumper stickers reading "A Fed Bear is a Dead Bear" (Dood et al. 2006). The WGFD created a formal human/grizzly bear conflict management program in July 1990 and has coordinated an extensive I&E program since then. Accomplishments include: installation of electric fences around
numerous apiaries; distribution of over 250 bear-resistant garbage cans and 30 dumpsters to hundreds of private property owners; installation of food storage boxes and meat poles in many camp sites on public land; establishment of "Living in Bear Country" workshops; production of nearly 40 public service announcements and 28 news releases promoting techniques to co-exist with bears; incorporation of grizzly bear encounter management as a core subject in basic hunter education courses; implementation of annual bear encounter training for outfitters and guides; and mailing information about how to avoid conflicts and behave in encounters to all limited quota big game licenses holders hunting in occupied grizzly bear habitat. The IDFG also organizes and implements extensive I&E programs and workshops focused on private and public lands within grizzly bear habitat. The goal of the IDFG Grizzly Bear Enforcement and Education Project is to reduce human-caused mortalities

of grizzly bears in the SE and CYE areas in Idaho, assisting with the recovery and ultimately the delisting of grizzly bears as a threatened species. Extensive field patrols are conducted throughout the spring, summer, and fall. Field contacts serve to educate all user groups on grizzly bear identification, natural history, and conflict avoidance strategies. Field patrols act as an enforcement deterrent, help prevent and detect road closure violations, and permit the collection of information that might prove useful in solving illegal grizzly bear killings. Field contacts also build a one-on-one relationship with people using grizzly bear habitat, provide information on human activities
within the recovery zone, and help to gather information on human-grizzly bear encounters. A comprehensive educational program is conducted during the winter months to teach grizzly bear biology, identification, and methods for coexisting with bears. The Grizzly Bear Outreach Project began in Okanogan County, Washington in 2002, expanded to serve all counties within the NCASC by 2007, and expanded into the SE by 2010. The Project's mission to promote an accurate understanding of grizzly bears and their recovery in these ecosystems is achieved through community education and involvement. To date, the Project has held more than 800 meetings; given 198 presentations; begun a Bear Smart Program to prevent bear/human conflicts; distributed over 2,000 posters, 3,000 fact sheets, 2,000 bear identification sheets, and 65,000 informational brochures; been featured in 78 press articles; created and distributed 2 radio public service announcements; and conducted multiple public knowledge and attitude surveys to hone their outreach efforts.

Compensating ranchers for losses caused by grizzly bears is another approach to build support for coexistence between livestock operators and grizzly bears. In cases of grizzly bear livestock depredation that have been verified by USDA Animal and Plant Health Inspection Service-Wildlife Services, IDFG, or MFWP, affected livestock owners are compensated. Since 1997, compensation in Montana and Idaho has been provided primarily by Defenders of Wildlife. The Defenders of Wildlife's Grizzly Bear Compensation Trust has paid $184,681 to livestock operators within the NCDE and CYE for confirmed and probable livestock losses to grizzly bears (Proctor 2009). The MFWP will continue to rely on Defenders of Wildlife to compensate livestock operators for losses due to grizzly bears while MFWP focuses on preventing such conflicts. In Wyoming, compensation has always been paid directly by the State. If grizzlies were delisted in the GYA, both Idaho and Wyoming's grizzly bear management plans provide for State funding of compensation programs (Idaho's Grizzly Bear Delisting Advisory Team 2002; WGFD 2005). Despite these compensation efforts, some ranching interests continue to resent grizzly bears (and predators in general) due to the perception that many of their livestock losses are not compensated because they cannot be quantified or investigated quickly enough to determine a cause of death.

Ultimately, the future of the grizzly bear will be based on the people who live, work, and recreate in grizzly habitat and the willingness and ability of these people to learn to coexist with the grizzly and to accept this animal as a cohabitant of the land. Other management strategies are unlikely to succeed without effective and innovative public I&E programs. The primary goals of public outreach programs are to proactively address grizzly/human conflicts by educating the public about the root causes of these conflicts and providing options to prevent them. By increasing awareness about grizzly bear behavior and biology, we hope to enhance public involvement and appreciation of the grizzly bear.

Wayne

Wayne Kasworm

US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Thu, Oct 20, 2016 at 3:14 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Wayne, Do you have time to respond to this issue from our public comments for the GYE proposed rule?
>
> **Issue 61:** We received a public comment stating that social acceptance of grizzly bears will not improve if we allow more discretion in bear management; instead, the commenter suggested that increased acceptance will come from rigid enforcement of laws and expanded tourism.
>
> Thanks!
>
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
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> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: issue summaries
Date: Wednesday, October 19, 2016 10:00:51 AM

Oh I am so sorry to hear about Mark's father. We will reconnect with them next week and make whatever progress we can.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Wed, Oct 19, 2016 at 9:57 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Unfortunately we will not be getting much help from the Study Team on issue responses for the next week. Frank is out on vacation until next Wednesday and Mark's father passed away yesterday so he is also out for a bit.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
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> *University Hall, Room 309*
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> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Wednesday, October 19, 2016 9:52 AM
>
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: issue summaries

Right, sounds good! I will call your cell if I have questions tomorrow. Hoping to make some good progress on my bullets by the end of the week. We'll see...

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Wed, Oct 19, 2016 at 9:51 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Sounds good. Glad you are feeling better.

I am making slow but steady progress on the highly substantive comments.

Reminder that I'll be working from home as possible tomorrow morning and all day Friday. My son doesn't have school because of parent teacher conferences.

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
Sent: Wednesday, October 19, 2016 8:44 AM
To: Jennifer Fortin-Noreus
Subject: Re: issue summaries

Trina finished reading, highlighting, and annotating the public hearings transcripts. I will include those in my new issue summary bullets (so my bullets will have the outputs from DiscoverText and the hearings).

I am back in the office today so you can call my office line if you need anything!

Alex

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Oct 18, 2016 at 9:08 AM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

Very true, Jennifer! Let's definitely keep track of where that is happening so we can easily find and update.

Still home and feeling kind of yucky but I am online if you need anything.

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Oct 18, 2016 at 9:06 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Alex,

I suppose now that several commenters have reiterated what peer reviewers have said we will have to change the issue summaries to reflect this where appropriate, which I am more than happy to do once done reading. Sending you this note just so we make sure it's on both of our to-do lists.

Thanks! Hope you're feeling better!

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Baker, Serena
To: Fortin-Noreus, Jennifer
Cc: Seth Willey; Jodi Bush; Anna Muñoz; Roya Mogadam
Subject: Re: media inquiry
Date: Monday, October 31, 2016 2:28:18 PM
Attachments: image005.png

Thanks, Jennifer!

I called Penny back. She came to our public meeting in Cody.

There is some confusion. Some people are thinking that at the November Yellowstone Ecosystem Subcommittee meeting the presentation of the final Conservation Strategy is also a decision by the U.S. Fish and Wildlife Service on whether or not to delist Yellowstone grizzly bears.

I explained it is not and the goal of the FWS is to have a decision regarding delisting around the end of the calendar year.

Thanks again, and keep up the great work on all the comments! :)

Serena Baker
Public Affairs Specialist
U.S. Fish & Wildlife Service
Mountain-Prairie Region 6
134 Union Boulevard, Suite 400
Lakewood, CO 80228
Desk: 303.236.4588
Cell: 720.391.6583
Serena_Baker@fws.gov



On Mon, Oct 31, 2016 at 11:50 AM, Fortin-Noreus, Jennifer <jennifer_fortin-noreus@fws.gov> wrote:

> Serena,
>
> We received a message from Penny Preston who heard that delisting may not move forward because of timing issues. Would you please give her a call at 307-272-0200 or 307-586-2346?
>
> Thank you,
>
> Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Shoemaker, Rebecca
To: Jennifer Fortin-Noreus
Subject: Re: need more info.
Date: Wednesday, October 05, 2016 2:30:45 PM

---

sigh. ok thanks!

On Wed, Oct 5, 2016 at 2:15 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> The comment "the presence of 500 development sites on the 5 National Forests" is a concern about habitat management outside of the PCA but within the DMA. The comment about "increased development on lands surrounding national parks" is not specific if it's on federal versus private lands. This was from peer reviewer #4 (and repeated by some public commenters) and is in the same sentence that suggests we consider "reliance on occupation of a highly geologically unstable area."
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Shoemaker, Rebecca [mailto:rebecca_shoemaker@fws.gov]
> **Sent:** Wednesday, October 05, 2016 8:27 AM
> **To:** Jennifer Fortin-Noreus
> **Subject:** need more info.
>
> Hey Jennifer,
>
> Issue 23 says "increased development on lands surrounding national parks should be considered" and "the presence of 500 development sites on the 5 National Forests should be addressed"

I'm trying to figure out if they're talking about d-sites on public lands inside the PCA or the 500 d-sites in suitable habitat outside the PCA OR if they're talking about private land development.

thanks!

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Re: public comment processing
Date: Tuesday, September 27, 2016 10:14:18 AM

I understand. I am here to help in any way I can so we can meet these deadlines. Please do not be shy about telling me and/or Seth when you think there's an inefficiency or when you think the RO needs to take on more work. I will do what I can to address the concern! I am taking note of all the suggestions about how to more effectively instruct the coders. And I will keep thinking about how to better organize/reduce redundancy in the DiscoverText outputs.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 10:10 AM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

> Thank you! Rebecca and I are just extremely concerned about meeting the timeline.
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*
>
> **From:** Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
> **Sent:** Tuesday, September 27, 2016 10:10 AM
>
> **To:** Jennifer Fortin-Noreus
> **Subject:** Re: public comment processing

Yeah, that will not be ok this time around. I will try to give clearer instructions!

Perhaps I will use that one as an example of dos and don'ts. We will do our best!

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Tue, Sep 27, 2016 at 10:07 AM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

Definitely need to make sure this time around. This is an example of “trigger text” that was in one cell:

As a hunter and wildlife photographer, retired conservation officer, and regional habitat manager for the South Dakota Department of Game Fish and Parks, I feel that available scientific data indicates that the Greater Yellowstone Ecosystem(GYE) population of grizzly bears (Ursus arctos horribilis) has recovered and no longer meets the definition of an endangered or threatened species underthe Endangered Species Act, as amended (Act). The United States Fish and Wildlife Service (Service) has also proposed to identify the GYE grizzly bear population as a distinctpopulation segment (DPS). Therefore, the Service proposes to revise the List of Endangered and Threatened Wildlife, under the authority of the Act, by removing the GYE population. The Service has determined that the GYE grizzly bearpopulation has increased in size and more than tripled its occupied range since being listed as threatened under the Actin 1975 and that threats to the population are sufficiently minimized. Grizzlies in the Lower 48, of which the Yellowstone population is the second largest (next to the Northern Continental DivideEcosystem in Montana at 1,000 - also likely to be proposed for delisting), have more than doubled their range to 22,500 squaremiles, an area larger than the states of New Hampshire, Massachusetts and Rhode Island combined. Grizzlies again roam from the Tetons south of Yellowstone up through northwestern Montana and a good part of Idaho,to the Canadian border. Existing state management plans will protect Yellowstone grizzly bears and will allow them to connect to other grizzlypopulations if they are delisted now. Wyoming, Montana, and Idaho, the three states where Yellowstone grizzly bears

live,plan to jointly manage Idaho, Montana and Wyoming have a joint plan adjusting hunting if the population falls below 675 and will halt huntingaltogether if the number drops to 600. NGO's should be celebrating the delisting and not challenging because of the support from hunters, state and federalwildlife agencies for the work that they have done to restore this population. I fully support delisting this GYE population of grizzly bears.Great job USFWS!

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasdin, Alexandra [mailto:alexandra_kasdin@fws.gov]
Sent: Tuesday, September 27, 2016 9:05 AM
To: Jennifer Fortin-Noreus
Subject: Re: public comment processing

Hmmm, that should not be the case. What I intended (and what I will try to make sure happens this time around) is that any highly substantive comments are not annotated at all (thus do not make it onto the Excel spreadsheet) and are just sent straight to you for reading/processing.

Alex

Alex Kasdin

Princeton University SINSI Fellow

Ecological Services, Mountain-Prairie Regional Office

134 Union Boulevard

Lakewood, CO 80228

Phone: (303) 236-4217

On Mon, Sep 26, 2016 at 8:46 PM, Jennifer Fortin-Noreus <Jennifer_fortin-noreus@fws.gov> wrote:

Another comment on the public comments. It is apparent from the comments that were included in the excel file that highly substantive comments were included in the coding that occurred there in the RO and therefore are being triple-read, twice by me and once by someone there. JF

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From:	Bagbonon, Michel
To:	Kasdin, Alexandra
Cc:	Jennifer Fortin-Noreus; Seth Willey
Subject:	Re: request for extension of the public comment reopener
Date:	Monday, October 03, 2016 2:29:25 PM

Hello Alexandra

Request has been processed.

Michel

On Mon, Oct 3, 2016 at 4:05 PM, Kasdin, Alexandra <alexandra_kasdin@fws.gov> wrote:

> Hi Michel,
>
> Coul you upload the attached comment to regulations.gov in the grizzly bear docket?
>
> Thanks!
>
> Alex Kasdin
> Princeton University SINSI Fellow
> Ecological Services, Mountain-Prairie Regional Office
> 134 Union Boulevard
> Lakewood, CO 80228
> Phone: (303) 236-4217
>
> ---------- Forwarded message ----------
> From: **Jennifer Fortin-Noreus** <Jennifer_fortin-noreus@fws.gov>
> Date: Tue, Sep 20, 2016 at 4:00 PM
> Subject: request for extension of the public comment reopener
> To: Seth Willey <seth_willey@fws.gov>, Alexandra Kasdin <alexandra_kasdin@fws.gov>
> Cc: Wayne Kasworm <wayne_kasworm@fws.gov>
>
> Hi all,
>
> Attached is a letter that we received from the Humane Society of the US requesting that we extend the reopening of the public comment period by 60 days. Is Nathan available to draft a response to this?
>
> Thanks!
>
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*

Grizzly Bear Recovery Program

US Fish and Wildlife Service

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University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

--

Michel Bagbonon
Division of Policy Performance and Management Programs (PPM)
U.S Fish and Wildlife Service
5275 Leesburg Pike M/S:BPHC
Falls Church, VA 22041-3803
Telephone: 703-358-1851
Fax: 703-358-1981

From: Matt Hogan
To: Bush, Jodi
Cc: Michael Thabault; Willey, Seth; Jennifer Fortin-Noreus
Subject: Re: talk this week on YES and Delisting?
Date: Wednesday, November 02, 2016 10:50:09 AM

I'm driving now with spotty cell coverage. Have a G2G this afternoon but could talk after that - late afternoon. Tomorrow is difficult because I have a refuge call at 8 and then have to head to bison release til noon. Then driving again with spotty cell service. I'm fine if call happens without me but someone needs to reach out to Gary to see what our message is both pre and post vote depending on the outcome.

On Nov 2, 2016, at 8:49 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> The vote is 10am Friday morning and I will be at Fisher Stakeholder meeting Thurs PM and Friday All day. I could do it if it were like 730 or 8 but it would be better today, on Thurs am, or at end of day thursday. JB
>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205
>
> On Tue, Nov 1, 2016 at 5:47 PM, Michael Thabault <michael_thabault@fws.gov> wrote:
>> Yes we will. Is Friday morning OK. Matt will be back in office. Seth and I might try and give a shout earlier.
>>
>> Michael Thabault
>> Assistant Regional Director
>> Ecological Services
>> Mountain Prairie Region
>>
>> > On Nov 1, 2016, at 4:58 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:
>> >
>> > Are we going to talk this week? Lots going on regarding the vote that is scheduled on Friday. JB
>> >
>> > Jodi L. Bush
>> > Office Supervisor
>> > Montana State Ecological Services Office
>> > 585 Shepard Way, Suite 1
>> > Helena, MT 59601
>> > (406) 449-5225, ext.205
>> >

From: Kasworm, Wayne
To: Smith, Kate
Cc: Jennifer Fortin-Noreus
Subject: Re: travel
Date: Thursday, October 13, 2016 8:33:08 AM

Kate

Probably need Cody for the evening of the 15th and 16th. We will also need rooms for the evening of the 14th, but that may be Bozeman or Livingston. It is at least a 3 hour drive from Bozeman to Cody and we need to get there by about 10.

Jennifer - do you have a preference?

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Thu, Oct 13, 2016 at 8:25 AM, Smith, Kate <kate.smith@cfc.umt.edu> wrote:

> Chris usually stayed at the Holiday Inn - Buffalo Bill Village. Just let me know dates and I'll make the reservations in Missoula and Cody.
>
> Thanks,
>
> Kate
>
> _____
> From: Kasworm, Wayne [wayne_kasworm@fws.gov]
> Sent: Wednesday, October 12, 2016 3:57 PM
> To: Jennifer Fortin-Noreus
> Cc: Smith, Kate
> Subject: Re: travel
>
> Obviously I need something luxurious and close to the meeting. I may also require a full bar. Sign me up.
> When would we leave on the 14th? It may require a room in Missoula the night before as

well.

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov<mailto:Wayne_Kasworm@fws.gov>

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 11:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov<mailto:jennifer_fortin-noreus@fws.gov>> wrote:
Wayne,

I am going to book my hotel for the YES and IGBST meeting that will be November 15-17 in Cody. I was planning on driving over on the 14th. I think it would be a good idea if you could attend. Kate could make your hotel reservation at the same time. The meeting is at the Buffalo Bill Center. Do you have a hotel preference?

Thanks,
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov<mailto:Jennifer_fortin-noreus@fws.gov>

From: Kasworm, Wayne
To: Jennifer Fortin-Noreus
Subject: Re: travel
Date: Wednesday, October 12, 2016 4:20:59 PM

Sounds good to me.

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 4:20 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Let's meet where our vehicle is parked because that's a good place to leave your truck. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
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> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasworm, Wayne [mailto:wayne_kasworm@fws.gov]
Sent: Wednesday, October 12, 2016 4:19 PM
To: Jennifer Fortin-Noreus
Subject: Re: travel

I will drive to Missoula on the morning of the 14th and can meet where ever works such that I can leave my truck.

Wayne

Wayne Kasworm

US Fish and Wildlife Service

385 Fish Hatchery Road

Libby, MT 59923

TEL 406.293.4161 ext 205

FAX 406.293.6338

Wayne_Kasworm@fws.gov

Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html

or

http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 4:17 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Sounds good. I'll have Kate make the travel reservations tomorrow. Will you drive down to Missoula on the 14th then? Or is there a better place for me to pick you up?

JF

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasworm, Wayne [mailto:wayne_kasworm@fws.gov]
Sent: Wednesday, October 12, 2016 4:11 PM
To: Jennifer Fortin-Noreus
Subject: Re: travel

Holiday inn is fine. Can we go part way on Monday and the rest on Tuesday even if we g need to get going early?? Could go to Bozeman or even Livingston or where ever midway that would allow us to get to Cody by mid morning??

Wayne

Wayne Kasworm

US Fish and Wildlife Service

385 Fish Hatchery Road

Libby, MT 59923

TEL 406.293.4161 ext 205

FAX 406.293.6338

Wayne_Kasworm@fws.gov

Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html

or

http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 4:07 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Sorry for the confusing and rambling email before. I meant that the IGBST meeting doesn't start until mid-morning on the 15th so we wouldn't have to drive all the way to Cody on the 14th. I'm fine either way.

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasworm, Wayne [mailto:wayne_kasworm@fws.gov]
Sent: Wednesday, October 12, 2016 4:03 PM
To: Jennifer Fortin-Noreus
Subject: Re: travel

What about the IGBST meeting starting on the 15th mid morning?

Wayne

Wayne Kasworm

US Fish and Wildlife Service

385 Fish Hatchery Road

Libby, MT 59923

TEL 406.293.4161 ext 205

FAX 406.293.6338

Wayne_Kasworm@fws.gov

Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html

or

http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 4:00 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Chris said the Holiday Inn is as luxurious as it comes in Cody but they have a full restaurant and bar ☺ The meeting doesn't start until the mid-morning on the 15th so we can leave Missoula anytime you would like. We could even go part way on the 14th, like to Bozeman, and the rest of the way on the 15th if you would like.

JF

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasworm, Wayne [mailto:wayne_kasworm@fws.gov]
Sent: Wednesday, October 12, 2016 3:58 PM
To: Jennifer Fortin-Noreus
Cc: Kate Smith
Subject: Re: travel

Obviously I need something luxurious and close to the meeting. I may also require a full bar. Sign me up.

When would we leave on the 14th? It may require a room in Missoula the night before as well.

Wayne

Wayne Kasworm

US Fish and Wildlife Service

385 Fish Hatchery Road

Libby, MT 59923

TEL 406.293.4161 ext 205

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Wayne_Kasworm@fws.gov

Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html

or

http://www.igbconline.org/index.php/scy-reports

On Wed, Oct 12, 2016 at 11:21 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

Wayne,

I am going to book my hotel for the YES and IGBST meeting that will be November 15-17 in Cody. I was planning on driving over on the 14th. I think it would be a good idea if you could attend. Kate could make your hotel reservation at the same time. The meeting is at the Buffalo Bill Center. Do you have a hotel preference?

Thanks,

Jennifer

Jennifer Fortin-Noreus, Ph.D.

Postdoctoral Researcher

Grizzly Bear Recovery Program

US Fish and Wildlife Service

University of Montana

University Hall, Room 309

Missoula, MT 59812

Phone: 406.243.4903

Jennifer_fortin-noreus@fws.gov

From: Kasworm, Wayne
To: Jennifer Fortin-Noreus
Cc: Kate Smith
Subject: Re: travel
Date: Wednesday, November 09, 2016 10:23:50 AM

That is fine with me. Ask Kate to get us reservations in Bozeman.

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

On Wed, Nov 9, 2016 at 10:09 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> I propose that we drive to Bozeman on the 14th because of course there's a chance of snow on Tuesday! Maybe leave here about 3?
>
> *Jennifer Fortin-Noreus, Ph.D.*
>
> *Postdoctoral Researcher*
>
> *Grizzly Bear Recovery Program*
>
> *US Fish and Wildlife Service*
>
> *University of Montana*
>
> *University Hall, Room 309*
>
> *Missoula, MT 59812*
>
> *Phone: 406.243.4903*
>
> *Jennifer_fortin-noreus@fws.gov*

From: Kasworm, Wayne [mailto:wayne_kasworm@fws.gov]
Sent: Thursday, October 13, 2016 8:33 AM
To: Smith, Kate
Cc: Jennifer Fortin-Noreus
Subject: Re: travel

Kate

Probably need Cody for the evening of the 15th and 16th. We will also need rooms for the evening of the 14th, but that may be Bozeman or Livingston. It is at least a 3 hour drive from Bozeman to Cody and we need to get there by about 10.

Jennifer - do you have a preference?

Wayne

Wayne Kasworm

US Fish and Wildlife Service

385 Fish Hatchery Road

Libby, MT 59923

TEL 406.293.4161 ext 205

FAX 406.293.6338

Wayne_Kasworm@fws.gov

Reports found at:

http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html

or

http://www.igbconline.org/index.php/scy-reports

On Thu, Oct 13, 2016 at 8:25 AM, Smith, Kate <kate.smith@cfc.umt.edu> wrote:

Chris usually stayed at the Holiday Inn - Buffalo Bill Village. Just let me know dates and I'll make the reservations in Missoula and Cody.

Thanks,

Kate

_____
From: Kasworm, Wayne [wayne_kasworm@fws.gov]
Sent: Wednesday, October 12, 2016 3:57 PM
To: Jennifer Fortin-Noreus
Cc: Smith, Kate
Subject: Re: travel

Obviously I need something luxurious and close to the meeting. I may also require a full bar. Sign me up.
When would we leave on the 14th? It may require a room in Missoula the night before as well.

Wayne

Wayne Kasworm
US Fish and Wildlife Service
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Libby, MT 59923

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or
http://www.igbconline.org/index.php/scy-reports

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Wayne,

I am going to book my hotel for the YES and IGBST meeting that will be November 15-17 in Cody. I was planning on driving over on the 14th. I think it would be a good idea if you could attend. Kate could make your hotel reservation at the same time. The meeting is at the Buffalo Bill Center. Do you have a hotel preference?

Thanks,
Jennifer

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program
US Fish and Wildlife Service
University of Montana
University Hall, Room 309
Missoula, MT 59812
Phone: 406.243.4903
Jennifer_fortin-noreus@fws.gov<mailto:Jennifer_fortin-noreus@fws.gov>

From: Jodi Bush
To: Jennifer Fortin-Noreus
Subject: Re: updated appendices to the Strategy
Date: Thursday, October 27, 2016 12:22:48 PM

I don't have time to review so suggest we just get them out. I assume there is nothing controversial in them. JB

Sent from my iPhone

On Oct 26, 2016, at 4:29 PM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Jodi,
> Attached are the appendices that have revisions, other than Appendix C. Please let me know if you have any questions before sending these out. JF
>
> *Jennifer Fortin-Noreus, Ph.D.*
> *Postdoctoral Researcher*
> *Grizzly Bear Recovery Program*
> *US Fish and Wildlife Service*
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From: Mansheim, Robert
To: Jennifer Fortin-Noreus
Subject: Re: website updates
Date: Thursday, November 03, 2016 10:34:30 AM

Yes, no problem .

Rob Mansheim | Digital Communications Specialist
USFWS Mountain-Prairie Region External Affairs
134 Union Blvd, Lakewood, CO 80228
robert_mansheim@fws.gov
303.236.4267 | c.720.390.0160
http://www.fws.gov/mountain-prairie

On Thu, Nov 3, 2016 at 10:32 AM, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov> wrote:

> Hi Rob,
>
> As we update the Conservation Strategy for the Greater Yellowstone Ecosystem grizzly bear I am hoping that we can also update some of the links on our FWS regional webpage. For example, the proposed rule linked to a map at: https://www.fws.gov/mountain-prairie/es/species/mammals/grizzly/Yellowstone_Recovery_Zone_map.pdf and I would like to have the same new version there that we include in the Strategy. Please let me know if this is feasible.
>
> Thank you!
>
> Jennifer
>
> *Jennifer Fortin-Noreus, Ph.D.*
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> *Postdoctoral Researcher*
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Jennifer_fortin-noreus@fws.gov

From:	Kasworm, Wayne
To:	Keisha Sedlacek
Cc:	Alexandra Kasdin; Jennifer Fortin-Noreus; Seth Willey; Marjorie Nelson; Powell, Tyson
Subject:	Request for Yellowstone comment period extension
Date:	Friday, October 07, 2016 3:04:00 PM
Attachments:	Humane Society Response_final.pdf

Ms. Sedlacek

Please see our attached response to your request for an extension of the Yellowstone comment period.

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Ms. Keisha Sedlacek
Senior Regulatory Specialist
Humane Society of the United States
1255 23rd Street, NW, Suite 450
Washington, D.C. 20037

Dear Ms. Sedlacek,

Thank you for your September 12, 2016 letter requesting a 60-day extension of the current comment period on the proposal to remove the Greater Yellowstone Ecosystem population of grizzly bears from the federal list of endangered and threatened wildlife. The comment period between March 11, 2016 and May 10, 2016 together with the current comment period between September 7, 2016 and October 7, 2016 provided the public with 90 days to share their thoughts on our proposal. The states have finalized regulatory mechanisms that meet the letter or intent of the five specific regulatory requirements we outlined in our proposed rule and we shared the content of these regulatory mechanisms with the public. Provided those specific regulatory requirements are met, as they are in Idaho, the Service considers it the prerogative of the states to regulate other aspects of grizzly bear hunting. We believe we have given the public ample time to comment on the proposed rule, both initially and following enactment of state regulatory mechanisms and completion of the peer review. Therefore, we are denying your request to extend this comment period. We will reply to the specific concerns you presented in your letter as responses to public comments in our final determination.

We appreciate your continued involvement and interest in this process. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Wayne Kasworm

Acting Grizzly Bear Recovery Coordinator

From: Alexandra Kasdin (via Google Sheets)
To: jennifer_fortin-noreus@fws.gov
Subject: Response writing tracking - Invitation to edit
Date: Friday, October 07, 2016 12:45:05 PM

Alexandra Kasdin has invited you to **edit** the following spreadsheet:

Response writing tracking

Open in Sheets

Google Sheets: Create and edit spreadsheets online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a spreadsheet with you from Google Sheets.

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Somewhat concise summary of the public comments from DiscoverText
Date: Thursday, October 27, 2016 12:07:38 PM
Attachments: public comment summaries_round 2_in issues_10-25.docx

---

Attached. Some of these bullets are already in the current issue summaries. I have not finished removing that redundancy.

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

Has public comments in issues

Comment [AEK1]: Go back through and indicate whether was one commenter or many
Double check that issues not in here are indeed not relevant

Issue 1

- Public comment period too short, not enough opportunity for public comment
    - One the length of the reopener: "I do not believe there has been sufficient opportunity for public comment. I know I haven't had nearly an enough time: 30 days is an insulting inadequacy."
    - From public hearing in April: "Park County residents also include some of the world's leading grizzly bear experts, and those scientists have not been given an adequate amount of time to review and to respond to the delisting rule, so we're also asking for more time."
- Limited locations of public hearings
    - "In addition, all Americans should have the opportunity to give verbal testimony. So far, that has been limited to people physically in the tri-state area."
    - On public hearings: "if you could do the same for Gardiner, that would mean the world to local community. But because it is a national issue, I think that meetings in Denver and Boise are also probably important."

Issue 1.25: Commenting on proposed rule without a final conservation strategy or state regulations (Idaho) → problem. Need to work to finalize and then need another round of peer review and public comment on the "complete proposed delisting rule package, including the final Conservation Strategy, all final revised and enforceable state management plans and regulatory frameworks and the peer review"

- Must release final conservation strategy for public comment and peer review
    - "How can we comment on the act of delisting without knowing how the grizzly bear is going to be managed? The USFWS and state agencies must release the information we need on the revised Conservation Strategy in order for us to comment intelligently on the delisting action itself."
    - "Even though it isn't even legally binding, shouldn't the Interagency Grizzly Bear Committee's Yellowstone Ecosystem Subcommittee final Conservation Strategy have been completed and publicly released prior to the start of the second round of public comments?"
    - "A Conservation Strategy is presently the subject of revision by the Forest Service, the National Park Service, and other states."
    - "The peer reviewers raised substantive concerns regarding the regulatory mechanisms and the ability of the Service to ensure that the population would remain stable and connect to other populations. The reviewers were asked to review state regulatory mechanisms that have been significantly modified and a Conservation Strategy that will be significantly different than the document they reviewed. The peer-review must be repeated with the actual management framework for grizzly bears that will be signed and finalized and their concerns must be addressed in the final rule."
    - "I am extremely disappointed but not surprised that the public has not been allowed to comment on the draft conservation strategy after initially being told at the YES meeting in West Yellowstone that there would be a public comment period on the draft. This is simply more evidence that this process has been corrupted for sake of political expediency."
- Idaho's plan is out of date but, as commenters claim, updating It and getting approval from the legislature would take too long

- "Idaho's management plan dates from the year 2002!! and therefore severely out of date, it fails to contain current science plus public opinion!! Interestingly had Idaho reopened it's plan, it would have been approved by the state legislature and thus would have delayed the delisting process. Political pressure ensured the state of Idaho failed in preparing a new document relying instead on outdated and obsolete documentation to meet a USFWS deadline."

- Idaho's regulations are not final
  - "For instance, today is the deadline for federal comment, but the Idaho Fish and Game commission won't be authorizing their proposed rules for at least 10 more days. What Idaho Fish and Game agrees upon then needs to pass the notorious Idaho legislature. Essentially, you are asking for Idaho to receive a blank check from the Federal government, the governments of Montana and Wyoming, plus the people of America."
  - Add HSUS extension request letter here
- Process is "rushed," "convoluted," "politically driven"

Issue 1.5: How we consider public comments is flawed

- How we "consider" public comments is flawed
  - "Worse yet, Kent Nelson of Wyoming Wildlife Advocates did an analysis calculating FWS was only considering 8 out of every 1,000 submitted comments in the previous round."
  - "Refusal to give weight to any but "scientific" comments seems a ploy aimed at assuring very few voices will be heard, canceling out the democratic process citizens are entitled to. As tax payers, we funded the grizzly recovery, so we should have a say in the delisting. More public discussions are needed before any action takes place."
  - "The department should not rush into any decisions that are not researched and backed by data or public opinions." → i.e. public thinking we should make decisions based on public opinion; this should be a voting process
    - "These iconic animals have not recovered. 90% of the American people support a strong Endangered Species Act. We want OUR wildlife protected. We do not believe in trophy hunting. Only 6% of Americans hunt and of that number many do not believe in trophy hunting. Our voices are being ignored. Please listen to what the mass majority of Americans want."
  - Thinking we throw out large proportions of public comments

Issue 3 (Joy)

Comment [AEK2]: Compare to current issue

- Insufficient consultation thus cannot proceed
  - "Under Executive Order 13175, started by President Clinton and affirmed by President Obama, all federal agencies are required to engage in proper consultation with tribal nations on issues impacting the tribes. This has not happened. Many tribal leaders contradict the Service's assertions that it has contacted "all Native America tribes that are federally recognized west of the Mississippi."[illegible] Proper consultation must be government to government. As a result, a stock letter addressed "Dear Tribal Leader" does not constitute meaningful tribal consultation. Neither are webinars or emails appropriate consultation. Further, such consultation must be predecisional. That means that the requirement of consultation was violated as soon as USFWS published its proposed grizzly delisting rule. Please pause the delisting process and enter into a meaningful consultation process with each of the impacted tribes. (Navajo Nation Calls Feds Out on Grizzly Delisting Claims & Reinforces Link to Dakota Access, NativeNewsOnline.net, September 3, 2016)."

- "The Tribal Nations, which met to sign an historic Cross Border Treaty with the First Nations of Canada this past weekend, were not consulted AT ALL about an animal central to their religion and culture. As citizens THEY TOO deserve a voice. Not only about the animal's plight, but about the mining, drilling, ranching and other developments that will surely follow delisting."
- "It is required under Executive Order 13175 implemented by President Clinton and affirmed by President Obama that federal Agencies MUST engage in a meaningful consultation with the Tribes. To date this has NOT been accomplished. Tribal Nations has requested a consultation numerous times including sending a letter to Director Danial Ashe of the US Fish and Wildlife. As of today this has not occurred an email or letter does not constitute proper consultation. Recently, the Tribal Nation has informed the YES committee these concerns at the meeting on October 3rd, 2016. A cross - border Treaty has been signed by Native Tribes denouncing that grizzly bears be delisted and hunted. Prior to delisting this Executive Order must meet all qualifications. Any discussion of delisting the grizzly bear should not happen until this requirement is fulfilled."
- "A major oversight was also made in the the government's failure to engage in meaningful face-to-face consultation with the Tribes, for whom the grizzly bear plays an iconic role in religion and culture."
- "Please pause the delisting process so that USFWS can meet and properly consult with each tribe impacted by this decision."

- Tribes opposed
  - "Fifty federally recognized tribes and the Assembly of First Nations sent formal objections to delisting and trophy hunting to Interior Secretary Sally Jewell prior to the FWS delisting proposal. Native News Online.Net also reported that the Oglala Sioux Tribe presented an eight-page resolution that details spiritual, scientific, political, and environmental objections to delisting.Tom Poor Bear, Vice President of the Oglala Sioux Tribe, sees delisting as a way to allow the hunting of their sacred relative, the grizzly bear. "These so-called state game and fish agencies exist to serve a clientele that is 95% white, 95% male, and many of who kill for trophies. They are the vocal minority, and under the systems that exist through colonialism and patriarchy they have been able to dominate, lie and cheat their way into control.""
  - "All native tribes indigenous to the GYE oppose delisting and trophy hunting."
  - "Some 35 tribes have passed resolutions opposing the delisting of the Yellowstone grizzlies, an animal considered a sacred symbol of spiritual renewal."
- "The native tribes consider the bears sacred and deserve to have their voice heard. The trophy hunting of these bears by the states will be a cultural overstep and travesty."

Issue 4.4: Need additional collaboration (especially with NPS → perception that we are not addressing their concerns)

- "Many reputable organizations oppose this delisting and I encourage the Fish and Wildlife Service to meet with them and to delay this action until these organizations can support an effective plan for sustainable protection of the bears and their habitat."
- "Finally, the USFWS should pause and work with the National Forests, National Park Service, and the three states to ensure that all of the pieces of the Conservation Strategy are complete, accurate, and consistent with each other. The current process and rule is completely out of sync with the decades of efforts that have gone toward ensuring a coordinated recovery of bears."

- "It would be a disservice to park grizzly bears, the efforts of countless people and future park visitors to rush this decision without fully addressing the concerns of the National Park Service and the public. The U.S. Fish and Wildlife Service should provide the National Park Service with a formal role in the management of bears on habitat adjacent to park borders, and fully address Park Service concerns with the current proposal."
- "Why is the National Park Service not more involved in this decision? They should have a formal role in this decision and the management of bear habitat adjacent to the parks, and there should be an extensive buffer zone surrounding the parks."
- "No one has yet addressed the National Park Service's concern about how bears will be managed outside the Parks."

Issue 4.5: Concerns about bias/conflict of interest in peer review, qualifications of peer reviewers *(starts to overlap with Issue 4.7 (undue political influence))*

- Peer reviewers not qualified because of lack of relevant experience
    - "Black and grizzly bears have different ecological requirements and life histories, so that expertise in one may not translate to the other."
    - "The outside peer review that supports this de-listing proposal consisted of 4 out of 5 researchers who do not specialize in grizzly bears, but rather one researches polar bears and 3 study black bears. Both of which species are vastly different from grizzly bears both behaviorally and ecologically. Perhaps this is due to the fact that de-listing seems to be politically motivated, while the majority of grizzly bear experts, such as Dave Mattson are opposed to de-listing (234 grizzly bear researchers were surveyed, and 60% say that they should remain listed or be upgraded to endangered)." → starts to overlap with section of Issue 10 that discusses Ohio State Survey and grizzly experts
- Peer reviewers have a conflict of interest (because of contractor)
    - "Furthermore, it is unclear whether, and to what extent, Amec Foster Wheeler has inherent conflict of interest"
    - "The implication of using this multinational, profit-driven, resource-exploitive firm for peer review is that US FWS is in collusion with industry to remove ESA protection from the grizzly bear. Do USFWS officials fear that an unbiased and transparent peer review process by a trusted source of biological expertise could threaten energy development that will come on the heels of delisting?"
    - "To act as third parties, multinational oil, gas and mining corporations were contracted by USFWS to oversee the critical process (peer review). Should the unthinkable happen and Grizzlies are delisted, three million acres of habitat will then be open for increased fossil fuel development and mining. Twenty-eight mining claims are stated in what is the Primary Conservation Area. Why such a firm was brought in to oversee peer review is at best wholly unfair and at worst smacks of a foregone conclusion. Documentation obtained under FOIA showed USFWS had selected scientists for the peer review on the delisting rule. Independent means precisely that and yet the validity to this 'independence' is compromised by the choice of who forms the peer review and undermines the validity of the peer review."
    - "If the 3rd party contractor hired to recruit the peer reviewers has a specialty in wildlife, it is not clear from their website. In fact, their specialty seems to be energy development. Since grizzly delisting opens huge swaths of land to energy development, choosing a contractor with this profile further undermines trust and confidence in our public institutions. It certainly has the appearance of a stacked deck."

    - "It appears that all 5 reviewers are "conservationists" in the sense that hunters/trappers are conservationists. Who presents the views and perspectives of the majority of people, those of us who do not engage in recreational killing?"
    - "The team responsible for peer review of the grizzly science…should NOT include ANYONE with ties to hunting coalitions, mining companies, or the oil industry."
- USFWS handpicked peer reviewers
    - "Further, a document obtained under FOIA revealed that USFWS handpicked the scientists for peer review of the delisting rule. This cannot be considered "independent" and undermines the validity of the peer review."

Issue 4.7: Undue political influence/corrupt decision-making process

- *Pull text from current Issue 10 and 39; use response (marked with comment) from Issue 10*
- We are allowing "politics and private interests to trump science." Plan caves to pressure from:
    - hunters, who don't want to compete with another predator
    - Sportsman alliances
    - Gun retailers
    - ranchers who don't want to adopt wildlife-friendly practices
    - wildlife agencies that are chronically underfunded and overwhelmingly regressive in their management practices.
    - states
    - anti-government extremists with a political agenda - and these groups will spare no expense to try and derail bear conservation in America
    - Livestock industry and cattle interests
    - Mining, oil, and gas interests
- Request: "Would the USFWS please disclose the special interests that have been involved in their recommended delisting decision."
- Claims that we've been "bought," that we are biased
    - "Dan Ashe himself is not neutral, having stated "We need to re-establish and reground hunting as part of an ethical tradition...". Other individuals involved in this process have strong ties to pro-hunting groups, such as the Safari Club and Sporting Club."
    - Claims of political meddling with 2015 IGBST report on mortality limits: "The unusual delay in the release of the IGBST report for 2015, as well as the kinds of information conveniently omitted in this last report, reinforce the charge of bias" and "We must not ignore the fact that, in spite of two years straight of record GYE grizzly deaths, the Interagency Grizzly Bear Study Team is no longer reporting violations of mortality thresholds! (IGBST 2015 Annual Report, pgs 29-30)." And "Finally, the Interagency Grizzly Bear Study Team annual report is typically released in spring or early summer of the following year. This year, the report for 2015 was delayed - allegedly due to staffing issues - and only released after intense public pressure. Once the report was finally published on August 26, 2016, experts immediately noted glaring omissions regarding mortality limits, growth rate and data and analyses on bears outside the DMA. Such delays and omissions have the unfortunate appearance of serving a political agenda because information in this report indicates that delisting is not appropriate at this time."
    - "This is based on a study that was done by the Union of Concerned Scientists, where Fish and Wildlife Service employees were interviewed. These were some of the conclusions from the study. 'Political interference and a lack of scientific integrity are influencing outcomes and hampering the agency's work.' A majority of employees of the

Service, '"...believe their office is less effective than it was five years ago.' 'In addition to scientists' over overwhelming indictment of political influence at the agency, many scientists identified a lack of staff capacity and resources to complete their jobs. Further, more than half of the surveyed Fish and Wildlife researchers said the agency only occasionally or seldom collects sufficient scientific and monitoring data to do its work'. The survey also indicated concerns over, '... accommodation of the states,' which potentially diminishes science-based outcomes since states may be more interested in avoiding federal restrictions than doing what's best for species. For instance, a whistleblower retaliation case in Texas (https://www .hcn.org/u-s-fish-and-wildlife-whistleblower-retaliation-case-raises-questions), settled last fall, documented how a Fish and Wildlife scientist was transferred and basically forced into early retirement after he argued politics and scientific misconduct factored into a non-listing for the dunes sagebrush lizard, whose habitat overlaps with the oil-rich Permian Basin. Yet there are some signs of progress. Compared with surveys of Fish and Wildlife's Ecological Services staff during the Bush years, twice as many employees say morale is now good or excellent, and more feel they are now allowed to speak with the media and public about their work." (from MT public hearing)
    - "I submit the USFWS is in a demonstrated state of dysfunction and is presently incapable of making science-based decisions free from the corrupting influence of politics"
    - "Why are GYE bears at risk for delisting and hunting when the larger northern population is not? Might it have to do with the incredible amount of money and power behind the hunting lobbies, extractive industries and trophy homes that are a constant threat to our way of life, economies, wildlife habitat, and wildness? I believe it must, since there's no other reason to delist only this population."
- Claims on the other side: we are not politically influenced
    - "I really disagree that you or the scientists were bought. We actually have a group of scientists that don't work for the Fish and Wildlife Service or state agencies that are doing most of the monitoring and much of the research. They are not purchased by U.S. Fish and Wildlife Service or any state agency. You have one of the most independent, most collaborative and most informing science that you could find anywhere in the world on this bear population. Their science is good."
- Claims that delisting GYE grizzlies is a political stunt to weaken ESA
    - "Many Americans are genuinely concerned this is a calculated political stunt to weaken the Endangered Species Act, which has proven to be highly effective for real recovery."
    - "Congresswoman Cyntyhia Lummis, and Senator John Barrasso both of WY, have advocated with language in bill HR-884 to protect delisting from further judicial review and to deny opponents due process"

Issue 6.5: General confusion about what delisting means, what we are proposing to delist

- "if you did list them, how do you distinguish the GYE grizzlies from those who might be in Idaho, Montana or Wyoming? Shouldn't they all be either "listed" or "delisted" ?"
- "They are a vital link in the ecological chain in the Yellowstone area. Grizzly bears are not increasing in numbers in habitats in Yellowstone & other areas. In fact scientific evidence also shows they are declining in North Cascades National Park."

Issue 7

- "USFWS has failed to update the Recovery Plan for this grizzly bear population so as to reflect the massive amount of best available science that has been produced since the early 1990's. USFWS has also failed to follow through with its own 2011 recommendation to update and revise the Yellowstone Grizzly Bear Recovery Plan."
- "The inadequate science is having two unequal criteria in the same units, for the same thing. That is, the state goal of a minimum of 500 grizzly bears population in the DSP area, per state management plans, while there is a Federal goal of 674 average and 600 minimum grizzly bears in the DMA, which is smaller than the DSP area. Get the 500-value out of the state plans and keep this value out of your plan."

Issue 8

- "The USFWS, and the states in their respective plans, must commit to a stable population. The USFWS and three states are clearly at odds on how the population would be maintained post-delisting. The draft rule states the population will be managed for 'stability', however the state plans and Memorandum of Agreement are set up to maintain a population below 674 bears with the proposed mortality thresholds. The only firm commitment is ensuring a population above 500 bears. This is not a "stable" population, as the current estimated population was 717 grizzly bears in 2015. The proposed regulatory mechanisms are inadequate to ensure a stable population."
- "The proposal says the goal is a population size of 674 bears and that numbers won't be allowed to go below 500. How did the service come up with these numbers? There is no evidence that this is the number of bears that will ensure population sustainability."

Issue 9 (Alex)

- Delisting is "premature" because bears are not yet recovered ("record mortality" last year; aren't enough bears)
    - "While there may appear to be some recovery of grizzly bear populations in recent years, the issues facing grizzly bears will not doubt soon begin to effect the success of their breeding and survival will begin to decline. Removing protections now, in the face of increased stressors with high risks for mortality is extremely short sighted."
    - "Grizzlies exist in less than 1 percent of their historic range. Less than 1% and you're considering that "recovered?" and "Population estimates are that approximately 1,800 grizzly bears reside in the lower 48 United States, representing only 3.6% of the historical population; the argument that this is a recovery is highly flawed."
    - Not enough bears
        - "Can we please wait until there's let say, a stadium's worth of them in each of the states that once was their shared historic range before settlers moved in and with our own modern day territories factored together to guarantee minimal overlap before calling in a reasonable hunting season to maintain a healthier ecosystem's status quo?"
        - "The Suzuki report states that some scientific research suggests that grizzly bear population units should number at least 500-700 individuals to outlast catastrophic natural events. food availability and human behaviour in order to survive for hundreds of years."
        - "The article I read reported more than 750 bears in and around Yellowstone National Park. To me that is nowhere near a stable population. Think of the millions of square miles of this area and 750, 800, 900 bears is a drop in the bucket."

Comment [AEK3]: COMPARE TO ISSUE 9 TO TAKE OUT REDUNDANCY
Shorten more

        - "Twice as many bears are needed to maintain genetic diversity and population persistence in order to survive for thousands of years."
        - "I am skeptical that a population of 700+, constitutes recovery, particularly if 600 bears is the number at which the "discretionary mortality" within the DMA must cease."
        - "Scientific consensus is that Yellowstone's grizzly bear population is still not recovered. Yellowstone's population of 600-700 grizzly bears is completely isolated from all other grizzly bear populations and much smaller than the 2000+ animals widely considered necessary for long-term viability."
    - Many people anecdotally citing lower frequency of grizzly bear sightings in various parts of the GYE
    - Lack of using GYE as a source population for reintroductions implies the population is not secure enough to support delisting
        - "If there are enough grizzlies to propose delisting, why haven't reintroduction plans for other States, such as California, been created? I doubt the population is truly stable enough for losses, and that's why reintroduction is off the table. And if it isn't happening, then State management, which include takings for different reasons, should be off the table as well."
    - "These bears have not made the recovery that the FWS claims. Scientists have shown that this population is still in danger of extinction." And "It is highly disputable whether the species has even met the USFWS's own recovery plan objectives - the population measures are currently being scrutinized and questioned.'
    - "The Endangered Species Act protections were put in place to protect these bears until their populations are stable enough to support adequate genetic diversity and robust restoration of previous geographical ranges. Neither of these criteria have been met and grizzlies still face many threats within the states of Idaho, Montana, and Wyoming."
- Grizzlies are recovered/recovery criteria have been met
    - "Federal and state wildlife managers have documented the GYE Grizzly population at more than 700 animals occupying habitat of more than 22,500 square miles. These bears are now being observed in places where they haven't been seen in over 100 years!"
    - "Population numbers have surpassed population goals and have continued to grow - they're currently more than 25-percent above that target and have been for more than five years."
    - "As a wildlife biologist in the state of Wyoming, I believe the federal government should follow their own rules regarding populations of animals that have been listed under the Endangered Species Act (ESA). When those populations have recovered to the parameters that were designated at the time of listing they need and should be delisted. To not do so, seriously jeopardizes the ESA! The grizzly population in the Greater Yellowstone Ecosystem has recovered to the extent that they are regularly leaving the Yellowstone area, as they naturally disperse due to a population that has exceeded it's carrying capacity. There is nothing wrong with this! It is just a reminder that it is time to delist that population, to allow for management. I firmly believe that the states surrounding the Greater Yellowstone Ecosystem, will responsibly manage all species, to ensure their survival and to prevent any possibility of relisting"
- Doubts about our population estimates/methods (the ones we are using to claim there are enough bears for recovery)

Comment [AEK4]: Couldn't find this. Are we sure it's not anywhere?? Maybe in Chao2 issue (Issue 13?)

- "No one really knows how many grizzlies are in the GYE. David Mattson, an ecologist who spent more than 20 years studying grizzly bears in and around Yellowstone, doubts the FWS numbers. "...what you'll hear from the [U.S.] Fish and Wildlife Service is that the population has tripled and even quadrupled in size, and I think that's a gross exaggeration."
- ""It justifies delisting the Yellowstone bears based primarily on the size of the population, even though its estimates are just that a matter of sample counts and extrapolation (bears don't sit still for a census). Nor is the agency asking how many of the bears are females, or how old they are. It's no real science at all." → no consideration of gender ratio in criteria?
- "There are serious concerns on how you come to your conclusions about population data. It used to be 260 to 600 bears. Then it was with no net increase, 700. In 2007, when counting methods changed, the number nearly doubled, impossible with a slow-growing population, but coincidentally, the year before delisting was back on the table. There may be 700 bears, but base population data needs to be made available to trusted, independent, qualified sources who don't have a stake in the GYE who can be trusted with the geographic data that you don't want made public, the National Research Council comes to mind."

- IUCN
  - "The International Union for the Conservation Nature guidelines, which Alberta uses, recommends that wildlife populations should maintain more than 1000 mature, breeding adults to prevent unacceptable risk of decline."

Issue 9.5

- "It appears that USFWS is using outdated science to categorize Yellowstone Grizzlies Bears as part of a species that spans the continent, while the best science available now finds that the Yellowstone population is part of a "clade 4," which consists of a common ancestor and all its lineal descendants, and represents a single "branch" on the "tree of life.""
- "USFWS makes reference in the Rule to an antiquated research paper (Rausch 1963) as a basis for lumping Yellowstone Grizzlies in with a presumed subspecies that spans the entire western North America. The best available science comprised of a large body of post-1995 research, clearly shows that Yellowstones grizzlies are, instead, part of the first representative of Ursus arctos to migrate across Beringia into North America, perhaps as early as 70,000 years ago, and have an ancient history and current distribution that is restricted to central-western North America. USFWS does not make reference to this unique evolutionary and biogeographic circumstance of Yellowstones Grizzly Bears anywhere in the current delisting package. This is a MAJOR OMISSION. Nor does the USFWS make mention of the unique and much diminished status of this clade 4" grizzly bears."
- "The greater Yellowstone bear is a primitive bear that migrated over the Bering Land Strait, and it is called Cash 4 as opposed to – no, a Cash 3, an earlier bear. Most of the grizzly bears in North America are of a more recent passage of these Eurasian grizzly bears over the Bering Land Strait into North America and stayed further north. And there is a difference in their genetic Aleo contribution. Once Aleos are lost, they are lost permanently, forever."

Issue 10 (Alex)

- Pro
  - Recovery criteria has been met

Comment [AEK5]: Look for more repetition between current issue summary and these bullets

        - "We can't just continue to move the goal post every time we reach 500, 700, 800, 1200"
    - Management should be left to the states (like with black bear, elk, mountain lions, deer).
    - "Hunting is conservation, it is time to delist the Grizzly bear."
    - Delisting needed for continued social acceptance of grizzlies
        - "And it's been apparent to citizens and scientists alike for a few years, that the bear has reached its physical carrying capacity in the GYE. It is also starting to reach its social carrying capacity, and I am concerned that if we don't delist it and declare a victory and move on, it might erode the respect, acceptance and tolerance this great bear has achieved."
        - "Social acceptance is one of the biggest issues when recovery comes of species…and if anyone has lived in this area or around the GYE, you'll know that social acceptance of this bear is waning"
    - Failure to delist will pose a safety threat, create more conflict
        - "Furthermore, if population levels grow beyond recovery goals it will result in more negative interactions with humans, livestock and have impacts on wildlife population that will result in animosity from local human populations resulting in removal of "problem bears" at the expense of tax payers."
        - "Man is supposed to be the top of the food chain. Well, if you're in grizzly country, you're not. You're at their mercy. There's been 40 people killed by the bears since 1970. 40. Six in the last five years, and that's not counting all the people that were mauled."
        - Many people anecdotally citing greater frequency of grizzly bear sightings near their home or in various parts of the GYE → "safety issue…hardship on operating business"
        - More people will encounter bears and get hurt
    - "The FWS must delist the Grizzly Bear and turn the management of the bears over to the State where wildlife management belongs. People who do not live in the State, should not be dictating the management of the State's wildlife, especially Grizzly bears!"
- Con
    - Delisting is "premature" because of process (lacking final regulatory mechanisms)
        - See Issue 1.25 and adequate regulatory mechanisms section
    - Delisting is "premature" because bears are not yet recovered ("record mortality" last year; aren't enough bears)
        - See issue 9
    - We're rushing to delist when we should wait for additional information
        - "We just spent 40 years and millions of dollars to increase the bear population from 125 to 725 (see how slow reproduction is!). With the climate changing so fast (this is the warmest winter on record), and food sources changing for bears, why are we rushing into delisting. Why not wait another 5-10 years for the science to reveal more data?"
        - "The general public has been faced with incredible hurdles in the government's rush to delist the grizzly-from the insistence on "scientific" comments to the delaying of the IGBST report to the fact that Idaho's plan isn't even finished yet, on the very eve of the close of the public comments period. Nothing about that is right. Nothing about that is democracy."

Comment [AEK6]: Issue 9?

        - "I am always pleased when species recover enough to take them off the endangered species list, but for grizzlies, this appears to be at least 10 years premature."
        - "With the population growing very little and mortalities increasing, we believe it is prudent to wait a few more years to determine whether the population is secure, sustainable and resilient enough to withstand future changes."
    - If we keep grizzlies on the list, we will be able to protect an array of other species
        - "as an "umbrella species," protecting grizzlies and their habitat also helps protect an enormous array of other plants and animals -- from megafauna like wolves, elk and bison to bats, beavers and pocket gophers and all the way down to whitebark pine trees, one of grizzlies' most important food sources."
    - Delisting GYE puts other populations at risk
        - because it threatens "genetic security"
        - "We fear that the Service's proposed rule will hamper recovery efforts on the whole. For example, Yellowstone's bears have yet to make the bio connection to Glacier's population, nor have they had the chance to re-populate important, suitable habitats, such as Selway Bitterroot recovery zone. Grizzly bears remain absent from 98% of this historic range."
    - "Grizzly bears are the slowest reproducing mammals in North America. A female bear will, at best, duplicate herself in a 10 year period."
    - Oppose delisting because of the state management that will follow (i.e. hunting)
        - "I am mainly concerned about delisting bears because I'm worried that the state will start hunting grizzly bears immediately"
        - "Delisting will result in an increase in the number of bears killed every year and a reduction in their range."
    - Delisting will lead to GYE grizzly population declines/endangerment/extinction, which will then have impacts on ecosystem function and local economies (tourism dollars)
        - Delisting will lead to endangerment or extinction
            - "Delisting will not only further threaten the species, but send them towards and unnecessary, and tragic downward spiral."
            - "If you delist, we will see a major drop in population, already happening with a 6% decrease two years ago, and 59 known dead last year, probably half of the actual number -- due to hunting and pressure on viable sows."
            - "Delisting grizzly bears will lead to immediate annihilation and extinction!"
            - "Please Please do not let the Yellowstone Grizzly's disappear like they did in California! These iconic creatures need more protection not less."
            - "As a former resident of Florida, I have seen firsthand how bear eradication is dangerous and ineffective to a region's ecology (in their case, black bears). If stripped of federal protection, a state hunt for grizzlies or hunting in general could wipe out entire sectors of these apex predators that the regional ecology needs to thrive. Eradicating wolves from Yellowstone was a flawed, devastating plan that should remind folks of the dangers involving a lack of species protection. To avoid costly and ineffectual bear restoration (like wolf restoration), I urge the federal protections remain in place."

Comment [AEK7]: This is also in Issue 26 summary

Comment [AEK8]: See Factor B and Factor D issues

- "Since we are again in another period of mass extinction, it would seem unwise to intentionally contribute to that phenomenon."
- ON THE OTHER HAND: "Please ignore the misinformed people who seem to think that "de-listing" a species means approving it for extinction, when quite the opposite is true -- "de-listing" means the preservation efforts have been successful. It should be obvious that Yellowstone grizzlies, and other de-listed species can always be re-listed in the future if conditions warrant. At this point, states can do a fine job of managing grizzly populations without further federal intervention."

- Impacts to ecosystem
  - "They are a key part of the ecosystem. We do not know the impact it would have on nature if they were removed from the chain. Are salmon now going to over populate, because there are no bears to keep their numbers in check? If the salmon over populate, what impact will that have on the smaller fish they eat? Will those fish then disappear? Every action has a separate and equal reaction."
  - "Without the grizzly, I know you're aware that you've removed a top predator which is going to cause a tremendous trickle down effect for the entire environment, including streams, erosion, plants, birds, insects...the whole thing."
  - "I don't believe grizzlies have recovered enough to delist them. They are important to the ecosystem, like the plant life they eat is relocated by feces to grow anew…They also help keep predators such as cougars coyotes, and fox at bay. Grizzly bears are terrestrial predators. When they are no longer present in the ecosystem ungulate populations can grow out of control and alter the vegetation structure in an area. Another reason why Grizzly Bears are so important to the ecosystem is that they assist the vegetation by doing a lot of digging and foraging. This helps to mix up the nutrient level in the soil which helps to increase the ammonium and nitrate levels of the soil which helps other plants species. This helps the ecosystem where they live to be more bio diverse and have a more even equilibrium. One important reason is that the scientific community uses this type of bear as an indicator to determine the health of an ecosystem. A strong and flourishing Grizzly Bear population usually means a string and flourishing ecosystem with a thriving flora and fauna landscape. Studies show that the removal of wolves and grizzly bears in Grand Teton National Park caused populations of their herbivorous prey to increase, which decreased the density of plants in the area. The decrease of plant density led to a decrease in the population sizes of migratory birds. Grizzly bears, like all carnivores, are keystone predators, having a major influence on their ecosystems. So yes grizzly bears are one of the most important predator along with the wolf to help balance the ecosystem."
  - "In the Suzuki Foundation report entitled "A Grizzly Challenge, Ensuring a Future for Alberta's Threatened Grizzlies', it is reported that most biologists believe grizzly bears are an essential part of a healthy, fully

functioning ecosystem. They are termed “ecosystem engineers" that help to regulate prey species and disperse the seeds of many plant species. They also help to maintain plant and forest health, both by aerating the soil as they dig for roots, pine nuts and ground squirrels. In regions where salmon spawn, they move thousands of kilograms of carcasses into the forest, where trees and other plants absorb their high levels of nitrogen. This type of species is called a "keystone" species. One estimate indicates that by protecting grizzly bears in the Central Canadian Rockies, approximately 400 terrestrial vertebrate species will also be protected.”

- Impacts to tourism
  - “3.5 million people visited Yellowstone in 2014; according to a 2003 study prepared by Robert Eisenberger and Ross Loomis, 42% of visitors taking surveys reported seeing wildlife as their favorite activity, specifically mentioning the unusual wildlife, including grizzly, moose, and bison.”
  - “Bear tourism generates as estimated $10 million a year for the park and several times that amount for the local economy.” And “The National Parks represent a significant boon to local economies, providing a 10 to 1 return on investment for every dollar spent, collecting admission and camping fees, and providing critical revenues to local restaurants, hotels, and stores of various types. All of these business would be adversely impacted by the loss of tourist dollars should the park profile change, resulting in decline in visitors”
  - “The economic impact of visitors and those hoping to get a glimpse of a bear significantly outweighs any detrimental impact to ranchers.” AND “Furthermore, the economic value of the GYE grizzly bears far surpasses the revenues that hunting grizzly bears would offer to the communities that are within the GYE. If you look at revenue in Grand Teton and Yellowstone National Parks, which is a fraction of the Greater Yellowstone Ecosystem, $911 million was spent by visitors in 2014 alone. Looking at proposed tags for grizzly bears in MT, it would cost residents $50 and non-residents $1000 for a grizzly bear tag. While I understand that fee does not include revenue from hotels, outfitters, etc. that is generated by hunters, this does not change the fact that there are not the numbers of grizzly bears to offer hunting opportunities that would be able to match the countless revenue that is generated by the tourists that are hoping to catch a glimpse of a grizzly bear through lodging, food, photographic and wildlife guided tours, etc. It is estimated that without the viewing that iconic "roadside bears" provide in Yellowstone (which is likely when you consider the home range of grizzly bears is so large that many bears leave the parks at some point throughout the year and would potentially be subjected to hunting, thus even if not harvested would be shy of humans) would result in $10 million lost annually.”
  - “Currently, some of the bears are somewhat habituated to being around people. Despite the habituation, bears can still be difficult to find and observe. If hunting of bears is allowed, it will become

extremely difficult to find and observe bears. If grizzlies remain protected, we and thousands of other visitors to the area will continue to come and spend our tourist dollars in Wyoming and Montana. If the grizzlies become hunted, and difficult to observe, thousands of us will not continue to come to these areas."

- "Grizzly bear experts" and conservation leaders think this is the wrong thing to do (additional detail beyond Ohio State survey)
  - "Heed the knowledge of the numerous independent scientists who have factually proven that delisting is not appropriate and the doubts raised by Yellowstone's own superintendent of parks, Dan Wenk. More proven and valid scientific research is needed before delisting can become even a consideration."
  - "The vast majority of Yellowstone grizzly experts are opposed to delisting. According to recent research, nearly 2 in 3 grizzly bear researchers experienced with the Yellowstone population believed delisting would be the incorrect decision, given the multitude of threats bears still face. Indeed, the pre-eminent Yellowstone grizzly researcher in the world, Dr. David Mattson, has come out forcefully opposed to delisting. Mattson, who has researched Yellowstone grizzlies for the USGS for decades and been the lead author on dozens of scientific papers on Yellowstone bears, recently wrote that we should put the brakes on the rush to delist Yellowstone's grizzly bear population until we have a more reliable picture of what's going on, produced by a more reliable and independent process of inquiry."
  - "A range of scientists have said that delisting is premature, and grizzly bears have not fully recovered in the Greater Yellowstone Ecosystem."
- Precautionary principle
  - "Additionally the precautionary principle is applicable in this case, given how quickly hunting could decimate this population and how difficult it would be for the population to rebound given low fertility rates of the bears. Even if state plans are successful, the bears face other challenges stemming from habitat change and climate change - especially impacts on food sources, fires, and rising risk of human/animal interaction."

Issue 12

- Rule not based on best available science
  - "Grizzly, like any other wildlife, should be managed according to sound scientific principles based on data as opposed to emotions, misinformation, myth and bias."
  - "I am in agreement with FWS director Dan Ashe in an email sent to his assistant Gary Frazer (acquired through FOIA); "this recommendation seem as odds with the best available science standard of the ESA"
  - "I've listened to Dr. David Mattson several times so I know who is thorough, scientific, very experienced in the GYE and straight forward."

Issue 13

- Concerns about counting methods, overestimation
  - "Grizzlies are notorious for being difficult to count."
  - "You say the GYE has about 700 grizzlies. How do you know? Did you count every one of them? Are you sure you didn't count somebody twice?"

- "The exact number of GYE grizzlies is not known by the federal and state wildlife agencies, [estimated at fewer than 700 individuals, possibly as low as 638 or as high as 1,110]."

Comment [AEK9]: In issue 9/10?

Issue 16

- Grizzly bear deaths have trended upward for the past decade, and total population has trended downward, per the Interagency Grizzly Bear Study Teams own reports. Sixty-one known and probable grizzly bear fatalities occurred in 2015. This number did not include an additional 24 bears that were thought to have died at human hands but went unreported
- "Further, grizzly deaths are increasing at a rate of 9-11% a year, 2002-2011"
- Mortality in 2015 was a "record high." This info was excluded from the 2015 annual report, giving "the appearance of political meddling"
- 2016 mortality on track to surpass 2015 records (as of September, already 35 bear deaths; last year that time there were only 25) → unsustainable
- "nothing has been done to address the violation of female mortality limits in 2015. If this issue is unaddressed now, why should the public believe that things will be better when grizzlies are delisted?"
- Misconceptions about the number of bear mortalities and how they are categorized and calculated)
  - "the [WY] policy has a chart showing Bear mortality, both natural and Man---due to ranchers having Wyoming's Fish Wildlife and the U.S. Forest Service " take out " so called problem bears. They state in the policy that a total of 7 bears were killed last year and 14 so far this year due to these circumstances ----THIS IS A MISCONCEPTION AND FLAT OUT LIE ----the number of Grizzly Bears as reported by Federal agencies and even Wyoming's FWS stands around 87."
  - ""Last year the total bears living in the Ecosystem was said to be 717 bears and now counting last years and so far this years totals of bears killed which is 130, the number would now be down to 585 bears."
  - Current levels of mortality ("as many as 65 female bears per year") are "three times higher than the sustainable mortality level for female bears set by government biologists."

Comment [AEK10]: Redundant to undue political pressure issue?

Issue 17

- The IGBST estimates that 96 females had cubs, Using the IGBSTs own estimate of 1.5 cubs per litter, this would be 144 cubs, of which only 50%, or 72, would be projected to survive to adulthood.

Issue 18

Comment [AEK11]: Check overlap with current issue 18 and 19

- Debate among commenters about whether or not bears have reached carrying capacity
  - Haven't reached carrying capacity
    - "Multiple reviewers note that the Service's assertions that the GYE population has met its carrying capacity are scientifically flawed and inconclusive."
    - "Delisting proponents go so far as to suggest that grizzlies in the greater Yellowstone area have outgrown the ecosystem. The proof, they say, is that bears are showing up where they haven't been seen in years. But the real reason for the grizzlies' spread may be simpler. With their food and habitat ever diminishing, they are venturing into unfamiliar places, often closer to humans,

where "negative interactions" get bears killed despite their endangered-species status."
        - "Questionable science as to whether the "ecosystem is full" or if bears are moving out to find new food sources as their primary sources, cutthroat trout and especially Whitebark Pine nuts, diminish."
        - "USFWS has argued that the population growth has stagnated because the population has reached carrying capacity. In reality, whats happened is the bears major food sources are in a state of disaster and more bears are roaming more widely in search of different foods and getting killed by humans in the process."
    - Have reached carrying capacity
        - "Biologist have done extensive studies and decided that the GYE has reached it carrying capacity for the Bears."
        - "Indeed, the U.S. National Park Service found evidence that the carrying capacity has been reached: The number of females producing cubs in the park has remained relatively stable since 1996, suggesting that the park may be at or near ecological carrying capacity for grizzly bears. This may occur not only from competition with each other for space and resources but also from competition with other species for food and water resources, which leads into the second factor for delisting stability of habitat quality and quantity ."
        - "I have talked to Chris Servheen, the Grizzly Bear Recovery Coordinator, and he has told me for almost 10 years now that grizzly bears have reached carrying capacity."
- Effects of reaching carrying capacity
    - "Recent attacks on humans is a clear indication that there is not enough land to sustain yellowstone bear population"
    - More bears will mean males will start to kill young

Issue 19

Comment [AEK12]: Check overlap with current issue 18 and 19

- "Recent data indicate that distribution of GB in the GYE has expanded markedly by as much as 40%. While that suggests a positive trend, other data suggest abundance has been largely stable or slightly decreasing since ~year 2000. The only way distribution can increase without a concomitant increase in abundance, is for density to decline. Evidence of negative changes in density suggests quality of habitat for GB is declining in the GYE, because density is linked to carrying capacity & areas with larger carrying capacities per unit area are higher quality habitats. Such changes are likely due to the loss of whitebark pine & trout as major foods."

Issue 20

- "lack of rationale for FWS' definition of suitable habitat…significant issues raised in the peer review that have not been addressed"
- In numbered list, add "Wyoming Range" and "Bighorn Range" to point 1 → "In it's draft conservation strategy, the USFWS has declared these areas as "socially unacceptable" but over 2/3 of Wyoming residents supported grizzly bear range expansion into the Wyoming Range and Wind River Range (not to mention the Bighorn Range. ("Public Attitudes Toward Grizzly Bear Management" by Wyoming Game and Fish Department - 2001)."

Issue 21

- "We have to understand how much habitat they need to have a viable long-term population, including whether they need corridors to other populations to maintain healthy populations."

Issue 21.5: General concerns about adequacy of habitat

- "Projected impact of shrinking habitat"
- "As a NOAA Scientist , I'm particularly tuned with environmental change and its impact. Satellite data and ecological models provided by our NESDIS branch demonstrate that the habitat does not currently and is not trending toward the ability to support a significant increase in grizzly bear population."

Issue 23

- In this summary, generally need to emphasize the concerns about threats from roads (many commenters brought this up):
    - "Another diminishing resource grizzlies require: wide swaths of secure, wild country without roads. Better yet, wide swaths of wild country that are connected, so the small remnant grizzly populations in the contiguous U.S. and Canada can intermingle."
    - "It should also be pointed out that the Greater Yellowstone Ecosystem is constantly under threat by new roads, trails and other human activity. With limited space and a diminished food source, the grizzlies are not stable enough without the protection afforded under the act."
    - "more roads equal higher bear mortality. Therefore, states need to commit to strict development guidelines to maintain protected habitat of roadless buffer zones between areas where grizzlies would be fair game (private developed and undeveloped areas along with USFS lands) and where it would remain protected (national parks). If this isn't done prior to de-listing, more roads will lead to greater grizzly mortality than you have accounted for in your de-listing proposal."
- "The reason that the bears of Yellowstone are not and cannot be recovered under present circumstances is because they live on an island, an island that the state of Wyoming has stated they intend to make smaller."

Issue 24

- "The USFWS's proposal does not adequately protect habitat outside the Primary Conservation Area, even though perhaps as many as half of the ecosystem's grizzlies spend some time outside the Primary Conservation Area. The USFWS should call for continued protections of habitat for EVERYWHERE grizzlies currently live, even if outside the PCA"
- Concerns that delisting will lead to unfettered development, disrupting the "large swaths of undeveloped land" grizzlies need to survive and threatening the bear
    - "delisting will re-open surrounding areas within the greater Yellowstone ecosystem to new development -- golf courses, mini-mansions, malls, ranches, roads, pipelines, oil and gas drilling and logging. Human/bear interactions will increase, and bears will die. Four Wyoming counties have already passed laws prohibiting bears within their borders." (not sure if this was referring to within the PCA/secure habitat or outside)
    - "The removal of protections for grizzlies also removes many crucial habitat safeguards. Grizzlies are a true wilderness animal and are dependent on large swaths of undeveloped land. When grizzlies were listed under the ESA, many logging, oil/gas, and tourist developments were stopped to protect the bear. Without protections, these

habitat safeguards are removed, and many acres of pristine land in the ecosystem could be opened up to development."
    - "Development is on the rise around the park borders"

Issue 26

Comment [AEK13]: Haven't checked for redundancy yet

- Grizzly is isolated
- "Island populations are by very definition always at risk, not only from genetic concerns…but also demographic, environmental, and catastrophic concerns, any of which can take down an island population and island"
- Habitat corridors are not being protected, expansion is not being encouraged. Grizzlies are therefore limited in their future range; "developing biological corridors between grizzly populations can help ensure genetic diversity and the grizzly's long-term survival."
    - Populations will not be allowed to expand southward in Wyoming (at least under the state's current management plan) i.e. Wyoming Range, southern Winds, Salt River Range."
    - 150 miles of farmland and roads separate Yellowstone grizzlies from their northern neighbors
    - "ID and WY don't care about connectivity": "Peer reviewer #4 correctly observes that Idaho's plan "clearly states that moving grizzlies into new areas (e.g., Bitterroot) is prohibited and intentions to connect GYE bear populations to these unoccupied areas is vague. (Id.). Wyoming's plan likewise seems designed to discourage recolonization or reintroduction in areas not occupied by grizzlies already. (Id., pp 3-4). If states are this hostile to bears outside of the DMA, how can connectivity - which most scientists deem critical - ever occur?"
    - "Yellowstone-border states eager to begin trophy hunts, with outfitters vociferously pledging to kill specific productive females, with the fact that area ranchers and hunters often display fierce animosity toward grizzlies, and with the reality that human-bear interactions very frequently end with a dead bear, it is unscientific, illogical and arrogant to pretend (as this rule does) that the bears will be able to safely exploit new territory."
- Need the following for adequate assurances of connectivity:
    - "ability to connect with other bear populations in the Northern Rockies without human intervention" (including Canada); "My understanding is that the Endangered Species Act stipulates that this happen."; "The USFWS's proposal does not adequately address the problem of genetic isolation by improperly relying on non-binding "assurances" from the state of Montana to "limit mortality" in potential linkage zones. The USFWS needs to do more to ensure that GYE grizzlies are able to exchange genetics with grizzly populations to the north, which is an absolute necessity if grizzlies are to survive in the long term"
    - Connections to Bob Marshall Complex.
    - Connections to the west along the Continental Divide to the Salmon/Selway/Bitterroot Complex; "Reintroduction of grizzlies through translocation in areas like the Selway Bitterroot Wilderness should be implemented first before delisting the GYE grizzlies"
    - "establish a viable grizzly bear population in central Idaho"
    - "secure practical linkage habitat between the Yellowstone bears and other populations to the north and west"
    - "One vital connective corridor is the Centennial Range west of the Park. It is one of the very few mountain ranges in Montana that runs east and west, making it an ideal path for grizzlies and other wildlife to travel to areas further west, and over time, Glacier and

central Idaho. These connections will help ensure a genetic diversified Yellowstone grizzly population."

- Protecting forests with large roadless tracts
- "A final rule must commit to connectivity and coordinated management"
- "It is absolutely critical that the states are on board with detailed, specific plans for connecting the grizzly populations given the fact that mortality outside of the DMA is at 47%! Connectivity will never happen at this rate."
- "Increasingly communities around the GYE and beyond are learning to adapt to the bears and to tolerate their movements. This is very promising progress that should not now be short-circuited."
- "There is an excellent opportunity to extend grizzly bear range and diversity for this bear as well as other far ranging threatened or endangered wildlife species i.e. wolverine, lynx and fisher come to mind. That opportunity lies in the huge area of federally administered public lands. ~ Extending from Yellowstone Park west through the Centennial Valley, thence west along the Continental Divide, Beaverhead-Deerlodge National Forest, Targhee NF, and BLM lands. ~ Thence northwest following along the Continental Divide (plus the Tendoy Mountain Flange to the east), Beaverhead-Deerlodge and Salmon NF northwest to Lemhi Pass. ~ Thence north on both the east and west side of the Continental Divide (Beaverhead-Deerlodge, Salmon and Bitterroot National Forest to the Big Hole, Chief Joseph and Lost Trail Passes. ~ Thence southwest along the Idaho/Montana State line, (including the Allan Mountain Fioadless Area), on the Bitterroot and Salmon NF tothe Frank Church River of No Return Wilderness and the Bitterroot-Selway Wilderness. These two wilderness areas, the largest joining designated wilderness areas in the contiguous forty eight states, will afford the Yellowstone grizzlies, that wander west from Yellowstone and points in-between, the opportunity to connect with northern grizzlies. This would enable the species to establish a more genetically diverse and sustainable grizzly population."

- Connectivity is actually adequate:
  - "The Bears are showing up in other areas, and expanding their ranges. The evidence is clear from the reports of Bears in the Big Hole Valley, and over on the prairie. http://mtstandard.com/news/local/grizzly-bear-spotted-in-upper-big-hole-for-first-time/article_2705b73a-1c8b-5c15-a8ed-95f1095a7606.html lands of eastern Montana. The fact that Grizzlies showed up in the Big Hole now shows they are using the corridors that will keep their genetics healthy. This shows that Grizzlies will be moving up and down those corridors from the Northern recovery areas to the southern. The science shows that our bears have recovered and should come off the list."
  - "Grizzly populations have expanded from the GYE and are colonizing new areas adjacent to YNP. In addition, grizzly populations have been expanding into areas between the GYE and the Northern Rockies population, which will promote the occurrence of genetic connectivity."

Issue 27

- "Farmers do what is best for their own business profit. Farmers do not manage wildlife."
- "Withdrawing most grazing rights on the region's national forests would be a good start in minimizing human-bear conflicts,"
- "Also, cattlemen and sheep men cannot lease grazing rights in these areas... This natural habitat must remain free from outside interests like these, and the Grizzly Bears need this refuge! SO,

Comment [AEK14]: This is in issue 23

keeping Grizzly Bears on the Endangered Species list means their pristine habitats cannot be leased"

- "If the federal government must pay farmers to leave grizzlies alone then so be it. Grizzlies belong in Yellowstone. It would be money well spent."
- "cattle is something we have to get rid of to begin with. WHO says this factor alone dooms us as there about 50 billion on earth or some such figure every year. you are not obligated to see the cattle industry survives just the reverse. cattle consume 100x the water, 100x the sewage, and 10x the food as if that food would be eaten directly all as times to humans ."
- "If we continue this trend to allow domestic sheep production to obstruct genetic connectivity, it will lead to the loss of genetic diversity. These sheepherders maintain multiple large guard-like dogs that displace migrating grizzly bears away from potential natural corridors of migration. And this is most prominent in female bears with cubs. Barking, aggressive guard dogs will deter them from their natural historic migration pathway, and this is inappropriate, and this needs to be analyzed." And "Domestic sheep grazing is a major obstruction to grizzly bear connectivity because of alien sheep herders who will harass or kill grizzly bears near their flocks."
- On issue of Sheep Experiment Station
    - "The U.S. Experimental Sheep Station that straddles this range must go before delisting the grizzly. Years ago, I came across a few sheep herders in the Gravellies that were in the process of disposing a grizzly that had killed some of their sheep the previous night. "Shoot, shovel and shut up" was code of the West back then, and there is nothing to show that this fact has changed. The dead grizzly recently found on the Sheep Experiment lands reflects this." This station blocks connectivity: "They have talked about the Sheep Research Station in the Centennials, which is the only east/west mountain corridor. And this is blocked by the Department of Agricultural Sheep Research Station, which has illegally killed bears there in the past."

Issue 28

- "I would ask that you use the power of your office to protect our environment from destructive hard rock mining projects like the Montanore Mine in the Cabinet Mountains Wilderness. As you know, the Montanore Mine is a massive mine in the heart of critical wilderness habitat for grizzly bears and bull trout, both threatened species protected by the Endangered Species Act. Hard rock mining projects like the Montanore Mine are threatening spectacular wilderness areas, placing short-term profits above wildlife and wild lands."
- "28 mines are able to be developed, oil extraction becomes viable… if Grizzly Bears lose their ESA status"
- Many commenters did not want *any* oil and gas leasing in grizzly habitat (especially the PCA) and "keeping Grizzly Bears on the Endangered Species list means their pristine habitats cannot be leased"

Issue 30

- "Humans continue to encroach on the habitat of our wildlife, humans do not follow posted, common sense guidelines/rules that in place for the safety of said humans, especially in national parks causing the necessity of restricting humans from the national parks."
- "Yellowstone has seen record #s of visitors the past two years, and that trend is likely to increase with much of the visitors being foreign travelers. Bear/human conflicts will increase with the increase of bear population & increase in #s of visitors."

Comment [AEK15]: Already added these to the issue summaries

Issue 31

- "over 3 million acres of pristine land open to timber harvest and road building if Grizzly Bears lose their ESA status"
- Many commenters did not want *any* logging in grizzly habitat (especially the PCA) and "keeping Grizzly Bears on the Endangered Species list means their pristine habitats cannot be leased"

Issue 33

- "Habitat fragmentation has perpetually increased the isolation of this group of bears."

Issue 37 (Joy)

- Pro
  - "Allowing hunters to purchase hunting tags to regulate animal populations is both ethical and financially sound."
  - "I strongly believe opening a hunt can be healthy for the overall population of Grizzlies in this area. While this might seem counter intuitive the idea is actually quite logical to me, if a reasonable amount of bears are taken, through hunting, the food resources available to remaining individuals in the species will increase. Having more available food resources will help young bears grow to maturity and it will also allow more energy to be spent on mating and less on searching for food. In other words, if bears are spending all there time hunting or if they are too weak, they will not breed as much." And "If animal populations aren't controlled with these methods they will continue to grow and then will start dying off due to disease or food shortages"
  - "Hunters could effectively take care of [problem bears] and the state would make money instead of having to pay to have bears relocated or killed" (value of depredation hunts)
  - Hunting will increase bears' fear of humans, reducing future conflict with humans/bear harassment of humans
- Con
  - Population too small to justify hunting:
    - "Removing federal protections from this one small, isolated population and subjecting them to trophy hunting will not advance the conservation of this species."
    - Hunting will lead to inbreeding, inbreeding depression, and "subsequent extinction."
    - Population can't handle mortalities beyond management removals, traffic deaths, etc (what's already happen). Just with these, there is a lot of mortality:
      - "In the past two years over 90 bears have been killed , either by the state of Wyoming Fish & Game , the US Forest Service, the USFWS or traffic fatalities . This alone would drop their population down to around 600 or fewer, and you being a hunter yourself should know that natural mortality cause even reduce their number lower than this."
      - "Last year saw record high deaths, with roughly 85 bears killed in the Yellowstone region alone. That is over 10% of the population lost in a single year even with federal protections in place!"
      - "Human-caused grizzly deaths are at all time highs, and the species is currently protected, so this is only going to increase once the protections are lifted."

Comment [AEK16]: Already added

Comment [AEK17]: Compare to current issue

Comment [AEK18]: Make sure not redundant to what's in Issue 16/move this discussion completely to Issue 16?

        - "The current populations are being managed for stability, not growth. There is no significant increase in grizzly populations. Reinstating any kind of hunt prematurely on this species risks a decline in numbers that most likely will exceed reproduction rates."
- "The population is not recovered in actuality, despite what Chris Servheen might say, and he seems to represent the bias that the public will only value grizzlies if we can kill them. That is an outmoded 19th-century attitude which is certainly not true today, and recent published research has de-bunked that antiquated theory."
- Requests for data to support claims that hunting will improve the health of bears in the GYE
    - "I'd like to see the impact study that says hunting (you call harvesting) the bears will improve the health of the GYE?"
- Bear population will not be able to withstand hunting because of grizzlies' slow reproductive cycle
    - "Upon further research of the bears' current condition, I don't have full confidence that the fish and game has a grasp of how hunting will impact female bears and their ability to sustain a healthy population of grizzly given the animals are slow to reproduce. There are so many other pressures and obstacles faced by the grizzly and I'm confident that the research is plentiful enough to support my concern."
    - "Grizzly bears evolved without predation pressure, and as so, they evolved a low birth rate. As such, they are ill-suited to survive in the face of sport hunting as demonstrated by their catastrophic population crash during the previous two centuries."
- Negative impacts on grizzly behavior and social structure
    - "Additionally, I have not been able to find any scientific information in the proposal about how removal of a dominate male from a territory often results in a skewed age structure of the population, increased infanticide, increased juvenile male disperses, and increased human-wildlife conflict."
    - "Hunting not only stresses the entire population but also single individuals. In a few years time these animals will produce less offspring due to the added stress."
    - "They aren't like elk or deer which run away from hunting threats."
    - "And how do you know hunters will not "harvest" pregnant females or females with cubs? Potentially one "harvested" adult results in 3 more deaths."
    - "hunt for grizzlies or hunting in general could wipe out entire sectors of these apex predators that the regional ecology needs to thrive. Eradicating wolves from Yellowstone was a flawed, devastating plan that should remind folks of the dangers involving a lack of species protection. To avoid costly and ineffectual bear restoration (like wolf restoration), I urge the federal protections remain in place."
    - "and I'm concerned about how hunters will know for sure which bear is being shot - a reckless youngster or the brain trust for generations of cubs"
- Hunting and human-bear conflict
    - "Bigger bears will be most not all hunters' prizes. What of the cubs and sub-adults that will be left behind? Younger populations are more fragile; young bears disperse widely, leading to more negative human-bear interactions."
    - Hunting will increase conflicts between humans and bears

- Hunting applies perverse evolutionary pressure
  - "Mother Nature takes care of population control by limiting population booms if enough food is not available and by having natural predators take out sick, weak and old. Mankind improperly controls animal populations by killing the biggest and healthiest animals for trophy mounts and photo ops. Mankind can only protect animals from certain human hazards such as arson, poison, steel traps, bearpits. and prohibiting the cruelty of spears, bows and bullets. In addition, please ban hunters from posting photos of men and children alongside killed animals."
  - "Furthermore, allowing hunting of this vulnerable population could lead to rapid directional selection resulting in a less fit and viable breeding population"
- Ethical opposition to hunting or trophy hunting
  - "Hunting is a consumptive activity that benefits the individual at the cost of the general public."
  - General opposition to trophy hunting (hunting for sport instead of for food)
  - "In quoting Michael Sutton, former federal wildlife inspector and past president of California Fish & Game Commission; "the problem with trophy hunting is that it inspires unethical and sometimes illegal behavior on the part of hunters, that reflect poorly on all hunters not just trophy hunters". It also conveys a message that it is o.k. to kill threatened or endangered wildlife, a huge and well documented international problem."
- Hunting and increasing fear or humans
  - "In addition, there's a lack of scientific evidence that it is possible for animals such as bears to adjust their habits in the face of hunting in the same manner as more social animals, such as deer and elk. According to Swensen in 1999, the construction of such an experiment to determine something like this is virtually impossible in the wild."
- Relocate "surplus bears" instead of hunting
  - The best way to recover GB is to approach conservation from a larger continental scale. If the GB population in the GYE is in fact saturated, surplus animals from the GYE should be trans-located to new ranges in ID, MT, WA, OR, & CA where there is available habitat. Surplus animals should be used to advance broader conservation goals on continental scales, & repatriate GB to the other 98% of their range in the western U.S. where they have been extirpated.
  - "A good plan needs to be devised with all players at the table, including Wyo G&F, Wyoming stockmen in counties surrounding the park, the Wind River Indian Reservation - Tribal G&F and BIA biologists. If surplus young males or females become an issue, use them to transplant into suitable vacant habitat in Wyoming or in Rocky Mtn. NP or even to large CA parks with long vacant habitat such as Sequoia, Yosemite"
  - "Instead of a hunting season, please consider the tribal offer to allow the relocation of Grizzly Bears to biologically suitable tribal lands within historic range. Every tribe in Montana opposes the delisting and hunting of Yellowstone ecosystem Grizzly Bears. The tribes object to trophy hunting of the bears on cultural and religious grounds, science, and economics. Therefore, if the Yellowstone population actually does need to be managed - and there remains significant debate that it does - these bears should not be killed. Rather, they

Comment [AEK19]: This is also in existing summary of Issue 45 (poaching Issue)

should be transplanted to sovereign tribal lands. Reintroducing grizzlies to tribal land would revitalize many tribal cultures, which hold the grizzly bear as sacred."

Issue 38

- JDR
  - "Wyoming continues to assume authority over National Park Service managed lands within the John D. Rockefeller Jr. Memorial. This is in violation of the Organic Act and in direct conflict with the proposed rule, which states that hunting would be prohibited in National Parks. This approach potentially opens Park Service lands to grizzly bear hunting and is an error in regulatory authority that must be fixed in the final rule."
- To add to point 3
  - "How will "secure" habitat be protected within the Primary Conservation Area when mortality rates are allowed to range up to 10% for female bears and 22% for male bears? This proposal does not contain adequate regulatory mechanisms to ensure secure habitat remains and that hunting will not disrupt National Park Service resources."
- To potentially add to discussions about buffer zones around park boundaries
  - "However, grizzlies have huge ranges that extend well beyond park boundaries. It would be expected that these grizzly would endeavor into areas outside of the parks in search of suitable mates and food sources. Without the protection under the act these bears would be hunted, thus furthering their plight, considering a diminished food supply and a lack of open space."
  - "And they have been habituated to leaving the park's boundaries to feed on gut piles left by hunters particularly in the Teton area and those bears will be shot immediately if they are not protected."
  - "It is a known fact that the Grizzlies of the two national parks do travel out of the parks on a regular basis and there needs to be protection of the grizzly when they step out of the parks boundary."
  - "The U.S. Fish and Wildlife Service should provide the National Park Service with a formal role in the management of bears on habitat adjacent to park borders"
- "Further, NPS has expressed concern that 100% of the hunting would take place where only 80% of the bears live. This could cause problems with connecting the Yellowstone population to the Northern Continental Divide Ecosystem, as evidenced by a 47% mortality rate outside of the DMA in 2015. (IGBST 2015 Annual Report, pg 29-30). NPS is familiar with the importance of these bears to tourism and its concerns should be addressed."

Issue 39

Comment [AEK20]: Compare to current issue

- Scientific basis
  - "The best-available, peer-reviewed science and wildlife management practices all point to continued growth of grizzly populations - mortality rates, including hunting, are factored in and do not support claims that populations will face any sort of precipitous drop."
- How applied
  - Claims that we are not accounting for losses from immigration

- “Population could be reduced to 600 bears (500 bears in Wyoming) before "discretionary" (hunting, management "removals" etc.) mortality would be curtailed.- Population will no longer be allowed to grow - population is now being managed for stability, not growth.”
- The mortality limits we outline will lead to population declines, are “unsustainable”
    - “Simple addition and subtraction indicates that the number of bears would decline yearly, and that is before allowing for the stress on the bears due to the loss of important food sources, the whitebark pine seeds and army cutwork moths. Wyoming Game and Fish has acknowledged the stress on the bears from the loss of whitebark pine seeds in their own publication, Wyoming Wildlife.”
    - “With an estimated ~ 700 grizzly bears in the ecosystem and 600 bears being the proposed delisting criteria, the first year of delisting could and likely will reduce that population below that minimum population. In 2015 USGS reports that 61 grizzly bears were killed, 57 of those inside the DMA”
    - “Also, I fear how states may react -- would they assert a mortality limit percentage has not been reached unless the margin of error inherent in the estimate has been applied to the population estimate, thereby resulting in a more diminished population. Given the length of time necessary to achieve the increase in numbers (Grizzlies have been listed for approximately 40 years), mortality limit percentages geared to allow a one year decline of up to approximately 14% seems irrational. The rate of allowed population decline should not exceed the rate at which the population can grow. When the rate of allowed decline can so exceed the rate of natural population growth the stated goal of maintaining a recovered population is not effectively or even rationally served.”
    - “The IGBST study itself states that a loss of a mere 10 percent of females could crash the population into a precipitous decline, something we cannot afford to take chances with in this genetically isolated population.”
- Concerns about overshooting the mortality limits
    - “Do we really want to risk, "whoops!--hunters "harvested" over-quota," (as has recently happened with Yellowstone wolves in areas immediately adjacent to Yellowstone) with this slow reproducing vital animal that is already facing threats from sources known and unknown?”
- Alternative methods for setting mortality limits in a different way
    - “Reconsider the calculation of mortality limits given how slowly grizzly bears reproduce - Place more weight on the actual mortality rates from recent years - which occurred even as the bears are under Endangered Species Act protection”
    - “Mortality limits need to be set on trends in addition to total counts.”
- “The USFWS must provide the public and peer reviewers a full analysis of how the proposed mortality thresholds will impact population numbers, dispersal, and connectivity.
- Concerns about limiting monitoring to the DMA
    - “The proposal today in front of us results in all bears who are outside of those boundaries temporarily, or permanently, to be managed at the complete discretion of the states, and those bears will not count at all towards the population estimate, and as a result of this, they could be totally eliminated.”
    - “we're also concerned about grizzly bear occupancy and habitat. Particularly we're concerned about the demographic monitoring area and the relatively small portion of the entire ecosystem where grizzly bears and grizzly bear mortalities will be counted toward mortality thresholds.”

Issue 43

- "...illegal harvesting data have not been substantially included and addressed in this debate: I urge you to keep grizzly bears on the endangered species list until this information is included to represent a complete and thorough assessment for delisting...Although Asia appears to be the largest market for bear bile, paw, and other parts the United States made 210 seizures (page 13) of shipments from Asia related to illegal bear trafficking during 2000-2011." (http://www.poachingfacts.com/poaching-statistics/bear-poaching-statistics/)
- Please read INTERPOL's report, "Assessment on Illegal Bear Trade," 1 Dec 2014, and include their findings http://www.interpol.int/contentinterpol/search?SearchText=Assessment+on+illegal+bear+trade&x=0&y=0

Issue 44

Comment [AEK21]: Need to compare to existing issue summary

- Claims that instances of human-bear conflict have increased:
  - "The grizzly bear population in and around Yellowstone is dense enough that grizzly bears now prey on humans. Three deadly, predatory grizzly bear attacks on humans have occurred since 2010 within undeveloped bear habitat. I refer specifically to the bear attacks at Soda Butte Campground (victim Erwin Evert) in 2010; at Hayden Valley (victim John Wallace) in 2011; and on Elephant Back Mountain (victim Lance Crosby) in 2015. When the grizzly bear population grows so dense that the bears turn to humans as prey, it is too dense. I've noticed that grizzly bears increasingly inhabit the developed parts of Yellowstone National Park. I've come to the Park, to Old Faithful, every summer since 1988. In the late 1980s, grizzly bears were uncommonly seen around Old Faithful. Now, grizzly bears are commonly seen there, even in the highest-visitation months of July and August. Also, grizzly bears are now commonly seen at the roadside throughout the Park. Although they are admired by huge crowds of Park visitors, it is unnatural for grizzly bears and people to be so close together. It isn't safe, either. Bears that grow up around crowds of people lose their fear of humans, making future conflict more likely. These bears used to have enough space in the backcountry. Now, they no longer do because there are too many bears."
  - "In Montana, grizzly bears have been observed to be moving down to lower elevations as a result of changing food sources and this is leading to more and more human/bear conflicts, making bears incredibly vulnerable to human caused mortality"
  - "Grizzlies have dispersed farther to the periphery of their ranges in search of meat to replace the loss of pine nuts and trout. This has led to the increased conflicts, primarily with livestock and hunters, and ultimately death for the bears." And "Moreover, the directions of population expansion are largely to the south & east where the only remaining good stands of whitebark pine occur & where Cutworm Moths are found in abundance. These alterations in distribution are alarming because they also place GB at greater risk to humans, because land uses are higher in those areas"
- Delisting will help reduce this human-bear conflict
  - "The result of de-listing the bears would allow for better management of #s of bears. It would also reduce bear/human conflicts which often result in harm to the bear or a human or both."
  - Better to have hunting than management removals (will ultimately lead to less overall grizzly death) → "Make sure the states follow the selective harvest requirements and quotas, if not the populations will increase and you will have more disastrous

encounters with humans and livestock , so ranchers and cattlemen will take more out of the picture then hunting will."

- There are more ways to reduce conflict that don't require delisting...
  - "Suzuki report states that "there is no scientific evidence to support the claims that sport hunting these large omnivores Is a necessary part of keeping people safe. There are far more effective management approaches to allow people and grizzly bears to co-exist without killing so-called "problem" bears. Educating people about how to avoid conflicts with bears. how to hunt safe in bear country and how to carry and use bear spray ere the most effective means of preventing dangerous beer-human encounters. Pepper spray. for instance, stops undesirable behaviour by bears 92% of the time, and has been proven to be more effective than firearms". The report states that hunting bears to help keep them wild and wary of humans and hunting them to keep the population healthy by eliminating older bears are both myths."
  - "Nature always takes care of itself and the bear population will be reduced most likely through disease or starvation."
- Need more non-lethal control
  - "Non-lethal means should be used to deter bears from encroaching on private property."
  - "More needs to be done to prevent conflicts between bears and hunters and ranchers. More methods of coexistence tried rather than lethal control. And, that also is not included in the plan"

Comment [AEK22]: Already added

Issue 45

- Various claims that there will be more illegal killing in a post-delisting environment, jeopardizing the population
  - "Without adequate protection, people who don't like grizzlies will kill more of them since they wouldn't have to pay as big a fine if caught"
  - "Hunters will claim that they had to shoot a bear in self- defense."
  - Local attitudes towards grizzlies will lead to "shoot, shovel, and shutup" in a post-delisting environment
  - "it seems that there would be too many ways for illegal killings to fall through the cracks if the Bears were delisted."
  - "Idaho has not raised poaching fees since 1999. Montana proposes an "illegal take of grizzly" fine of $8000, the same as for plentiful species like elk and deer. Why isn't the proposed fine equivalent to that for bighorn sheep ($30,000)? The impression is certainly one of indifference. How can the public feel confident that poaching will be taken seriously by any of the three states?"
- "Poaching...data have not been substantially included and addressed in this debate: I urge you to keep grizzly bears on the endangered species list until this information is included to represent a complete and thorough assessment for delisting. Historical poaching data: From 1983 through 2002 there were 8 North American brown bear (grizzly bear) deaths attributed to poaching (page 70) in the Cabinet Yaak and Selkirk ecosystems of Idaho, Montana, Washington, and British Columbia. During the same period 14 grizzly bears were killed due to unknown human intervention where no clear proof of motive was available. These statistics are higher than the number of bears killed in self defense or as a result of legal hunting." (http://www.poachingfacts.com/poaching-statistics/bear-poaching-statistics/)

Comment [AEK23]: Reduce redundancy between this issue and Issue 26

Also compare to original issue summary

Issue 47

- "Yellowstones grizzlies have had zero genetic connectivity with outside populations in the last 100 years. This means that every grizzly in the Yellowstone population today came from a gene pool of only 136 animals (the population low point in 1975). A wildlife population will not survive in the long term without genetic connectivity to promote genetic diversity and avoid the damaging effects that inbreeding can have on a wildlife population. Establishing corridors to allow bears to move between populations in Yellowstone and Glacier will require more protection, not less. Genetic connectivity is an absolute necessity if the Yellowstone grizzly is to survive in the long term and this prospect becomes much more difficult in the absence of ESA protections."
- "Inbreeding is a serious threat to the genetic diversity of these animals." And "The population must be large enough so that genetic abnormalities and birth defects won't make a difference in the long run."
- "Lack of connectivity to other grizzly populations is a long-term genetic risk for Yellowstone grizzlies. (Haroldson, M. A., C. C. Schwartz, K. C. Kendall, K. A. Gunther, D. S. Moody, K. Frey, and D. Paetkau. 2010. Genetic analysis of individual origins supports isolation of grizzly bears in the Greater Yellowstone Ecosystem. Ursus 21:113. BioOne)."
    - "The USFWS's proposal does not adequately address the problem of genetic isolation by improperly relying on non-binding "assurances" from the state of Montana to "limit mortality" in potential linkage zones. The USFWS needs to do more to ensure that GYE grizzlies are able to exchange genetics with grizzly populations to the north, which is an absolute necessity if grizzlies are to survive in the long-term."
    - "There is no adequate plan in the delisting regs for connecting grizzly bears with the Northern Rockies. Without a plan for a connective corridor, and a no-hunting policy between these two populations, I believe that the future of the Yellowstone Grizzly is bleak. I believe this because although at this time one study says there is sufficient genetic diversity in our population, this diversity will overtime decline without an influx of new blood. Bears cannot be 'flown' in which I understand is the present plan if the gene pool is limited"
    - "In the least, Yellowstone grizzlies need proper connections with other major bear populations. Wildlife corridors need to be established between core areas and subpopulations need to be able to exchange genetics. As of now, our bears will not be able to maintain a healthy population."
- "At least 1,850 bears would be needed to keep long-term genetic viability, a number that is still far from being reached."
- "The Rule assumes that the genetically effective size of the Yellowstone population is large enough to maintain genetic viability, but the research supporting this contention is based on seriously flawed assumptions."
- "Also, there are a lot of bears in Canada and Alaska -- occasionally supplementing the Yellowstone population with bears from the north if necessary to meet objectives could be part of the plan."
- "Because 40 years is not enough time to establish a varied genetic tribe of bears."

General food → Issue 51??

- Food sources (e.g. huckleberries, elk/bison, whitebark pine, cutthroat trout, army cutworm moths) are declining/disappearing. Leads to grizzlies wandering farther to find food and "Although the bear population has rebounded, two of the main food sources have collapsed

(white bark pine nuts and cutthroat trout) leaving the population vulnerable to rapid decline if other food sources become short."

- "You can't possibly delist an animal whose sources of food are declining and whose access to those food sources outside a protected range is restricted." "Without federal protections, grizzlies would not be able to reach further vital food sources in Wyoming."
- "Grizzlies are very territorial and each bear requires tens of thousands of acres to get enough food."
- We need to see what climate change does to their main food sources.

Issue 50

- "You say grizzlies are finding other food as their historic food sources dwindle. But I don't believe you have taken into account the variables with other options, like caloric intake, quality and availability of that food, or how much vulnerability or human interface is required to get to them. The "adaptable bear" is not a valid argument for delisting."
- "There is also a fallacy that bears are omnivores so they can eat anything. There are too many assumptions based upon this rationale. Climate change or global warming is changing all that. Yes, they can eat many things, but how nutritious is that diet going to be?"

Comment [AEK24]: This is already in the summary

Issue 52

- "And how do you know the bears' food sources are in healthy supply? Have you actually determined the ratio of army cutworm moths to bears?"
- "USFWS fails to adequately address the effect of army cutworm moths on birth and death rates of Yellowstones Grizzly Bears and fails to account for past effects of increases in consumption of moths by bears and future effects of losses of this food on the population.
- Army cutworm moths are among the highest quality of grizzly bear foods in the Yellowstone Ecosystem, (Erienbach et al, 2014). Over summering moths can consist of 50-80% fat (Kevan & Kendall 1997), which female grizzly bears need to achieve substantial body fat in excess of 20% to produce and sustain cubs. (Farley & Robbins 1995).
- "Individual sightings of grizzly bears on moth sites have numbered between 240-350 during the last three years (IGBST 2015:42-43), which strongly suggests that a substantial number of bears use this food resources and perhaps even the majority of those bears living in the eastern portions of the Yellowstone Ecosystem. All of the 31 known army cutworm moths sites are located on US Forest Service lands. (Gunther 2014). Six of these sites are located outside of the Primary Conservation Area. Nowhere in the Proposed Rule does USFWS address the demographic analyses relied upon and referenced by USFWS or have they in any way incorporated the effect of army cutworm moths consumption in their analyses of grizzly bear birth or death rates."
- "There are further questions about another important food source, the army cutworm moths, which migrate to the ecosystems highest mountains during the summer from agricultural lands on the great plains where they are threatened by heavy pesticide use."
- "Allowing mining, ranching, or other kinds of development on these lands may further affect the available food sources for the GYE grizzly," specifically army cutworm moths.
- "Army cutworm moths are found mostly in the alpine talus slopes in the southeast area of Yellowstone Park and outside the Park to the southeast. These alpine areas are predicted to have a 90% loss by 2099."

Comment [AEK25]: Already in the summaries

Comment [AEK26]: Already in the summaries

- "Another food recently used in large quality is Cutworm Moths in the alpine, but they do not compensate for loss of other prey & their center of abundance is located to the southeast where GB are more exposed to human conflicts."

Issue 53

- "Another important food source, the cutthroat trout of Yellowstone lake and its tributaries, has also experienced massive declines due to predation from non-native lake trout."
- "spawning cutthroat trout (losses greater than 90% in many important spawning streams) followed the introduction of Lake trout into Yellowstone Lake."

Issue 54

Comment [AEK27]: Compare to current Issue summary

- A lot of commenters expressed concern about whitebark pine declining. Reasons cited for decline include:
  - Drought
  - Beetles (multiplying with warming climate)
  - Fire
  - Blister rust

  These factors "destroyed most of the trees between 1995 and 2005"
- Declining whitebark pine will make it difficult for grizzlies to find the food they need to survive
  - "The service's recent research on whitebark pine offers no reason to believe that bears will continue to flourish in the Yellowstone Ecosystem in the absence of functioning and healthy whitebark pine stands. Simply stating that "bears are omnivores so they'll find alternatives" does not adequately address the concerns raised by the Federal Disctrict Court Judge Molloy, affirmed by the Ninth Circuit Court of Appeals."
  - "While bears in Yellowstone feed on elk, bison and fish, it is important to understand that their most essential food source is seeds and nuts from the whitebark pine.
  - "The pine nuts are rich in protein and fat which allows bears to fatten up for the long winter. For breeding females, body fat determines their ability to reproduce. Pregnant females going into hibernation with insufficient body fat absorb their fertilized eggs."
  - "Historically, the high-fat food source of the whitebark fuels the reproduction of female grizzlies."
  - "With trees dying from invasive beetles; a large part of the bear's diet is decling that will have them going into hibernation less robust; may affect the sow's ability to bear young or keep them fed enough to grow up."
- Climate change threatens whitebark pine with further decline
  - "Both of these threats (beetles and blister rust) will increase as global-warming trends continue. Historically, the bitter cold winters of Yellowstone would wipe out the fungus and beetle infestations. No longer. Studies by the Natural Resources Ecology Lab at Colorado State University and by scientists at the U.S. Forest Service clearly document warming trends over recent decades in the mountainous regions of the western United States, with strong correlations to increased insect and fungi infestation to native pine tree populations."
  - The retired head of the US Forest Service bark beetle research unit stated that the central habitat of the grizzlies is among the hardest-hit in the beetle epidemic and the infestation does not appear to be waning.
  - "Within this range, more than 80% of their major food source (the white bark pine) has been lost due to climate change."

- "Because GB are long lived & changes in whitebark pine food has been recent, there will be lag effects on PGRs. More time is required to observe these effects & evaluate jeopardy to GB population."
- "The rule acknowledges the rapid decline of whitebark pine but rather than including it as one of four important food source for GYE grizzlies, as stated in the 2007 rule, this current proposal merely claims 'it can be a significant food source', severely deemphasizing the role of whitebark pine has in a grizzly bear diet. The Service's research found grizzly bears' selection of whitebark pine seeds has declined since 2000, coinciding with whitebark pine population declines reaching epidemic proportion, but the agency fails to acknowledge the likely causal connection of stark and rapid declines of whitebark pine populations being a limiting factor for grizzly bears using it as a food source"

Issue 55

Comment [AEK28]: Compare with current summary

- Dependence on ungulates is risky because:
  - Forces females to compete directly with males for food
    - "Additionally, competition from male grizzlies particularly during the early months of spring add pressure on a female with cubs from getting nourishment from dead bison or ungulate species such as elk immediately after the winter season. This puts the mother and the cubs at risk of starvation particularly during a time when other food sources are scarce."
  - More dangerous to acquire
  - Lower quality; "not the best food source for the females to meet their reproductive needs"
  - Exposes females with cubs to males, who may commit infanticide
  - "brings them into more contact with humans, which means more grizzly death"
  - "You haven't considered the types of food that grizzlies teach their cubs to eat, which determines how many cubs will survive their first year; meat-eaters for example are more likely not to live."
- "One of their main food sources is wild grazing animals and many of those species are in decline because of birth defects like underbite, male reproductive malformations, heart defects, underdeveloped thymus and lung damage. These birth defects result in high mortality in the young, which helps feed grizzlies in the short term, but cause serious declines in the overall populations of the affected species."

Issue 57 (Joy)

- Dismiss climate change too readily
  - "The current proposal fails to adequately consider the impacts of climate change on grizzlies, now and into the future. The U.S. Fish and Wildlife Service must explain to the American public how climate change will impact Yellowstone grizzly bears long-term."
  - "We need to guard them and create climate change pathways of land for them to migrate to and forage on as climate shifts."
  - "We don't yet know…how they'll deal with shorter hibernation cycles in the era of climate change."
  - "The uncertainty about the impacts of climate change on bear food sources, surrounding human land use patterns, and the synergistic effects of these multiple potential threats to grizzly bear persistence are unclear and difficult to predict" (39)."Climate change renders the future occupancy of protected areas such as parks into question" (39). "What is unclear, however, is how a warming climate in this area, lower

Comment [AEK29]: Already added

elk numbers in the GYE, the continued impacts of invasive species (e.g. rainbow trout) and disease (whitebark pine) will synergistically impact the very complex trophic web in this region and affect bear numbers in coming decades" (40)."

- "Yellowstone National Park's climate study concludes that not only will there be less and less snow pack, but that the GYE will look more and more like a sagebrush steppe. What will bears be eating then? All these are very unknown factors that are not acknowledged in your plan. In addition, climate change makes it even more imperative that we establish connective corridors, and protected private and public lands for these bears to survive."
- "The impact of climate change on Yellowstone's grizzlies is summarily dismissed in The Rule by the statement, "Most grizzly bear biologists in the United States and Canada do not expect habitat changes predicted under climate change scenarios to directly threaten grizzly bears." The only support for this statement is citation of a non-referred summary publication authored by Dr. Servheen, the principle author of The Rule. Elsewhere in the document, ample evidence is presented (pp. 13216 - 13217) that, in fact, climate change has already detrimentally affected Yellowstone's grizzly population. but this evidence is likewise summarily dismissed with the blithe statement that, 'grizzly bears are adaptable, they'll do just fine,' with little or no supporting evidence."
- "Grizzly habitat is shrinking, their population growth has stalled, and I believe climate change is a huge wild card that is already radically shifting precipitation, snowpack, fire regimes, and habitat distributions of all kinds of flora and fauna, and can therefore be expected to greatly impact top predators like grizzlies as well. The precautionary principle tells us that it's not wise to blithely expect a secure future for Yellowstone's grizzlies, but rather to expect unforeseen consequences, particularly from climate change, and therefore to cautiously retain (or strengthen!) existing protections for grizzlies."

- Agree climate change is not a threat in the foreseeable future
  - "First, if climate change has drastically changed the local climate and ecosystem how is it than that the Bear has been able to recover and increase its population to its current size? If the climate is really changing at a rate to where it is affecting bear populations opening a hunt will help maintain the population within a limit to where it will not exceed the amount of available food sources."

Issue 63

- "The bears' survival is at risk due to things such as reduced food availability (i.e. much less whitebark pine nuts, much less cutthroat trout, etc), a lack of genetic diversity due to isolated populations, and potential contamination of the park's air and water from sources outside the park (ex: mining operations, oil/gas operations, etc.). This newer, "holistic" perspective on the bears (and all other flora and fauna), and their food-chain, ecosystem and climate needs should be a significant consideration in deciding the bears' fate."
  - This quote brings up some threats not currently included in the summary (i.e. genetics, isolation, "and potential contamination of the park's air and water from sources outside the park")
- "The GYE grizzly bear population remains in peril from the combined effects of habitat loss and fragmentation, climate change, decline of primary food sources, and human-caused mortality."
- "Grizzly bears are threatened by shrinking habitat, disappearing food sources like whitebark pine, isolation and increasing conflicts with people and livestock, and these challenges have only been compounded under the mounting strains of climate change."

- "The Yellowstone population continues to be jeopardized by increasing regional human populations, energy development, problematic livestock husbandry practices, habitat degradation caused by climate warming, hostile state management, and unreliable methods for monitoring status and trends."

Issue 65

- Not only must adequate regulatory mechanisms be finalized prior to delisting but they also must be "proven to be effective"
- Claims that regulatory mechanisms and state management plans still aren't final and thus can't be part of our analysis of adequate regulatory mechanisms (see Issue 1.25)
    - "We haven't even seen draft plans from Montana or Idaho yet, and they are key for connectivity." (from April public hearing)
    - ID regs not final

Comment [AEK30]: Move this Issue here?

Issue 66

Comment [AEK31]: Check for redundancy

- Potential additions to discussion of the gray wolf (and this causing distrust of state management)
    - "As a resident of this area, I know well that Wyoming Game and Fish Department is solidly anti-predator; their obvious goal is to reduce wolves and lions to the minimum (typically an arbitrary, subjective number based on flawed methods of estimation)--and it will be the same for bears. Please do not turn the fate of grizzly bears over to the state of Wyoming. Science and management of predators in this state have not progressed past the middle of the 20th century."
    - "One needs only to look at the applicable states management of the Gray Wolf to see they are simply incapable of managing a critical species, when other priorities exist and they defer and cater to the hunting public."
    - "When the wolves were delisted in these 3 states, their populations have declined greater than 50% from 3 years ago. Idaho is on record for killing all wolves until there are only 100 left. The grizzly bears would be decimated & as their reproduction is much lower than most predators, it is likely the bear would have to be relisted."
    - "Idaho allows indiscriminate wolf (and coyote) killing contests, without environmental review." And "Witness the slaughter of Idaho's wolves by hunters and trappers that has reduced wolf numbers across that state to the point that they no longer function as an integral part of that state's ecosystem."
    - "FWS with the full support of Governor Mead of Wyoming managed to reduce the states wolf population by 40% in three months after they were delisted. They were later put back on protection of the Endangered Species Act by a federal judge who ruled FWS was "arbitrary and capricious" in accepting Wyoming's promise of "minimum management targets"." And "Wyoming holds the vast majority of grizzlies. I do not believe that Wyoming can be considered capable of maintaining populations of any large carnivore in a scientific manner, considering its dismal record of "managing" wolf populations. Its wolf management was so bad that it has had to be struck down in federal court twice."
- States cater to hunting interests
    - "The states are not trustable in this regard as their monies come directly from hunters, not the environmental community."
    - "and state management practices that are hostile to large carnivores (state agencies view large carnivores primarily as competitors for deer, elk, etc. that could otherwise be

on the market for sport hunting licenses, which are a major source of agency revenues.)"

- "Hunting allowed by all three states bordering YNP ls favored by state game agencies, is suspect, because these agencies derive significant revenues from hunting. These people can be biased toward saving their jobs."

- States generally can't be trusted to "do the right thing," seem to have bad intentions
  - "Wyoming, Idaho and Montana are notorious for their hostile treatment of predators. How can we trust them to manage our grizzlies? In the states' joint comment, they (a) reject the need for federal oversight after the initial 5-year monitoring period, (b) reject the requirement of connectivity and (c) push for a range of 600-747 bears instead of accepting the population objective of 674 bears. They indicate that they want to "manage downward" meaning the states will aim for the lower number of 600 bears. Will USFWS give in to the states' demands? If so, why are those requirements no longer important to the continued survival of Yellowstone grizzlies?"
  - "I cannot think of any states who are less qualified to manage the bears, than ID, MT and WY, due to their addiction to inhumane wildlife practices, and psychopathic torment of the wild's predators."
  - "The States have neither made nor committed to anything to maintain the current bear population. The American people and the bears deserve some commitment. There should be no trust that the states will do the right thing. They wont."
  - "hostile state wildlife management" → add this phrase?
  - "An additional note on state "management" of Grizzly Bears - Wyoming has certainly proved themselves incapable of managing apex predators with their oft-rejected wolf "plans" (currently defunct and not being rewritten, but rather looking for political shenanigans to reapprove). They are even excluding many suitable areas from their current plans. Look at the history of state "management" of Grizzly Bears. In the early 1970's, the grizzly bear population in the Greater Yellowstone was on the brink of extirpation. By 1975, the year they received federal protection, the population was estimated to be as few as 136 bears. The states' response to the dwindling population was to continue issuing hunting licenses. In 1974, Wyoming's chief game warden at the time, Rex Corsi, was quoted in a newspaper article as estimating there to be around 50 grizzlies in the state. The same year, Wyoming issued 12 grizzly hunting licenses. Allowing 25% of the state's grizzly population to be hunted in a single year is NOT "sound management", given they are one of the slowest reproducing land mammals in the world. The authorities today often point solely to the closure of the dumps in Yellowstone and the resulting mass killings of so-called "problem bears" as the reason for the bears demise. In fact, "trophy hunting" by the states continued to be a significant source of grizzly mortality in the early 1970's and continued right up until the time they were forced to stop in 1975 (aside from Idaho). Astonishingly, wildlife officials from Montana and Wyoming were saying the exact same thing then as they are now: That the grizzly population is healthy and thriving and not in danger of extinction. They fought listing the whole way, decrying it as "federal overreach". Fortunately, they lost that fight. If the states of Wyoming and Montana had their way and been allowed to continue with their reckless and irresponsible grizzly "management", it's highly doubtful there would even be any grizzly bears left in the Greater Yellowstone today."
  - "In September 2014 Wyoming Fish & Game "bear management specialist" Luke Ellsbury illegally shot and killed a grizzly bear 23 feet from state highway 14/16/20 west of Cody. He apparently couldn't tell the difference between a grizzly bear and a black bear.

Wyoming Fish and Game punishment for such an egregious act of incompetence and dereliction of duty-a week without pay at the start of hunting season! Any other business of a proportionate act would have fired him on the spot. By the way, Mr. Ellsbury is a contributing author for much of the documentation used by the state for delisting."

- States don't have enough capacity to manage grizzly bears
  - "And how can you trust a department to manage grizzly bears when they can't even impose significant punishment on illegal poachers? They don't have the Fish and Wildlife of Montana, they don't have the manpower during deer season hunting to answer all the calls from concerned citizens regarding hunting violations."
  - "They don't have the money or knowledge to do adequate research themselves to develop bear management plans."
  - "you won't cut off the hunting soon enough; you and the state wildlife agencies do not have the staff to properly manage the hunting and other human kills of the grizzly on a timely basis."
- ON THE OTHER HAND, states are the entities best equipped to manage grizzlies
  - "Not only do the states surrounding Yellowstone already have viable legislation in place to help conserve the GYE population of grizzly bears,2 they also will be able to respond to any variations of said issues in a more timely and effective manner than federal agencies."
  - Will allow consistency of management in a state/ecosystem: "Having them managed separately and distinctly by a different entity than the rest of the wildlife in the system [the wildlife that is currently managed by the state] creates an imbalance and disconnect in the science of that management which needs to be resolved."
  - "The social & economic losses have been huge with the federal management, it is time to put the Grizzly bear back into the hand of state hands which understands the local conservation needs for its natural resources."
  - "The states have a proven track record in managing many other species for hunting while maintaining healthy populations of the animals based on the available habitat."
  - "It is now time to return Grizzly bear management to the individual state wildlife management agencies as was done with the grey wolf, which seems to be doing just fine under state management."
  - "The delisting of Grizzlies will provide local state government the ability to provide diligent oversight to regulate the population while meeting local stakeholders needs."
  - "The state of Wyoming has demonstrated its strong track record as fully capable of managing wildlife within its borders. The Wyoming Game and Fish Department has the proven skill and expertise to successfully and effectively manage the grizzly bear, but we, meaning the U.S. Citizens, need to trust their ability and commitment."

Issue 66.5

Comment [AEK32]: Compare to current issue 66.5

- Because of history with wolves, public doesn't trust the Service's judgment in determining adequacy of state plans: "Your agency backed down regarding wolves in that state, and the same appears to be true for the grizzly. I do not trust your agency to make sure the states have an adequate bear plans"
- Multiple commenters claimed that the state regulatory mechanisms and management plans are "inadequate" to protect grizzly bears into the future and will not "ensure a stable, thriving, and connected grizzly population."
  - General

- Plans do not adequately address connectivity: "Idaho and Wyoming's plans both appear to strongly disfavor reintroduction or facilitating recolonization. Idaho's plan clearly states that moving grizzlies into new areas (e.g., Bitterroot) is prohibited and intentions to connect GYE bear populations to these unoccupied areas is vague. Montana's plan to facilitate reconnection is extremely unclear with no details other than to manage for discretionary mortality and having attractant storage rules." And "Additionally, Wyoming's management plan does not make any efforts to expand the grizzly's range, or allow the Yellowstone bears to reconnect with other grizzly bear populations. " (see Issue 26 for more detail)
- "How will communication between states be undertaken concerning the different types of mortality and how and when will that data be used to maintain an overall population number?"
- Not enough assurances for habitat protection: "Delisting relies on habitat management plans which are not yet in place. To sustain current population numbers, habitat conditions must also be maintained."

Comment [AEK33]: Include this at all? Or remove from Issue 26?

- Idaho
  - "Idaho's plan is outdated and flawed. There is no mention of the updated recovery criterion or mortality thresholds that would maintain a stable population."
  - "Idaho's process remains underway, with only a proclamation of good faith currently in place."
- Montana
  - "With the exception of one regulation to prohibit the killing of a female grizzly with cubs by her side, Montana relies solely on the completely voluntary Memorandum of Agreement between the three states to demonstrate its alleged good faith commitment to managing grizzly bear mortality in accordance with the proposed rule's requirements."
- Wyoming
  - "The bear population should not be managed the way some states, such as WY, seek to do by maintaining minimum populations."
  - "Wyoming's plan concerns me greatly, as it offers hunting grizzlies for a small fee (and if hunting should be allowed in any manner it should be extremely expensive to do so)…Wyoming also does not outline any steps to provide buffer zones around the national parks, nor does Wyoming outline any steps to take non-lethal intervention when grizzlies and humans are in conflict, even when the conflict is property destruction. We should not be allowing these bears to be killed for damages to property or livestock. The state of Wyoming's management plan would put grizzlies at great risk of extinction."
- Overall, no binding commitments:
  - "The lack of binding regulatory commitments from the states demonstrates that the required adequate regulatory mechanisms are not in place to justify a delisting. The states provide absolutely no binding assurances to the Service or the public that they will manage grizzly bears to preserve their continued conservation upon potential delisting."
  - "The delisting plans do not contain any binding agreements to act. There are no enforceable limits on mortality once delisting has occurred. The Conservation Strategy, itself, does not compel any agency to do anything. In fact, even if

deaths exceed prescribed levels, no agency is required to do anything." And "The state bear plans and the conservation strategy don't make anybody do anything or fund anything. That's not adequate to protect bears after delisting"
        - "Will the states be required to maintain a stable population of bears and if so, how?"
        - "There must be penalties for the states not if but when they exceed reasonable mortality thresholds."
        - "There are no enforceable limits on mortality nor any rules to force agencies to act once grizzly numbers begin to decline."
- Inconsistent state management could create a population sink →
    - "Because grizzly bears roam over large swaths of land or territories and obviously know nothing about human state boundaries, they will be unprotected when they leave the safety of Yellowstone National Park. Furthermore, to turn over control of the bears to multiple states would mean that one state could have a shoot on sight rule while still others may have a more regulated approach. This would mean that if many bears roam into the shoot on sight area that number of bears could be destroyed causing a negative impact upon the species as a whole,"
    - "Since Yellowstone overlaps three states (Wyoming, Idaho and Montana) it is imperative that one federal policy be kept to maintain healthy grizzly bears. Keeping grizzlies on the endangered list will prevent them from being slaughtered by overeager farmers and hunters."
    - "In addition, delisting will reduce the scientific oversight of the population and fragment management of a single population among three state wildlife agencies, not all of whom have the best interest of the bears at heart."
- State regulations cater to the desires of:
    - Livestock operators
    - Hunters
- Issues with regulations in National Forests
    - "Will our national forests provide adequate habitat protections for bears?"

Comment [AEK34]: Check with Forest Service issues...

Issue 68:

- INADEQUATE
    - "From what I have read, hunting will cease if the population is below is estimated below 600, but that will mean the population is already below that critical threshold."
    - "I believe that element prescribed by the USFWS are not sufficient to account for loss of individual bears due to unforeseen events, such as illness and natural disasters."
- ADEQUATE
    - "I also believe that the five listed "elements to maintain the grizzly population" were reasonable. Point number four was a critical point that helped shape my opinion on the issue. This was the point that said, "In a given year, allowance of discretionary mortality only if nondiscretionary mortality (e.g., mortality from illegal kills, mortality from self-defense, calculated unknown/unreported mortalities, natural mortalities, and mortality from other causes such as vehicle collisions) does not meet or exceed total mortality limits for that year." If this element is established and followed correctly the grizzly bear population will be maintained. If there is a bad year for grizzly mortality as a result of any of the points listed in that 4th element the number of available tags will go down. This makes perfect sense to me. There is no reason in my mind as to why, now that the

local population of bears is high and healthy, that they should stay on the endangered species list."
    - [quotes 4th element] "If this element is established and followed correctly the grizzly bear population will be maintained. If there is a bad year for grizzly mortality as a result of any of the points listed in that 4th element the number of available tags will go down."

Issue 69

Comment [AEK35]: Compare to current Issue

- Doubts that relisting could happen in a timely manner (and, if it doesn't, our safety net is meaningless)
    - "The entire scheme of the proposed rule is based on the false premise that if the population should decline precipitously, relisting could be accomplished, and accomplished timely. At a population of 700ish, the margins are too thin and the risk is too great"
    - "Big-game hunters and others argue that if Yellowstone's bear population falls precipitously after delisting, the federal government can come back in and declare the bears endangered again. But "relisting" is a lengthy process, sometimes requiring decades, and it is highly politicized. The Fish and Wildlife Service generally doesn't list a species as endangered unless ordered to do so by a court. In the meantime, grizzly bears would keep dying, and the culture of the surviving bears would be altered further."
- Triggers need to kick in sooner
    - "States have made clear their plans to significantly reduce the population, including through trophy hunts. The current proposal would allow states to exceed maximum bear deaths for years before any review, allowing for potentially irreversible damage, and would allow eradication of bears in some areas."
    - "One of the serious flaws of the plan is that it allows the acceptable mortality rate for bears to be exceeded for three years in a row before a review is undertaken. And even then, re-listing may not be required"
- No one is even required to follow the triggers
    - "In fact, even if deaths exceed prescribed levels, no agency is required to do anything. USFWS indicates that it will step in if the population dips below 500 but that is not compulsory."
    - "There are no enforceable limits on mortality nor any rules to force agencies to act QUICKLY once grizzly numbers begin to decline."
- Additional triggers
    - "Management plans need to include specific triggers based on trends and mortality counts for increased protections."
- "I do have some concerns with the rules provision [trigger that discusses re-evaluating if there are major changes to state regulations, etc) that requires relisting if changes are made to the rules or regulations of the federal, state, or tribes. I believe that this will not provide for the necessary flexibility that any management of any ecosystem requires. I think that the state of Wyoming needs to manage these bears based on what they learn over time, and that by allowing these states to alter their plans when they see it's necessary, this will only improve the chances that the grizzly bear will continue to recover"

Issue 70.5:

- "The proposal says that a review of numbers will be done every 5-10 years. Changes in grizzly populations can take years to be noticed. Dramatic changes can be occurring in the short-term."

HUNTING REGULATIONS:

- Concerns about specific hunting regulations → combine with Factor D stuff/our 5 elements (Issue 68)?
    - "There are less than 700 grizzlies living...and their reproduction rate is VERY slow. It can take up to 8 years for a female to reach breeding maturity. Once she has cubs...usually 2 or 3...she will not breed again for several years, while the cubs are growing. Any idea of not shooting a female with cubs, is bogus!!! Who can tell a female from a male until they can be examined up close...which means the bear is already dead!!! Also, females with cubs, usually hide them when there are open fields or sense of danger. So then what??? THE MOTHER IS KILLED, THE CUBS ORPHANED WHICH WILL KILL THEM ALSO, AS THEY DON'T KNOW HOW TO FEND FOR THEMSELVES!!!"
    - "If the federal government is delisting the grizzly bears due to inadequate funding, mismanagement of funds, or that the federal government is not concerned with the plight of the grizzly anymore, the states should be required to have a no hunt policy issued."
    - "concerns about allowing the population to fall to 600 bears before trophy hunting or other intentional killing of bears is curtailed are significant issues raised in the peer review that have not been addressed"
    - "A moratorium on trophy hunting of the Grizzly of the Greater Yellowstone Region should be part of all three states management plans for at least three to five years should they get delisted. There needs to be a time period for the states to adjust to managing the grizzly population prior to any hunting of the grizzly." And "If they just met or just passed the threshold for protection status, they should still have several more years to rebuild their numbers before opening hunting on them"
    - Premature → "At the very least, the Service shouldn't be laying any potential state hunting fees, and to see how these bears fare first without federal protections before subjecting them to a potential firing line outside of national park boundaries."
    - Hunters will not be able to distinguish between male and female grizzlies; also may not be able to see cubs because female grizzlies hide them "when there are open fields or sense of danger."
        - "I could find nothing on any of the state websites to help recreational killers distinguish between male and female bears… Further, I could find no educational info for recreational killers to identify the young that they are prohibited from killing. What exactly does a 2 year old cub look like?"
    - "These are the same people from the same state who with their proposed Grizzly Bear hunting regulations for the first season have stated that a " certain number of female Grizzlies " will be allowed to be taken"
    - "Compared to other large carnivores, and with fragile numbers and increased threats, grizzly bears will be much more vulnerable to the effects of aggressive state-sponsored sport hunting, and much less able to recover from predictable hunting excesses designed by state agencies to benefit elk and moose populations."
    - "Population could be reduced to 600 bears (500 bears in Wyoming) before "discretionary" (hunting, management "removals" etc.) mortality would be curtailed."

- “Impact of black bear baiting and hunting with hounds has not been sufficiently addressed. Idaho's plan says these practices are allowable outside the PCA, evidence of their stellar commitment to grizzly "conservation."’
- “Obviously, the number of licenses should be limited, and they should be distributed through a lottery draw system.”
- “This, the management policy in Wyoming , would permit them to hunt mothers with cubs , the cubs also, and take the female population down to as low as only 48 females. Three ------ there policy states that due to the " FAST reproductive rate of the Grizzly they would be able to " absorb " being managed through Hunting with no harm to the sustainability of the over all population . (Grizzly Bears do not become ready to breed until they reach the age of around eight, only breed every two to three years and only have around two or three cubs a litter) Four ----- The Grizzly hunting " management areas " totally surround all of Yellowstone and they would be able to hunt the bears right along the park boundaries. Five ------ Wyoming's " management " policy calls for practically an OPEN hunting season on any area outside of the outer zone of the GYE---. (this would virtually shut down any migration corridor)”
- “A trophy hunt could be disastrous, as the management of such would be conducted by three separate states, which appear to not have comprehensive, effective plans to prevent a sudden plunge in grizzly numbers should something go wrong.”
- “The proposed hunting zones cut off all the migration corridors (no way to avoid extermination), and hunters can take out the cubs along with their moms.”
- “Idahos management plan for grizzlies is from 2002 and thus extremely out of date. All bordering states already have plans for trophy hunting of grizzlies, including being able to bait bears and lure them outside Park boundaries. There are no assurances that hunting will take place well away from parks, where bears are tolerant and unwary of humans.”
- “In a related matter, the tri-state MOA is missing the National Park Service, a critical federal partner who manages grizzly bears within prime habitat in the ecosystem. By not including discretionary mortality for the parks or withdrawing the population that lives within the three national park units (YELL, GRTE and JODFI) from calculations to determine hunting quotas, hunting mortality will disproportionately occur along park boundaries. Any hunt by the three states should focus the majority of grizzly bear "harvests" away from park boundaries; the NPS manages approximately 40% of the PCA, and has historically played a pivotal role in the recovery of the grizzly bear in the GYE. To allow hunting along park boundaries runs counter to any and all logic in presenting grizzly bears within prime or core habitat.”
- “It is likely that hunting regulations for the states of Montana, Idaho and Wyoming will include practices that would be rightly considered unsportsmanlike by the American public .”
- “Bear data clearly shows that the breeding grizzly populations travel outside of the protected National Parks and state hunting areas need to be set that do to overlap with this movement. The bear population target numbers need to be set high for at least ten years until the state's management hunting plans have proved to be working, and the other impacts on mortality are better understood.”
- “The proposed rule allows the population to be decreased by over 100 bears before intentional killing from hunting or management actions could be curtailed. It sacrifices bears outside of the Demographic Monitoring Area.”

- Other concerns

- "no one seems to have thought about what to do with the wounded bears that will escape"
- "Idaho has not gotten grizzly identification anywhere near adequate for hunting. Before delisting, either get all three states to prove identification performance is at 99% or better, or, just don't hunt any bears in the DMA."
- Prohibit black bear hunting/mandatory bear ID test

Issue 74 (Seth)

- "Also, the grizzly bear is a conservation-reliant species that requires coordinated management be continued into the foreseeable future."
- "The states of Wyoming, Idaho, and Montana have issued a joint statement that they reject the idea of federal oversight after an initial five-year monitoring period."

Issue 76

- "Grizzly bear habitat must receive protections under post-delisting National Forest and Bureau of Land Management Plans to ensure the continued recovery of bears. Regulatory mechanisms that will protect grizzly bear habitat remain missing or are in drafts that have been unavailable to the public."
- "After de-listing, N.F. and BLM lands must have mechanisms for the protection for grizzly bear habitat of ensure recovery."
- "The U.S. Forest Service and Bureau of Land Management Plan must have plans in place to protect the bear's habitat and the American people have a right to comment on those management plans. These and all federal agencies involved in grizzly bear management and or wildlife issues must be a part of the overall continued recovery plan"

Issue 77

- "The Endangered Species Act (ESA)states that a listed species may be delisted in its entirety only. It does not allow for delisting by population segments. Therefore, the USFWS is undermining the ESA with this delisting proposal and interfering with grizzly bear recovery efforts."

Issue 80

- "Grizzly bears are not recovered over a significant portion of their historic range. Rather, grizzly bears occupy a minuscule proportion of their historic range, in just a few small isolated areas."
- "Rather than taking a piecemeal approach to recovery and delisting, we believe that Fish and Wildlife Service should be recovering grizzly bears and more of their historic range. Right now, grizzly bears only occupy 2% of their historic range in the lower 48 states, and there is plenty of remaining suitable habitat where bears can and should be recovered. For example, the Selway-Bitterroot in central Idaho is listed as one of six necessary recovery areas for grizzly bears, yet when we petitioned for FWS to push forward with its original proposal to reestablish a population there, FWS said it did not currently have the time or funding to do so. Establishing a population in this area could provide crucial connectivity for bears in the Yellowstone region"
- "Today, wild grizzly bears number at best between 1,400 and 1,700 bears in the lower48 states and are not recovered over a significant portion of their historic range-but in just a few small isolated areas."

Issue 84

- "A key regulatory element that ensures that habitat protections are intact for grizzly bears is still missing. The Forest Plan Amendments have not been revised to reflect the 2012 Forest Planning Rule or opened to public comment."
- "After de-listing, N.F. and BLM lands must have mechanisms for the protection for grizzly bear habitat of ensure recovery."
- "These forest plan amendments are inadequate to ensure eventual connectivity to the Greater Yellowstone."
- "Forest plan amendments aren't consistent with the current planning rule."

FIGURE OUT WHERE TO PUT THESE

- Peer reviewers expressed legitimate concerns
  - "The concerns raised by the outside bears experts who were consulted by the Fish and Wildlife Services regarding FWS' present plan were very real and practical."
    - "These outside experts also mentioned that climate change and its effects on bear habitat and food sources was not being factored in nor studied enough."

Concerns about limiting monitoring to the DMA/interpreting this as only protecting inside the DMA

- "Bears ranging north outside the Demographic Recovery Area will not be counted and those are the bears that would enlarge the GYE gene pool"
- "Therefore, we find it very concerning that the proposed rules only considers bears in the current population for habitat, the DMA, and bears outside that area should also have delisting protection."
- "By creating arbitrary boundaries outside of which bears are not protected, which is highlighted by Wyoming's draft plan, stating they will manage areas outside of the DMA as unsuitable for grizzly occupation, delisting essentially ensures that the Yellowstone grizzly will remain forever isolated."

"Without a healthy and unmolested grizzly bear population, the Greater Yellowstone Ecosystem is no longer true wilderness. We must protect wilderness in perpetuity. The interests of a few property owners and hunters must not prevail over the rights of future generations who would enjoy unspoiled wilderness."

The new plans offer no real explanation as to how grizzly numbers will be accurately monitored or how adjustments will be made based on the actual number of deaths.

you are upsetting the balance of nature by contriving a proposal to remove all protections, and . additionally allowing them to be slaughtered by hunters in the three states. You are creating a type of zoo, totally controlled by man, instead of allowing natural forces and habitat expansion and human development to naturally manage grizzly bears.

"And right now, we are at the sixth extinction addressed by science in this world. It is not a time to come up with a delisting proposal with only three years of study that is an opaque study, not presently available to the public, nor is it appropriate to only allow 60 days for comment."

From: Kasdin, Alexandra
To: Jennifer Fortin-Noreus
Subject: Technical Issue summaries
Date: Thursday, November 10, 2016 11:16:32 AM
Attachments: Jennifer_Issue Assignments_11-10.docx

Hi Jennifer,

Apologies for the delay. Attached are the bullet summaries for the four issues I thought you could write up, when you have time. Some of these points may already be in the summaries. Please highlight any text you add in teal.

Thanks!

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Issue for Jennifer to add to summaries

Issue 7

- General concerns about criteria
  - "USFWS has failed to update the Recovery Plan for this grizzly bear population so as to reflect the massive amount of best available science that has been produced since the early 1990's. USFWS has also failed to follow through with its own 2011 recommendation to update and revise the Yellowstone Grizzly Bear Recovery Plan."
  - The Service should be revising the outdated Recovery Plan instead of delisting. "Recovery plan revisions are required by the ESA every 15 years."
  - The recovery criteria should be reviewed in light of recommendations by Pyare and Berger (2003) and the use of ecological data in addition to demographic criteria.
  - The rule does not adequately justify changing the demographic recovery criteria from a minimum population size of 500, which was upheld by the courts.
  - The Service needs to stop moving the "goal post for what 'recovery' is for a population." And "We can't just continue to move the goal post every time we reach 500, 700, 800, 1200"
  - These criteria should be considered minimums.
- Concerns about criterion #1
  - "The inadequate science is having two unequal criteria in the same units, for the same thing. That is, the state goal of a minimum of 500 grizzly bears population in the DSP area, per state management plans, while there is a Federal goal of 674 average and 600 minimum grizzly bears in the DMA, which is smaller than the DSP area. Get the 500-value out of the state plans and keep this value out of your plan."
  - Both "and" and "or" are used when referring to 500 bears and/or 48 females with cubs.
  - Alludes to implementation of a new method, does it intend to switch to a new method which it has kept secret during delisting?
  - Is 48 FCOY a count as stated or modeled using Chao2, what are the counting rules, assumptions, etc.
  - If the population falls below 500 there is no mechanism to prevent further decline
  - The count of FCOY could drop below 48 if bears respond to a stabilizing population by lack of reproduction.
  - Should have the same population trigger of 600 as criterion 3 instead of setting two separate population floors.
  - All documents need to reflect that this is not a population target but a minimum to maintain short-term genetic fitness.
- Concerns about criterion #2
  - How is occupied defined? Females move between BMUs and could be counted more than once if a cub is lost
- Concerns about Criterion #3
  - Concern that if a review is conducted it will be politically influenced and slow
  - Remove "there will be no discretionary mortality, except as necessary for human safety" below populations of 600. The state needs flexibility to "make the necessary bear removal decisions"
  - It states that the mortality rates are adjustable, when will these rates be adjusted and how? They are the foundation of the regulatory mechanisms.
  - "So the decrease in the mortality limit is to compensate for an assumption that there will be fewer females with cubs? This needs further explanation since it appears to be

Comment [AEK1]: Already in Issue 7 and issue 15?

inconsistent in keeping with the mortality limits and a criterion of 48 females with cubs. If this is consistent with the findings, then why did the mortality limits for independent males not increase? Also, it is unclear how this is a conservative approach to a stabilized population when the old (higher) numbers were calculated for a stable to increasing population."

- In Criterion #3, what does the Service consider "reasonable and manageable" for each of the following kinds of management to minimize conflicts: I&E; installation of bear-proof garbage containers or electric fences to protect garbage, bee hives, livestock forage, livestock, or crops; live-trapping and removal of nuisance bears; and aversive conditions of intrusive bears. (Stringham)

Comment [AEK2]: ????

Comment [AEK3]: Better in Issue 44?

- The Service failed to include the review by John Waller in the peer review report or provide it to the public, dated April 25, 2013, on the proposed revisions to the Demographic Recovery Criteria for the GYE grizzly bear population and the application protocol for these proposed revisions. "That the review was solicited prior to the Proposed Rule does not mean it is invaluable to the public or should not have been included in the process."' It was "critical of the new demographic criteria, explaining numerous scientific shortcomings." This review needs to be included in the peer review package and made available for the public during an additional public comment period. (CBD)
  - the total number of adult females in the population is derived from an estimate of an estimate using the Chao2 estimator "with numerous assumptions that are not necessarily supported by the data (for example assuming transition probabilities are an age and time invariant Markovian process." To obtain a population estimate you have an estimate divided by an estimate divided by an estimate.
  - The methods used for many of the steps are not contained within the document but referred to multiple external documents that are difficult and time consuming to read.
  - The rationale for 15% mortality for independent males "because that level appeared to sustain an increasing population 1983-2001" is a "departure from the demographic rationale used for other cohorts.
  - The change to suitable habitat/DMA is about half of the size of the area indicated in the CS, the consequences if this adjustment need to be discussed and a description of this changes (possibly a flow chart showing the changes in controlling documents).
  - Criteria 1: 500 is an arbitrary inflation of the minimum number suggested by Miller and Waits (2003). This may not be as conservative as we think based on recent publications (Waples and Yokota 2007; Luikart et al. 2010). The original target area of 500 was the GYA but the DMA is half this size, should the same minimum still apply? There are no details on how this will be measured or obtained. Allowing for a new method to be implemented (in place of Chao2) would make interpretation of estimates and trends difficult.
  - The use of 1.0 as the ratio of independent males: females is not clearly explained and is a dramatic departure from the previous ratio (0.635).
  - Accurate demographic analysis is precluded by low sample size and wide variance, when variance can be calculated. The demographic criteria will only support recovery as long as the assumptions, biases, and errors are conservative.
  - Other concerns in other issues

Issue 15

- Potential new methods

    - The Service needs to employ DNA assessment to accurately monitor the population. The Service does not include what was included in its Reassessing Methods paper (2006) of $3.5-5 million to determine why it was rejected. The current costs are not different than those associated with current methods (monitoring unduplicated females with cubs, distribution of family groups, and maintaining 25 adult females with radio-collars). These costs would be obviated by a DNA census. It is not reasonable to apply this method in the NCDE, which is not proposed for delisting, and not in the GYE.
    - From John Waller: DNA based methods should be considered and can be done at a lower cost than the methods used by Kendall et al. (2009) and dismissed as too costly. Other options use rube trees (Stetz et al. 2010) or combine data types to increase precision (Boulanger et al. 2008, Abadi et al. 2010).
    - Population estimates need to be a census include information on age, sex, and location of each bear to provide data about the status of the population and changes in distribution.
- The MOA and state plans need to clearly state how a new estimator will be calibrated as directed in Appendix C and undergo public review.
- The recalibration language should remain in the Appendix C as was published in the draft CS and be included in the rule and the tristate MOA. (Defenders)
- Adequate regulatory mechanisms are not in place because of the states' failure to commit to recalibrating mortality thresholds in the event of a revised stable population target. (Earthjustice)
- The WY State plan must be clear that if a new population estimator is adopted that it will follow the direction of Appendix C in the draft CS that clearly defines the process by which a new estimator would be adopted. (Defenders)
- The CS (and state mechanisms) does not address the need to recalibrate mortality thresholds should a new counting methodology to estimate the grizzly bear population win the DMA be adopted. Chao2 is a conservative method so adoption of a new method would likely generate a higher population estimate. If a new method was adopted without recalibration, the states would be able to kill hundreds of bears, as long as they maintain the population goal of 674 bears (or 600 bears under the States' view). (CBD, Wild Earth Guardians)

Issue 18

- Unclear if carrying capacity has been reached inside the PCA or DMA
- Debate among commenters about whether or not bears have reached carrying capacity
    - Haven't reached carrying capacity
        - "Multiple reviewers note that the Service's assertions that the GYE population has met its carrying capacity are scientifically flawed and inconclusive."
        - "Delisting proponents go so far as to suggest that grizzlies in the greater Yellowstone area have outgrown the ecosystem. The proof, they say, is that bears are showing up where they haven't been seen in years. But the real reason for the grizzlies' spread may be simpler. With their food and habitat ever diminishing, they are venturing into unfamiliar places, often closer to humans, where "negative interactions" get bears killed despite their endangered-species status."
        - "Questionable science as to whether the "ecosystem is full" or if bears are moving out to find new food sources as their primary sources, cutthroat trout and especially Whitebark Pine nuts, diminish."

        - "USFWS has argued that the population growth has stagnated because the population has reached carrying capacity. In reality, whats happened is the bears major food sources are in a state of disaster and more bears are roaming more widely in search of different foods and getting killed by humans in the process."
        - If the population is increasing by 3-4% per year and harvest has to be adjusted to maintain total mortalities up to 10-22% in order to limit the population then this is not characteristic of biological carrying capacity.
    - Have reached carrying capacity
        - "Biologist have done extensive studies and decided that the GYE has reached it carrying capacity for the Bears."
        - "Indeed, the U.S. National Park Service found evidence that the carrying capacity has been reached: The number of females producing cubs in the park has remained relatively stable since 1996, suggesting that the park may be at or near ecological carrying capacity for grizzly bears. This may occur not only from competition with each other for space and resources but also from competition with other species for food and water resources, which leads into the second factor for delisting stability of habitat quality and quantity ."
        - "I have talked to Chris Servheen, the Grizzly Bear Recovery Coordinator, and he has told me for almost 10 years now that grizzly bears have reached carrying capacity."
- If carrying capacity has been reached it is because carrying capacity has declined in the GYE and therefore, additional habitat must be provided (i.e. range expansion) to allow for population expansion and recovery.
- Effects of reaching carrying capacity
    - "Recent attacks on humans is a clear indication that there is not enough land to sustain yellowstone bear population"
    - More bears will mean males will start to kill young
- Commenters expressed that peer reviewers were concerned about the conclusion by the Service that the population has reached carrying capacity

Issue 19

- Too add to second sentence in current issue summary?
    - "Recent data indicate that distribution of GB in the GYE has expanded markedly by as much as 40%. While that suggests a positive trend, other data suggest abundance has been largely stable or slightly decreasing since ~year 2000. The only way distribution can increase without a concomitant increase in abundance, is for density to decline. Evidence of negative changes in density suggests quality of habitat for GB is declining in the GYE, because density is linked to carrying capacity & areas with larger carrying capacities per unit area are higher quality habitats. Such changes are likely due to the loss of whitebark pine & trout as major foods."
    - Bear density is decreasing as the bear population has not increased and the occupancy has expanded by 40%. Bears are expanding to the south and east where the only remaining good stands of whitebark pine occur & where cutworm moths are found in abundance (Flesch).

From: Constantino, Maricela
To: Jennifer Fortin-Noreus; Seth Willey; Alexandra Kasdin; tyson. powell
Subject: examples
Date: Wednesday, November 09, 2016 11:24:02 AM

Valley Elderberry Longhorn Beetle (2014)
https://www.gpo.gov/fdsys/pkg/FR-2014-09-17/pdf/2014-21585.pdf

Arroyo Toad (2015)
https://www.gpo.gov/fdsys/pkg/FR-2015-12-23/pdf/2015-32075.pdf

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571/969-9804 (cell)

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: grahams
Date: Monday, November 07, 2016 3:55:54 PM

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https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=Q1DI

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Seth L. Willey
Branch Chief for Classification and Recovery
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303-236-4257
****

From: Willey, Seth
To: Matt Hogan; Jodi Bush; Thabault, Michael; Jennifer Fortin-Noreus; Kasdin, Alexandra
Subject: grizz - 9th circuit quote on relisting
Date: Monday, November 07, 2016 8:06:48 AM
Attachments: Ninth Cir. Grizzly.Opinion.pdf

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pg 26 of the 2011, 9th circuit grizz delisting opinion (attached).

"First of all, we reject out of hand any suggestion that the future possibility of relisting a species can operate as a reasonable justification for delisting. Whatever comfort may be taken in relisting as a safety net, it is no answer to conclude that a species is not threatened simply because it can be relisted if it is threatened."

****
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****

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors,

and

STATE OF WYOMING,
Intervenor-Defendant-Appellant.

No. 09-36100

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS; STATE OF WYOMING,
Defendant-Intervenors,

and

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION,
Defendant-Intervenors-Appellants.

No. 10-35043

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,

Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,

Defendants-Appellants,

and

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS; STATE OF WYOMING,

Defendant-Intervenors.

No. 10-35052

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF WYOMING,
Defendant-Intervenors,

and

STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors-Appellants.

No. 10-35053

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,
v.
CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,
SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; STATE OF WYOMING; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors,
and
NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION,
Defendant-Intervenors-Appellants.

No. 10-35054
D.C. No. 9:07-cv-00134-DWM
OPINION

Appeals from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Argued and Submitted
March 7, 2011—Portland, Oregon

Filed November 22, 2011

Before: Sidney R. Thomas, Susan P. Graber, and
Richard C. Tallman, Circuit Judges.

Opinion by Judge Tallman;
Partial Concurrence and Partial Dissent by Judge Thomas

COUNSEL

Allen M. Brabender (argued), Coby Howell, U.S. Department of Justice, Washington, DC, for defendants-appellants U.S. Fish and Wildlife Service, et al.

Robert N. Lane, William A. Schenk, Special Assistants to the Attorney General, Helena, Montana, for defendant-intervenor-appellant the State of Montana and Montana Department of Fish, Wildlife, and Parks.

Jay A. Jerde, Deputy Attorney General, Cheyenne, Wyoming, for defendant-intervenor-appellant the State of Wyoming.

Thomas France (argued), National Wildlife Federation, Missoula, Montana; David K.W. Wilson, Jr., Reynolds, Motl, and Sherwood, Helena, Montana, for defendant-intervenor-appellant National Wildlife Federation.

Douglas S. Burdin, Anna M. Seidman, Safari Club International, Washington, DC, for defendant-intervenor-appellant Safari Club International.

Douglas L. Honnold (argued), Timothy J. Preso, Jenny K. Harbine, Earthjustice, Bozeman, Montana; Jack R. Tuholske, Tuholske Law Office PC, Missoula, Montana, for plaintiff-appellee Greater Yellowstone Coalition.

Andrew E. Wetzler, Natural Resources Defense Council, Chicago, Illinois, for amicus curiae Natural Resources Defense Council, Inc.

Robert H. Aland, Winnetka, Illinois, pro se amicus curiae.

OPINION

TALLMAN, Circuit Judge:

This case involves one of the American West's most iconic wild animals in one of its most iconic landscapes. The grizzly bear (*Ursus arctos horribilis*)—so named for the gray-tipped hairs that give it a "grizzled" appearance—is both revered and feared as a symbol of wildness, independence, and massive strength. But while grizzlies may inspire some sense of human vulnerability, history has shown that it is the bears who have often been the more vulnerable ones. During the nineteenth and early twentieth centuries, widespread hunting, trapping, poisoning, and habitat destruction associated with American expansion decimated the grizzly population in the West and relegated the bears to increasingly remote and rugged terrain. Since then, their survival has depended both on their own ability to adapt to their surroundings and on human ability to adapt to their presence. These seemingly irreconcilable tensions have come to a head before us in this appeal.

The Yellowstone region of northwestern Wyoming, southern Montana, and northeastern Idaho is home to a grizzly population, two popular national parks—Yellowstone and Grand Teton—and a network of rural communities built on indus-

tries such as natural resource extraction, ranching, agriculture, and tourism. As such, it has served as a kind of living laboratory for the coexistence of people and grizzlies in close proximity. For much of the twentieth century, Yellowstone National Park's open-pit garbage dumps provided a reliable food source for the bears as well as a convenient bear-viewing opportunity for tourists. After the dumps were closed in the early 1970s due to concerns about encouraging the bears' attraction to human foods, however, grizzly mortality rates skyrocketed. By 1975 the grizzly population decline at Yellowstone and elsewhere prompted the U.S. Fish and Wildlife Service (the "Service") to list the grizzly as "threatened" in the lower 48 states under the Endangered Species Act (ESA).

Since then, the Yellowstone grizzly population has rebounded, as scientists, conservationists and land managers have made unprecedented efforts to study the bear and to change those human attitudes and behaviors that unnecessarily threaten it. These efforts, spearheaded by the Service's Grizzly Bear Recovery Coordinator Dr. Christopher Servheen, culminated in the "Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area" (the "Strategy"), an impressive inter-agency, multi-state cooperative blueprint for long-term protection and management of a sustainable grizzly population. Interagency Conservation Strategy Team, *Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area* (Mar. 2007) *available at* http://www.fws.gov/mountain-prairie/species/mammals/grizzly/Final_Conservation_Strategy.pdf. Shortly after the Strategy's finalization, the Service removed the Yellowstone grizzly from the threatened species list.

The Service's delisting decision, the subject of this appeal, raises a host of scientific, political, and philosophical questions regarding the complex relationship between grizzlies and people in the Yellowstone region. We emphasize at the outset that those are not the questions that we grapple with here. We, as judges, do not purport to resolve scientific

uncertainties or ascertain policy preferences. We address only those issues we are expressly called upon to decide pertaining to the legality of the Service's delisting decision: first, whether the Service rationally supported its conclusion that a projected decline in whitebark pine, a key food source for the bears, does not threaten the Yellowstone grizzly population; and second, whether the Service rationally supported its conclusion that adequate regulatory mechanisms are in place to maintain a recovered Yellowstone grizzly population without the ESA's staunch protections.

As to the first issue, we affirm the district court's ruling that the Service failed to articulate a rational connection between the data in the record and its determination that whitebark pine declines were not a threat to the Yellowstone grizzly, given the lack of data indicating grizzly population stability in the face of such declines, and the substantial data indicating a direct correlation between whitebark pine seed availability and grizzly survival and reproduction. As to the second issue, we reverse the district court and hold that the Service's determination regarding the adequacy of existing regulatory mechanisms was reasonable.

I

Grizzly bears once thrived in a variety of habitats across the western coterminous United States, from the West Coast and Southwest to the Great Plains and Texas. By the time of ESA listing in 1975, however, the grizzly population in the lower 48 states was confined to a few fragments amounting to less than 2% of its formerly contiguous historic range, and its numbers had dwindled from about 50,000 in 1800 to less than 1,000 today. The Yellowstone area grizzly population—unique because it is entirely isolated from larger populations in Canada—was estimated to number between 136 and 312 bears at the time of listing.

As required by the ESA, a Grizzly Bear Recovery Plan was developed by the Service and issued in 1982. The Recovery

Plan aimed to foster viable, self-sustaining grizzly populations in areas known to have been occupied by grizzlies within the preceding ten years, including the Greater Yellowstone Area (GYA) as well as the Northern Continental Divide Ecosystem area of northern Montana, the North Cascades area of northern Washington, and the Selkirk and Cabinet-Yaak areas of northern Idaho, northwestern Montana, and northeastern Washington. Because the Plan's ultimate goal was the delisting of the grizzly, demographic recovery criteria were established in each identified area.

When the Service revised the Recovery Plan in 1993, it delineated a "Recovery Zone" for each region, defined as "an area large enough and of sufficient habitat quality to support a recovered bear population within which habitat and population would be monitored." The revised Plan also included updated demographic recovery criteria and mandated the development of a "conservation strategy" for each grizzly population to guide long-term management after delisting. Habitat-based recovery criteria were appended to the Plan following a successful legal challenge to its adequacy under the ESA. *See Fund for Animals v. Babbitt*, 903 F. Supp. 96 (D.D.C. 1995). The Plan's demographic- and habitat-based recovery criteria continued to be refined during the 1990s and 2000s.

The Plan has been widely regarded as a success and a model for grizzly recovery plans elsewhere. Scientists estimate that the GYA's grizzly population increased at an average rate of 4.2% to 7.6% per year between 1983 and 2002 and expanded its range by 48% between the 1970s and 2000. By 2006, the Service had determined that the Plan's demographic- and habitat-based recovery criteria were being met. Total grizzly population in the GYA was estimated at more than 500 bears, and scientists concluded that grizzlies were approaching Yellowstone National Park's carrying capacity.

Pursuant to the Recovery Plan, the Strategy was developed in order to "guid[e] management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting." Its stated purpose was to:

> describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYA[;] . . . specify the population, habitat, and nuisance bear standards to maintain a recovered grizzly bear population for the foreseeable future; document the regulatory mechanisms and legal authorities, policies, management, and monitoring programs that exist to maintain the recovered grizzly bear population; and document the commitment of the participating agencies.

After undergoing notice and comment, as well as scientific peer review, the Strategy was finalized in March 2007. Eight federal and state entities signed a Memorandum of Understanding agreeing to implement it: the Service; the U.S. Forest Service (the "Forest Service"); the National Park Service (the "Park Service"); the U.S. Geological Survey (USGS); the Bureau of Land Management; the Montana Department of Fish, Wildlife, and Parks; the Wyoming Game and Fish Department; and the Idaho Department of Fish and Game. In addition, the Strategy formally incorporated as appendices the grizzly bear management plans of Montana, Wyoming, and Idaho, each of which was developed in conjunction with the Strategy.

The Strategy redesignated the Yellowstone Recovery Zone as the "Primary Conservation Area" (PCA). The PCA is a 9,210-square-mile area within the GYA, divided into 18 "Bear Management Units," encompassing Yellowstone National Park and surrounding public and some private land. The PCA, which is 98% managed by the Park Service and the Forest Service, includes approximately 51% of all suitable

habitat for the grizzly population in the entire GYA and an estimated 84% to 90% of the GYA's population of female grizzlies with cubs. According to the Strategy, "[t]he PCA will be a secure area for grizzly bears, with population and habitat conditions that have allowed the grizzly bear population to achieve recovery and expand outside the PCA." Outside the PCA, the bears "will be allowed to expand into biologically suitable and socially acceptable areas." These are areas "that are not managed solely for bears but in which their needs are considered along with other uses." According to the Service, the suitable grizzly habitat outside the PCA is roughly 84% federally owned, 6% tribally owned, 1.6% state owned, and 9.5% privately owned.

The Strategy's key mechanisms for maintaining a recovered Yellowstone grizzly population are its population and habitat standards, which are based on the recovery criteria originally set forth in the Recovery Plan. Its population standards are (1) a total population of more than 500 bears; (2) at least 16 of 18 Bear Management Units occupied by at least one female with cubs over a six-year period, with no two adjacent Bear Management Units unoccupied; and (3) annual mortality limits of 9% of adult females (not exceeded in two consecutive years), 15% of adult males (not exceeded in three consecutive years), and 9% of cubs under two years old (not exceeded in three consecutive years). *Final Conservation Strategy*, *supra* at 27.

The Strategy's habitat standards apply only inside the PCA. They are designed to maintain habitat conditions as they existed in 1998, because those conditions were found to have adequately supported a growing bear population throughout the 1990s. The percentage of "secure habitat," defined as contiguous area of at least 10 acres that is more than 500 meters from a motorized access route or helicopter flightline, must be maintained at or above 1998 levels. The number and capacity of developed sites (including campgrounds, visitor services facilities, and resource development operations) and grazing

allotments must be maintained at or below 1998 levels. The Strategy also requires monitoring of vegetation, food availability, and human activities compared to a 1998 baseline.

As for lands outside the PCA, the Strategy notes that the state bear management plans of Wyoming, Montana, and Idaho "recommend and encourage land management agencies to maintain or improve habitats that are important to grizzly bears and to monitor habitat conditions." It also indicates that on national forest land outside the PCA the Forest Service will assess projects that potentially affect the grizzly against the Strategy's habitat standards.

In addition to population and habitat standards, the Strategy establishes protocols for the management of "bear/human conflicts," defined as "incidents in which bears injure people, damage property, kill or injure livestock, damage beehives, obtain anthropogenic foods, or damage or obtain garden and orchard fruits and vegetables." Such conflicts, which ranged in number from 24 to 165 per year in the GYA between 1992 and 2001, are harmful to bears as well as humans because bears involved in serious or repeated conflicts may be killed, captured, or relocated. In the case of conflicts inside the PCA, the Strategy emphasizes the removal of the human cause of the conflict rather than the removal or relocation of the bear. In general, a bear may be removed from the population only if it is involved in repeated conflicts or displays "unnatural aggression," defined as aggression toward humans that is not provoked or defensive. Outside the PCA, conflicts are to be handled in accordance with state management plans, and "more consideration will be given to existing human uses." All bear removals in the GYA, both inside and outside the PCA, must be consistent with the Strategy's mortality limits. To minimize conflicts, the Strategy calls for a coordinated information and education campaign that "facilitates changing inappropriate human behaviors and helps people learn to coexist with bears."

Implementation of the Strategy is to be overseen by the Yellowstone Grizzly Coordinating Committee (the "Committee"), consisting of representatives from each of the Strategy's signatories. Scientific research and monitoring data collection will be conducted by the Interagency Grizzly Bear Study Team (the "Study Team"), a USGS-led team of scientists that has studied the Yellowstone grizzly since 1973. Based on periodic reports from the Study Team, the Committee will evaluate the status of the grizzly population. Any deviations from the Strategy's standards will trigger a six-month investigation by the Study Team known as a "Biology and Monitoring Review," which may result in recommendations for changes to the Strategy or, in the case of a serious threat to the grizzly population, a petition for relisting under the ESA.

Based on the attainment of the Recovery Plan's demographic- and habitat-based recovery criteria and the finalization of the Strategy as a long-term conservation plan, the Service proposed the removal of the Yellowstone grizzly from the ESA's threatened species list. After notice and comment, the Service published its "Final Rule Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife" (the "Rule") in March 2007. 72 Fed. Reg. 14,866-01 (Mar. 29, 2007). The delisting determination applied only to the Yellowstone grizzly population, which was designated as a "distinct population segment" of North American grizzly in the same Rule. *Id.*

On November 13, 2007, the Greater Yellowstone Coalition (GYC), a non-profit conservation organization based in Bozeman, Montana, filed a lawsuit in the United States District Court for the District of Montana challenging the Service's Rule as arbitrary, capricious, and unlawful under the ESA. GYC claimed that (1) there were not adequate regulatory mechanisms in place to protect the grizzly; (2) the Service failed to consider the grizzly's historic range, rather than its current range, when it assessed whether the grizzly was

threatened by habitat loss; (3) the Service failed to adequately consider the impacts of global warming and mountain pine beetle infestation on the vitality of the region's whitebark pine trees; and (4) the Yellowstone grizzly population is too small to be delisted because it lacks sufficient genetic diversity to be self-sustaining. The States of Wyoming and Montana intervened as defendants, as did the National Wildlife Federation, a non-profit wildlife conservation organization, and Safari Club International, a non-profit hunters' rights and wildlife conservation organization.

On September 21, 2009, the district court granted summary judgment to GYC on its first and third claims, holding that the Service had failed to rationally support its conclusions that adequate regulatory mechanisms were in place to protect the grizzly and that declines in whitebark pine did not threaten the grizzly.[1] Based on these rulings, the district court vacated and remanded the Rule. The Service appeals.

II

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's grant of summary judgment. *Suever v. Connell*, 579 F.3d 1047, 1055 (9th Cir. 2009). Our review of an agency's compliance with the ESA is governed by the Administrative Procedure Act (APA). *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 901 (9th Cir. 2002). Under the APA, we hold unlawful and set aside only those agency actions found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Under this deferential standard, our job is not to substitute our judgment for that of the agency, but "is simply to ensure that the agency considered the relevant factors and articulated a rational connection between the facts found and the choices made." *Nw. Ecosystem Alliance v. U.S. Fish &*

[1]The district court granted summary judgment to the Service on the other two claims, which are not at issue in this appeal.

Wildlife Serv., 475 F.3d 1136, 1140 (9th Cir. 2007) (internal quotation marks omitted); *see Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983) ("[A]n agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.").

III

[1] The ESA, enacted in 1973, directs the Secretary of the Interior to maintain a list of all "threatened" and "endangered" species. 16 U.S.C. § 1533(c)(1). An endangered species is one that is "in danger of extinction throughout all or a significant portion of its range." *Id.* § 1532(6). A threatened species is one that is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." *Id.* § 1532(20). A species must be listed if it is determined to be endangered or threatened because of any one or a combination of the following factors:

> (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
>
> (B) overutilization for commercial, recreational, scientific, or educational purposes;
>
> (C) disease or predation;
>
> (D) the inadequacy of existing regulatory mechanisms; or
>
> (E) other natural or manmade factors affecting its continued existence.

Id. § 1533(a)(1); 50 C.F.R. § 424.11(c). Listed species receive near-absolute legal protection against "taking," which includes harassment, harm, hunting, killing, and significant habitat modification or degradation. 16 U.S.C. §§ 1532(19), 1538(a)(1)(B); 50 C.F.R. § 17.3. A major goal of the ESA's protections is recovery of threatened and endangered species such that they can be removed from the list. 16 U.S.C. § 1533(f)(1); 50 C.F.R. § 424.11(d)(2). Delisting requires a determination that none of the above five factors threatens or endangers the species. 50 C.F.R. § 424.11(d). Both listing and delisting determinations must be made "solely on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such determination." *Id.* § 424.11(b).

The Secretary of the Interior has delegated to the Service the authority to administer the ESA. *Id.* § 402.01(b). In this appeal, GYC challenges the Service's determinations in its delisting Rule that the Yellowstone grizzly bear is not threatened by (1) whitebark pine declines under § 1533(a)(1)(E) ("Factor E"); or (2) inadequate existing regulatory mechanisms under § 1533(a)(1)(D) ("Factor D"). We consider both issues.

A

In the Rule's analysis of Factor E, "other natural or man-made factors affecting [the grizzly's] continued existence," the Service concluded that "any changes in whitebark pine production . . . are not likely to impact the [Yellowstone grizzly] to the point where [it] is likely to become endangered within the foreseeable future throughout all or a significant portion of its range." 72 Fed. Reg. at 14,929. The district court ruled that the Service failed to articulate a rational connection between the science it relied upon and its conclusion.

Based on our review of the Rule and the record before the agency at the time it was published,[2] we agree.

[2] On the basis of the information the Service presents in the Rule, it cannot reasonably be denied that whitebark pine loss presents at least a potential threat to the Yellowstone grizzly population. First, whitebark pine seeds are identified as one of four food sources "important to grizzly bear survival and reproductive success" in the GYA, along with winter-killed ungulates (hoofed mammals), spawning cutthroat trout, and army cutworm moths. 72 Fed. Reg. at 14,867. The pine seeds "serve as an important fall food due to their high fat content and abundance as a pre-hibernation food," and the bears consume them "extensively" and even "predominantly" when they are available. *Id.* at 14,867, 14,868. This food source permits the bears to efficiently add weight and store fat before they hibernate for the winter.

[3] Second, the Service acknowledges "concern[ ] that there will be future changes in whitebark pine abundance" because of stresses on the trees from mountain pine beetles and white pine blister rust, both of which may be exacerbated by climate change. *Id.* at 14,929. According to the Rule, "[d]uring the last 2 to 4 years, there has been an epidemic of mountain pine beetles in whitebark pine in the GYA" and aerial survey data have indicated that approximately 16% of the GYA's whitebark pine has experienced "some level of mortality" as a result. *Id.* at 14,928. In addition, the Rule notes that blister rust "also contributes to whitebark pine declines" and reports a study estimating that "roughly 25 percent of all

[2]Of course, we cannot and do not consider any reports or studies that have been compiled since the Rule was published in March of 2007. Under the APA, we may consider only the record that was before the agency at the time the challenged decision was made. *See* 5 U.S.C. § 706; *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 420 (1971), *overruled on other grounds by Califano v. Sanders*, 430 U.S. 99, 105 (1977).

whitebark pine trees in the GYA are currently infected to some level." *Id.* at 14,928-29.

As to climate change, the Rule refers to "a general consensus among the world's best scientists that climate change is occurring" and points out that "[t]he magnitude of warming in the northern Rocky Mountains has been particularly great." *Id.* at 14,927. According to the Rule, "[t]he most substantial way in which changing climate conditions may affect whitebark pine is through outbreaks of native mountain pine beetles that might not continue to be regulated by extremely cold winters, and an increased prevalence of white pine blister rust." *Id.* at 14,929. Thus, "a changing climate may shift the overall distribution of whitebark pine north and higher in elevation, resulting in local extinction and reduced overall distribution in the GYA." *Id.* While the Service does not anticipate that whitebark pine will disappear entirely from the GYA in the foreseeable future, *id.*, one of the studies upon which it relies concludes that "as long as climate warming continues, whitebark pine as a species and ecosystem is at high risk for loss over much of its geographic distribution," including the Yellowstone area. Jesse A. Logan, *Climate Change Induced Invasions by Native and Exotic Pests*, USFS Rocky Mountain Research Station (2006).

Finally, of critical importance here, the Rule repeatedly acknowledges a "well-documented association" between reduced whitebark pine seed abundance and increased grizzly mortality. 72 Fed. Reg. at 14,899; *see, e.g.*, *id.* at 14,933 (noting that whitebark pine "has been linked to grizzly bear survival and reproduction"); *id.* at 14,868 ("During poor whitebark pine years, grizzly bear/human conflicts are more frequent, resulting in higher numbers of human-caused grizzly bear mortalities due to defense of life or property and management removals of nuisance bears."); *id.* at 14,929 (noting that "studies suggest a decrease in whitebark pine can change both grizzly bear spatial distribution and the number of bear/human conflicts"). In short, when whitebark pine seeds

are scarce, grizzlies range more widely in search of food, and contacts between bears and humans increase substantially. Numerous scientific studies and reports cited in the Rule document this connection.[3] The Rule also reports that pine seed unavailability can result in reduced female reproductive success. *Id.* at 14,932.

[4] Based on the evidence of a relationship between reduced whitebark pine seed availability, increased grizzly mortality, and reduced grizzly reproduction, it is logical to conclude that an overall decline in the region's whitebark pine population would have a negative effect on its grizzly bear population. The Service advances several rationales in the Rule to support its conclusion that food shortages caused by whitebark pine declines are nonetheless "not a threat" to the Yellowstone grizzly. *Id.* at 14,932. Below, we explain why we find all of them lacking.

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[3]*See* Laura A. Felicetti et al., *Use of Sulfur and Nitrogen Stable Isotopes to Determine the Importance of Whitebark Pine Nuts to Yellowstone Grizzly Bears*, 81 Canadian J. Zoology 763, 763 (2003) ("Grizzly bear survival in the Greater Yellowstone Ecosystem is strongly linked to variation in pine-nut availability."); David J. Mattson et al., *Yellowstone Grizzly Bear Mortality, Human Habituation, and Whitebark Pine Seed Crops*, 56 J. Wildlife Mgmt. 432, 436 (1992) (in years of low whitebark pine seed use by bears, 1.9 times as many human-caused bear deaths occurred); David J. Mattson et al., *Food Habits of Yellowstone Grizzly Bears, 1977-1987*, 69 Canadian J. Zoology 1619, 1627 (1991) ("[D]uring years when pine seed production is low, grizzly bears come into greater contact with humans and more bears are killed."); Charles C. Schwartz et al., *Grizzly Bear*, in Wild Mammals of North America 556, 569 (G.A. Feldhammer et al. eds., 2003) ("[M]ost [bear/human] conflicts occur during years when important natural foods fail."); John L. Weaver et al., *Resilience and Conservation of Large Carnivores in the Rocky Mountains*, 10 Conservation Biology 964, 971 (1996) ("During years of poor production of berries and pine seeds, bears respond by substituting lower quality foods. . . . In the face of a shortfall in nutritious foods, bears move widely in search of food, which may bring them into contact with humans. This substantially increases the risk of direct human-caused mortality.").

First, the Service points out that grizzlies "are notoriously resourceful omnivores that will make behavioral adaptations regarding food acquisition." *Id.* at 14,932. While this uncontroversial assertion is adequately supported by science, it fails to address the heart of the threat that whitebark pine loss poses to the bears: increased proximity to humans when bears *do* adapt to seed shortages by seeking substitute foods. As the Rule itself recognizes just a few paragraphs later, "[t]he potential threat from decreases in whitebark pine cone production is not one of starvation, but one of larger home range size and movements," which "may result in increased conflicts with humans and increased mortality, as well as lower reproductive success the following year as females produce smaller litters." *Id.* That the bears are likely to seek alternate foods in the face of whitebark pine decline is a part of the problem, not an answer to it.

Second, the Service suggests that, even if there is a link between whitebark pine seed unavailability and *individual* mortality, there is no indication that the grizzly *population* will be negatively affected by seed shortages, because it has increased over the past three decades despite the fact that whitebark pine cone production has "varied dramatically" from year to year. *Id.* As explained by the Rule, "[b]ecause of the life history strategy of whitebark pine, which naturally exhibits extreme annual variability in cone production, grizzly bears have always had to cope with a high degree of uncertainty regarding this food resource." *Id.* The problem with this rationale is that the study on which the Service relied to demonstrate long-term grizzly population growth included data only until 2002, *before* the "epidemic of mountain pine beetles" began to kill the region's whitebark pines. *Id.* at 14,871, 14,928. It is not rational for the Service to rely on grizzly population trend data from a time of natural pine seed *variability* in order to predict the effect on the grizzly population of an overall whitebark pine tree *decline*.[4]

[4]Two other studies warrant mention here. First, the Rule cites to "Schwartz *et al.* 2006b" to support its assertion that the Yellowstone griz-

Another rationale presented in the Rule for why whitebark pine loss does not threaten the Yellowstone grizzly population is that a different grizzly population in the Northern Continental Divide Ecosystem in northern Montana "has continued to increase and thrive since the 1980s despite severe declines in whitebark pine communities in the last 50 years." *Id.* at 14,932. However, the force of this comparison is undercut by the fact that, in the very same Rule, the Service designates the Yellowstone grizzly as a "distinct population segment" of North American grizzly, based in part on its unique dependence on whitebark pine rather than, for example, berry-producing shrubs, which are relatively uncommon in the

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zly population "has continued to increase and expand" as whitebark pine seed production has varied. *Id.* at 14,932. But that study, entitled "Distribution of grizzly bears in the Greater Yellowstone Ecosystem in 2004," is about changing population distribution, not changing population size. *See* Charles C. Schwartz et al., *Distribution of grizzly bears in the Greater Yellowstone Ecosystem in 2004*, 17 Ursus 63 (2006). In fact, it specifically cautions that the bear distribution map it presents "is not a reflection of bear density within this area." *Id.* The Service does not explain how a wider population distribution is indicative of a population increase, especially given that the Rule explicitly states that "home range expansion" as bears range more widely in search of food represents a potential threat from low whitebark seed production. *See* 72 Fed. Reg. at 14,932.

Second, the federal defendants' reply brief points to a modeling study suggesting that poor whitebark pine seed years lead only to a decline in the rate of grizzly population *growth*, and not a decline in overall population. *See* Charles C. Schwartz et al., *Impacts of Spatial and Environmental Heterogeneity on Grizzly Bear Demographics in the Greater Yellowstone Ecosystem*, in Demographics of the Yellowstone Grizzly 57 (Schwartz et al., eds., 2006). Putting aside the fact that poor whitebark pine seed years are not necessarily analogous to overall loss of whitebark pine trees, this study is nowhere mentioned or cited in the Rule's discussion of Factor E. "It is well-established that an agency's action must be upheld, if at all, on the basis articulated by the agency itself," not post-hoc rationalizations. *State Farm*, 463 U.S. at 50. If the Service relied on this study in making its determination, it did not adequately connect the dots in the Rule such that its "path may reasonably be discerned." *Id.* at 43 (internal quotation marks omitted).

GYA compared to other regions. *Id.* at 14,878. Indeed, the record before us includes a 2007 fact sheet authored by Recovery Coordinator Servheen noting that the difference in the range of foods eaten by the bears in these two regions "makes direct comparisons of the impacts of the loss of [whitebark pine] uncertain."

We recognize that the Service is the best judge of how comparable these two regions might ultimately be. However, we think it irrational for the Service to determine on the one hand that the Yellowstone grizzly population is sufficiently distinct to warrant independent delisting consideration, and then on the other base its delisting determination on observations pertaining entirely to a different population. We therefore conclude that this comparison is insufficient to support the Service's determination that whitebark pine declines do not threaten the Yellowstone grizzly.

The Service also claims that even if projected whitebark pine losses occur, there will still be adequate habitat in the Yellowstone region to support a recovered grizzly population. Specifically, the Rule notes that whitebark pine is expected to persist in high-elevation areas such as the eastern half of the PCA and 1,138 square miles of protected habitat in the Wind River Mountains. *Id.* at 14,929. According to the Rule, these "reserve" areas provide suitable grizzly habitat and "increase[ ] the resiliency of the Yellowstone [grizzly population] to future changes in whitebark pine availability." *Id.* at 14,929, 14,930. But heavy reliance on some subset of the habitat within the PCA, or on habitat outside the PCA, to mitigate the impact of widespread whitebark pine decline is simply not rational given that the Service has defined the entire 9,210-square-mile PCA as the area "*necessary* to support the recovered grizzly population." *Id.* at 14,914 (emphasis added). Having determined what is "necessary," the Service cannot reasonably rely on something less to be enough.

The Service's ultimate (and understandable) conclusion is that it simply does not yet know what impact whitebark pine

declines may have on the Yellowstone grizzly. As the Rule acknowledges, "the specific amount of decline in whitebark pine distribution and the rate of this decline are difficult to predict with certainty. The specific response of grizzly bears to declines in whitebark cone production is even more uncertain." *Id.* at 14,929. We recognize that scientific uncertainty generally calls for deference to agency expertise. *See Lands Council v. McNair*, 537 F.3d 981, 993 (9th Cir. 2008) (en banc) ("We are to be most deferential when the agency is making predictions, within its area of special expertise, at the frontiers of science." (internal quotation marks and brackets omitted)).

But we nonetheless have a responsibility to ensure that an agency's decision is not arbitrary. *See id.* It is not enough for the Service to simply invoke "scientific uncertainty" to justify its action. As the Supreme Court has explained, "[r]ecognizing that policymaking in a complex society must account for uncertainty . . . does not imply that it is sufficient for an agency to merely recite the terms 'substantial uncertainty' as a justification for its actions." *State Farm*, 463 U.S. at 52. The Service must rationally explain why the uncertainty regarding the impact of whitebark pine loss on the grizzly counsels in favor of delisting now, rather than, for example, more study. *See id.* Otherwise, we might as well be deferring to a coin flip.

The Service relies heavily on "adaptive management" to justify its decision to delist the grizzly despite the scientific uncertainty.[5] According to the Rule, the Study Team and other

[5]The Service has defined "adaptive management" as "a structured process for learning by doing" and "a method for examining alternative strategies for meeting measurable biological goals and objectives, and then, if necessary, adjusting future conservation management actions according to what is learned." Notice of Availability of a Final Addendum to the Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, 65 Fed. Reg. 35,242-01, 35,252 (June 1, 2000). Commentators

scientists "will continue to monitor the abundance and distribution of major grizzly bear foods such that any decline in the grizzly bear population as a result of these declines is detected in a sufficient time and addressed through adaptive management actions by the Coordinating Committee." 72 Fed. Reg. at 14,933. The Service explains that any biologically significant decline in an important food such as whitebark pine would be reflected in changes in mortality rates of independent females, litter size, and cub survival. If food declines occur and the Study Team "concludes these are related to significant increases in known and probable bear mortalities, and that such increases could threaten the grizzly population, the Study Team would recommend appropriate management responses to the Coordinating Committee, or submission of a relisting petition." *Id.*

[5] First of all, we reject out of hand any suggestion that the future possibility of relisting a species can operate as a reasonable justification for delisting. Whatever comfort may be taken in relisting as a safety net, it is no answer to conclude that a species is not threatened simply because it can be relisted if it is threatened. But there is no explanation of what the other "management responses" referred to might be, or why they would be reasonably likely to mitigate population declines caused by whitebark loss.[6] For adaptive management

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have noted that, while adaptive management has become the dominant agency response to scientific uncertainty, it can be difficult to evaluate against the substantive requirements of environmental laws such as the ESA. *See* J.B. Ruhl & Robert L. Fischman, *Adaptive Management in the Courts*, 95 Minn. L. Rev. 424, 472 (2010).

[6]Elsewhere in the Rule, the Service discusses "short-term" management responses to "poor whitebark pine production years," including:

> immediate limitation on all discretionary mortalities; enhanced outreach and education to minimize bear/human conflicts and the availability of attractants in bear habitat that might promote such conflicts; notice to residents and users of bear habitat about the

of a potential threat to suffice as a basis for a delisting determination, we believe that more specific management responses, tied to more specific triggering criteria, are required. *See, e.g.*, *Natural Res. Def. Council v. Kempthorne*, 506 F. Supp. 2d 322, 341 (E.D. Cal. 2007) (rejecting an adaptive management plan under the ESA when it did not include "defined action criteria"). Just as it is not enough simply to invoke "scientific uncertainty" to justify an agency action, it is not enough to invoke "adaptive management" as an answer to scientific uncertainty.

The Strategy establishes an intensive management and monitoring framework but, unfortunately, it was not developed to be responsive to whitebark pine declines. In fact, it does not even specifically discuss them. The Strategy grew out of the successful management regime that was developed during the 1980s, 1990s, and early 2000s, and it may be entirely reasonable to conclude that it adequately addresses potential threats that were apparent during that time, such as natural resource extraction, tourism, and annual variation in whitebark pine seed production. However, widespread whitebark pine loss, which did not begin until approximately 2002, was simply not one of those threats. Because the Strategy was

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> possible increased foraging of bears in peripheral habitats; detailed monitoring of food habit shifts and possible changes in home range size and locations . . . ; limitation of human activities in new or expanded feeding areas . . . ; and requests for a status review and/or immediate emergency relisting.

72 Fed. Reg. at 14,891. The only proposed responses to an overall loss of whitebark pine are replanting and recruitment of whitebark pine and enhancement of habitat outside the PCA where healthy whitebark pine may be available. As to the first, the Service provides no explanation as to why replanted whitebark pine is not subject to the same landscape-wide threats as existing whitebark pine, such as pine mountain beetle infestation. Moreover, there necessarily is a time lag before newly planted trees mature. As to the second, as previously explained, reliance on habitat outside the PCA contradicts the Service's own definition of the PCA as the area necessary to support a recovered grizzly population.

not developed to address whitebark pine declines, its effectiveness as a response is speculative.

The Yellowstone grizzly has been the focus of a laudable, decades-long cooperative research effort—one that we hope continues. It may be that scientists will compile data demonstrating grizzly population stability in the face of whitebark pine declines. Such information, however, simply is not in the record before us. The lack of any data showing a population decline due to whitebark pine loss is not enough. *See Tucson Herpetological Soc'y v. Salazar*, 566 F.3d 870, 879 (9th Cir. 2009) ("If the science on population . . . trends is undeveloped and unclear, the Secretary cannot reasonably infer that the absence of evidence of population decline equates to evidence of persistence."). The Rule presents no data indicating that whitebark pine declines will not threaten the Yellowstone grizzly population, and considerable data—demonstrating a relationship between pine seed shortages, increased bear mortality, and decreased female reproductive success—pointing in the opposite direction. *See State Farm*, 463 U.S. at 57 (rejecting agency rationale when "every indication in the record points the other way" (internal quotation marks omitted)).

[6] Perhaps the Service's delisting process, based on two decades of grizzly population growth, was well underway before the whitebark pine loss problem appeared on the radar and could be studied. But now that this threat has emerged, the Service cannot take a full-speed ahead, damn-the-torpedoes approach to delisting—especially given the ESA's "policy of institutionalized caution." *Ariz. Cattle Growers' Ass'n v. Salazar*, 606 F.3d 1160, 1167 (9th Cir. 2010) (internal quotation marks omitted), *cert. denied*, 131 S. Ct. 1471 (2011). The Rule did not articulate a rational connection between the data before it and its conclusion that whitebark pine declines were not likely to threaten the Yellowstone grizzly bear. Therefore, we affirm the decision of the district court on this ground.

B

The ESA's five-factor listing and delisting framework also requires the Service to determine whether a species is threatened because of "the inadequacy of existing regulatory mechanisms." 16 U.S.C. § 1533(a)(1)(D). The Service concluded that adequate regulatory mechanisms were in place to maintain a recovered Yellowstone grizzly population after delisting. 72 Fed. Reg. at 14,923. The district court held that the Service relied on too many measures that were not legally binding and failed to explain adequately how the legally binding measures would protect the grizzlies. Because we find adequate support in the Rule for the Service's conclusion, we reverse the district court on this ground.

The parties dispute whether the Strategy or associated state plans are themselves appropriately considered "regulatory mechanisms." We have previously held that the Service could consider protective measures in a multi-agency, multi-state conservation agreement in its assessment of delisting Factor A, "the present or threatened destruction, modification, or curtailment of [a species'] habitat or range." 16 U.S.C. § 1533(a)(1)(A); *see Tucson Herpetological Soc'y*, 566 F.3d at 879. Although this holding suggests that measures implemented pursuant to such agreements are not a legal nullity, we have never squarely considered whether a conservation agreement qualifies as a "regulatory mechanism" under Factor D. District courts have held that voluntary, unenforceable measures in conservation plans are not "regulatory mechanisms." *See Or. Natural Res. Council v. Daley*, 6 F. Supp. 2d 1139, 1153-56 (D. Or. 1998).

[7] But we need not decide whether the Strategy itself, as a whole, constitutes a "regulatory mechanism." Even assuming that the Service's consideration of the Strategy's voluntary or unenforceable components was error, its consideration of components of the Strategy that have been made legally binding adequately supports its Factor D determination. *See*

Tucson Herpetological Soc'y, 566 F.3d at 880 (proceeding to assess agency's delisting determination after setting aside those portions of the determination found to be erroneous).

Most importantly, the Service has pointed to the incorporation of certain of the Strategy's standards into the National Park Superintendents' Compendia and National Forest Plans (NFPs). For example, the Rule explains that the Park Service "has incorporated the habitat, population, monitoring, and nuisance bear standards described in the Strategy into their Superintendent's Compendium for each affected National Park." 72 Fed. Reg. at 14,924. Judge Thomas's contention that "there is not a single federal or state law or regulation that provides the means for enforcing the Strategy's morality standards," *see Dissent* at 20360, ignores the import of this fact. A Park Superintendent's Compendium "operat[es] as a summary of the rulemaking implemented under the discretionary authority of the Park Superintendent" in a particular National Park, and consists of regulations which augment the generally applicable Park Service regulations published in Title 36 of the Code of Federal Regulations. *Mausolf v. Babbitt*, 125 F.3d 661, 664 n.4 (8th Cir. 1997); *see* 36 C.F.R. §§ 1.5(a), 1.7(b). Therefore, the incorporation of the Strategy's population standards into the Yellowstone and Grand Teton National Park Superintendent's Compendia gives these standards—which include mortality limits, *see Final Conservation Strategy*, *supra*, at 173-74, 178-81-federal regulatory force, and the Park Service must adhere to them. *See Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003) (noting that federal agencies must follow their own rules).

The situation is similar on National Forest lands, because the Strategy's habitat standards will be incorporated into legally enforceable National Forest Plans for all national forest land within the PCA upon delisting. 72 Fed. Reg. at 14,923. Management of national forest lands "must be consistent with the governing forest plan." *See Greater Yellowstone Coal. v. Lewis*, 628 F.3d 1143, 1149 (9th Cir. 2010) (citing 16

U.S.C. § 1604(i)). *See, e.g., Greater Yellowstone Coal.*, 628 F.3d at 1149-50 (legal challenge against the Forest Service for failure to comply with an NFP).

That the Forest and Park Services are legally bound to uphold key Strategy standards within the PCA is highly significant because these agencies collectively own and manage 98% of the land there. 72 Fed. Reg. at 14,874. And as the Rule indicates, the PCA has been shown to support the vast majority of the Yellowstone grizzly population. *Id.* Furthermore, even beyond the boundaries of the PCA, binding regulatory mechanisms protect a significant portion of the suitable grizzly habitat. In particular, the Rule explains that

> roughly 30 percent of all suitable habitat outside of the PCA is within a designated Wilderness Area . . . . The Wilderness Act of 1964 does not allow road construction, new livestock allotments, or new oil, gas, and mining developments within designated Wilderness areas; therefore, about 6,799 sq km (2,625 sq mi) will remain secure habitat . . . . This secure suitable habitat is biologically significant to the Yellowstone [grizzly] because it will allow population expansion into these areas that are minimally impacted by humans.

Id. at 14,924.

The Rule also cites to a wide range of other rules, regulations, and laws, both state and federal, which could facilitate the protection of the grizzly bear and the implementation of the Strategy.[7] The breadth of these measures is a tribute to the

[7]Judge Thomas faults the Service for citing to state laws that "allow the killing of bears." *Dissent* at 20363. We simply point out that these laws "allow the killing of bears" only under state regulation—such as with hunting licenses that are subject to annual limits—and thus enable the state to exercise some control over grizzly mortality. Therefore, we think it entirely appropriate that the Service considered them in its discussion of laws that facilitate the implementation of the Strategy.

comprehensive multi-jurisdictional cooperative effort between federal and state agencies, as well as private interest groups. The multi-state commitment to implement the Strategy represents a substantial wildlife conservation planning achievement —and one that, we have no doubt, ultimately improves the lot of the Yellowstone grizzly bear. For purposes of the Factor D determination, however, we need not, and do not, consider those measures, some or all of which may not be binding, because we hold that the clearly binding regulatory mechanisms discussed above suffice.

[8] The National Forest Plans and National Park Compendia make legally binding the Strategy's standards on 98% of the critical PCA and are buffered by the legal protections afforded by the Wilderness Act on a significant portion of grizzly habitat outside the PCA. In light of these measures, we believe the Service could reasonably conclude that adequate regulatory mechanisms exist to protect the Yellowstone grizzly bear. Importantly, we recognize that delisting cannot require the imposition of legal protections commensurate with those provided by the ESA itself. After all, the ESA expressly aims for species recovery to the point where its own measures are "no longer necessary," 16 U.S.C. § 1532(3), thus contemplating that something less can be enough to maintain a recovered species. It is therefore reasonable to conceive of "adequate" regulatory mechanisms as offering a recovered species something less than the stalwart protections of the ESA, but considerably more than no special protection at all. We believe that the Service could rationally conclude that the regulatory framework described in the Rule is sufficient to sustain a recovered Yellowstone grizzly bear population. On this issue, we reverse the district court.

IV

We affirm the district court's grant of summary judgment in favor of Greater Yellowstone Coalition on the issue of whether the Service rationally supported its determination that

potential whitebark pine declines did not threaten the Yellowstone grizzly bear. This is sufficient to affirm the district court's judgment vacating the Rule. However, we reverse the district court's grant of summary judgment in favor of Greater Yellowstone Coalition as to the Service's determination that existing regulatory mechanisms are adequate to protect a recovered Yellowstone grizzly population, and we direct the district court to enter summary judgment in favor of the governmental Appellants on that issue. We remand to the district court for further proceedings consistent with this Opinion.

Costs are awarded to Plaintiff-Appellee.

AFFIRMED in part; REVERSED AND REMANDED in part

THOMAS, Circuit Judge, concurring in part and dissenting in part:

I agree with the majority that the U.S. Fish and Wildlife Service (the "Service") did not, in its delisting rule,[1] articulate a rational connection between the record data and its determination that whitebark pine declines were not likely to threaten the Yellowstone grizzly bear. Unlike the majority, I would hold that the agency also erred in concluding the Yellowstone grizzly is not threatened by "the inadequacy of regulatory mechanisms." 16 U.S.C. § 1533(a)(1)(D) ("Factor D").[2]

[1]Final Rule Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife. 72 Fed. Reg. 14,866 (Mar. 29, 2007) ("Rule").

[2]The whitebark pine holding suffices to affirm the district court's judgment vacating the Rule. *Greater Yellowstone Coal., Inc. v. Servheen*, 672 F. Supp. 2d 1105 (D. Mont. 2009). Therefore, it is unnecessary to assess the Service's Factor D analysis. However, because the majority has opined on the issue, I will as well.

Therefore, I would affirm the district court's decision in its entirety.

I

The Service did not fulfill its regulatory responsibility in determining that existing regulatory mechanisms were sufficient to protect the Yellowstone grizzly. Not only did the Service rely on voluntary, rather than "regulatory," measures, but it did not explain adequately how existing regulatory mechanisms actually prevent grizzly bear mortality. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *Pac. Coast Fed'n of Fishermen's Ass'ns v. U.S. Bureau of Reclamation*, 426 F.3d 1082, 1091 (9th Cir. 2005).

A

In response to dramatic grizzly bear population declines, the Service listed the grizzly as "threatened" under the Endangered Species Act in 1975. Since that time, the Service has repeatedly recognized the need for binding conservation measures that safeguard grizzlies from the threats which led to their decline. Amendment Listing the Grizzly Bear of the 48 Conterminous States as a Threatened Species, 40 Fed. Reg. 31,734, 31,734 (July 23, 1975); 72 Fed. Reg. at 14,922.

In the Greater Yellowstone Area, where grizzly populations were in jeopardy, the need for binding conservation measures and mortality controls has remained paramount. *See* 72 Fed. Reg. at 14,868, 14,871, 14,922. As the Service explained in its brief:

> Because the lack of adequate mortality and habitat standards contributed to the grizzly bears decline and ultimate listing, the Service and its State and federal partners spent over a decade developing the Conservation Strategy, which, among its other protections,

> imposes *strict mortality limits* and many *legally enforceable habitat standards* on its state and federal signatories.

(Emphasis added.)

In its Factor D determination, however, the Service relied on a number of voluntary, rather than "regulatory," measures. Chief among these is the "Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area" ("Strategy"),[3] upon which the Service tells us it "largely based" its analysis.[4] Indeed, the Service lauds the Strategy's "strict mortality limits" as one of its "key tenets." But under the Rule, compliance with the Strategy is purely voluntary. *See* 72 Fed. Reg. at 14,904 ("[T]he Strategy cannot legally compel any of the signatories to implement management policies or obligate funding."). There is not a single federal or state law or regulation that provides a means for enforcing the Strategy's mortality standards.[5] *Id.* at 14,922-26. Rather, if the grizzly population becomes threatened, the agency is to review the situation and call a committee meeting.[6] And that only occurs if the mortal-

[3]Interagency Conservation Strategy Team, *Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area* (Mar. 2007) *available at* http://www fws.gov/mountain-prairie/species/mammals/grizzly/yellowstone.htm.

[4]Because the Service offered the Strategy as a primary basis for its Factor D determination, "we cannot readily say" that this error "clearly had no bearing on the Secretary's ultimate decision" to delist. *Tucson Herpetological Soc'y v. Salazar*, 566 F.3d 870, 880 (9th Cir. 2009).

[5]The Service claims the incorporation of the Strategy's standards into National Forest Plans and National Park Superintendent's Compendia afford the Strategy the force of law. But the National Forest Plans only incorporate the Strategy's habitat standards and contain no mechanism to enforce mortality limits.

[6]More specifically, when a deviation from the Strategy's mortality standards occurs, it triggers a non-binding "Biological and Monitoring Review," to be completed and made public within six months of initiation. 72 Fed. Reg. at 14,925. Then, the "multi-agency Yellowstone Grizzly

ity limits are exceeded for at least two years. 72 Fed. Reg. at 14,925.

The Service's reliance on voluntary action is contrary to law. The phrase "regulatory mechanism" plainly does not encompass voluntary, unenforceable measures such as the Strategy and many of its components. *Or. Natural Res. Council v. Daley*, 6 F. Supp. 2d 1139, 1155 (D. Or. 1998) (interpreting 16 U.S.C. § 1533(a)(1)(D) to mean that "the [agency] must base its decision on current, enforceable measures"). The Service therefore erred by considering the Strategy's voluntary and unenforceable components in its Factor D determination. Good intentions are not rules of law. Unenforceable aspirational goals are not regulatory mechanisms. Promises to monitor, review, and convene committees do not satisfy the statutory requirement. *See Norton v. So. Utah Wilderness Alliance*, 542 U.S. 55, 72 (2004) (noting that monitoring is not a legally binding commitment under the APA). Thus, the Rule must be vacated for non-compliance with 16 U.S.C. § 1533(a)(1)(D). *See State Farm*, 463 U.S. at 43 ("[A]n agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider . . . .").

B

The Service's analysis of existing laws and regulations is also flawed. Notably, the Rule does not explain how these measures prevent excessive grizzly bear mortality. Given the Service's view that mortality control is "a key part of any successful management effort," 72 Fed. Reg. at 14,871; *see also*

Coordinating Committee" responds to the Review, and "if the desired population and habitat standards specified in the Strategy cannot be met . . . the Coordinating Committee will petition [the Service] for relisting." *Id.* However, as the majority also recognizes, the "suggestion" of a future relisting does not "operate as a reasonable justification for delisting."

Strategy, *supra* note 3, at 31, its failure to account for regulatory mechanisms addressing mortality renders the Rule arbitrary and capricious. *See State Farm*, 463 U.S. at 43 ("[A]n agency rule would be arbitrary and capricious if the agency has . . . entirely failed to consider an important aspect of the problem.").

Citing to the Strategy, the Rule refers to 40 "Federal laws, rules, guidelines, strategies, and reports and 33 State laws, statutes, and regulations" applicable to management of the Yellowstone grizzly population. 72 Fed. Reg. at 14,922-23. The list sounds impressive, but the Rule is silent as to how these measures actually protect the grizzly. In fact, the vast majority of the cited laws and regulations predate the original listing and thus failed to protect the grizzly 35 years ago. The Service does not explain why these old laws now offer sufficient protection, despite the fact that the Service is required to consider the same factors in delisting as when listing. 16 U.S.C. § 1533(a)(1); 50 C.F.R. § 424.11(d).

Moreover, most of the listed laws and regulations do not specifically relate to grizzly protection; rather, they involve generic environmental and resource management. For example, one does not often think of a federal act establishing a highway between national parks as a statute aimed at protecting the grizzly, and yet this law is among those cited by the Strategy.[7] So is the Sikes Act of 1960, which provides for cooperative resource management on military reservations.[8]

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[7] *See* Appendix J *in* Strategy, *supra* note 3, at 157 (referencing Act to Establish John D. Rockefeller, Jr., Memorial Parkway, Pub. L. No. 92-404, 86 Stat. 619, 619 (1972)).

[8] *Id.* (referencing Sikes Act of 1960, 16 U.S.C. § 670a). The other federal statutes cited in the Strategy are similarly tangential or generic: Yellowstone National Park Act of 1872, ch. 24, § 1, 17 Stat. 32, 32-33 (1872); National Park Service Organic Act of 1916, 16 U.S.C. § 1; Lacey Act of 1900, 16 U.S.C. § 701; Fish & Wildlife Coordination Act of 1934, 16 U.S.C. §§ 551-664; Grand Teton National Park Expansion Act of 1950, 16

The listed state laws and regulations provide no more comfort. These provisions do not require the states to control grizzly mortality in accordance with the Strategy, and they only apply outside of the Primary Conservation Area. Further, the cited state laws do not necessarily protect the grizzly. Indeed, most of the statutes cited are laws that allow the killing of bears. For example, Wyoming statutes define a grizzly bear as a "[t]rophy game animal," Wyo. Stat. Ann. § 23-1-101(a)(xii)(A), and require a hunting license, *id.* at § 23-3-102(b). The Wyoming Grizzly Bear Management Plan allows regulated hunting of grizzlies. It also flatly states that it will not allow grizzlies to reoccupy certain mountain ranges, and that it will enforce that policy through sport hunting and removal.[9] Idaho's Grizzly Bear Management Plan similarly recognizes the grizzly as a "game animal" and further acknowledges that a large portion of potential grizzly habitat is beyond the reach of state law because it is located on the Shoshone-Bannock reservation, which is governed by tribal law.[10] The Tribe has not spoken on how it intends to proceed.[11]

U.S.C. § 406d-1; Multiple-Use Sustained-Yield Act of 1960, Pub. L. No. 86-517, 74 Stat. 215 (codified as amended in scattered sections of 26 U.S.C.); National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370; Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1536; Forest and Rangeland Renewable Resources Planning Act of 1974, Pub. L. 93-378, 88 Stat. 476 (codified as amended in scattered sections of 16 U.S.C.); National Forest Management Act of 1976, Pub. L. No. 94-588, 90 Stat. 2949 (codified as amended in scattered sections of 16 U.S.C.); Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701-1787; Fish & Wildlife Improvement Act of 1978, 16 U.S.C. § 742; and Fish and Wildlife Conservation Act of 1980, 16 U.S.C. §§ 2901-2911.

[9]Wyoming Game and Fish Department, *Wyoming Grizzly Bear Management Plan* 15 (Feb. 2002, as amended, July, 2005).

[10]Idaho's Yellowstone Grizzly Bear Delisting Advisory Team, *State of Idaho Yellowstone Grizzly Bear Management Plan* 18 (Mar. 2002).

[11]The Idaho Management Plan states: "The hunting of grizzly bears by members of the Shoshone-Bannock Tribes is a traditional and cultural issue, which will be determined by the Governing Body of the Shoshone-Bannock Tribal Council after delisting of the grizzly bear is finalized." *Id.*

The Montana plan also allows regulated hunting of grizzlies and states that "[r]egulated harvest will be a part of Montana's long-term conservation plan.[12]

Neither the Rule nor the Strategy adequately explains how these 70-odd federal and state laws and regulations will affect the Yellowstone grizzly. The only reference is contained in Appendix J to the Strategy,[13] where a simple grid lists each federal and state provision and an "X" beside the provisions that purport to address Factor D. There is no explanation or rationale provided. It is difficult to imagine a less illuminating document.

Merely compiling a list of potentially applicable statutes and regulations is not sufficient; the agency must explain why these laws and regulations constitute adequate regulatory mechanisms for grizzly protection. In short, the Service has not met its obligation to "articulate a satisfactory explanation" for its determination that adequate regulatory mechanisms exist to protect the Yellowstone grizzly. *State Farm*, 463 U.S. at 43; *Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 623 F.3d 633, 648 (9th Cir. 2010) (noting that this circuit has "insisted that agencies support and explain their conclusions with evidence and reasoned analysis").

C

In sum, the district court correctly determined that the Rule did not comply with 16 U.S.C. § 1533(a)(1)(D). As a matter of law, unenforceable, voluntary promises do not constitute "regulatory mechanisms." Mere citation to potentially applicable statutes and regulations without analysis does not fulfill the Service's obligation to explain how they act as adequate

[12]Montana Department of Fish, Wildlife & Parks, *Grizzly Bear Management Plan for Southwestern Montana 2002-2012* 56 (Oct. 2002).

[13]Appendix J is entitled "The Relationship Between the Five Factors in Section 4(a)(1) of the ESA and the Existing Laws and Authorities."

regulatory mechanisms for protection of the grizzly. Neither the Rule nor the Strategy provide a legally enforceable method by which the Service can impose its mortality limits. The district court was right to reject the Service's Factor D analysis.

II

I do not question, much less criticize, the enormous effort that the Service, the states, and interest groups have made to study and manage the Yellowstone grizzly. However, our task is not to assess those endeavors from a policy viewpoint; it is to apply the law as Congress has directed. In doing so, I reach the same conclusions as the district court. To the extent my colleagues hold otherwise, I respectfully dissent.

From: Willey, Seth
To: Wayne Kasworm; Jennifer Fortin-Noreus; Rebecca Shoemaker
Subject: grizzly bear citation help
Date: Tuesday, October 04, 2016 5:01:13 PM

Wayne, or others,

Any suggested citation for this sentence?

ISSUE 35: One peer reviewer requested citations to justify our statement that "the primary factor affecting grizzly bears at both the individual and population level is excessive human-caused mortality."

Seems if we add this citation (or a series of citations) to the rule itself (revising the sentence if necessary), this issue goes away.

Thanks,
Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

From: Willey, Seth
To: Kasdin, Alexandra; Powell, Tyson; Jennifer Fortin-Noreus
Subject: issue 74
Date: Wednesday, October 26, 2016 3:50:27 PM
Attachments: Issue 74.docx

I think this is consistent with what we discussed. Added to the google doc. Please revise there as necessary.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

Issue 74: Public commenters presented differing points of view on the implementation period of the Conservation Strategy. Some parties took issue with our characterization in the rule describing the Conservation Strategy as being indefinite or being in place in perpetuity. These commenters suggested an overly long post-delisting monitoring period impinged upon States rights and the concept that the ESA is an emergency room statute and that once a species is recovered its management should be returned to the States. Many commenters noted that the ESA requires a post-delisting monitoring period of at least 5 years. Some suggested the Conservation Strategy should stay in place for this minimum 5-year monitoring period while others suggested it should stay in place for much longer than 5 years. Other commenters noted that the Conservation Strategy had been changed to add a clarification that it would remain in effect for the foreseeable future. In light of the above, commenters requested that we clarify how long the Conservation Strategy would remain in effect, how long monitoring would continue, and what would happen after that point.

Response 74: The Conservation Strategy serves as our post-delisting monitoring plan and represents the agreement from all management partners on post-delisting management. Post-delisting monitoring refers to activities undertaken to verify that a species delisted due to recovery remains secure from risk of extinction after the protections of the ESA no longer apply (Service 2008, p. 1-1). The primary goal of post-delisting monitoring is to monitor the species to ensure the status does not deteriorate, and if a substantial decline in the species (numbers of individuals or populations) or an increase in threats is detected, to take measures to halt the decline so that re-proposing it as a threatened or endangered species is not needed (Service 2008, p. 1-1).

Section 4(g), added to the ESA in the 1988 reauthorization, requires the Service to implement a system in cooperation with the states to monitor for not less than five years the status of all species that have recovered and been removed from the list of threatened and endangered plants and animals (Service 2008, p. 1-1). The legislative history of section 4(g) indicates that Congress intended to give the Services and states latitude to determine the extent and intensity of post-delisting monitoring that is needed and appropriate (Service 2008, p. 1-1).

Delisting criteria and the formal rule-making process for removal from the list are designed to provide reasonable confidence that the species will remain secure for the foreseeable future, and post-delisting monitoring provides an additional "check" on projections that the species will remain secure after removal of ESA protections (Service 2008, p. 4-3). There are no absolute guarantees against future declines, but if the species appears to remain secure, conclusion of post-delisting monitoring is appropriate (Service 2008, p. 4-3).

According to our 2008 Post-Delisting Monitoring Plan Guidance, decisions regarding frequency and duration of effective monitoring should appropriately reflect the species' biology and residual threats (Service 2008, p. 4-4). Factors that should be considered include age of sexual maturity (if reproducing individuals are being monitored) and anticipated power to detect a statistically significant change (Service 2008, p. 4-4). The nature of the residual threats and the rate at which they might manifest their effects on the species should also be considered (Service 2008, p. 4-4). While post-delisting monitoring should be sufficient to meet the spirit and letter of section 4(g), it should be confined to the time period needed to verify that removal of ESA

protection did not cause a deterioration of status that would warrant re-listing (Service 2008, p. 4-5). Termination of PDM enables the reallocation of funding and other resources to species in more critical need of ESA protections and funding (Service 2008, p. 4-5).

We agree that it is unrealistic and is beyond what is required by the ESA to expect any single version of the conservation strategy and intensive Federal oversight to remain in effect in perpetuity. Therefore, we have revised the Conservation Strategy to remain in effect for the foreseeable future as this is the time horizon that we must consider as we evaluate the species status relative to the ESA's definition of a threatened species. Consistent with the Department of the Interior, Office of the Solicitor's Memorandum Opinion on "The Meaning of 'Foreseeable Future' in Section 3(20) of the ESA" (Department of the Interior 2009, entire), foreseeable future determinations by the Service are typically based on the timeframes over which the best available scientific data allow us to reliably assess threats and the species' response to those threats. Similarly, this opinion notes that such determinations are made species by species, or situation by situation, based upon the best data available for a particular species and its habitat.

It remains our belief that the Conservation Strategy will remain in place for the long term and its termination is not a foreseeable event. While we hesitate to offer an exact year which is the cut off for the foreseeable future, we offer here our thoughts to book end the concept. Because it takes a single female grizzly bear 14 years to replace herself in the population and because demographic responses to management or habitat changes may not immediately manifest themselves or be detectable, we believe two to three generation times (28 to 42 years) is an appropriate minimum. This time period is reasonable in that it would allow a complete turnover of the population and would be sufficient time for any adverse changes in the status of the population under post-delisting management to be evident. In the unlikely and unforeseeable event that the Conservation Strategy is terminated (or key partners withdraw) prior to this timeframe, we would consider this a violation of the first Service status review trigger ("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") and would initiate a Service status review. However, just as 2 to 3 generation times is viewed as a reasonable minimum foreseeable timeframe, we conversely believe 50 to 75 years starts to push past that which is reasonably and reliably foreseeable (beyond the foreseeable future). To the extent that this timeframe is considered and informs our threats analysis in this rulemaking, longer time horizons are considered for individual threat factors to the extent reliable data is available.

However, there is not an expectation that the Conservation Strategy will remain static during its lifespan. In fact, the Yellowstone Grizzly Bear Coordinating Committee (the body that will coordinate management and promote the exchange of information about the Yellowstone grizzly bear population after delisting) can revise or amend the Conservation Strategy based on the best biological data and best available science (U.S. Fish and Wildlife Service 2016, chapter 6). Any such amendments will be subject to public review and comment and approved by Yellowstone Grizzly Bear Coordinating Committee majority vote (U.S. Fish and Wildlife Service 2016, chapter 6). More meaningful changes would need to be evaluated by the Service to determine whether they constitute a violation of the first Service status review trigger (e.g.,

whether it would depart significantly from previous commitments or represent a significant threat to the population).

The Service has a history of conducting such reviews during the Northern Rocky Mountain gray wolf post delisting monitoring period. Specifically, during this five year post-delisting monitoring period, we conducted six annual evaluations of status (Service 2009, entire; Serivce 2011, entire; Service 2012, entire; Service 2013, entire; Service 2014, entire; Service 2015, entire) and seven "on-the-spot" evaluations considering whether some of the more meaningful changes to state management laws or regulations met that standard (Cooley 2011, *in litt*.; Cooley 2012, *in litt*.; Jimenez and Cooley 2012, *in litt*.; Sartorius 2012, *in litt*.; Jimenez 2013, *in litt*.; Cooley 2013, *in litt*.; Cooley 2014, *in litt.*). In those cases, wolf biology, high population levels and a demonstrated track record of withstanding high levels of human caused mortality provided us with sufficient confidence that the changes did not represent a significant threat and did not trigger a Service status review. In retrospect, these determinations were validated by annual reports which show Northern Rocky Mountain gray wolf populations basically stable since we removed Federal ESA protections in 2011 (Service et al. 2016, Table 6b).

Finally, its important to note that that regardless of the duration of the Federal post-delisting monitoring period, this population of grizzly bears will likely continue to be monitored by the States in perpetuity. States monitor wildlife to manage hunts for all species they manage, especially for harvested species. All three States have a relatively large and well-distributed professional game and fish staffs that have demonstrated skill and experience in successfully monitoring and managing a diversity of resident species, including many large, high-profile, and controversial carnivores (e.g., black bears and mountain lions). These State agencies, in coordination and cooperation with our other Federal partners, are fully qualified to monitor and manage a recovered grizzly bear population. We expect such monitoring will continue long-term for grizzly bears regardless of the Federal monitoring requirements. Although intensity and method may vary over time, this data will be looked to as needed to verify the recovered nature of this population long after Federal ESA involvement ceases.

From: Shoemaker, Rebecca
To: Jennifer Fortin-Noreus
Subject: need more info.
Date: Wednesday, October 05, 2016 8:27:45 AM

Hey Jennifer,
Issue 23 says "increased development on lands surrounding national parks should be considered" and "the presence of 500 development sites on the 5 National Forests should be addressed"
I'm trying to figure out if they're talking about d-sites on public lands inside the PCA or the 500 d-sites in suitable habitat outside the PCA OR if they're talking about private land development.

thanks!

From: Shoemaker, Rebecca
To: Jennifer Fortin-Noreus
Subject: typo in the CS
Date: Tuesday, October 04, 2016 9:49:23 AM

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p. 63, sentence starting with "in these rare situations, subsequent..." the word "permante" should be "permanent"

From: Kasdin, Alexandra
To: Seth Willey
Cc: Jennifer Fortin-Noreus
Subject: your responses
Date: Thursday, October 20, 2016 4:27:49 PM

Issues 26, 65, 69, 74, 75

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

DEPARTMENT OF THE INTERIOR

TASKING PROFILE

ACCN #:	ESO-00061688	**Status:**	Open	**Fiscal Year:**	2015
Document Date:	**Received Date:**	**Due Date:**	**Action Office:**	**Signature Level:**	**Doc Source:**
03/02/2015	03/13/2015	04/13/2015	FWS	DR	ITL

To (Recipient): Jewell, Sally

From (Author): Bear Stands Last, R

GOAL Tribal Coalition to protect the Grizzly

Subject Text: Re: resolutions and declarations and letters of 29 Indian Tribes in opposition to FWS proposed delisting of the Yellowstone grizzly bear under ESA.

Req. Surnames:

Mail Carrier: **Mail Track #:**

Cross Ref:

Copies To: SIO-OES

Status Tracking:

Correspondence Specialist and Phone: SIO-OES Tim Feeney/202-208-6701

Closed Comments:

Signed:

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GOAL
TRIBAL COALITION TO PROTECT THE GRIZZLY
GUARDIANS OF OUR ANCESTORS LEGACY

GOAL
Box 30,000, #360
Jackson, WY 83002

Website: GOALtribal.org
Facebook: Heybear.GOAL
Email: GOALtribalcoalition@gmail.com

March 2, 2015

Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

RE: Your response to my letter of 1/16/15 –

Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Thank you for directing US Fish and Wildlife Service (FWS) Mountain-Prairie Region Deputy Regional Director Bryan to reply to me on your behalf (received 2/21).

While I appreciate the Deputy Director stating that FWS "agree that Tribal governments should have the opportunity for meaningful engagement with the Service" and that FWS "fully understand our obligation to consult with Federally Recognized Native American Tribes on a government-to-government basis," the subsequent actions of Deputy Regional Director Bryan's office, and of the FWS as a whole, call those sentiments into question.

Before raising those concerns, with all due respect, this is no longer – if it ever was – a regional concern. Thirty-two federally recognized Tribal Nations now comprise GOAL Tribal Coalition, the latest being the Cherokee Nation of Oklahoma, the second largest Tribal Nation in the United States. Governor Bill Anoatubby, one of the longest serving and most respected tribal leaders in the country, recently wrote to FWS Director Dan Ashe about this issue (2/2/15), specifically about the lack of meaningful tribal consultation.

When he responded to GOAL Tribal Coalition on your behalf, Deputy Director Bryan also replied to the Montana Wyoming Tribal Leaders Council (TLC). The TLC only received that letter 2/21, yet FWS was insisting that the TLC furnish venues for three meetings by March 6, or alternatively, be prepared to submit thorough presentations on this issue to FWS by March 31.

There is no definition existing under which the three proposed consultation meetings described by Deputy Director Bryan as "broad areas where tribes have expressed an interest in this issue" equates to the "meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications" detailed in Executive Order 13175, and twice reaffirmed by President Obama in his 2009 memorandum and 2013 executive order. It would also be similarly dubious to claim that the three "broad area" meetings proposed fulfill the intent of Secretarial Order 3206.

The timescale insisted on for the three meetings is totally unrealistic. The compressed timeframe, with a deadline of March 6, will, in all likelihood, preclude tribes from participating in these meetings. Tribal leaders have a daunting daily workload, and the notion that they will be able to schedule and commit to these meetings in such a short period of time is impracticable.

A requisite of any consultation process is that those being consulted have a reasonable opportunity to participate.

While a positive first step in recognizing that the required consultation process with Tribal Nations must be honored, the three consultation meetings proposed must be viewed as just that – the initiation of the process, not the consultation process in entirety. Additionally, thirty-two Tribal Nations have written to you and Director Ashe in opposition to the proposed delisting of the Yellowstone grizzly bear; the TLC has only ten member tribes.

On the day I received your response via Deputy Director Bryan, GOAL Tribal Coalition was informed that FWS intends to issue the new rule to delist the Yellowstone grizzly bear this June. This would, of course, explain FWS's desire to undertake the minimum the Service thinks it can offer as passable in terms of consultation, and exposes FWS's desire for such an unrealistically short time frame.

In light of this, the intent behind these "three proposed consultation meetings in broad areas where tribes have expressed an interest in this issue" becomes clearer. It appears to be FWS's intent to delist the Yellowstone grizzly bear before the affected Tribal Nations have received a decent and fair opportunity to contribute, and, evidently, if the decision has already been made, FWS and the federal government is simply employing the same patriarchal attitude that has for centuries defined the relationship between our sovereign tribal nations and the United States. This cannot be described as a good faith effort, and runs counter to what President Obama has advocated on tribal consultation.

In all of the resolutions, declarations and letters you have been furnished with from affected tribes, each Tribal Nation has raised the issue of FWS's lack of transparency and the need for the raw data held by the FWS to be subject to open and impartial review by independent scientists. That prescient insight by our tribal leaders has taken on greater urgency in light of the now public testimony given August 18, 2014 in a hearing before the US Merit Systems Protection Board. The case of Gary Mowad revealed rampant scientific fraud and the manipulation and politicization of data by FWS.

The delisting of the Yellowstone grizzly bear has been highly politicized by Wyoming Governor Matt Mead, and Wyoming's Congressional delegation. Not only the citizens of our tribal nations, but every citizen in the US, is entitled to see independent scientific review of the data FWS is basing its claims on relative to delisting the Yellowstone grizzly bear. Taxpayers have funded the collection of this data for decades. This is not an issue of national security, and therefore there is no justification for denying an

open and transparent process so all can be confident that scientific fraud and politicization are not the deciding factors in a delisting decision if this magnitude.

In closing, in my letter of 1/16, I cataloged a series of concerns that demonstrated how unfit to participate in consultation with Tribal Nations FWS's grizzly bear recovery coordinator, Dr. Christopher Servheen is. In response, Deputy Director Bryan failed to address those concerns, and, instead, advised us, and our tribal leaders, to submit cultural information and traditional knowledge to Dr. Servheen by March 31 so he could decide whether it was worthy of inclusion in FWS's review of the Yellowstone grizzly bear. This, simply put, is the height of insensitivity.

Madam Secretary, I look forward to receiving your response to the points raised herein, and working with you to forge a positive path forward on this very important issue.

Néá'eše/àho (Thank you).

Respectfully,

Rain Bear Stands Last

R. Bear Stands Last –
Co-founder, GOAL Tribal Coalition.

cc. Dan Ashe, Director
US Fish and Wildlife Service,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

Respective Tribal Chairpersons, Presidents and Vice Presidents.

DEPARTMENT OF THE INTERIOR

TASKING PROFILE

ACCN #:	ESO-00061688	**Status:**	Open	**Fiscal Year:**	2015
Document Date:	**Received Date:**	**Due Date:**	**Action Office:**	**Signature Level:**	**Doc Source:**
03/02/2015	03/13/2015	04/13/2015	FWS	DR	ITL

To (Recipient): Jewell, Sally

From (Author): Bear Stands Last, R

GOAL Tribal Coalition to protect the Grizzly

Subject Text: Re: resolutions and declarations and letters of 29 Indian Tribes in opposition to FWS proposed delisting of the Yellowstone grizzly bear under ESA.

Req. Surnames:

Mail Carrier: **Mail Track #:**

Cross Ref:

Copies To: SIO-OES

Status Tracking:

Correspondence Specialist and Phone: SIO-OES Tim Feeney/202-208-6701

Closed Comments:

Signed:

752005

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2015
OFFICE OF THE
EXECUTIVE SECRETARIAT

GOAL
TRIBAL COALITION TO PROTECT THE GRIZZLY
GUARDIANS OF OUR ANCESTORS LEGACY

GOAL
Box 30,000, #360
Jackson, WY 83002

Website: GOALtribal.org
Facebook: Heybear.GOAL
Email: GOALtribalcoalition@gmail.com

March 2, 2015

Interior Secretary Sally Jewell,
US Department of the Interior,
1849 C Street, NW
Washington, DC 20240

RE: Your response to my letter of 1/16/15 –

Official resolutions, declarations and letters of twenty-nine (29) federally recognized Indian Tribes in opposition to the US Fish and Wildlife Service's proposed delisting of the Yellowstone grizzly bear (*Ursus arctos horribilis*) from the Endangered Species Act, and the US Fish and Wildlife Service's contravention of the established protocols for tribal consultation in this process.

Dear Madam Secretary,

Thank you for directing US Fish and Wildlife Service (FWS) Mountain-Prairie Region Deputy Regional Director Bryan to reply to me on your behalf (received 2/21).

While I appreciate the Deputy Director stating that FWS "agree that Tribal governments should have the opportunity for meaningful engagement with the Service" and that FWS "fully understand our obligation to consult with Federally Recognized Native American Tribes on a government-to-government basis," the subsequent actions of Deputy Regional Director Bryan's office, and of the FWS as a whole, call those sentiments into question.

Before raising those concerns, with all due respect, this is no longer – if it ever was – a regional concern. Thirty-two federally recognized Tribal Nations now comprise GOAL Tribal Coalition, the latest being the Cherokee Nation of Oklahoma, the second largest Tribal Nation in the United States. Governor Bill Anoatubby, one of the longest serving and most respected tribal leaders in the country, recently wrote to FWS Director Dan Ashe about this issue (2/2/15), specifically about the lack of meaningful tribal consultation.

When he responded to GOAL Tribal Coalition on your behalf, Deputy Director Bryan also replied to the Montana Wyoming Tribal Leaders Council (TLC). The TLC only received that letter 2/21, yet FWS was insisting that the TLC furnish venues for three meetings by March 6, or alternatively, be prepared to submit thorough presentations on this issue to FWS by March 31.

There is no definition existing under which the three proposed consultation meetings described by Deputy Director Bryan as "broad areas where tribes have expressed an interest in this issue" equates to the "meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications" detailed in Executive Order 13175, and twice reaffirmed by President Obama in his 2009 memorandum and 2013 executive order. It would also be similarly dubious to claim that the three "broad area" meetings proposed fulfill the intent of Secretarial Order 3206.

The timescale insisted on for the three meetings is totally unrealistic. The compressed timeframe, with a deadline of March 6, will, in all likelihood, preclude tribes from participating in these meetings. Tribal leaders have a daunting daily workload, and the notion that they will be able to schedule and commit to these meetings in such a short period of time is impracticable.

A requisite of any consultation process is that those being consulted have a reasonable opportunity to participate.

While a positive first step in recognizing that the required consultation process with Tribal Nations must be honored, the three consultation meetings proposed must be viewed as just that – the initiation of the process, not the consultation process in entirety. Additionally, thirty-two Tribal Nations have written to you and Director Ashe in opposition to the proposed delisting of the Yellowstone grizzly bear; the TLC has only ten member tribes.

On the day I received your response via Deputy Director Bryan, GOAL Tribal Coalition was informed that FWS intends to issue the new rule to delist the Yellowstone grizzly bear this June. This would, of course, explain FWS's desire to undertake the minimum the Service thinks it can offer as passable in terms of consultation, and exposes FWS's desire for such an unrealistically short time frame.

In light of this, the intent behind these "three proposed consultation meetings in broad areas where tribes have expressed an interest in this issue" becomes clearer. It appears to be FWS's intent to delist the Yellowstone grizzly bear before the affected Tribal Nations have received a decent and fair opportunity to contribute, and, evidently, if the decision has already been made, FWS and the federal government is simply employing the same patriarchal attitude that has for centuries defined the relationship between our sovereign tribal nations and the United States. This cannot be described as a good faith effort, and runs counter to what President Obama has advocated on tribal consultation.

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Respective Tribal Chairpersons, Presidents and Vice Presidents.

From: Stephen Torbit
To: Ivy Allen; Michael Thabault; Chris Servheen; John Bryan; Matt Hogan
Cc: Marla Trollan
Subject: RE: HIGH IMPORTANCE: Grizzly Bear Responses
Date: Tuesday, March 10, 2015 9:34:11 AM

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I will do some more research and get back to all of you.

Steve

Stephen Torbit Ph.D.
ARD - Science Applications
Region 6
Fish and Wildlife Service
Office: 303-236-4602
Cell: 720-626-7504
stephen_torbit@fws.gov

From: Ivy Allen [mailto:ivy_allen@fws.gov]
Sent: Monday, March 09, 2015 11:36 AM
To: Michael Thabault; Chris Servheen; Stephen Torbit; john_bryan@fws.gov
Cc: Marla Trollan
Subject: HIGH IMPORTANCE: Grizzly Bear Responses
Importance: High

FYI all, this grizzly bear issue is going back up to DC, Secretary level and to some congressionals. Someone may want to loop the front office in so they are not surprised when it comes back down the pipe. It might be worth noting who they CC'ed on the response below. Two of the attached letters are Tribal responses.

Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | O. 303-236-4575

From: Cheryl Belcourt [mailto:cbelcourt@mtwytlc.com]
Sent: Monday, March 09, 2015 11:22 AM

To: ivy_allen@fws.gov; Sally Jewell
Cc: Cheryl Belcourt; Howlett, Sierra (Indian Affairs); Erik_Nylund@tester.senate.gov; Amanda Peterman (Amanda_Peterman@Daines.Senate.gov); Alex_Sterhan@zinke.house.gov
Subject: Please see attached letter
Importance: High

Hello all at the Department of Interior and Fish Wildlife Service,
Please see the attached letter in response to the letter from the DOI-FWS Mountain Prairie Office (the latter was received by the Tribal Leaders Council office a couple weeks ago dated 2/17/2015 -- RE: FWS/R6/ES/EA ESO-00060852). Both letters as well as the original TLC Resolution to which the letters pertain are attached for your reference.

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My understanding is that ordinarily, Tribal Consultation is announced in the Federal Register 30 days in advance of the first session.

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Billings, MT 59102
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From: Ivy Allen
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Cc: Marla Trollan; john_bryan@fws.gov
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Date: Monday, March 02, 2015 3:29:10 PM

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stephen_torbit@fws.gov

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Sent: Monday, March 02, 2015 2:56 PM
To: cbelcourt@mtwytlc.com
Cc: Chris Servheen; Michael Thabault; Marla Trollan; Stephen Torbit; john_bryan@fws.gov
Subject: RE: Consultation dates re Tribes n Grizzly

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Billings, MT 59102
406.252.2550 (Phone) 406.697.2438 (Mobile)
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From: N.A. THPO
To: Ivy_Allen@fws.gov; chris_servheen@fws.gov
Subject: Fwd: Grizzly Bear
Date: Monday, March 02, 2015 3:43:23 PM

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If you have any questions email me here for a quick response.

Yufna Soldier Wolf
NATHPO-Director
nathpotcns@gmai.com
307-840-0837 cell text or call
307-856-1628 office leave msg

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Thank you for Consulting with the Northern Arapaho Tribe

Tribal Historic Preservation Officer
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From:	Richard Janssen
To:	daleb@cskt.org; tomm@cskt.org; pabloe@cskt.org; francisa@cskt.org; Tony Incashola; "Patricia Hewankorn"; "Ira Matt"
Cc:	vernon.finley@cskt.org; Carole Lankford; claytonm@cskt.org; ivy_allen@fws.gov; chris_servheen@fws.gov
Subject:	G2G Meeting on Grizzly Bear
Date:	Thursday, February 26, 2015 3:30:23 PM
Attachments:	USDOI FWLS G2G Grizzly Bear recommended delisting February 23 2015.pdf

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Rich Janssen
Department Head, Natural Resources Department
Confederated Salish and Kootenai Tribes
PO Box 278
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richj@cskt.org
406-675-2700, x7260

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Cc:	vernon.finley@cskt.org; Carole Lankford; claytonm@cskt.org; ivy_allen@fws.gov; chris_servheen@fws.gov
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richj@cskt.org
406-675-2700, x7260

From:	Servheen, Chris
To:	Tyers, Daniel - FS; Landenburger, Lisa A -FS
Cc:	Fortin-Noreus, Jennifer
Subject:	Re: additions to the CS
Date:	Monday, September 14, 2015 12:00:59 PM
Attachments:	Chapter 3 Habitat Standards and Monitoring_LLv5.docx

---

Dan and Lisa,
Does this document look familiar? We can use this as a template to update the habitat chapter. This is what Rebecca was using. I suggest that you use this to review and confirm your proposed changes and your reviews with managers. You will also have to involve NPS in these discussions. Once you are in agreement, we can work to get these changes into the CS habitat chapter and necessary appendices.
Sound like a plan?
Chris

On 9/14/15, 10:49 AM, "Tyers, Daniel - FS" <dtyers@fs.fed.us> wrote:

>The progress is good news! Yes- we should discuss the changes to the
>"habitat part" of the Conservation Strategy. No, we are not ready to pass
>along those changes. But that also depends on passing on what, when and
>how.
>Several things to consider:
>
>Rebecca was making changes independent of what Lisa and I were doing,
>although they are part of the larger revision effort. We don't have a
>record
>of what she did before she retired. We generally know what issues she was
>pursuing but not the outcome. The work she was doing has not been entirely
>dovetailed to what we are doing.
>
>Lisa and I are ready to recommend changes to the CS but there is a lot of
>homework left to do. Some of these changes are pretty logical and
>therefore
>not very controversial (although they would have been in the recent past).
>Much of this work has been ready for years. Other changes reflect
>substantive changes to effects analysis for land managers. The work done
>to
>date involves preparation of potential changes and pros and cons to
>various
>outcomes. These edits have not been reviewed by our peers or Executive
>Managers, and they should be. We have been in a holding pattern on some of
>these matters waiting for a signal of how and when to move forward. That
>is,
>there needs to be a parallel process for discussing habitat issues as
>there
>apparently has been for the demographic section. Without an awareness of
>the
>pace of the "demographic" discussions, we haven't know how or when to
>advance the potential changes to the "habitat" parts. I'm still not sure
>what's happening in this regard. If I'm reading your message right, this
>is
>a topic we had better get after pretty soon. Thanks!

>
>----Original Message-----
>From: Servheen, Chris [mailto:grizz@umontana.edu]
>Sent: Monday, September 14, 2015 9:18 AM
>To: Tyers, Daniel - FS
>Cc: Fortin-Noreus, Jennifer
>Subject: additions to the CS
>
>Hi Dan,
>Last week's meeting resulted in some progress to move toward completing
>necessary edits to the CS in the next few months. The demographic section
>will be the major area that is revised, but there is also a need to be
>sure
>all the USFS habitat monitoring changes are included. I know that you and
>Lisa were working to get these changes to us, and I think we have most of
>them, but could you and Lisa check to be sure you have all your suggested
>habitat monitoring changes complete? We can talk by phone if you like
>later
>in the week.
>Thanks,
>Chris
>

Chapter 3 Habitat Standards and Monitoring

Style Definition: Heading 2: Space Before: 14 pt

Style Definition: Heading 3: Space Before: 18 pt, After: 10 pt

Introduction

Since 1986 and prior to delisting of the Yellowstone population, grizzly bear~~,~~ habitat~~s for grizzly bears~~ in the Greater Yellowstone ~~Area~~ Ecosystem (GYE) has~~ve~~ been managed under standards and guidelines specified in national forest and national park management plans, which included the *Interagency Grizzly Bear Guidelines* (IGBC 1986). These standards and guidelines imposed upon public Federal lands have been instrumental in recovery of the grizzly bear in the ~~GYA~~GYE.

The 1993 *Recovery Plan* required the ~~documentation~~ preservation and monitoring of ~~the~~ habitat necessary to support a recovered population. This task led to the development of ~~the~~ measurable habitat criteria for the ~~GYA~~ GYE that were first released for public comment in 1999. These same habitat criteria were included in the draft Conservation Strategy that was released for public comment in 2000. ~~Content analysis~~ Analysis of ~~the~~ public comments ~~for both documents~~, as well as new information~~,~~ was~~ere~~ used to ~~develop~~ establish the habitat standards for a delisted Yellowstone population in the~~is~~ 2007 Conservation Strategy. This **2015** revision of the Conservation Strategy includes some changes to the 2007 document that help clarify habitat standards as they pertain to the 1998 baseline. Clarifying language to the application rules has also been inserted where necessary to provide better direction for application of these standards on a local project level. No substantive changes in the content of habitat standards have been made under this revision. However, some changes in habitat monitoring protocol have been made and are documented in this chapter.

~~Bear management units (BMUs) and subunits were identified to provide a basis for ensuring that habitats for bears were well distributed across the recovery area. The recovery area was divided into18 BMUs and 40 BMU subunits. Due to their smaller size, subunits rather than BMUs proved to be better suited as a base for ensuring good distribution of bear habitat.~~

H~~The h~~abitat standards ~~identified in this document are factors~~apply to Federal lands inside the Primary Conservation Area (PCA) and identify three factors that must~~will~~ be maintained at or improved upon with respect to conditions that existed in ~~identified~~ 1998~~levels.~~: 1) secure habitat, 2) number and capacity of developed sites, and 3) acreage of active commercial livestock grazing allotments. All three of these factors are linked to human activities that affect mortality and displacement of grizzly bears. These three standards apply only to public lands within the PCA, a safe haven located at the core of the ecosystem that accounts for approximately 47% of the Yellowstone grizzly bear's occupied range. The 1998 baseline for habitat standards was selected because studies showed that the Yellowstone grizzly bear population was increasing annually at a rate of 4 to 7 percent between 1983 and 2001 (Boyce *et al*. 2001, Harris *et al*. 2006). Habitat conditions in 1998 were considered representative of this time period since levels of secure habitat and developed sites had remained relatively constant in the 10 years preceding 1998 and beyond (USFS 2004). Hence, conditions in 1998 were believed to contribute to the population growth observed between 1983 and 2001. Habitat standards, as they apply to the 1998 baseline, impose measurable side boards on allowed levels of human activity inside the PCA and establish a clear benchmark against which future improvements and impacts of habitat can be measured. ~~In addition to the habitat standards, several other habitat factors will be monitored and evaluated to determine the overall condition of habitat for bears in the PCA. The habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.~~

Bear management units (BMUs) and subunits were delineated in the PCA to provide a basis for ensuring that grizzly bear habitat is well distributed across the recovery area. The PCA was

divided into 18 BMUs, each of which approximate in size the average *lifetime* range of an adult female grizzly bear in the GYE. BMUs were further subdivided into a total of 40 subunits (**Fig 2, chapter 1?**). Subunits, which are comparable in size to the average *annual* home range of an adult female grizzly bear, provided greater landscape resolution and proved to be better suited as a base for analyzing habitat use patterns and ensuring good distribution of bear habitat throughout the recovery zone (USDA 1985). Consequently, habitat conditions pertaining to the three standards are measured and compared against 1998 levels for each of the 40 bear management subunits within the PCA. To date, habitat-based criteria throughout the PCA have been successfully maintained at or surpassed1998 levels. Adherence to these standards ensures that sufficient habitat for the Yellowstone grizzly bear will continue to be available into the foreseeable future. ~~The h~~Habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.

In addition to ~~the~~ habitat standards, several other habitat factors will be monitored and evaluated to determine the overall condition of habitat for grizzly bears in the PCA. These monitoring items include productivity of the four major foods: 1) winter-killed ungulates, 2) cutthroat trout, 3) whitebark pine seeds, and 4) alpine moths. ~~=~~Production and availability of these four major foods have a positive effect on reproduction and survival rates of Yellowstone grizzly bears (Mattson *et al*. 2002, Merrill and Mattson 2003).

A~~The a~~gencies responsible for habitat management in the ~~GYA~~ GYE ~~agree~~ have committed to continue ~~to~~ collecting the necessary information needed to evaluate ~~maintenance~~ adherence of these standards and monitor other habitat parameters ~~within~~ throughout the PCA. The overall goal for habitat management inside the PCA is to maintain or improve habitat conditions as of 1998, as measured ~~within each~~per subunit ~~within the PCA~~, while maintaining options for resource management activities at approximately the same level that~~as~~ existed in 1998. ~~-~~ H~~The h~~abitat standards ~~and monitoring requirements~~ in this Conservation Strategy will, with time, be incorporated into national forest, and national park ~~, and BLM~~ management plans.

Outside the PCA, grizzly bears will be allowed to expand into adjacent areas considered biologically suitable and socially acceptable. Whereas lands within the PCA are managed primarily to maintain grizzly bear habitat, lands outside of the PCA boundary are managed with more consideration for human use (Service 1993). The key to successful management of grizzly bears outside the PCA lies in striking a sustainable balance that accommodates the needs of grizzly bears along with competing demands of human use. As such, an important management objective for areas outside the PCA is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions. Such flexible management promotes acceptance and tolerance for grizzly bears. Today, roughly 66 percent of suitable habitat outside the PCA is occupied by grizzly bears (IGBST calculation).

Suitable habitat outside of the PCA is approximately 84 percent federally owned land administered by the six National Forests in the region (79%), National Park Service (3.6%), Bureau of Land Management (1%), and USFWS (0.5%). Federal land management agencies will work cooperatively with state wildlife agencies to meet identified habitat and population goals for grizzly bears in the GYE. The ~~three~~ state grizzly bear management plans for Idaho, Montana, and Wyoming recommend and encourage land management agencies to maintain or improve habitats ~~that are~~ important to grizzly bears and to monitor habitat conditions outside the PCA. ~~Each~~ All 3 state~~s~~ ~~recognizes~~acknowledge the importance of secure habitat, motorized access management, and road density issues ~~related~~as they pertain to grizzly bears ~~-~~and other wildlife. Consequently, secure habitat and total motorized route density is monitored on federal lands outside the PCA to identify potential threats to habitat and prevent them from negatively impacting the long-term viability of the Yellowstone population. ~~This A~~access management issue~~s~~ ~~has~~ have also been recognized in each state's elk management efforts. Land

management agencies will work cooperatively with state wildlife agencies to meet identified population and habitat goals for grizzly bears in the GYE.A Tand the process of implementing these state and federal grizzly bear management goals will be coordinated by the Yellowstone Grizzly Coordinating Committee (YGCC) representing all the respective agencies in the greater Yellowstone area (*see* Chapter 6 Implementation and Evaluation).

Forest and Ppark plan standards and guidelines for other wildlife species will indirectly provide some additional habitat management direction for bears outside the PCA. By approval of this Conservation Strategy, Forest Service regional foresters in regions 1, 2, and 4 agree to add the grizzly bear to their Ssensitive Sspecies lists immediately upon ESA delisting of the species. Forest Service sensitive species direction requires that any project "*must not result in loss of species viability or create significant trends toward federal listing*" (USDA Forest Service Manual (FSM) 2600 2005). Sensitive species direction also requires the Forest Service to "*assist states in achieving their goals for conservation of endemic species*" (USDA FSM 2600). A biological evaluation will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will be completed and will be used to determine if whether projects willdo or will do not meet the habitat standards in this Conservation Strategy. If the biological evaluation shows demonstrates that the project will does not meet the habitat standards in this Conservation Strategy, the project will be modified as necessary to ensure that it will meetcomplete adherence with these standards.

Conservation Strategy Habitat Standards Insideinside the PCA

The most important issues to control on the landscape are the levels of human activities. Human activities resulting in mortality and displacement were the main reasons the grizzly bear was listed as threatened. Human activity is the primary factor negatively impacting availability and security of grizzly bear habitat in the GYE. This relationship between bears and habitat is extremely complex and difficult to quantify. However, unfettered human activity is known to result in the displacement and mortality of grizzly bears and was a significant contributing factor leading to listing the grizzly bear as a threatened species in 1975. Changes in human activities may have allowed bears to achieve recovered status. The key issues related to human activity are food storage, livestock allotments, motorized access, and site developments, as these were activities that either resulted in mortality or habitat displacement. Restrictions in human activities due to management practices implemented by IGBC in the mid-1980s correlate strongly with the steady increase in the Yellowstone grizzly bear population observed between 1983 and 2001 (Mattson and Knight 1991a). Habitat standards serve as sideboards on levels of human activity allowed on Federal lands inside the PCA, thereby reducing opportunities for grizzly-human conflicts and displacement of grizzly bears from valuable habitat.

Habitat standards identified in this document address 3 key factors related to human activity (motorized access, site development, and commercial livestock grazing) and specifically call for no net loss in secure habitat inside the PCA from what was known to exist in 1998 (Appendix F). Secure habitat is especially important to the survival and reproductive success of grizzly bears, especially adult females. It is the goal of habitat management agencies throughout the ecosystem to maintain or improve habitat conditions as of 1998 as measured per bear management subunit, while maintaining options for resource management activities comparable to levels that existed in 1998. The Yellowstone grizzly bear population achieved all demographic recovery criteria by 1998 with this management regime in place. These levels of secure habitat have been maintained and will continue to be maintained and improved where possible, long into the future. Potential impacts to grizzly bears and their habitat will be evaluated and mitigated using the criteria and standards in this Conservation Strategy in coordination with the state wildlife agencies.

~~It is the goal of the habitat management agencies to maintain or improve habitat conditions as of 1998, as measured within each subunit within the PCA, while maintaining options for resource management activities at approximately the same level as existed in 1998 (Appendix F). The grizzly population achieved all demographic recovery goals by 1998 with this management regime in place. The habitat standards identified here are similar to those identified in the draft Strategy, with some modifications in response to public comments and to increase the effectiveness of application. These standards apply only inside the PCA. Changes to these standards can be made by the YGCC, following appropriate public processes of the affected land management agencies, if monitoring indicates a need or better scientific information becomes available.~~

~~Existing forest and park plan standards and guidelines will provide grizzly bear habitat management direction outside the PCA. Land management agencies will cooperate with the appropriate state wildlife agency in development of additional future, area-specific grizzly bear management goals. All projects on federal public lands outside the PCA will be evaluated through the NEPA (National Environmental Policy Act) process. Potential impacts to grizzly bears and their habitat will be evaluated and mitigated using the criteria and standards in this Conservation Strategy in coordination with the state wildlife agencies. Appendix G presents an analysis of the potential for motorized access management changes both inside and outside the PCA.~~

Application rules -specific to each habitat standard provide additional direction on how these standards are to be implemented at a Federal project level~~under each standard are the specific ways that each habitat standard will be applied to implement this Conservation Strategy~~. The following ~~specific~~ habitat standards and application rules apply to~~on~~ all F~~f~~ederal lands inside the PCA~~, and will be monitored and maintained on subunits in the PCA~~.

Secure Habitat Standard

~~Secure Habitat Standard~~

Inside the PCA, ~~T~~the percentage of secure habitat within each bear management subunit must be maintained at or above levels that existed in 1998 (Appendix F). Authorized Federal projects that result in temporary or permanent changes to secure habitat must follow the Application Rules identified below. Secure habitat is defined as those areas ≥ 10 acres in size and more than 500 meters away from a motorized access route (open or gated) or recurring helicopter line during the non-denning period. Lakes larger than 1 square mile in spatial extent are excluded from secure habitat calculations. Gated routes that prohibit motorized access to the public but which are open to administrative personnel are counted against this standard and thus detract from secure grizzly bear habitat. Decommissioned routes which are closed to the public and administrative staff do not count against this standard. ~~Temporary and permanent changes are allowed under specific conditions identified below. Appendix G provides additional information on definitions and rules for implementation of this standard. Figure 10 provides a summary of the secure area management rules. The rule set in Figure 10 will be used in management and evaluation of projects and habitat management actions as appropriate under this Conservation Strategy.~~

Application Rules for Permanent Changes ~~in~~ to Secure Habitat

~~**Permanent changes to secure habitat.** A project may permanently change secure habitat provided that replacement secure habitat of equivalent habitat quality (as measured by the Cumulative Effects Model or equivalent technology) is provided in the same grizzly subunit. The replacement habitat must either be in place before project initiation or be provided concurrently with project development as an integral part of the project plan.~~

Permanent changes to secure habitat associated with an authorized Federal project involving construction of a new motorized route (i.e., road or trail), relocation of an existing motorized route, or opening of a previously decommissioned route are allowed if and only if the following conditions are met:

- Any loss in secure habitat below 1998 levels must be replaced by restoring secure habitat of equivalent quality and quantity (e.g., through road decommissioning) in the same bear management subunit. Quality of replacement habitat must be assessed based on our best collective scientific understanding of grizzly bear habitat ecology, and the rationale for mitigation fully documented.

- Replacement habitat must be either in place before project implementation or provided concurrent with project development as an integral part of the project plan.

- Replacement habitat must remain in place for a minimum of 10 years before it can subsequently be replaced and mitigated for per application rules. (*This duration is based upon the generation time for a female grizzly bear, or the time it takes to replace herself.*)

- Reductions in secure habitat below 1998 levels due to activities based on statutory rights such as the 1872 General Mining Law or the Alaska National Interest Lands Conservation Act (ANLCA) must be mitigated for within the affected subunit or in the nearest possible subunit. In those rare cases where mitigation occurs in a subunit other than the affected one, subsequent changes to secure habitat in both subunits become permanent changes to the 1998 baseline.

- For those subunits identified as in need of improvement above 1998 levels (*Gallatin #3, Madison #2,* and *Henry's Lake #2*), maintain secure habitat at or above levels of the fully implemented 2006 Gallatin National Forest Travel Management Plan (Appendix F).

- Motorized routes on private land are not counted against this standard. However, for motorized routes (roads or trails) acquired through land exchanges or acquisition, and which are desirable to maintain for public use, mitigation is strongly encouraged but not required.

Application Rules for Temporary ~~c~~Changes to ~~s~~Secure ~~h~~Habitat~~.~~

Temporary reductions in secure habitat associated with authorized Federal projects are allowed ~~can occur to allow projects,~~ if analysis of secure habitat is conducted to ensure compliance with the habitat standard and all ~~of the following~~ conditions specified in the Application Rules for temporary changes are met. A Federal project refers to any activity requiring construction of a new road, reconstruction of an existing road, opening of a permanently restricted road, or recurring helicopter flights at low elevations (< 500 m above ground level). Application rules for temporary changes to secure habitat are as follows:~~:~~

- Only one project affecting secure habitat may be~~is~~ active ~~per grizzly~~within a given bear management subunit at any one time.

- Total acreage of ~~active projects~~secure habitat affected within a given BMU ~~will~~ must not exceed 1~~%~~ percent of the acreage ~~in~~of the largest subunit within that BMU ~~(see Appendix C)~~. The acreage of a project that counts against the 1% limit is the acreage ~~associated with~~within the 500-meter buffer around any motorized ~~access~~ project route that extends into existing secure habitat.

- All temporary project roads that affect secure habitat will be in place collectively for no more than 3 consecutive years.

- Secure habitat ~~is~~ must be restored within one year ~~after completion of the~~upon project completion.

Activities Allowed in Secure Habitat

The following activities are allowed in secure habitat without violating the standard:

- **Activities that do not require re-opening of a decommissioned route; construction or reconstruction of motorized routes; or recurring low level helicopter flight lines.** Non-wheeled, over the snow use (i.e., snow machines) is allowed until research identifies a concern. Conflicts associated with winter-use activities that develop either during denning or after den emergence in the spring, can be addressed with local area restrictions.

- Helicopter use for short term (no more than 2 days in the duration of a project), or at higher elevation (> 500 meters above ground level with no landing). Aircraft used in emergency firefighting are allowed.

- Access to power line or utility corridors for occasional maintenance service that does not require new route construction.

- Project activities (e.g., temporary road construction / maintenance / use of recurring low level helicopter flights) that occur during the grizzly bear denning season between December 1 and February 28.

Comment [LL1]: This is taken from the 2007 CS but seems **extremely** nebulous. This could literally be interpreted to allow OHV use since it doesn't involve new routes or changes to existing routes. Should we instead say that all motorized vehicular traffic is limited to existing system motorized routes?

Figure 10. The rule set for secure habitat management in the Yellowstone Primary Conservation Area.

Criteria	Definition
Software, Database, and Calculation Parameters	ARC INFO using the moving window GIS technique (Mace et al. 1996), 30-meter pixel size, square mile window size and density measured as miles/square mile. Motorized access features from the CEM GIS database
Motorized Access Routes in Database	All routes having motorized use or the potential for motorized use (restricted roads) including motorized trails, highways, and forest roads. Private roads and state and county highways counted.
Season Definitions	Season 1 – 1 March to 15 July. Season 2 – 16 July to 30 November. There are no access standards in the winter season (1 December to 28 February).
Habitat Considerations	Habitat quality not part of the standards but 1) Replacement secure habitat requires equal or greater habitat value 2) Road closures should consider seasonal habitat needs.
Project	An activity requiring construction of new roads, reconstructing or opening a restricted road or recurring helicopter flights at low elevations.
Secure Habitat	More than 500 meters from an open or gated motorized access route or reoccurring helicopter flight line. Must be greater than or equal to 10 acres in size. Replacement secure habitat created to mitigate for loss of existing secure habitat must be of equal or greater habitat value and remain in place for a minimum of 10 years. Large lakes not included in calculations.
Activities Allowed in Secure Habitat	Activities that do not require road construction, reconstruction, opening a restricted road, or reoccurring helicopter flights. Over the snow use allowed until further research identifies a concern.
Inclusions in Secure Habitat	Roads restricted with permanent barriers (not gates), decommissioned or obliterated roads, and/or non-motorized trails.
Temporary Reduction in Secure Habitat	One project per subunit is permitted that may temporarily reduce secure habitat. Total acreage of active projects in the BMU will not exceed 1% of the acreage in the largest subunit within the BMU. The acreage that counts against the 1% is the 500-meter buffer around open motorized access routes extending into secure habitat. Secure habitat is restored within one year after completion of the project.
Permanent Changes to Secure Habitat	A project may permanently change secure habitat provided that replacement secure habitat of equivalent habitat quality (as measured by CEM or equivalent technology) is provided in the same grizzly subunit. The replacement habitat either must be in place before project initiation or be provided as an integral part of the project plan.

Comment [LL2]: I vote we delete this table. It is incomplete and redundant with the body of the text.

~~Subunits with Planned Temporary Secure Habitat Reduction~~	~~Secure habitat for subunits Gallatin #3 and Hilgard #1 will temporarily decline below 1998 values due to the Gallatin Range Consolidation Act. Upon completion of the land exchange and associated timber sales, secure habitat in these subunits will be improved from the 1998 baseline.~~
~~Subunits with Potential for Improvement~~	~~Access values for Henrys Lake #2, Gallatin #3, and Madison # 2 have the potential for improvement. The quantity and timing of the improvement will be determined by the Gallatin National Forest Travel Management Plan.~~
~~Proactive Improvement in Secure Habitat~~	~~A proactive increase in secure habitat may be used at a future date to mitigate for impacts of proposed projects of that administrative unit within that subunit.~~
~~Exceptions for Caribou-Targhee NF~~	~~When fully adopted and implemented the Standards and Guidelines in the 1997 revised Targhee Forest Plan met the intent of maintaining secure habitat levels.~~

Comment [LL3]: Banking is implicit to the habitat standard since any gains in secure habitat above 1998 levels can be "rolled back" to 1998 levels at any time (as long as NEPA approves). I see no need to explicitly refer to banking since it may encourage the notion and be used as a lame justification in a BA for retracting gains in secure habitat. It does not occur in the application rules or body of text in the CS. I opt to remove it altogether. Your thoughts?

Comment [LL4]: It seems that this statement is not actually an exception, but instead contradicts the standard itself. It effectively renders the standard no more effective than the standard requirement of a BA or NEPA analysis. If we remove it to be on par with the GNF Cleanup Amendment, does it constitute a substantive change?

Developed Site Standard

On Federal lands inside the PCA ~~The~~ the number and capacity of developed sites ~~within the PCA will~~must be maintained at or below the 1998 level (Appendix F).~~with the following exceptions: any proposed increase, expansion, or change of use of developed sites from the 1998 baseline in the PCA (Appendix F) will be analyzed, and potential detrimental and positive impacts documented through biological evaluation or assessment by the action agency.~~

~~**A developed site includes but is not limited to sites on public land developed or improved for human use or resource development such**~~ **Developed sites** refer to those sites or facilities on public land with features intended to accommodate public use or recreation. Such sites typically are identified or advertised via visitor maps or information displays as identifiable destination sites promoted by the agency**.** Examples of developed sites include, but are not limited to: ~~as~~ campgrounds, picnic areas, trailheads, boat launches,~~ lodges,~~ rental cabins, summer homes, ~~administrative sites~~lodges, service stations, ~~summer homes,~~ restaurants, visitor centers,~~,~~ and administrative sites. For the purposes of this Conservation Strategy, ~~and permitted resource development sites such as~~ oil and gas exploratory wells, production wells, and plans of operation for mining activities will also be tracked as developed sites.~~,~~ ~~work camps~~**(Dan, do we include work camps???)**~~, etc~~. **Administrative sites** are those sites or facilities constructed for use primarily by government employees to facilitate the administration and management of public lands. Administrative sites are counted toward developed sites and examples include headquarters, ranger stations, patrol cabins, park entrances, federal employee housing and other facilities supporting government operations. In contrast to developed or administrative sites, **Dispersed sites** are those not associated with a developed site such as a front-country campground. These sites are typically characterized as having no permanent agency-constructed features, have minimal to no site modifications, have informal spacing and possibly include primitive road access. Dispersed sites are not counted toward developed sites.

Application Rules for Developed Sites

Mitigation of detrimental impacts due to construction or expansion of developed sites ~~will~~ must occur within the affected subunit and ~~will~~ be of equivalent ~~to the~~ type and comparable in extent of impact. Mitigation measures ~~will~~ must be in place before ~~the~~ initiation of the project or included as an integral part of ~~the~~ completion of the project.

- A New~~New~~ site~~s will~~ requires mitigation via removal of another site of equivalent type within that subunit to offset any increase~~s~~ in capacity for human ~~capacity~~use, habitat loss, and increased access to surrounding habitats.
-

- **E~~Consolidation and/or e~~limination of dispersed camping sites will be considered adequate mitigation for construction of a minor day-use developed site or an increase~~d~~s capacity of use of an existing site ~~in human capacity at developed campgrounds~~ if the ~~new~~ increased ~~site~~ capacity is ~~equivalent~~ comparable to and offset by the decrease in use resulting from elimination of the dispersed sites ~~camping eliminated~~. Such mitigation can be used only if it can be demonstrated that the dispersed sites have had consistent perennial use and can be closed in such a way that future use of the site is definitively curtailed.**
-
- ~~**New sites will require mitigation within that subunit to offset any increases in human capacity, habitat loss, and increased access to surrounding habitats.**~~
  ~~**Administrative site expansions are exempt from human capacity mitigation expansion if such developments are necessary for enhancement of management of public lands and other viable alternatives are not available. Temporary construction work camps for highway construction or other major maintenance projects are exempt from human capacity mitigation if other viable alternatives are not available. Food storage facilities and management must be in place to ensure food storage compliance, i.e., regulations established and enforced, camp monitors, etc. All other factors resulting in potential detrimental impacts to grizzly bears will be mitigated as identified for other developed sites.**~~
- ~~**Land managers may improve the condition of developed sites for bears or reduce the number of sites. The improvements may then be used at a future date to mitigate equivalent impacts of proposed site development increase, expansion, or change of use for that administrative unit within that subunit.**~~

- Expansion of administrative sites are exempt from human capacity mitigation if such developments are necessary for enhancing management of public lands and other viable alternatives are not available. Temporary construction of work camps for highway construction or other major camp maintenance projects are exempt from human capacity mitigation if other viable alternatives are not available. Food storage structures and management must be in place and all other factors resulting in potential detrimental impacts to grizzly bears will be mitigated as identified for other developed sites.

- Land managers may improve the condition of developed sites for bears or reduce the number of sites. The improvements may then be used at a future date to mitigate equivalent impacts of proposed site development increase, expansion, or change of use for that administrative unit within that subunit.

Comment [LL5]: I would delete this. This rule is implicit in the standard and does not need to be explicitly encouraged.

- **Modifications to existing developed sites that reduce resource damage, detrimental environmental impacts, and/or the potential for grizzly bear conflicts are allowed (e.g., installing a vaulted toilet to avoid damage to water resources or installing bear-resistant food storage structures to reduce conflict).**

- To the fullest extent of its regulatory authority, the Forest Service will minimize effects on grizzly bear habitat from activities based in statutory rights~~, such as the~~(e.g., 1872 General Mining Law, Americans with Disability Act, ANILCA, etc.). ~~-~~ In those ~~expected~~ few cases

where the mitigated effects ~~will~~ result in an exceedance of the 1998 baseline that cannot be compensated for within that subunit, compensation~~, in the PCA,~~ to levels at or below the 1998 baseline will be accomplished in ~~adjacent subunits when possible, or~~ the ~~closest~~ nearest subunit ~~if this is not possible~~, or in areas outside the PCA adjacent to the impacted subunit ~~impacted~~if the latter is not possible. Mitigation for Mining Law site impacts will follow standard developed site mitigation to offset any increases in human capacity, habitat loss, and increased access to surrounding habitats. Access impacts relating to Mining Law activities will be mitigated per the applications rules for changes in secure habitat.

- Existing oil and gas and other mineral leases will be honored, and Proposed Applications for Permit to Drill (APDs) and operating plans within those leases will strive to meet the developed site standard. New leases, APDs and operating plans must meet the developed site standard and application rules.

- ~~—~~

- **Developments on private land are not counted against this standard; however, for developed sites acquired through land exchanges or acquisitions, and which are desirable to maintain, mitigation is strongly encouraged but not required. The rationale is to avoid restrictions that encumber acquisition and transformation of private land to public ownership. Once a parcel is transferred to public ownership any further development would be subject to the developed site standard. Acquired sites that pre-date 1998 may be amended to the 1998 baseline.~~**~~.~~**

Livestock Allotment Standard

Inside the PCA, there will be no ~~new~~ net increase in acreage of active commercial livestock grazing allotments ~~will be created and there will be no increases~~or in permitted sheep Animal Months (AMs) on Federal land from ~~the identified~~that which existed in 1998 ~~baseline~~ (Appendix F). Existing sheep allotments will be monitored, evaluated, and phased out as the opportunity arises with willing permittees.

Application Rules for Livestock Allotments

Allotments include both vacant and active commercial cattle/horse/sheep grazing allotments. Vacant allotments are those without an active permit, but may be used periodically by other permittees at the discretion of the land management agency to resolve resource issues or other concerns. ~~Reissuance of permits for vacant cattle allotments may result in an increase in the number of permitted cattle, but the number of allotments would remain the same as the 1998 baseline. Combining or dividing existing allotments would be allowed as long as acreage in allotments does not increase. Any such use of vacant cattle allotments resulting in an increase in permitted cattle numbers will be allowed only after an analysis by the action agency to evaluate impacts on grizzly bears. Where chronic conflicts occur on cattle allotments inside the PCA, and an opportunity exists with a willing permittee, one alternative for resolving the conflict may be to phase out cattle grazing or to move the cattle to a currently vacant allotment where there is less likelihood of conflict.~~ Changes in livestock allotments inside the PCA may occur if the following conditions are met:

- Reissuance of permits for vacant cattle allotments may result in an increase in the number of permitted cattle, but the number of active allotments inside the PCA must not exceed the 1998 baseline.

- Combining or dividing existing allotments is allowed as long as the net acreage and number of active allotments does not exceed 1998 levels.

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

Habitat Monitoringg

The primary objective of hHabitat monitoring will focusprotocol is to on evaluateion of adherence to the habitat standards identified in this Strategy. Monitoring of otherHowever, a dditional important habitat parameters pertaining to four major food types of the grizzly bear diet ers will also be monitored to provide additional information to assist in evaluatingevaluate fully the status of grizzly bear habitat and its ability to the status of the habitat for supporting a recovered grizzly bear population population and the effectiveness of habitat standards. Changes to habitat monitoring protocol especially pertaining to open motorized route density (OMARD) and evaluation of habitat effectiveness are documented in Appendix F. Habitat standards and other habitat parameters will be monitored as follows.

Monitoring Secure Habitat and Motorized Access Route Density

Background

Motorized access is one of the most influential factors negatively affecting grizzly bear use of habitats. Open rRoad density has been utilized historically as a surrogate measure of human impacts to grizzly bear habitatpresence on the landscape and consequently serves as the basis for identifying non-secure habitat. Restricted roads and motorized trails are important factors to be considered when in evaluating habitat availability and potential for and mortality risk to grizzly bears (McLellan and Shackleton 1988, Mattson and Knight 1991b, Mace *et al*. 1996, Schwartz *et al*. 2010, Proctor *et al*. 2012). Grizzly bear researchers and Land managers throughout the GYE generally agreerecognize that availability of secure habitat, defined as those (areas more than 500 meters (550 yards) from a motorized access route) during the non-denning period, are especially important is crucial to the survival and reproductive success of grizzly bears, especially adult females grizzly bears.

Motorized access parameters were measured and calculated using procedures identified in the 1998 IGBC *Taskforce Report on Grizzly Bear/Motorized Access Management*. For the Yellowstone PCA, the Motorized access parameters including percent secure habitat, OMARD and TMARD are measured and monitored against levels that existed in 1998. percent of secure habitat, open motorized access route density (OMARD) greater than one mile/square mile, and total motorized access route density (TMARD) greater than two miles/square mile per subunit in 1998 is presented in Appendix F. No change in these parameters has occurred since 1998, as managers agreed to maintain these values pending the finalization of the Strategy. No net decrease in secure habitat with respect to 1998 levels has occurred on federal lands inside the PCA in any of the 40 bear management subunits since 1998. Instead, secure habitat inside the PCA has increased by 1.4 percent since 1998. This gain is approximate in size to the area of Yellowstone Lake.

***Subunits with potential for improvement*:** Several subunits, Henrys Lake #2, Gallatin #3, and Madison #2 have been identified as needing improvement in access parameters. The area with potential for improvement in these subunits is within the boundaries of the Gallatin National

~~Forest. However, a large percentage of the OMARD and TMARD values and secure habitat loss in these subunits is due to motorized access features on private land (Appendix G). The Forest is working on several land exchange efforts with private parties in these subunits. These land exchanges would allow management of the roads on these private parcels and increase the secure habitat in these subunits.~~

~~The Gallatin Range Consolidation Act will result in trading timber for land in the Gallatin #3 and Hilgard #1 subunits. The private land involved will become public land under the jurisdiction of the Gallatin National Forest. In order to complete the exchange, access values in these two subunits will temporarily decline below 1998 values. However, upon completion of this sale and land exchange, secure habitat and motorized access route density in these subunits will be improved from the 1998 baseline (Appendix F).~~

~~All the above-mentioned subunits on the Gallatin National Forest have the potential for improvement in the long term. The timing and amount of improvement will be determined through the Gallatin National Forest travel management planning process. This is a new effort since the release of the 2000 draft Conservation Strategy and may take several years to complete. The Travel Plan will amend the Forest Plan and set a new baseline for access values in these subunits. This travel plan revision will reduce the motorized access route density in these subunits and increase secure habitat.~~

Three subunits, Gallatin #3, Henrys Lake #2, and Madison #2 have been targeted as needing improvement in secure habitat and reduction in motorized route density with respect to 1998 levels. The specific areas in need of improvement identified in these three subunits fall within the Gallatin National Forest boundary and the quantity and timing of improvements was to be determined by the Gallatin National Forest Travel Management Plan (TMP). A large factor contributing to elevated OMARD and TMARD values and impoverished secure habitat values in these subunits were due to motorized access roads occurring on private land enclosures. Since 1998, the Gallatin National Forest conducted several land exchanges under the *Gallatin Range Consolidation and Protection Act* with private parties in the Gallatin #3 subunit and in other areas inside and outside the PCA. These land exchanges resulted in the acquisition of formerly private parcels in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area (Gallatin #3) which are now administered as part of the Gallatin National Forest. Consequently the Forest Service also inherited some private roads and many old timber harvest roads that caused a temporary decrease in secure habitat (mostly outside the PCA, but some inside). With implementation of the 2006 Gallatin TMP, many roads inherited from these exchanges have been permanently decommissioned. Additional access routes not designated for motorized use in the TMP have also been closed, with a high priority given to road decommissions in the three subunits identified as in need of improvement. With full implementation of the Gallatin Travel Plan very near completion, measurable increases in secure habitat and reductions in motorized route density with respect to 1998 baseline levels have been realized in the three targeted subunits. The Gallatin National Forest has proposed that increases in secure habitat due to full TMP implementation constitute new baseline levels for these 3 subunits (Appendix F). If approved, the elevated secure levels for these 3 subunits will serve as new measures against which future changes will be made.

~~Several~~ One other subunit~~s~~ ~~were~~ that was listed as needing improvement in the 2000 draft, Henrys Lake #1, ~~Conservation Strategy (Plateau #1, Plateau #2, and Henrys Lake #1). The draft stated that upon full implementation of the access management changes in the revised Targhee Forest Plan, those subunits will be acceptable for OMARD, TMARD, and secure habitat. Those access management changes have been fully implemented and those subunits are no longer identified as having potential for improvement. This is due to road decommissioning that was completed following the signing of the 1997 revised Targhee Forest Plan and the 1999 FEIS for the Targhee Travel Plan (Open Road and Open Motorized Train~~

~~Analysis (motorized road and trail travel plan)). The 1998 baseline (Appendix F) for these subunits was modified to reflect the full implementation of the 1997 Targhee Forest Plan. Henrys Lake subunit #1~~ still has high levels of motorized access density and a low secure habitat level. However, much of the effect is due to motorized access routes on private lands. ~~(Appendix F).~~ Little opportunity remains for improvement on public lands inside this subunit due to the legal requirements to provide access to Sawtell Peak, state lands, mining claims, county, state, and federal rights-of-way, private lands, and summer homes.

Monitoring Protocol for Secure Habitat and Motorized Route Density

Motorized access parameters including 1) percent s~~S~~ecure habitat, 2) open motorized access route density (OMARD) greater than one mile~~/~~ per square mile, and 3) total motorized access route density (TMARD) greater than two miles~~/~~ per square mile ~~will be monitored utilizing Yellowstone Grizzly Bear Cumulative Effects Model (CEM) Geographic Information System (GIS) databases,~~ are measured per bear management subunit using the Motorized Access Model described in Appendix F. Inside the PCA, these three parameters~~and~~ are calculated per bear management subunit and compared against 1998 levels on an annual basis. These measurements are reported annually ~~annually within each subunit~~ in the IGBST Annual Report, *Yellowstone Grizzly Bear Investigations*~~.~~ and are posted online for public access at the IGBST website.~~Protocols are established for an annual update of motorized access routes and other CEM GIS databases for the PCA. To provide evaluation of motorized access proposals relative to the 1998 baseline, automated GIS programs are available on each administrative unit (Appendix G).~~

Monitoring Developed Sites

Background

Levels of human ~~D~~development~~ed sites~~ on the landscape ~~are known to displace~~have been shown to be an important predictor of grizzly bear survival in the GYE ~~grizzly bears and this has some direct effect on habitat effectiveness~~(Schwartz *et al.* 2010). ~~The primary~~A significant concern related to developed sites is grizzly bear mortality ~~connected to~~associated with food conditioning and ~~bear~~ habituation. Past attempts at modeling grizzly bear mortality in the ~~GYA~~GYE have focused on numbers of people spending the night as a primary factor related to grizzly bear mortality. Increased numbers of people using an area and potentially interacting with grizzly bears increases opportunities for human–grizzly conflict and is ~~the~~ an important issue in evaluating ~~the~~ impacts from developed sites on grizzly bear survival. Contributing factors to the displacement and mortality of grizzly bears ~~Impacts to bears as a result of~~due to new or expanding developed sites ~~could result from~~include increase~~d s in~~ spatial and temporal extent of human ~~capacity at the site~~presence, temporary or permanent loss of grizzly bear habitat~~, increased length of time of use~~, limited access to important food sources ~~increased access to surrounding areas or backcountry trails~~, and unsecured bear attractants.

~~The effects of the current number of~~ Maintaining the number and human-use capacity of developed sites at 1998 levels ~~are~~ is considered ~~the level that~~ a sustainable threshold that can be accommodated on public lands within the PCA because ~~the 1998 level of site development is allowing~~1998 levels allowed ~~a stable to increasing~~an increasing to stable grizzly bear population ~~(Appendix F)~~from 1983 to 2001. C~~All c~~hanges in human developed sites ~~since 1998 have been~~are evaluated against the 1998 baseline (Appendix F) and have been determined acceptable under the standard for developed sites identified in this Strategy.

Monitoring Protocol for Developed Sites

~~Monitoring numbers of developed sites can indirectly assess displacement from habitat, habituation to human activities, and increased grizzly mortality risk.~~ Changes in the number and human-use capacity of developed sites on public lands inside the PCA will be compiled annually per bear management subunit and ~~compared to~~tracked with respect to the 1998 baseline (Appendix F). Changes in d~~D~~eveloped sites as measured against the baseline are currently inventoried in existing GIS databases and ~~are an input item to the CEM~~are reported annually in the IGBST Annual Report *Yellowstone Grizzly Bear Investigations*. ~~Appendix F displays the number of developed sites in the PCA within seven categories and will serve as the 1998 baseline.~~

Monitoring Livestock Grazing

Background

Interaction between livestock and grizzly bears has historically led to the relocation or removal of grizzly bears in the GYE (Knight and Judd 1983; Johnson and Griffel 1982; Anderson *et al* 2002; Gunther *et al* 2004). Grizzly bears tend to kill cattle and sheep regardless of the abundance of natural bear foods. Most grizzly bear - livestock conflicts tend to occur outside the PCA, and as grizzly bears continue to expand farther outside of the recovery zone, the number of conflicts will most likely continue to pose a challenge to grizzly bear managers (Gunther *et al* 2004). This is particularly true on domestic sheep allotments. ~~While there have been recent increases in bear depredations on cattle in the Greater Yellowstone Area, the number of allotments and distribution of cattle inside the PCA in 1998 did not preclude achieving the demographic recovery criteria. In the case of sheep allotments, conflicts are much more prevalent and more difficult to resolve without eventually phasing out sheep grazing in the PCA.~~ Financial incentives with non-governmental organizations (NGOs) have been successful in retiring sheep grazing allotments on public land when willing participants were available (Gunther *et al*. 2004). These types of opportunistic partnerships between federal agencies, NGOs, and willing permittees are recommended as one possible method for resolving chronic conflicts on grazing allotments within prime grizzly bear habitat.

Inside the PCA there were There were 73 cattle and 15 sheep allotments inside the PCA as of 1998. A total of 17,279 sheep AMs were permitted inside the PCA in 1998 (Appendix F).

Two sheep allotments on the Caribou-Targhee National Forest within the PCA have been phased out since the establishment of the 1998 baseline, resulting in a decrease of 7,889 sheep AMs in the PCA.

Monitoring Protocol for Commercial Livestock Grazing

To ensure no net increase from the 1998 baseline, numbers and acreage of commercial livestock grazing allotments and numbers of sheep AMs on Federal land within the PCA will be monitored and reported to the IGBST annually by the permitting agencies. The number of allotments will be reported to provide useful information on the distribution of grazing inside the PCA.

Major Foods

Background

In addition to the 3 objective and measurable habitat criteria listed above, additional food indices will be monitored annually and used to assess any impacts of habitat changes on the Yellowstone grizzly bear population. Four specific food items have been identified as major components of the ~~GYA~~GYE grizzly bear diet (Mattson *et al.* 1991). These are seeds of the whitebark pine, army cutworm moths, ungulates, and spawning cutthroat trout. These food sources may exert a positive influence on grizzly bear fecundity and survival and are some of the highest sources of digestible energy available to grizzly bears in the Yellowstone area (Mealey 1975, Servheen *et al.* 1986, Pritchard and Robbins 1990, Craighead *et al.* 1995). Each of these food sources is limited in distribution and subject to wide annual fluctuations in availability. During years when these food sources are abundant, there are very few grizzly bear/human conflicts in the ~~GYA~~GYE (Gunther *et al.* 1997). In contrast, during years when there are shortages of one or more of these foods, grizzly bear/human conflicts are more frequent and there are generally higher numbers of known and probable human-caused grizzly bear ~~known and probable~~ mortalities (Mattson ~~et al.~~*et al.* 1992*a*, Mattson ~~et al.~~*et al.* 1992*b*, Gunther ~~et al.~~*et al.* 1997).

These foods are very important to grizzly bears in the ~~GYA~~GYE. Introduced organisms, habitat loss, and other human activities have the potential to negatively impact ~~negatively~~ the abundance and distribution of these foods. Because of natural annual changes in abundance and distribution of these four major foods, threshold values of abundance for each food type have not been established. Whitebark pine, ungulates, cutthroat trout, and army cutworm moths are currently monitored either directly or indirectly on an annual basis. With the distribution and range of bears expanding in the GYE, additional food resources will become available.

~~By expanding the distribution and range of bears in the GYA, additional food resources will become available.~~

Monitoring Protocol of Major Foods

To monitor these major foods and their importance to grizzly bears, the IGBST will survey and report on each food annually, as per ~~the~~ detailed food monitoring protocols in Appendix E. There are no threshold values for the four food indices, however, f~~F~~ood abundance data will be compared with information on numbers of grizzly bear/human conflicts, grizzly bear management actions, human-caused known and probable grizzly bear mortalities, and changes in the distribution of bears. This analysis will be completed by the IGBST, including interpretations of influences of food availability on population standards and grizzly bear/human conflict rates. Results will be presented in the annual reports prepared by the IGBST. If declines in certain foods occur and, using the best available scientific data and techniques, the IGBST concludes these are related to significant increases in ~~bear~~ known and probable bear mortalities and that such increases could threaten the grizzly population, the IGBST shall recommend a petition for relisting (*see* Chapter 6, Implementation and Evaluation, for details on this process). Significant declines in important foods could also result in reductions in cub production. Since both human-caused mortality and numbers of females with cubs are measurable criteria monitored annually for the population, any significant decline in important foods would also be reflected in changes in these measurable population standards.

Monitoring these important foods also provides managers with some ability to predict annual seasonal bear habitat use, and estimate, prepare for, and avoid grizzly bear/human conflicts due to a shortage of one or more foods.

Existing monitoring programs will be continued under this Conservation Strategy; however, monitoring programs may be changed to incorporate new technological advances in monitoring techniques or new knowledge of bear habitat use in the Greater Yellowstone Area. Existing monitoring programs may be expanded beyond the PCA to areas currently being used by bears or areas predicted for future use by bears.

Winter-killed Ungulates

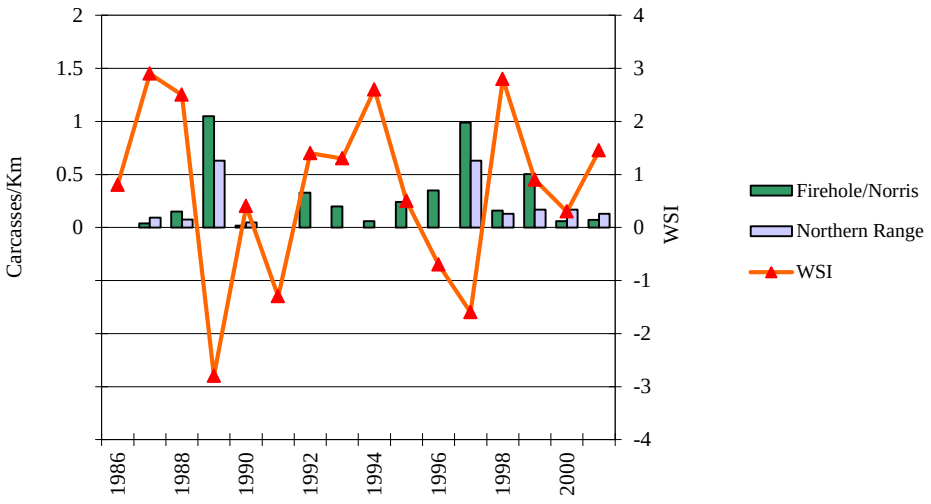
Background

The ~~GYA~~GYE is unique among areas in North America inhabited by grizzly bears in that ungulates are a major food source, as indicated by bear scats (Mattson 1997), feed site analysis (Mattson 1997), and bear hair isotope analysis (Hildebrand ~~et al.~~*et al.* 1999). On average, approximately 79% of the diet of adult male and 45% of the diet of adult female grizzly bears in the ~~GYA~~GYE is meat (Hildebrand ~~et al.~~*et al.* 1999). In contrast, in Glacier National Park, over 95% of the diets of both adult male and female grizzly bears is vegetation (Hildebrand ~~et al.~~*et al.* 1999). Ungulates rank as the second highest source of net digestible energy available to grizzly bears in the ~~GYA~~GYE (Mealey 1975, Pritchard and Robbins 1990, Craighead ~~et al.~~*et al.* 1995). Ungulates are also important to bears because they provide a high quality food source during early spring before most plant foods become available. Grizzly bears with home ranges in areas with few plant foods depend extensively on ungulate meat (Harting 1985). Grizzly bears feed on ungulates primarily as winter-killed carrion from March through May (Mattson and Knight 1992, Green ~~et al.~~*et al.* 1997). Carcass availability fluctuates with winter severity (Figure 11).

Monitoring Protocol

There are currently 30 spring ungulate carcass survey routes in Yellowstone National Park (YNP) and 11 on the Gallatin National Forest (Haroldson ~~et al.~~*et al.* 1998). Under this Conservation Strategy, monitoring of winter-killed ungulate carcass availability along these survey routes will continue and the results summarized and reported annually. ~~Data from these survey efforts will also be used to update productivity values in the CEM.~~ Current survey methods may be redesigned or modified when appropriate.

Figure 1. Winter Severity Index (WSI) derived for elk on the Northern Range and ungulate carcasses/km along transects in two survey areas, Yellowstone National Park, 1986-2001 (Podruzny and Gunther 2002).



Cutthroat Trout

Background

Due to their high digestibility and protein and lipid content, spawning cutthroat trout are one of the highest sources of digestible energy available to bears in Yellowstone National Park (Mealey 1975, Pritchard and Robbins 1990). Grizzly bears are known to prey on cutthroat trout in at least 36 different streams tributary to Yellowstone Lake (Hoskins 1975, Reinhart and Mattson 1990). In 2002, Haroldson ~~et al.~~*et al.* (in review *a*) estimated that approximately 69 to 85 grizzly bears per year frequented and likely fished spawning streams tributary to Yellowstone Lake. In 1994, non-native lake trout were discovered in Yellowstone Lake. Lake trout could depress the native cutthroat trout populations and associated bear fishing activity (National Park Service 1994).

Monitoring Protocol

The Yellowstone Lake cutthroat trout population is currently monitored using gillnets, fish weirs, spawning stream surveys, and hydroacoustic techniques (Appendix E). YNP will provide an annual summary to the IGBST. Current survey methods may be modified or redesigned as appropriate.

Moth Aggregation Sites

Background

Alpine moth aggregations are an important food source for a significant portion of the Yellowstone grizzly bear population (Mattson ~~et al.~~*et al.* 1991). As many as 55 different grizzly bears have been observed feeding at moth sites on a single morning (Annual Report 2002 in

prep). Some bears may feed almost exclusively on moths for a period of over one month (French ~~et al.~~*et al.* 1994). Moths have the highest caloric content per gram of any other bear food (French ~~et al.~~*et al.* 1994) and are available during the late summer/early fall periods when bears are consuming large quantities of foods in order to acquire sufficient fat levels for winter (Mattson ~~et al.~~*et al.* 1991). A grizzly bear feeding extensively on moths over a 30-day period can consume 47%, close to half, of its annual energy budget of 960,000 calories (White 1996). Moths are also valuable to bears because they are located in relatively remote areas, thereby reducing the potential for grizzly bear/human conflicts during the late-summer tourist months. During years when moths are abundant on high elevation moth sites, there are few grizzly bear/human conflicts at nearby low elevation human developments (Gunther ~~et al.~~*et al.* 1997). During years when moths are absent from the high elevation talus slopes, there are more grizzly bear/human conflicts at nearby low elevation human developments (Gunther ~~et al.~~*et al.* 1997).

Figure 2. The annual number of confirmed moth sites in the Greater Yellowstone Area, the number used by bears, and the total number of telemetry relocations or aerial observations of bears recorded at each site, 1986-2001 (Bjornlie and Haroldson 2002).

Year	Number of confirmed moth sites[a]	Number of moth sites used[b]	Number of locations or observations[c]
1986	5	2	8
1987	6	4	15
1988	7	4	43
1989	11	9	47
1990	13	10	69
1991	16	14	144
1992	19	15	88
1993	19	2	4
1994	20	7	14
1995	23	13	28
1996	24	14	69
1997	24	14	67
1998	26	17	124
1999	27	17	144
2000	27	14	78
2001	27	16	98
Total			1,040

[a] The year of discovery was considered the first year a telemetry location or aerial observation was documented at a site. Sites were considered confirmed every year thereafter regardless of whether additional locations were documented.

[b] A site was considered used if ≥1 location or observation was documented within the site that year.

[c] May include replicate sightings or telemetry relocations.

Monitoring Protocol

Bear use of moth aggregation sites has been noted during radio tracking and observation flights. Bear use of these sites will be used as an indirect measure of moth abundance. Aerial surveys for moth use will be conducted annually on representative moth feeding sites (Figure 12). Results will be summarized and reported in the IGBST Annual Report.

Whitebark Pine Cone Production

Background

Due to their high fat content and potential abundance as a pre-hibernation food, whitebark pine seeds are an important fall food for bears in the ~~GYA~~GYE (Mattson and Jonkel 1990). Yellowstone grizzly bears consume whitebark pine seeds extensively when whitebark cones are available. Bears may feed almost predominantly on whitebark pine seeds when production exceeds 22 cones per tree (Mattson ~~et al.~~*et al.* 1992). During years of low whitebark pine seed availability, grizzly bears often seek alternate foods at lower elevations in association with human activities, leading to increased nuisance bear management actions and human-caused grizzly bear known and probable mortalities during the fall (Mattson ~~et al.~~*et al.* 1992, Knight and Blanchard 1994, Gunther ~~et al.~~*et al.* 1997). During years when whitebark pine nuts are abundant, there are generally very few grizzly bear/human conflicts during the fall season (Mattson ~~et al.~~*et al.* 1992, Gunther ~~et al.~~*et al.* 1997).

Monitoring Protocol

Currently there are 19 whitebark pine cone production transects (Figure 13) within the ~~GYA~~GYE, nine of which have been monitored on an annual basis since 1980 (Knight ~~et al.~~*et al.* 1997). Monitoring of whitebark pine cone production using current or modified methods will continue under this Conservation Strategy. New transects may be added or methods changed as knowledge of bear use of this resource evolves. Results will be summarized and reported in the IGBST Annual Report.

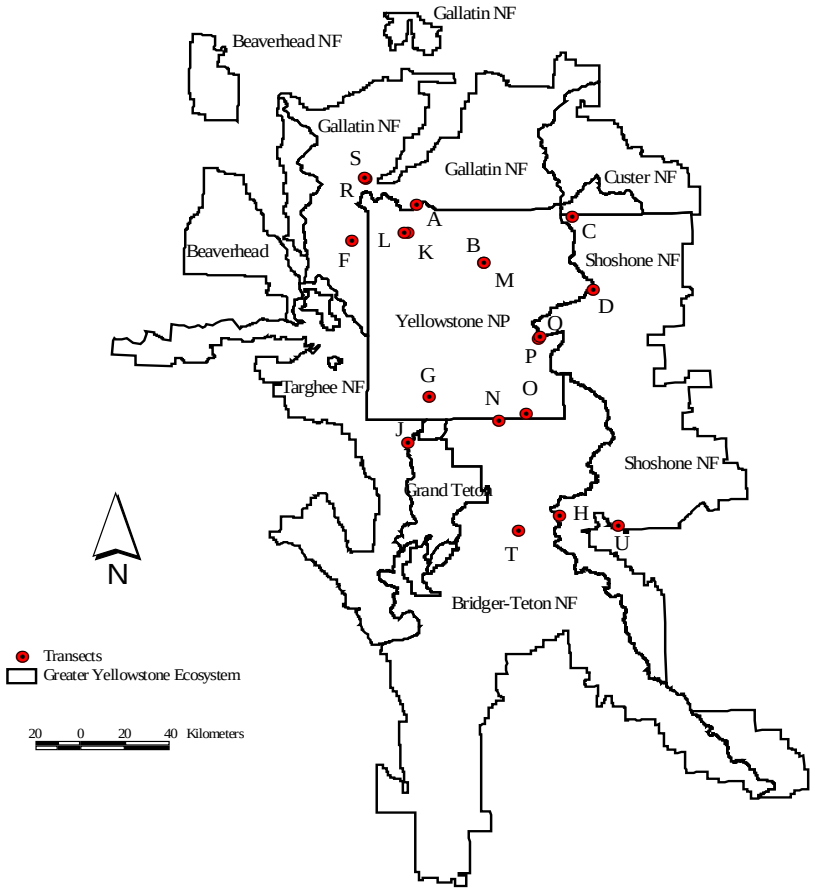


Figure 3. Location of whitebark pine cone transects.

White Pine Blister Rust Infection

Background

Whitebark pine mortality due to white pine blister rust exceeds 90% throughout the northwest U.S. (Kendall and Arno 1990). Although tree mortality has been low to date in the ~~GYA~~GYE, some whitebark pine stands are infected with blister rust. The extent of the blister rust infection and the future effects it will have on whitebark pine in the ~~GYA~~GYE are unknown.

Monitoring Protocol

Along each whitebark pine cone transect, each tree will be examined for presence of blister rust, and the data recorded. Results will be recorded and reported annually by the IGBST.

~~Habitat Effectiveness and Habitat Value~~

~~Background~~

~~The Yellowstone Grizzly Bear CEM was designed to assess the inherent productivity of grizzly bear habitat and to assess the effects of human activities on bear use of that habitat (Dixon 1997, Weaver et al. 1986, Mattson et al. in press). The model uses GIS databases and relative value coefficients of human activities, vegetation, and key grizzly bear foods to calculate Habitat Value (HV) and Habitat Effectiveness (HE) (Weaver et al. 1986, Bevins 1997, Mattson et al. in press). The CEM is the result of more than a decade of interagency effort. Interagency mapping protocols and procedures (Mattson and Despain 1985) have been developed and approved for the PCA. Research is limited as to what level of human activity on backcountry trails actually displaces bears from these habitats. Additional information on human use in the backcountry may help determine the relationship between human activities and bear use.~~

~~Habitat Value in the CEM is a relative measure of the average net digested energy potentially available to bears in a subunit for each of four seasons. Habitat Effectiveness is that part of the energy potentially derived from the area that is available to bears given their response to humans (Mattson et al. in press). It is recognized that motorized access and site developments are the primary human activities influencing grizzly bear use of habitats. However, there are other activities that collectivity may have significant impact on the effectiveness of the habitat for bears. The CEM can be used to estimate the cumulative effects of all human activities on the availability of habitats and associated foods to bears. The 1998 baseline seasonal HE values for each subunit from CEM are displayed in Appendix F.~~

~~The current level of HE for some subunits likely differs from the 1998 baseline. This is not due to changes in the level of human activity, as human activity has not significantly changed since 1998. Rather, several wildfires and prescribed fires have occurred which changed HV. Since HE is calculated as a percentage of the HV, this has resulted in a corresponding change in HE. The change is likely not detrimental to bears and in some instances has improved the seasonal HV.~~

~~Monitoring Protocol~~

~~The agencies will measure changes in seasonal Habitat Effectiveness in each BMU and subunit by regular application of the CEM or the best available system, and compare outputs to the 1998 baseline (Appendix F). CEM databases will be reviewed annually and updated as needed. These databases include location, duration, and intensity of use for motorized access routes, non-motorized access routes, developed sites, and front country and backcountry dispersed~~

~~uses. Emphasis and funding will continue to refine and verify CEM assumptions and to update databases.~~

~~Representative trails or access points, where risk of grizzly bear mortality is highest, will be monitored when funding is available. CEM databases will be updated to reflect any noted changes in intensity or duration of human use.~~

Hunter Numbers

Background

The number of elk hunters in Wyoming, Idaho, and Montana who recreate in the PCA (Figure 14) were estimated and compared to grizzly bear known and probable mortalities, both verified and probable, from 1987 to 1997 to determine if bear mortality is correlated to hunter numbers. The data show there is little relationship between hunter numbers and human-caused grizzly mortality.

The highest source of grizzly bear mortality in the ~~GYA~~GYE has been due to interactions with hunters. While the number of hunters using the PCA has not increased significantly, the number of grizzly bear known and probable mortalities due to interactions with hunters increased in the last decade. Possibilities for why this occurred include bears learning to seek hunter-killed game, and bear distribution shifting to elk hunting units that open early (Haroldson ~~et al.~~*et al.* in review *b*). Nearly all known and probable bear mortalities occur as surprise encounters, at big game carcasses, or at hunter camps.

Figure 4. Estimated numbers of elk hunters within the grizzly bear recovery zone plus a 10-mile perimeter in Idaho, Montana, and Wyoming for the years 1991-2001.

	Year										
State	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Idaho[a]	2,292	2,573	2,962	2,682	2,366	3,102	2,869	2,785	2,883	NA[b]	2,914
Montana[c]	18,264	16,062	16,092	16,477	15,288	16,108	NA	NA	14,298	14,872	12,504
Wyoming[d]	16,233	17,154	17,105	17,053	17,464	16,283	17,458	15,439	15,727	12,812	13,591
Total	36,789	35,789	36,159	36,212	35,118	35,493			32,908		29,009

[a] Idaho and Wyoming numbers include archery and gun hunters.

[b] NA = hunter number estimates not currently available.

[c] Gun only season.

[d] A percentage of total hunter numbers was used in hunt areas 61 to 63, 67, 68, 73, and 83 because a portion of the hunt area falls outside the designated area.

State and federal wildlife agencies have attempted to reduce the loss of bears to hunters by expanding information and education programs. “Living in Bear Country” workshops are conducted regularly in many ~~GYA~~GYE communities, and licensed outfitters and guides have increased training for their members and clients.

Monitoring Protocol

Data from state wildlife agencies on big game herd units or hunting districts will be used as an index to backcountry use during the hunting season. Hunter use levels combined with numbers of grizzly bear/human conflicts will be used to identify when and where to increase public education efforts and develop appropriate management actions to minimize grizzly bear/human conflicts that result in bear mortality.

Private Land Development

Background

While the existing cumulative effects database accounts for private land development effects within the PCA, influences outside this area are not included. Outside the PCA, several factors influence state and federal grizzly bear management programs. Among the most important is the rapidly accelerating growth of human populations in some areas in grizzly bear habitat in western Montana, southeast Idaho, and northwest Wyoming. This growth results not only in increased visitor use, but also increased residential development on important wildlife habitat adjacent to public lands. This increased human use, primarily residential development, results in the loss of wildlife habitat and permanent increases in grizzly bear/human conflicts, resulting in higher bear mortality rates.

Activities associated with permanent human presence often result in continual management actions that adversely impact bears. Many of these activities occur on or are associated with private lands. Private lands account for a disproportionate number of bear deaths and conflicts (Figures 15 and 16).

Management agencies devote significant efforts toward private landowner outreach programs to minimize grizzly bear/human conflicts and to manage bears and potential conflict situations on such sites. Both the Montana Fish, Wildlife & Parks Department and the Wyoming Game and Fish Department employ bear management specialists devoted specifically to managing grizzly bear/human conflicts on private lands and to working with private landowners to minimize such conflicts.

It is recognized that federal land management and state wildlife agencies do not have direct management authority over private lands and that these agencies do not have the ability to respond to all private land development by management actions on public lands. As private lands are developed and as secure habitat on private lands declines, state and federal agencies will work together to explore options that address impacts from private land development.

Monitoring Protocol

Human-caused mortality related to private land conflicts will be monitored and must be controlled to meet the standards in this Conservation Strategy. This requires ongoing efforts to limit grizzly bear/human conflicts on private lands inside and outside the PCA.

To assist in minimizing grizzly bear/human conflicts on private lands, a need exists to develop a protocol to categorize private lands and report changes. The objective is to provide a system for monitoring the status of grizzly bear habitat on private lands within the PCA, and to direct management efforts, conservation actions by private organizations, and outreach efforts to the public in areas where private lands are being developed. The protocol should provide a qualitative and quantitative system for classifying the potential of private land parcels as productive and secure grizzly bear habitat.

While the sole responsibility for monitoring the status and condition of private lands does not lie with the states, the states will assist private non-profits and other entities to categorize and prioritize potential lands suitable for permanent conservation. The quality and availability of land parcel data varies greatly within and among states and is generally available through the various county governments. Therefore, the methodology to monitor private land status and condition will be specific to data availability by county/state.

Figure 5. Land ownership where known and probable human-caused grizzly bear mortalities occurred in the Greater Yellowstone Area during 1987-2001.

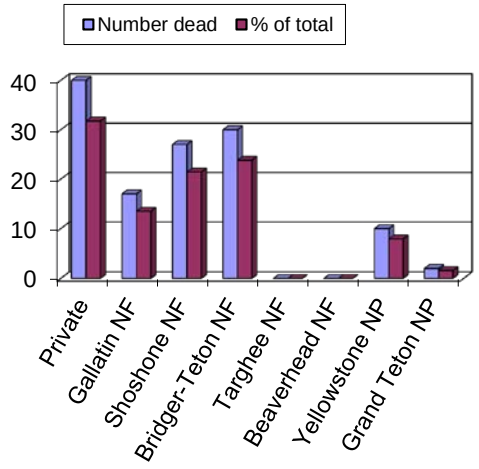
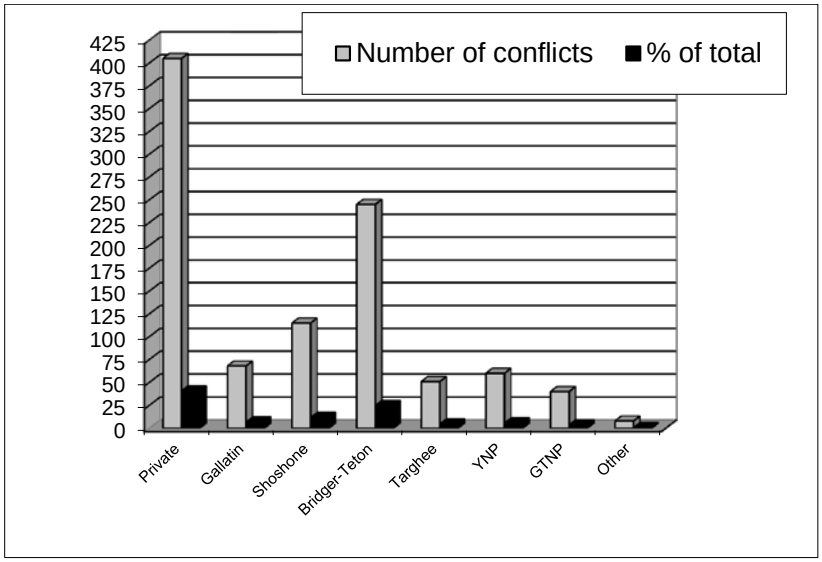


Figure 6. Land ownership where known grizzly bear/human conflicts occurred in the Greater Yellowstone Area 1992-2000.


Number of conflicts
% of total
425
400
375
350
325
300
275
250
225
200
175
150
125
100
75
50
25
0
Private
Gallatin
Shoshone
Bridger-Teton
Targhee
YNP
GTNP
Other

Habitat Connectivity

Background

Excessive clearing widths, increased speeds, increased traffic volume, and widened roads, e.g., four lanes, passing lanes, and wide shoulders, are known to cause increased road mortality and/or reduce habitat connectivity (Proctor 2003, Clevenger ~~et al.~~*et al.* 2002).

Vehicle size and numbers continue to increase on the roads in the ~~GYA~~GYE. As existing roads age and deteriorate, plans are developed to reconstruct these roads to support increases in the size and numbers of vehicles. Federal and state highway departments prefer to design roads that allow increased speed, have wider road surfaces, including wider shoulders, and wide vegetation clearing widths for visibility. A combination of any or all of these design standards results in increased driver comfort and higher speeds. This increase in speed results in increased wildlife mortality (Gunther ~~et al.,~~*et al.* 1998).

Certain road improvement designs can cause reduction of bear crossings. This results in elimination of traditional dispersal routes and fragmentation of home ranges in the ~~GYA~~GYE.

Monitoring Protocol

Monitoring and surveys will be conducted before designs are initiated. These surveys or analyses will include known bear crossing areas, bear sighting information, ungulate road mortality data, bear home range analysis, and game trail information. This information will be used to complete a connectivity analysis to identify important crossing areas.

To ensure that habitat connectivity is addressed for new road construction or reconstruction in the ~~GYA~~GYE, federal land management agencies will evaluate habitat connectivity during the NEPA analysis process.

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From:	Servheen, Chris
To:	Fortin-Noreus, Jennifer
Subject:	Fwd: FW: USGS news release -- Genetic Study Confirms Growth of Yellowstone Grizzly Bear Population
Date:	Tuesday, September 29, 2015 8:55:54 AM
Attachments:	NOROCK_GB_Genetics_FOR DOI.docx

FYI
---------- Forwarded message ----------
From: **Gavin Shire** <gavin_shire@fws.gov>
Date: Tue, Sep 29, 2015 at 8:04 AM
Subject: FW: USGS news release -- Genetic Study Confirms Growth of Yellowstone Grizzly Bear Population
To: ryan_moehring@fws.gov, Robert Segin <robert_segin@fws.gov>, Will Meeks <Will_Meeks@fws.gov>, Chris Servheen <chris_servheen@fws.gov>

FYI.

G

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From: Puckett, Catherine [mailto:cpuckett@usgs.gov]
Sent: Tuesday, September 29, 2015 10:01 AM
To: Lori Caramanian; Joan Moody; William Lukas
Cc: GS-DO-OCAP-COLT COLT; Joanne Taylor; Judy Nowakowski; Suzette Kimball; Congressional liaison; David Applegate; Anne Kinsinger; William Lellis; Gavin Shire; April Slayton; Jeffrey Olson; Linda Friar
Subject: USGS news release -- Genetic Study Confirms Growth of Yellowstone Grizzly Bear Population

All: This significant release will go out in the next couple of weeks but the journal has not yet nailed down the exact date. We are sending copies to regional partners at the NPS, FWS and University of Montana. **USGS is also checking into the possibility of a briefing and is preparing a scientific briefing memo, which will be shared with Interior partners.**

Catherine

Genetic Study Confirms Growth of Yellowstone Grizzly Bear Population

BOZEMAN, Mont. – Genetic data show the grizzly bear population in the Greater Yellowstone Ecosystem has grown since the 1980s with no loss in genetic diversity, according to a report by the Interagency Grizzly Bear Study Team.

Results indicate that the effective population size of Yellowstone grizzly bears, or the number of individuals that contribute offspring to the next generation, has increased 4-fold over a 25-year period. This provides evidence that Yellowstone grizzly bears are approaching the effective size necessary for long-term genetic viability.

“The increase in effective size of the Yellowstone grizzly bear population over the past several decades, with no significant change in genetic diversity, supports evidence of population growth based on traditional surveys,” said Pauline Kamath, USGS ecologist and lead author of the study. “This is a key genetic indicator of a population’s ability to respond to future environmental change.”

Researchers used several newly available techniques to assess trends in effective population size from a sample of 729 grizzly bears in the Greater Yellowstone Ecosystem, a region slightly smaller than South Carolina. Based on one of several methods, they found estimates of effective population size increased from approximately 100 bears in the 1980s to 450 in the 2000s. These numbers are smaller than estimates of total population size because not all animals in the population breed. Although an isolated population, grizzly bear genetic diversity remained stable and inbreeding was relatively low, 0.2 percent, over the time period.

The application of these new methods to monitor trends in effective population size of wildlife has been limited because it is difficult to measure and requires long-term data on individuals in the population. The isolated and well-studied population of Yellowstone grizzly bears provided a rare opportunity to examine the usefulness of this technique for monitoring a threatened species because of the breadth of genetic and demographic, gender and age, data that have been collected over decades. Grizzly bear populations in the lower 48 states were listed as threatened in 1975 under the Endangered Species Act.

"For long-lived species such as grizzly bears, a concerted effort is required to collect long-term genetic and associated demographic data. Four decades of intensive research on Yellowstone grizzly bears presented a unique opportunity to evaluate and compare genetic estimators for monitoring of wildlife populations." said Frank van Manen, USGS wildlife biologist and Team Leader of the Interagency Grizzly Bear Study Team.

The study demonstrates how genetic monitoring can complement traditional demographic-based monitoring, providing valuable tools for wildlife managers for current and future studies. It also underscores the effectiveness of long-term studies that provide detailed data to support a variety of analyses, providing researchers and managers a better picture of the status of populations of interest.

The article "Multiple estimates of effective population size for monitoring a long-lived vertebrate: an application to Yellowstone grizzly bears[SSC1]" is published in *Molecular Ecology*.

The study is a collaborative effort between the USGS, Wildlife Genetics International, the University of Montana, and the federal, state and tribal partners of the Interagency Grizzly Bear Study Team.

More information about Yellowstone grizzly bear studies can found on the USGS Northern Rocky Mountain Science Center website.

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"Try to learn something about everything and everything about something." - Thomas Huxley.

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News Release

September xx, 2015	Suzanna Soileau	406-994-7257	ssoileau@usgs.gov
	Paul Laustsen	650-329-4046	plaustsen@usgs.gov

Genetic Study Confirms Growth of Yellowstone Grizzly Bear Population

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The article "Multiple estimates of effective population size for monitoring a long-lived vertebrate: an application to Yellowstone grizzly bears" is published in Molecular Ecology.

Comment [SSC1]: Link to article

The study is a collaborative effort between the USGS, Wildlife Genetics International, the University of Montana, and the federal, state and tribal partners of the Interagency Grizzly Bear Study Team.

More information about Yellowstone grizzly bear studies can found on the USGS Northern Rocky Mountain Science Center website.

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From:	van Manen, Frank
To:	Cecily Costello; Servheen, Chris; Curtis Hendricks; Dan Bjornlie; Dan Thompson; Dan Tyers; Frank T. van Manen; Gustine, David; Jennifer Fortin-Noreus; Katharine Wilmot; Kerry Gunther; Kevin Frey; Mark A Haroldson; Megan Higgs; Pat Hnilicka; Steve Cherry
Subject:	Kamath et al. article
Date:	Friday, October 30, 2015 11:04:49 AM
Attachments:	Kamath_et_al-Molecular_Ecology (2015).pdf mec13398-sup-0001-Suppinfo.pdf

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Attached is the article on trends in effective population size, press release should come out this morning. Good timing with the upcoming YES meeting, even though that is pure coincidence....

See y'all next week!

Frank

****
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MOLECULAR ECOLOGY

Molecular Ecology (2015) doi: 10.1111/mec.13398

Multiple estimates of effective population size for monitoring a long-lived vertebrate: an application to Yellowstone grizzly bears

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Abstract

Effective population size (N_e) is a key parameter for monitoring the genetic health of threatened populations because it reflects a population's evolutionary potential and risk of extinction due to genetic stochasticity. However, its application to wildlife monitoring has been limited because it is difficult to measure in natural populations. The isolated and well-studied population of grizzly bears (*Ursus arctos*) in the Greater Yellowstone Ecosystem provides a rare opportunity to examine the usefulness of different N_e estimators for monitoring. We genotyped 729 Yellowstone grizzly bears using 20 microsatellites and applied three single-sample estimators to examine contemporary trends in generation interval (GI), effective number of breeders (N_b) and N_e during 1982–2007. We also used multisample methods to estimate variance (N_{eV}) and inbreeding N_e (N_{eI}). Single-sample estimates revealed positive trajectories, with over a four-fold increase in N_e (≈100 to 450) and near doubling of the GI (≈8 to 14) from the 1980s to 2000s. N_{eV} (240–319) and N_{eI} (256) were comparable with the harmonic mean single-sample N_e (213) over the time period. Reanalysing historical data, we found N_{eV} increased from ≈80 in the 1910s–1960s to ≈280 in the contemporary population. The estimated ratio of effective to total census size (N_e/N_c) was stable and high (0.42–0.66) compared to previous brown bear studies. These results support independent demographic evidence for Yellowstone grizzly bear population growth since the 1980s. They further demonstrate how genetic monitoring of N_e can complement demographic-based monitoring of N_c and vital rates, providing a valuable tool for wildlife managers.

Keywords: conservation genetics, effective number of breeders, effective population size, N_e/N_c ratio, population size, wildlife management

Received 29 June 2015; revision received 17 September 2015; accepted 17 September 2015

Introduction

The examination of short- and long-term trends in population size is vital to evaluating the status of wildlife populations of conservation concern. As a population declines in size, the risk of extinction increases as a result of demographic and genetic stochasticity (e.g. loss of alleles, increased frequency of deleterious alleles and inbreeding depression) (Lynch & Gabriel 1990). Effective population size (N_e) is the size of an 'ideal population' (e.g. random mating, random variance in reproductive success, even sex ratio) that would lose genetic diversity at the same rate of the observed population (Fisher 1930; Wright 1931). The N_e of natural populations is usually far lower than for ideal populations (in which N_e equals the census size, N_c), due to high variance in reproductive success among individuals. It is a key parameter for quantifying the rate at which genetic diversity will be lost due to random

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genetic drift, and is influenced by factors such as variance in fecundity and survival, and mating system. Therefore, unlike census size, N_e captures the effects of both demographic and genetic processes and also relates to a population's evolutionary potential (i.e. ability to respond to selection or environmental change), making it an important parameter for population monitoring in both evolutionary ecology and conservation biology (Schwartz *et al.* 1999; Frankham 2005; Charlesworth 2009).

Both direct (ecological) and indirect (genetic) estimations of N_e in natural populations are challenging, particularly for iteroparous species with overlapping generations. Multiple genetic estimation approaches have been developed that are based on theoretically different concepts of N_e (e.g. variance N_e, inbreeding N_e and eigenvalue N_e; Crow & Denniston 1988; Ewens 1982). These approaches not only differ in the time frame they apply to (Waples 2005), but can also be affected differently by population-level processes, such as gene flow, genetic substructure, changes in population size and life history parameters. Therefore, in natural populations that are typically under nonequilibrium conditions, distinguishing between and comparing estimates based on the various N_e concepts is critical (Crandall *et al.* 1999; Wang 2005; Serbezov *et al.* 2012), particularly when applied within a monitoring framework.

The most frequently used approach for estimating contemporary N_e (corresponding to the past few generations or less; Luikart *et al.* 2010) has been the temporal method (Nei & Tajima 1981), also called variance N_e (N_{eV}). This method is based on the assumption that changes in allele frequencies over time due to genetic drift (i.e. the effects of mutation, migration and selection are negligible) are inversely related to N_e. A disadvantage of this approach is that it assumes discrete, nonoverlapping generations when, in contrast, most species are age-structured. Violation of this assumption may result in biased N_e estimates. These biases may be overcome, if the time period between samples is large and, thus, the drift signal is strong (Nei & Tajima 1981; Waples & Yokota 2007). Jorde & Ryman (1995) modified the standard temporal method, correcting for biases resulting from population age structure, but this unbiased estimator has not been widely implemented because it requires information on age-specific survival and fecundity from cohorts sampled in successive years. A recent update to their technique allows for cohort sampling any number of generations apart (Jorde 2012). A similar concept is inbreeding N_e (N_{eI}), which is based on the rate of increase in inbreeding (as measured by the loss of heterozygosity over time) as opposed to the rate of allele frequency change due to genetic drift (i.e. N_{eV}). N_{eI} and N_{eV} are theoretically expected to yield similar values under the assumption of constant population size (Crow & Denniston 1988).

Despite advancements in the temporal (variance) method, and its extensive use for estimating N_e, sampling remains difficult for most studies. This is due to the requirement of either multiple samples separated by an interval of one or more generations, or samples from cohorts accompanied by detailed demographic information. Thus, the development and implementation of single-sample N_e estimators has increased substantially. Single-sample estimators are generally based on patterns that result from processes acting in the parental generation (e.g. heterozygosity, gametic disequilibrium, individual relatedness) and are thus expected to be measures of inbreeding N_{eI} (Laurie-Ahlberg & Weir 1979). These estimators include the linkage disequilibrium (LD) (Laurie-Ahlberg & Weir 1979; Hill 1981; Waples 2006a), estimator by parentage assignments (EPA) (Wang *et al.* 2010) and sibship assignment (SA) (Wang 2009) methods.

The LD approach is based on the principle that gamete disequilibrium among independent loci is generated by genetic drift, the strength of which is determined by N_e per generation and the effective number of breeders (N_b) per year (Hill 1981; Waples *et al.* 2014). The SA and EPA methods use frequencies of related individuals in a random sample (Wang *et al.* 2010); SA estimates the frequencies of full- and half-siblings, whereas EPA infers parentage using a likelihood approach. The LD and SA methods also assume discrete generations, but in age-structured populations, they can be used to estimate the N_b that produced a given cohort. Although the relationship between N_b and N_e is complex, N_b can be a comparable index of genetic health and, when measured in cohorts over time, is particularly useful for population monitoring (Waples 2005).

In the contiguous ('lower') 48 States of the United States of America, grizzly bears (*Ursus arctos*) are a 'conservation-reliant' species (Scott *et al.* 2005). Their abundance and distribution declined dramatically through the 1900s, with bears disappearing from approximately 98% of their historic range (Mattson *et al.* 1995). Due in part to concerns regarding the future of Greater Yellowstone Ecosystem (GYE) bears, grizzly bear populations in the contiguous United States were listed as threatened in 1975 under the U.S. Endangered Species Act (ESA) (US Fish and Wildlife Service 1993). Even before listing under the ESA, intensive research efforts were focused on this population, resulting in the availability of long-term, comprehensive data sets that include detailed capture histories. Since a likely nadir in the early 1980s, multiple indices used to estimate trends suggest that the population has experienced positive growth for the past three decades (Eberhardt *et al.* 1994; Eberhardt 1995; Boyce

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et al. 2001; Harris *et al.* 2006, 2007; Interagency Grizzly Bear Study Team 2012).

However, the GYE grizzly bear population has experienced isolation for over a century (Mattson & Merrill 2002) and genetic data have confirmed that it is genetically distinct (Proctor *et al.* 2012), with no evidence of recent immigration from the nearest populations in the Northern Continental Divide Ecosystem (NCDE), Cabinet-Yaak or southern Selkirk Mountains (Haroldson *et al.* 2010). The GYE population likely was also subjected to the loss of genetic diversity following historical reductions in size due to anthropogenic influences (e.g. human-related mortality, garbage dump closures). Consequently, the genetic diversity of GYE bears is among the lowest reported for continental brown bear populations in North America (Paetkau *et al.* 1998b; Proctor *et al.* 2012). Despite this, using museum specimens from GYE bears, Miller & Waits (2003) detected only a gradual decline in diversity over the past century. Using a temporal-based estimator, they estimated an N_e of ≈80 throughout the 20th century, with N_e approaching 100 during the late 1990s. Recent trends in both genetic diversity and N_e, however, have not been examined in this ecosystem.

Conditions that form an optimal research framework for estimation of N_e in wildlife populations are difficult to obtain. Most notably, few studies meet the assumption of genetic isolation and also have long-term demographic and genetic samples representative of individuals from all age classes (but see Palm *et al.* 2003; Serbezov *et al.* 2012). As an isolated and comprehensively studied population, the GYE grizzly bear population presents a rare opportunity to examine and compare the utility of various N_e estimation techniques as a potential tool for population monitoring. Our objectives were to (i) examine trends in N_b and N_e of GYE grizzly bears over recent decades using both single- and multisample temporal N_e estimation methods; (ii) contrast estimates based on the different methods; and (iii) assess whether trends in N_e estimates, independent of demographic-based estimators of population size (N_c), corroborate or refute observed population trends.

Materials and methods

Study area

The study area encompassed the GYE, which includes Yellowstone National Park, Grand Teton National Park, all or portions of five national forests, other Federal lands, plus State, tribal and private lands in Wyoming, Montana and Idaho (Fig. S1, Supporting information). Geographically, the GYE includes headwaters of the Missouri–Mississippi, Snake–Columbia and Green–Colorado river systems, the Yellowstone Plateau and 14 surrounding mountain ranges (Marston & Anderson 1991). The grizzly bear population in the GYE (centred at latitude 44.64°N, 110.52°W) has been expanding its range over the past several decades and by 2010 occupied approximately 50 000 km^2 (Bjornlie *et al.* 2014). More detailed descriptions of the study area can be found in Blanchard & Knight (1991), Mattson *et al.* (1991) and Schwartz *et al.* (2006).

Sampling, DNA extraction and genotyping

Tissue, blood and hair samples (n = 729) were collected by the Interagency Grizzly Bear Study Team (IGBST) from grizzly bears born between 1962 and 2010 (Fig. S1, Supporting information). These samples were obtained through live captures and mortalities. Detailed capture methods are described in Schwartz *et al.* (2006), and sample preservation protocols can be found in Haroldson *et al.* (2010). Genomic DNA was extracted using DNeasy tissue kits, following manufacturer's instructions (Qiagen Inc.), at the Wildlife Genetics International laboratory (Nelson, British Columbia, Canada). Bears were genotyped at 20 microsatellite loci: REN145P07, REN144A06, CPH9, CXX20, CXX110, G1A, G10B, G10C, G1D, G10H, G10J, G10L, G10M, G10P, G10U, G10X, MU23, MU50, MU51 and MU59 (Ostrander *et al.* 1993; Fredholm & Wintero 1995; Paetkau *et al.* 1995, 1998a; Taberlet *et al.* 1997; Breen *et al.* 2001; Proctor *et al.* 2002). Altered primer sequences for REN145P07, REN144A06, MU23 and MU51 are reported in Table S1 (Supporting information). Genotyping protocols are described in Paetkau *et al.* (1998a).

In a previous study involving samples analysed in the same genetics laboratory, Kendall *et al.* (2009) estimated genotyping error rates (i.e. combination of scoring errors, allelic dropout and false amplifications) for 16 of the 20 loci we used. Error rates were low (0.002 per loci/sample) based on >4000 hair samples from more than 500 individual grizzly bears within the NCDE. Because their study involved noninvasive samples, these genotyping error rates are conservative (i.e. overestimates) when applied to our GYE sample from higher-quality materials (i.e. primarily tissue samples). We further estimated per-locus null allele frequencies using the expected maximum algorithm implemented in FreeNA (Chapuis & Estoup 2007). We accounted for modelled estimates of genotyping error due to null alleles in methods that involved making relatedness inferences (SA, EPA), as described below (see *Single-sample estimation of effective population size and numbers of breeders*).

Marker tests and genetic diversity indices

We performed exact tests to test for departures from Hardy–Weinberg (H-W) proportions and genotypic

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linkage equilibrium. We tested for departures in population samples spaced by 5-year intervals spanning the time period (1985–2010) using a Markov chain algorithm (Guo & Thompson 1992) (dememorization steps = 1000; batches = 100; Markov chain iterations/batch = 1000) as implemented in GENEPOP v4.2 (Raymond & Rousset 1995). We corrected for multiple comparisons by applying the sequential Holm–Bonferroni procedure (Holm 1979) to adjust the critical *P*-value ($\alpha = 0.05$). Bear population genetic diversity was examined across temporally spaced population samples (from 1985 to 2010) by estimating the observed heterozygosity (H_O) and expected heterozygosity (H_E) in ARLEQUIN v3.5 (Excoffier & Lischer 2010). We also measured allelic richness (A) after correcting for unequal sample sizes by rarefaction in HP-RARE (Kalinowski 2005). We performed paired *t*-tests, comparing allelic richness over the time period for each of the 20 loci, to test the null hypothesis of no change in diversity over time. Furthermore, to compare diversity estimates with previously reported results in Miller & Waits (2003), we recalculated diversity indices using the eight microsatellites common to both studies: G1A, G10B, G10C, G1D, G10L, G10M, G10P and G10X.

Single-sample estimation of effective population size and number of breeders

We used three approaches based on single samples to estimate effective population size (N_e) or number of breeders (N_b) over time: (i) estimator by parentage assignments (EPA, Wang *et al.* 2010); (ii) linkage disequilibrium (LD) estimator (LDNe, Waples 2006a; Waples & Do 2008); and (iii) the sibship assignment estimator (SA, Wang 2009). The EPA method offers a direct estimate of N_e and the generation interval (GI) by incorporating individual sex, age and genotype data from a population (sample) with overlapping generations. The remaining two methods provide an estimate of N_b in a single cohort (i.e. a discrete age class).

In applying the EPA method, we organized known-aged bears (born between 1970 and 2007) into annual samples of animals alive during 1982–2007, based on birth and mortality (or oldest known age) data. Data were truncated at 2007 due to a potential sampling bias because data obtained from a cohort or age class increases as individuals are captured and aged into the future. Thus, this sampling approach may affect the probability of offspring presence in the data, and consequently, N_e estimates for the most recent sampling years. Age-specific sample sizes per year for the period are reported in Table S2 (Supporting information). We used AGE-STRUCT (Wang *et al.* 2010) and incorporated age, sex and multilocus genotypes to assign parentage within the random population sample, fitting them to a genetic model (Johnson 1977) from which we estimated N_e and GI. We applied modelled estimates of null allele frequencies and assumed a minimum breeding age of 3 years, 95% reliability of parentage assignments and 0.5 prior probability of including a parent in the sample. We conducted 1000 bootstrap replicates to obtain 95% confidence intervals on estimates.

In contrast to the EPA method, LDN_e and SA methods generally assume discrete, nonoverlapping generations and cannot estimate N_e directly (but see Waples *et al.* 2014). Instead, when applied to a random sample from a single cohort in a population with overlapping generations, these methods can provide an adequate estimate of N_b (the effective number of breeders that produced the cohort) (Robinson & Moyer 2013). Thus, we applied these methods to estimate N_b for individual cohorts. To obtain acceptable sample sizes and account for intermittent breeding, we organized bear samples into 3-year running (pooled) 'cohorts' from 1983 to 2008 based on birth year, which assumes a minimum reproductive age of 3 years to ensure no parent–offspring pairs exist within a cohort.

The LDNe approach uses Weir's (1979) unbiased estimator of Burrow's Δ to estimate LD, with a correction for sample size bias (Waples 2006a). We applied a random mating model and upheld a critical threshold for the lowest allele frequency (P_{crit}) based on the criterion that $P_{crit} > 1/(2n)$ (Waples & Do 2010).

Next, we applied the SA method to the same cohorts using the program COLONY 2 (Jones & Wang 2010), which simultaneously infers parentage and sibship dyad assignments to estimate N_b from frequencies of full- and half-sibling pairs (Wang 2009). We used full likelihood inference and assumed a polygamous breeding system without inbreeding. When estimating relatedness, we accounted for genotyping error due to null alleles using the model estimated error rates. We improved sibship inference through parentage assignments by defining a pool of candidate parents for each bear, including all individuals that were ≥3 years old in the bear's birth year.

Multisample estimation of variance and inbreeding effective population size

We applied the multisample temporal method (Krimbas & Tsakas 1971; Nei & Tajima 1981; Waples 1989) to estimate variance N_e (N_{eV}). This method is based on the Wright–Fisher model (Fisher 1930; Wright 1931) and assumes temporal changes in allele frequencies are caused by genetic drift alone. We calculated the standardized variance in allele frequency with two moment-based *F*-statistic estimators, F_S (Jorde &

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Ryman 2007) and F_C (Nei & Tajima 1981), as implemented in NEESTIMATOR v2 (Do *et al.* 2014). We performed this analysis using two temporally spaced random population samples (including adults and cubs), separated by 25 years (1982 vs. 2007), which is equivalent to 2.5 generations under an assumed 10-year GI. We conservatively repeated the analysis with a GI of 12 years (~2 generations), which is expected to yield lower N_e estimates because more drift (allele frequency change) can occur with more years passing per generation. We set the starting population census size to 200 in 1982, based on demographic estimates (Eberhardt & Knight 1996). We applied sampling plan I, which is a correction for temporal estimates when taking samples with replacement nonlethally before reproduction (see Waples 2005), and a minimum allele frequency of 0.01.

In addition, we implemented the modified temporal approach of Jorde & Ryman (2007) in GONE (Coombs *et al.* 2012) using 26 consecutive birth year cohorts (from 1982 to 2007) and a starting cohort size of 50, while incorporating estimates of age-specific survival and fecundity (data from Waples *et al.* 2013). We further used a likelihood-based temporal approach, calculating a pseudo-maximum-likelihood estimator of effective size in MLNE (Wang 2001; Wang & Whitlock 2003). With this approach, we assumed a closed and isolated population with no migration, substructure or selection, and a prior upper bound for N_e equal to 5000.

To contrast our results to historical estimates, we obtained genotype data representing three past time periods (1910s, 1960s and 1990s) from which N_{eV} was previously estimated using both maximum-likelihood and moment-based estimators (see Miller & Waits 2003). With these data, we re-evaluated N_{eV} for the 1910–1960, 1960–1990 and 1910–1990 time frames using the same variance estimators (F_S, F_C and MLNe) applied to the current data, as described previously. For these historical data, we assumed a GI of 10 years and a starting census population size of 350 in 1910, as in Miller & Waits (2003).

Finally, we applied another multisample approach to estimate inbreeding N_e (N_{eI}) based on loss of expected heterozygosity. This approach applied the following equation: $H_t = H_o\,(1-1/2N_e)^t$, where t is the number of generations, H_o is the expected heterozygosity at time zero, and H_t is the expected heterozygosity at generation t (Nei *et al.* 1975). In contrast to N_{eV}, this approach generally yields a longer-term estimate of N_e corresponding more closely to the parental generation. N_{eI} is less sensitive to population declines than N_{eV} because of the delay in mating between close relatives (Kimura & Crow 1963; Allendorf *et al.* 2013). Again, we assumed approximately 2.5 generations and used H_E estimates from 1985 vs. 2010.

Evaluating sensitivity of estimators to sample size and parentage assignment threshold

We evaluated bias due to small sample sizes at earlier time periods for all single-sample N_b and N_e estimation approaches by randomly subsampling to equal sample sizes on select data points over the monitoring period (every 5 years from 1985 to 2005). We randomly selected 10 data subsets of equal sample size (EPA: $n = 100$, SA/LD: $n = 50$) and conducted independent replicate runs to estimate the mean and 95% confidence intervals of the N_e point estimates. We further investigated the sensitivity of EPA-based N_e estimates to the reliability threshold for parentage assignments specified in the underlying genetic model. We assumed a low probability of parentage assignment threshold of 0.80, and compared this with our previous estimates for which we assumed a threshold of 0.95.

Comparisons with demographic-based estimates

We used N_e estimates and demographic-based estimates of total population size (i.e. census size estimates, or N_c) to calculate the N_e to N_c ratio and determine whether population trends differ between the demographic- and genetic-based techniques. We used two demographic-based population estimators for these comparisons: (i) Chao2 estimator based on counts of females with cubs-of-the-year (Keating *et al.* 2002; Cherry *et al.* 2007), and (ii) a mark-resight (M-R) estimator based on systematic observation flights of marked and unmarked females with cubs-of-the-year (Higgs *et al.* 2013). These two techniques provided estimates of the number of females with cubs-of-the-year, which we used to derive estimates of total population size (Interagency Grizzly Bear Study Team 2012). Therefore, estimates of N_c included all bears (dependent young, subadults, and adults) in the population. Chao2 estimates covered the time period from 1984 to 2007, whereas M-R estimates were from 2001 to 2007. We chose the latter period for the M-R technique because it coincided with a period over which this estimator showed little change (Higgs *et al.* 2013) and thus provided a useful period to assess the N_e/N_c ratio. The N_e/N_c ratio was calculated for each year using the EPA-derived N_e point estimates in the numerator and 3-year running means of the demographic estimates (Chao2, M-R) in the denominator. We used harmonic means over the entire time period to calculate the final N_e/N_c ratios.

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Results

Null allele frequency, H-W equilibrium and genetic diversity indices

We observed low null allele frequencies across all our microsatellite markers (average frequency = 0.006, SD = 0.008; Table S3, Supporting information). In each population sample assessed, we detected no evidence of departures from H-W expectations and no LD among loci pairs across all six temporally spaced population samples. However, in four of six samples tested, the following loci pairs were in significant LD: G1D/G10P, CPH9/G10U. Significant loci associations may represent a signal of population substructure or, alternatively, represent a random statistical artefact with only ~3% of tests below the significance threshold value of 5%.

Paired comparison tests showed no statistical support ($P_{1985–2010}$ = 0.23) for a decline in mean allelic richness (number of alleles/ locus) from 1985 to 2010 (A_{1985} = 4.65, A_{2010} = 4.52; Table 1). Expected heterozygosity of the GYE grizzly bear population remained stable over the past several decades and paired comparisons similarly suggested no change over time ($P_{1985–2010}$ = 0.56). When limiting the analyses of genetic diversity (allelic richness) to the same eight microsatellite loci examined by Miller & Waits (2003), and correcting for differences in sample sizes across studies, the 1990s estimates were similar across studies (Table S4, Supporting information). When using the eight markers in common, we again observed stability in diversity indices from 1985 to 2010.

Table 1 Genetic diversity of the Greater Yellowstone Ecosystem grizzly bear population over time. We evaluated population genetic diversity at 5-year intervals (1985–2010) based on mean allelic richness (A), observed heterozygosity (H_O) and expected heterozygosity (H_E) across 20 microsatellite loci. Standard errors (SE) of estimates are reported

Year	No. gene copies	$A^{\dagger}$ (SE)	H_O (SE)	H_E (SE)
1985	132	4.65 (0.31)	0.611 (0.042)	0.615 (0.038)
1990	228	4.60 (0.30)	0.618 (0.040)	0.609 (0.037)
1995	422	4.59 (0.30)	0.621 (0.038)	0.616 (0.036)
2000	654	4.55 (0.30)	0.617 (0.036)	0.614 (0.036)
2005	740	4.56 (0.29)	0.610 (0.037)	0.612 (0.036)
2010	576	4.52 (0.29)	0.610 (0.038)	0.612 (0.037)

[†]Estimates of A are corrected for sample size through rarefaction in HP-RARE (Kalinowski 2005) using the smallest number of gene copies (132, or 68 diploid individuals).

Single-sample estimates of generation interval, N_b, and N_e

Annual sample sizes, used to calculate EPA-based estimates of N_e, ranged from 52 to 379 bears (Tables S2 and S5), whereas sample sizes by cohort used in LDNe and SA analyses ranged from 22 to 108 (Tables S5 and S6). EPA-derived estimates of N_e indicated an increasing trend, with over a fourfold increase in N_e from 102 (95% CI: 64–207) in 1982 to 469 (95% CI: 284–772) in 2007 (Fig. 1A; Table S5, Supporting information). These results were accompanied by an increase in the GI from a harmonic mean of 8 years in the 1980s to 14 years in the 2000s (Fig. 1B; Table S5, Supporting information). Results from SA analyses indicated a similar increase in N_b from 44 in 1984 to 145 in 2007 (Fig. 1C; Table S6, Supporting information), whereas LD-based N_b increased from a low of 46 in the mid-1980s to 92 in 2007 (Fig. 1C; Table S7, Supporting information).

Temporal-based estimates of N_e

Temporal estimates of N_e ranged from 240 to 319 for the time period 1982–2007 when assuming a GI of 10 years (Fig. 2). Estimates were slightly lower (range = 202–268) when assuming a longer GI of 12 years. These estimates generally agreed with N_e estimates from the EPA single-sample method over this time period (mean = 274, harmonic mean = 213; Table S5, Supporting information). Using the unbiased approach of Jorde & Ryman (2007) (based on successive birth years and life history information), N_e was 259 (95% CI = 180–353) for the time period, 1982–2007. The maximum-likelihood-based method for estimating N_e (in MLNe) did not perform well. Estimates were large and reached the upper prior limit of 5000 (Fig. 2), indicating that this approach had low precision or reliability when estimating N_e with our data set. Finally, the loss of heterozygosity from 0.615 to 0.612 in 1985 to 2010, respectively (Table 1), suggested a 0.2% rate of inbreeding over the time period, with an estimated harmonic mean N_{eI} of 256.

Historical estimates of N_{eV} were similar to those previously reported (Miller & Waits 2003) (Fig. 2). The 1910–1960 estimates ranged from 69 to 89, whereas estimates were lower and more variable (range = 35–95) for the 1960–1990 time period. For the entire time frame, 1910–1990, N_e was slightly higher and in some cases exceeded 100 (range = 82–133).

Evaluating sensitivity in N_e and N_b estimation approaches

We evaluated potential sensitivity in EPA-based N_e estimates due to the reliability of the parentage assignment

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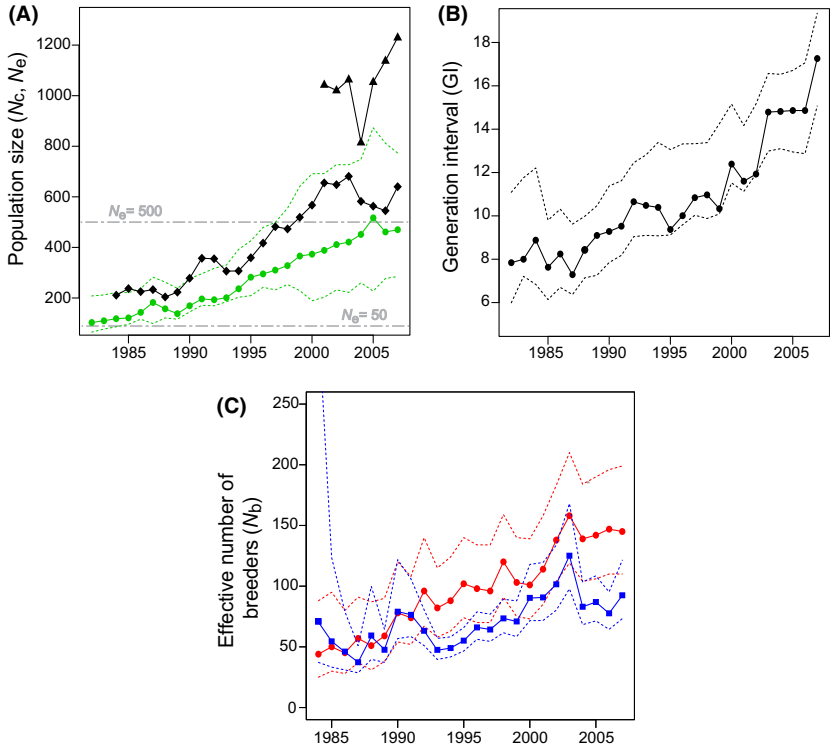


Fig. 1 Population size indices of grizzly bears in the Greater Yellowstone Ecosystem, 1982–2007. (A) Estimates of census population size (N_c), including bears of all ages, based on Chao2 (black diamonds; 1984–2007) and Mark-Resight (black triangles; 2001–2007) methods are shown with respect to estimator by parentage assignments (EPA) estimates (green circles; 1982–2007) of effective population size (N_e). Gray dash-dotted lines indicate the N_e thresholds for short-term (N_e = 50) and long-term (N_e = 500) conservation as defined by Franklin (1980); (B) generation interval (GI), 1982-2007; (C) cohort-based estimates of the effective number of breeders (N_b) using the Linkage Disequilibrium (LD, blue squares) and Sibship Analysis (SA, red circles) methods, 1984–2007. Point estimates for cohort-based approaches represent the middle year of the 3-year period (e.g. 1984 estimate represents the 1983–1985 cohort); For all N_e and N_b indices, annual point estimates and 95% confidence intervals are indicted by solid and dotted lines, respectively.

threshold specified. Estimates of N_e were slightly lower and more precise when relaxing this threshold from 0.95 to 0.80 (Fig. S3A, Supporting information). However, confidence intervals overlapped and a similarly increasing population trend was observed, regardless of the specified probability of parentage assignment. Estimates of GI from 1985 to 1995 were similar for the 0.80 and 0.95 thresholds. For 2000 and 2005, when applying a strict (0.95) parentage assignment threshold, we observed an increase in GI; whereas, when we relaxed this threshold (0.80), GI remained relatively constant (Fig. S3B, Supporting information).

We examined sensitivity to sample size in single-sample estimates and found that even when applying a consistent sample size (n = 100), EPA-derived N_e increased over time, albeit at a lower rate (Fig. S4A, Supporting information). Estimates were increasingly depressed as sample size relative to N_e decreased over time. Estimates of GI were similar for 1985, 1990 and 1995, but low in more recent years (2000 and 2005; Fig. S4B, Supporting information). The EPA method is particularly sensitive to sampling proportion (i.e. the percentage of the population sampled) because the probability of capturing parent–offspring pairs decreases at lower sampling proportions, thereby affecting the accuracy of GI and N_e estimates (Wang *et al.* 2010). The LD-derived N_b estimate did not appear to be sensitive to sample size when the appropriate critical threshold for lowest allele frequency was applied (Fig. S5A, Supporting information). In contrast, SA-based N_b estimates were lower with smaller sample size relative to N_e (Fig. S5B, Supporting information). Again, similar to the EPA method, these results confirmed that an increase in N_b over time remains apparent even when sample size is held constant.

N_e/N_c ratio

Harmonic mean estimates of the N_e/N_c ratio based on EPA-derived N_e over the period from 1984 to 2007 were 0.66 and 0.42 when using the Chao2 and M-R-derived estimates of population size, respectively. The N_e/N_c

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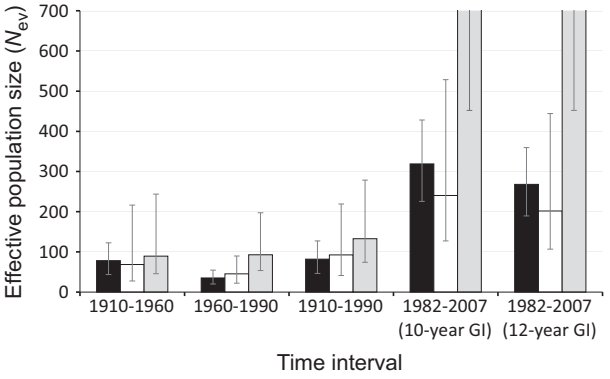


Fig. 2 Variance effective population size (N_{eV}) estimates of grizzly bears in the Greater Yellowstone Ecosystem for four time intervals (1910–1960, 1960–1990, 1910–1990, 1982–2007) using three estimators: Jorde–Ryman F_S (black), Nei–Tajima F_C (white) and MLNe (gray). Vertical bars represent 95% confidence intervals. Genotype data for 1910–1960, 1960–1990 and 1910–1990 were taken from Miller & Waits (2003) and used to recalculate N_e with the methods used on the contemporary data (1982–2007). Estimates were computed assuming both a 10- and 12-year GI for the 1982–2007 time period. Upper limits of 95% confidence intervals for some MLNe estimates exceeded the upper limit (i.e. >5000) and are not shown.

ratio generally remained stable throughout the study time period (Fig. S2, Supporting information).

Discussion

Grizzly bears in the lower 48 states are listed as threatened under the United States Endangered Species Act and receive considerable conservation interest. Monitoring of genetic diversity and effective population size helps to inform management decisions regarding their recovery and protective status. Our results from the EPA (estimator by parentage assignments) N_e estimator suggested over a fourfold increase in the GYE population from 1982 to 2007. The single-sample N_b estimators (LD, SA) also increased over this time period, with SA increasing more rapidly than LD estimates. This observation is consistent with increasing N_e because LD estimates can be affected by the previous one to few generations due to residual disequilibria that have not yet broken down through recombination (Hill & Robertson 1968; Sved 1971; Waples 2005), whereas SA estimates are not. In addition, the harmonic mean EPA N_e estimate over the entirety of the study period (N_e = 213; Table S4, Supporting information) corresponded to N_{eV} temporal estimators (range = 240–319; Fig. 2). Furthermore, N_{eI} as estimated from the loss of heterozygosity over the time period fell within the same range (N_{eI} = 256) and suggested a low rate of inbreeding (0.2%) since 1985. The comparisons among multiple independent estimation procedures substantiate the reliability of these methods and strengthen confidence in our findings.

We also contrasted current N_{eV} and N_{eI} relative to estimates using genotype data obtained from museum specimens of Yellowstone bears. Based on these historical data, Miller & Waits (2003) reported an N_e of ≈85 during the 1910–1960s and ≈75–89 during the 1960–1990s. Assuming the GYE population was as diverse as the NCDE in the early part of the 20th century, their heterozygosity-based estimate was very low (N_e = 22) relative to the current N_{eI} estimate of 256. Here, we reanalysed their genotype data using the same temporal estimators implemented in this study (including the unbiased Jorde–Ryman approach; Jorde & Ryman 2007) and confirmed that N_{eV} increased approximately three- to fourfold, from ≈80 in the 1910–1960s to ≈280 in the contemporary population (Fig. 2).

Yellowstone grizzly bears have been isolated from other populations for over a century, and the prospect for restoring natural connectivity with northern populations (e.g. the NCDE, 100 km north) has improved as both populations have increased in numbers and expanded their range (Haroldson *et al.* 2010; Proctor *et al.* 2012). Reflecting this isolation, genetic diversity displayed an initial decline in both allelic richness (A) and expected heterozygosity (H_E) in the early half of the 20th century (Miller & Waits 2003). Our data for 1985–2010 indicate genetic diversity remained stable over the span of this study (Table 1). When limiting our contemporary data to the same eight microsatellites used in Miller & Waits (2003), patterns of diversity over time were similarly stable (Table S4, Supporting information). Relative to most North American (Paetkau *et al.* 1998b; Proctor *et al.* 2012) and European (Waits *et al.* 2000; De Barba *et al.* 2010; Skrbinsek *et al.* 2012a) brown bear populations, genetic diversity in Yellowstone bears is moderately low, with several isolated populations exhibiting diversity estimates that are approximately half those of Yellowstone bears (summarized in Skrbinsek *et al.* 2012b). Given that this is an isolated population, there will inevitably be loss of genetic variation without immigrants or transplants. However, increasing GI and N_e will slow the loss in genetic variation over the long term (100–200 years) (e.g. Perez-Figueroa *et al.* 2012).

Technical considerations

The accuracy of N_e and N_b estimates is affected by the amount of marker information (number and variability of genetic loci) and sample sizes used in calculations. Bias will decrease as the number of genetic loci available increases. The SA and EPA methods are particu-

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larly sensitive to this because they rely heavily on the accuracy of assigning genetic relationships among individuals. Wang *et al.* (2010) showed that a minimum of eight microsatellites are needed to accurately estimate N_e with the EPA approach, even with low sampling effort (16% of each age class). Another study revealed the SA method, when applied to polygamous species, essentially becomes unbiased with 20 loci, but this is also contingent on having a sufficient sample size relative to N_e (Wang 2009). Simulations indicated that SA-based estimates are biased low (Wang 2009) and EPA-based estimates display a bimodal distribution as the sampling proportion decreases (Wang *et al.* 2010).

Here, using empirical data, we confirmed that N_e estimates derived from both relatedness-based methods might be sensitive to small sample sizes (Figs S4 and S5B). For example, with an approximate 50% reduction in sample size, estimates were 18% and 28% lower for the EPA and SA methods, respectively. Also, sensitivity appears to increase as sample sizes decrease (Fig. S6, Supporting information). The potential nature and magnitude of sample size sensitivity should be considered when assessing overall trends in N_e. For example, if sample size in any given year/cohort is small, the true N_e may be higher than what is reported. Alternatively, the observation that relatedness-based estimates showed greater sensitivity to sampling in more recent years may be more directly related to a decrease in the sampling proportion, imposed by holding sample size constant and given that the true N_e has increased over time.

In contrast, LD-based estimates appeared to be less sensitive to decreased sample size ($n = 50$) when correcting for the lowest allele frequency applied (Fig. S5, Supporting information). For the LD method, a minimum cohort sample size threshold of $n = 30$ animals/cohort is recommended, based on evidence from simulations suggesting that estimates are reasonably unbiased when $n > 30$ and $n/N_e > 0.1$, given that N_e is not very large ($N_e < 300$–500) (Waples 2006a; Waples & Do 2010). The 1984 (i.e. 1983–1985) through 1986 (i.e. 1985–1987) cohorts had sample sizes <30, which is reflected in the low precision of N_e estimates for these years (Fig. 1C). Sampling proportions were likely lower in the 1980s and, thus, if such bias exists, it may only apply to estimates from earlier years. Despite these possible biases, when we accounted for differences in sample size across yearly or cohort samples, we consistently observed an increasing trend in N_b and N_e for the GYE grizzly bear population (Figs S4 and S5).

All N_e estimators can be influenced by the sampling scheme (Waples & Yokota 2007), with most methods assuming random sampling from a single discrete generation or cohort in the population. If sampling is nonrandom, N_e might be underestimated because the frequency of related individuals is likely to be higher than the population as a whole. In this study, yearly sampling was conducted broadly throughout the whole ecosystem (Fig. S1, Supporting information) and the probability of nonrandom sampling was low. The assumption of discrete, nonoverlapping generations is a major drawback, as it is often violated in long-lived species such as grizzly bears. In fact, there are very few species that would satisfy this requirement, and many studies have applied these approaches to age-structured populations (e.g. Jansson *et al.* 2012; Skrbinsek *et al.* 2012a; Wright *et al.* 2012; Baalsrud *et al.* 2014).

In heterogeneous samples with individuals from multiple age classes, allele frequency differences among age classes may cause biases in N_e estimates that cannot be overcome by increasing sample size. In large mammals in particular, estimates may be biased high (Waples & Yokota 2007; Luikart *et al.* 2010; Waples 2010). The temporal method of Jorde & Ryman (2007) addresses this problem by measuring allele frequency changes over consecutive homogeneous cohorts. It has been demonstrated as being nearly unbiased and therefore the best option if demographic data are available (Waples & Yokota 2007). Of the single-sample approaches, only the EPA (Wang *et al.* 2010) method is regarded as unbiased and applicable to age-structured populations. Nonetheless, here we show coincident estimates and trajectories for N_e and N_b in GYE grizzly bears using a range of both temporal and single-sample approaches that vary in the assumption of nonoverlapping generations.

Simulations have shown that the standard temporal method is biased when violating the assumption of discrete generations, but can reasonably approximate N_e in populations with overlapping generations when the time interval between samples (t) is large ($t \gg$ GI) and the population size is small (Nei & Tajima 1981; Waples & Yokota 2007; Waples 2010). The separation of samples many generations apart maximizes the drift signal to overcome noise due to sampling variance and internal age-sex structures (Jorde & Ryman 1995; Waples & Yokota 2007). Even though the maximum-likelihood approach (MLNe) for estimating N_{eV} has been shown to be more precise than other temporal methods using F-statistics, due to the presence of rare alleles (Wang 2001), this method did not appear to perform well with our data set. Point estimates of N_e using MLNe were imprecise and unrealistically high, approaching the *a priori* assumed upper threshold of 5000 (Fig. 2). This result may be due to a low signal to noise ratio, potentially resulting from small t and large population size. As population size increases, the drift signal becomes weak and, thus, larger t may be required to detect an

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adequate signal for N_e estimation. Also, in our data, sample size in 1982 was small ($n = 52$), and sampling variance possibly contributed to the noise. We repeated the analysis using a larger sample, but more closely separated in time (i.e. 1987: $n = 74$, two generations apart), and results were similar (data not shown). We conclude that the maximum number of generations between samples applied (2.5 generations) was probably not sufficient and that the available samples and study time frame limited our ability to estimate N_e with the MLNe approach. We also note that in contrast to the other moment-based temporal estimators of Jorde & Ryman (2007) and Nei & Tajima (1981), the MLNe method incorrectly assumes sampling without replacement, which may introduce another source of error.

When violating the assumption of nonoverlapping generations, estimates from the LD and SA approaches yield estimates of N_b (number of breeders that produced the cohort) rather than N_e, as described previously. Here, in order to estimate N_b using these approaches, we pooled cohorts over three successive years, to increase sample sizes, while also accounting for intermittent breeding and excluding the possibility of parent–offspring pairs within the 3-year interval. Both Waples *et al.* (2014) and Robinson & Moyer (2013) showed that LD estimates are downwardly biased when using random samples from adults of all age classes. The effects of pooling cohorts vary across species, depending on the ratio of N_b to N_e, with a slight upward bias in grizzly bears when three cohorts are pooled and when $N_b/N_e \approx 1$ (see Figure S7 in Waples *et al.* 2014). However, negative bias due to skip breeding might counterbalance this positive bias due to pooling cohorts. The power of the SA approach, in particular, should not be compromised by the inclusion of multiple cohorts as long as individuals can be partitioned into offspring and candidate parents (Wang 2009), which we were able to do with considerably detailed information on individuals' sex and age due to long-term monitoring of this population.

The relationship between N_b and N_e is complicated and, in previous studies (e.g. Skrbinsek *et al.* 2012a), has been generalized from semelparous species that show N_b multiplied by the GI is approximately equivalent to N_e (i.e. $N_e \approx \text{GI} \times N_b$) (Waples 2006b). In reality, N_e may fall somewhere between N_b and GI $\times$ N_b because the number of breeders each year consists of adults from multiple age classes that represent several generations (Wang 2009; Luikart *et al.* 2010). A recent study by Waples *et al.* (2013) demonstrated that the ratio of N_b/N_e is a function of a few key life history traits and varies much more than previously expected in species with overlapping generations. Using previously published life history parameters, their study also estimated the N_b/N_e ratio in grizzly bears to be close to 1. However, this estimate would be reduced if lifetime variance in reproductive success among individuals in a cohort (V_k) is greater than the mean number of offspring produced by a parent over its lifetime ($\overline{K}$).

It is not clear how the N_b/N_e ratio may be affected by changes in demographic parameters (e.g. sex-specific survival, sex ratio, GI) through time, and our data suggest it is probable that these parameters have not remained constant in Yellowstone bears. For example, GI increased over our study period from approximately 8 years in the 1980s to 10 years in the 1990s and 14 years in the 2000s (Fig. 1B). This finding is supported by demographic evidence of an increase in GI based on population projections (1983–2001: GI = 10.6–10.8, 2002–2011: GI = 12.9–13.6; IGBST, unpublished data). In addition, a shift in the female to male sex ratio from 3:2 to 1:1 has been detected, as male survivorship has increased (Interagency Grizzly Bear Study Team 2012). Intermittent breeding may also decrease N_b and increase N_e, which together would reduce the N_b/N_e ratio, although this reduction has been theoretically shown to be small (7–16%) for species with type I survival, such as grizzly bears (Waples & Antao 2014).

Given the recent work of Waples *et al.* (2013), N_{eI} could be potentially much closer to N_b in grizzly bears and other species. Also, in theory, heterozygosity-based estimates of N_e are expected to be lower than variance-based estimates in a growing population (Crow & Denniston 1988; Allendorf *et al.* 2013). In this study, neither of these expectations was met, although N_{eI} did fall on the lower end of the range of N_{eV} values.

When comparing N_e and N_b estimates from single- and multiple-sample temporal approaches, it is important to note that the time frame to which the estimates apply may differ (Waples 2005). The LD- and SA-based N_b estimates are expected to apply to the 3-year time period during which a cohort was sampled, representing the number of breeders producing that cohort (e.g. Beebee 2009; Skrbinsek *et al.* 2012a). In nonequilibrium populations undergoing fluctuations in effective size, however, the LD approach is affected by previous generations that are theoretically expected to introduce transient biases in N_e due to residual linkage disequilibria (Waples 2005). In contrast, N_e estimated using the EPA approach is expected to represent the generation (i.e. approximately 10 years) prior to when the population sample was collected (Wang *et al.* 2010). Temporal estimates do not provide information on N_e relevant to the most recent generation sampled, but instead reflect the harmonic mean of N_e over the entire time interval analysed (Waples 2005).

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Ratio of effective to census population size

The N_e/N_c ratio in our study ranged between 0.42 and 0.66, which is considerably higher than other published estimates for this population that are based on historical genetic data (N_e/N_c = 0.27; Miller & Waits 2003) and demographic simulations accounting for a broad range in the variance of reproductive success (N_e/N_c = 0.24–0.32; Harris & Allendorf 1989). Our estimated ratio was also much higher than brown bear populations in Alaska (N_e/N_c = 0.04–0.19; Paetkau *et al.* 1998b) and southern Sweden (N_e/N_c = 0.06–0.14; Tallmon *et al.* 2004), but comparable to a population in the Pasvik Valley of Northern Europe ($N_e/N_c \sim 0.6$; Schregel *et al.* 2012). Results from a meta-analysis indicated that the N_e/N_c ratio is often higher in small populations (Palstra & Ruzzante 2008), which may have contributed to the ratios we observed.

A high N_e/N_c ratio may also be caused by inflated N_e estimates or conservative estimates of N_c (i.e. demographic estimates that are biased low). Our sensitivity analyses indicated a tendency to underestimate N_e at low sampling proportions, so we do not regard inflated N_e estimates as a likely explanation. However, an underestimation bias has been documented for the Chao2 estimator (Cherry *et al.* 2007; Schwartz *et al.* 2008), which produced the largest N_e/N_c ratios. Indeed, the N_e/N_c ratios were lower when using the M-R estimates, which appear to be unbiased (Higgs *et al.* 2013). If in fact the N_e/N_c ratio corresponds more closely with previous estimates, these findings suggest the M-R estimates are much closer to the true population size than the Chao2 estimates. This interpretation is consistent with the study of Higgs *et al.* (2013), who concluded based on simulations that M-R estimates were centred on the true value, although variability was large.

Inferring N_c from N_e may only be appropriate if the N_e/N_c ratio remains stable over time, but is generally not advisable if variance in reproductive success is high (reviewed in Luikart *et al.* 2010). We observed relatively stable values for the N_e/N_c ratio for the duration of the study period (Fig. S2, Supporting information) and reproductive parameters tend to have low variance among Yellowstone grizzly bears (e.g. low standard error for fecundity; Schwartz *et al.* (2006), IGBST 2012:33). This implies that if we could accurately measure this ratio, estimation of N_e could provide an additional tool for evaluating N_c.

Conclusions

Our results suggest that the Yellowstone grizzly bear population has increased substantially over the past three decades, supporting demographic evidence that conservation measures implemented under the ESA have thus far aided the recovery of this population. Specifically, our findings suggest that genetic diversity has shown no decline in recent decades, and contemporary N_e substantially exceeds the inbreeding avoidance goal ($N_e > 50$) and may eventually approach the long-term viable population criterion ($N_e > 500$) defined by Franklin (1980) (Fig. 1A). Thus, our study suggests that current effective population sizes are sufficiently large ($N_e \gg 50$) to avoid substantial accumulation of inbreeding depression, reducing concerns regarding genetic factors affecting the viability of Yellowstone grizzly bears. Nonetheless, the historically small N_e, relatively low diversity and isolation over many generations suggest the grizzly population could benefit from increased fitness following the restoration of gene flow (e.g. Tallmon *et al.* 2004; Hogg *et al.* 2006), particularly given the unpredictability of future climate and habitat changes.

Our study shows that genetic monitoring of N_e can be a valuable tool for animal conservation and management. Effective population size summarizes the effects of many demographic factors (e.g. N_c, sex ratio, variance in fecundity and survival) on the strength of inbreeding and genetic drift processes and can provide important information regarding a population's long-term evolutionary potential and susceptibility to short-term inbreeding depression. Although N_c is positively related to N_e, two populations with the same N_c may differ in N_e and thus follow different evolutionary (and viability) trajectories. Therefore, monitoring of N_c alone may not be sufficient for making informed decisions regarding long-term population health. This study demonstrates how multiple independent estimators of the genetically effective population size can be used to complement traditional ecological estimators of abundance to improve our understanding of eco-evolutionary processes and population monitoring for conservation and management.

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P.K., M.H. and F.v.M. conceived and designed the study; C.W., M.H. and F.v.M. collected and managed the data; D.P. performed the genotyping. P.K. analysed the data; P.K., M.H., G.L. and F.v.M. wrote the manuscript.

Data accessibility

Microsatellite genotype data, associated bear life history data (sex, birth and death years), and input files used in analyses can be accessed through the Dryad Digital Repository: http://dx.doi.org/10.5061/dryad.s6764.

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Supporting information

Additional supporting information may be found in the online version of this article.

Table S1 Altered PCR primer sequences for four additional microsatellite loci used to genotype grizzly bears in the Greater Yellowstone Ecosystem.

Table S2 Sample sizes of grizzly bears by age class per year for EPA (estimator by parentage assignments) analyses of effective population size, Greater Yellowstone Ecosystem, 1982–2007.

Table S3 Modeled estimates of null allele frequency at 20 microsatellite loci in grizzly bears of the Greater Yellowstone Ecosystem.

Table S4 Genetic diversity indices for the Greater Yellowstone Ecosystem grizzly bear population compiled and recomputed (to correct for differences in sample size) across studies.

Table S5 EPA-based estimates of grizzly bear effective population size (N_e) and generation interval (GI), Greater Yellowstone Ecosystem, 1982–2007.

Table S6 SA-based estimates of effective number of breeders (N_b) of grizzly bears in the Greater Yellowstone Ecosystem, 1984–2007.

Table S7 LD-based estimates of effective number of breeders (N_b) of grizzly bears in the Greater Yellowstone Ecosystem, 1984–2007.

Fig. S1 Map of grizzly bear genetic sampling locations.

Fig. S2 *Ne*/*Nc* ratio over time of grizzly bears in the Greater Yellowstone Ecosystem.

Fig. S3 Evaluating sensitivity of the EPA (estimator by parentage assignments) approach to assumed parentage threshold values.

Fig. S4 Evaluating sensitivity of the EPA (estimator by parentage assignments) approach to sample size.

Fig. S5 Evaluating sensitivity of N_b estimation approaches to sample size.

Fig. S6 Percent differences in estimates with reductions in sampling.

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Supporting Information

Kamath PL, Haroldson MA, Luikart G, Paetkau D, Whitman C, van Manen FT (2015) Multiple estimates of effective population size for monitoring a long-lived vertebrate: an application to Yellowstone grizzly bears. Molecular Ecology, doi: 10.1111/mec.13398.

Table S1. Altered PCR[1] primer sequences for four additional microsatellite loci used to genotype grizzly bears in the Greater Yellowstone Ecosystem.

Locus	5' primer	3' primer	Original reference
REN145P07	TGGAAAGGTTTGCACTCTGA	AGCCTCCCCATTTCACAGAT	Breen *et al.* (2001)
REN144A06	TTTTATGGTTGAGTGCTATTCC	GAAATTGGCCACAGTTCCAT	Breen *et al.* (2001)
MU23	TCCCCAGCGGATGGATG	CCCAATGGGTTTCTTGTTT	Taberlet *et al.* (1997)
MU51	CAGCCAGAATCCTAAGAGACC	AGGGACAGGAGGTAGTTGCT	Taberlet *et al.* (1997)

[1]*PCRs were conducted using an annealing temperature of 54°C for all loci with reagent concentrations similar to those used for the other loci, as reported in Paetkau et al. (1998).*

Table S2. Sample sizes of grizzly bears by age class per year for EPA (estimator by parentage assignments) analyses of effective population size, Greater Yellowstone Ecosystem, 1982–2007.

AGE/ YEAR	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
1982	9	8	6	4	6	3	0	3	5	3	2	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	52
1983	11	9	8	6	4	6	3	0	3	5	3	2	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	63
1984	4	11	9	8	6	4	6	3	0	3	5	3	2	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	67
1985	7	4	10	6	8	5	4	6	2	0	3	5	3	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	66
1986	14	7	4	10	5	7	5	3	5	2	0	3	5	3	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	76
1987	8	12	7	4	9	5	6	3	3	4	2	0	3	3	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	74
1988	16	8	12	7	4	9	5	6	3	2	4	2	0	3	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	88
1989	10	16	8	12	7	4	7	5	6	3	2	4	2	0	2	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	95
1990	20	10	16	8	12	7	4	7	5	6	3	1	4	2	0	2	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	114
1991	21	20	10	16	8	10	7	4	6	4	6	2	1	3	2	0	1	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	128
1992	20	21	20	9	15	8	10	7	3	5	4	6	2	1	2	2	0	1	3	2	2	0	0	0	0	0	0	0	0	0	0	0	143
1993	31	20	21	20	9	13	4	10	6	3	5	4	6	2	1	2	2	0	1	3	2	1	0	0	0	0	0	0	0	0	0	0	166
1994	23	31	20	21	19	9	13	4	9	6	3	5	3	5	2	1	2	1	0	1	3	1	1	0	0	0	0	0	0	0	0	0	183
1995	33	23	31	19	21	17	9	13	4	9	6	3	5	3	5	2	0	2	1	0	1	3	1	0	0	0	0	0	0	0	0	0	211
1996	35	33	23	29	18	21	16	9	13	3	8	6	3	5	3	5	2	0	2	0	0	1	3	1	0	0	0	0	0	0	0	0	239
1997	40	35	32	23	28	18	21	16	8	12	3	7	6	3	4	3	4	0	0	2	0	0	1	2	1	0	0	0	0	0	0	0	269
1998	28	39	35	32	22	27	17	21	15	7	12	2	6	6	3	3	3	3	0	0	2	0	0	0	2	1	0	0	0	0	0	0	286
1999	39	28	38	35	29	22	26	17	18	13	7	12	2	6	6	3	3	3	3	0	0	2	0	0	0	1	1	0	0	0	0	0	314
2000	25	39	28	38	34	28	21	23	16	18	11	6	11	2	6	6	3	3	3	3	0	0	2	0	0	0	0	1	0	0	0	0	327
2001	28	20	38	27	37	32	26	19	21	16	15	10	5	9	2	4	5	3	3	3	3	0	0	2	0	0	0	0	0	0	0	0	328
2002	35	27	20	38	23	35	28	24	18	20	16	13	10	5	8	2	4	4	3	3	2	2	0	0	2	0	0	0	0	0	0	0	342
2003	31	33	26	19	37	20	33	25	18	16	19	16	13	10	5	8	2	4	4	3	2	1	1	0	0	2	0	0	0	0	0	0	348
2004	37	31	32	25	19	36	17	30	21	17	14	19	16	12	9	5	7	2	4	2	3	2	1	1	0	0	2	0	0	0	0	0	364
2005	32	37	31	30	21	19	35	16	25	20	16	13	18	14	8	9	5	7	2	4	1	2	1	1	1	0	0	2	0	0	0	0	370
2006	36	28	36	31	28	21	18	30	15	22	19	14	12	14	14	7	9	5	6	2	4	1	2	1	1	1	0	0	2	0	0	0	379
2007	34	35	28	27	29	25	19	18	30	13	18	17	11	11	13	13	7	9	4	6	2	3	1	1	1	1	1	0	0	2	0	0	379

Table S3. Modeled estimates of null allele frequency at 20 microsatellite loci in grizzly bears of the Greater Yellowstone Ecosystem. Estimates were based on bears born between 1962 and 2012 (*n* = 804) and data included bears of unknown age, which were omitted from other analyses in this study.

Locus	Null allele frequency
G10B	0.000
G1D	0.000
G10H	0.000
G10J	0.005
G10P	0.000
G10M	0.020
G1A	0.016
G10X	0.000
G10L	0.000
G10U	0.000
MU50	0.013
MU59	0.000
CXX20	0.012
CXX110	0.006
G10C	0.024
REN145P07	0.005
MU51	0.008
REN144A06	0.000
CPH9	0.000
MU23	0.003
Mean	0.006
SD	0.008

Table S4. Genetic diversity indices for the Greater Yellowstone Ecosystem grizzly bear population compiled and recomputed (to correct for differences in sample size) across studies. Population genetic diversity indices, evaluated at time points between 1910 and 2010, included allelic richness (*A*), observed heterozygosity (H_O), and expected heterozygosity (H_E) across 8 microsatellite loci. Standard deviation (sd) of heterozygosity estimates are reported. Results are compared with data from a previous study on the same GYE grizzly bear population by Miller and Waits (2003). Results reported here use the same 8 loci for all datasets, however, alleles were not standardized across studies and, therefore, analyses were conducted independently.

Year	No. gene copies[1]	A^2	H_O (sd)	H_E (sd)	Data source
1910s	44	4.39	0.569 (0.169)	0.580 (0.157)	Miller & Waits, 2003
1960s	99	4.01	0.565 (0.196)	0.580 (0.196)	Miller & Waits, 2003
1985	132	3.94	0.566 (0.261)	0.561 (0.244)	This study
1990	228	3.91	0.575 (0.251)	0.557 (0.239)	This study
1990s	225	3.88	0.558 (0.224)	0.559 (0.232)	Miller & Waits, 2003
1995	422	3.95	0.586 (0.244)	0.566 (0.239)	This study
2000	654	3.97	0.568 (0.239)	0.566 (0.239)	This study
2005	740	3.93	0.568 (0.239)	0.568 (0.239)	This study
2010	576	3.89	0.559 (0.246)	0.564 (0.245)	This study

[1]*Average number of gene copies across 8 loci reported for Miller & Waits (2003) data: G1A, G10B, G10C, G1D, G10L, G10M, G10P, G10X.*

[2]*Estimates of A corrected for sample size through rarefaction in HP-RARE (Kalinowski), using smallest number of gene copies at a single locus (n = 35).*

Table S5. EPA-based estimates of grizzly bear effective population size (N_e) and generation interval (GI), Greater Yellowstone Ecosystem, 1982–2007.

Year	*n*	N_e	GI
1982	52	102 (64–207)	7.8 (6.0–11.1)
1983	63	109 (76–211)	8.0 (7.2–11.8)
1984	67	117 (85–221)	9.4 (7.1–12.2)
1985	66	120 (95–220)	7.7 (6.1–9.9)
1986	76	142 (115–236)	8.5 (6.8–10.9)
1987	74	181 (98–281)	7.8 (6.7–10.3)
1988	88	156 (120–262)	8.3 (7.0–10.0)
1989	95	137 (115–237)	8.7 (7.2–10.4)
1990	114	168 (144–275)	9.0 (7.6–11.3)
1991	128	195 (170–295)	9.1 (7.9–11.2)
1992	143	192 (168–316)	10.7 (8.8–12.0)
1993	166	200 (184–329)	10.4 (9.2–12.7)
1994	183	235 (202–391)	10.6 (9.1–13.7)
1995	211	281 (208–425)	9.4 (9.0–12.7)
1996	239	294 (241–478)	10.4 (9.7–13.4)
1997	269	309 (231–498)	10.5 (9.9–13.1)
1998	286	327 (252–554)	11.0 (10.0–13.5)
1999	314	365 (228–640)	10.1 (9.4–13.9)
2000	327	372 (188–690)	10.8 (10.4–14.9)
2001	328	387 (202–691)	10.6 (10.5–14.0)
2002	342	410 (231–726)	13.4 (11.6–15.2)
2003	348	420 (221–726)	14.7 (12.6–16.4)
2004	364	450 (259–747)	15.3 (13.7–16.8)
2005	370	516 (226–872)	14.8 (13.3–16.6)
2006	379	460 (276–811)	15.0 (13.2–17.3)
2007	379	469 (284–772)	17.1 (14.7–19.1)
Mean		274	10.8
Harmonic mean		213	10.2

Table S6. SA-based estimates of effective number of breeders (N_b) of grizzly bears in the Greater Yellowstone Ecosystem, 1984–2007. Effective number of breeders is reported per 3-year cohort. Year for which the estimate represents (as in Fig. 1C), and sample size (*n*) are reported.

Cohort	Year	*n*	N_b
83–85	1984	22	44 (25–88)
84–86	1985	25	50 (30–95)
85–87	1986	29	45 (28–80)
86–88	1987	38	57 (37–91)
87–89	1988	34	51 (31–87)
88–90	1989	46	59 (38–90)
89–91	1990	51	78 (54–120)
90–92	1991	61	74 (52–108)
91–93	1992	51	96 (67–140)
92–94	1993	74	82 (58–115)
93–95	1994	87	88 (63–124)
94–96	1995	91	102 (74–140)
95–97	1996	108	98 (70–134)
96–98	1997	103	96 (70–134)
97–99	1998	107	120 (91–159)
98–00	1999	92	103 (75–140)
99–01	2000	92	101 (73–139)
00–02	2001	88	114 (85–158)
01–03	2002	94	138 (104–183)
02–04	2003	103	158 (119–210)
03–05	2004	100	139 (104–184)
04–06	2005	105	142 (106–190)
05–07	2006	102	147 (110–196)
06–08	2007	86	145 (110–199)
Mean			97.0
Harmonic mean			83.3

Table S7. LD-based estimates of effective number of breeders (N_b) of grizzly bears in the Greater Yellowstone Ecosystem, 1984–2007. We applied critical threshold (P_{crit}) for the minimum allele frequency based on the criterion that $P_{crit} > 1/2n$. Effective number of breeders is reported per 3-year cohort. Year for which the estimate represents (as in Fig. 1C), and sample size (n) are reported.

Cohort	Year	*n*	P_{crit}	N_b
83–85	1984	22	0.02	70.3 (37.2–315)
84–86	1985	25	0.02	54.6 (33.3–123.5)
85–87	1986	29	0.02	45.8 (31.0–79.1)
86–88	1987	38	0.01	46.7 (34.8–67.1)
87–89	1988	34	0.01	62.4 (41.9–109.8)
88–90	1989	46	0.01	64.0 (47.2–93.7)
89–91	1990	51	0.01	96.6 (66.5–163.0)
90–92	1991	61	0.01	76.5 (58.5–106.0)
91–93	1992	51	0.01	63.2 (51.0–80.5)
92–94	1993	74	0.01	47.2 (39.6–57.0)
93–95	1994	87	0.01	49.0 (41.7–58.2)
94–96	1995	91	0.01	55.1 (46.6–65.9)
95–97	1996	108	0.01	66.1 (56.2–78.8)
96–98	1997	103	0.01	64.3 (54.5–76.9)
97–99	1998	107	0.01	73.5 (61.6–89.2)
98–00	1999	92	0.01	70.9 (58.4–87.9)
99–01	2000	92	0.01	90.2 (71.6–117.9)
00–02	2001	88	0.01	90.7 (71.7–119.5)
01–03	2002	94	0.01	101.5 (80.2–133.8)
02–04	2003	103	0.01	125.1 (97.8–168.1)
03–05	2004	100	0.01	83 (68.3–103.4)
04–06	2005	105	0.01	86.9 (71.4–108.5)
05–07	2006	102	0.01	77.6 (64.4–95.2)
06–08	2007	86	0.01	92.4 (73.2–121.4)
Mean				73.1
Harmonic mean				68.2

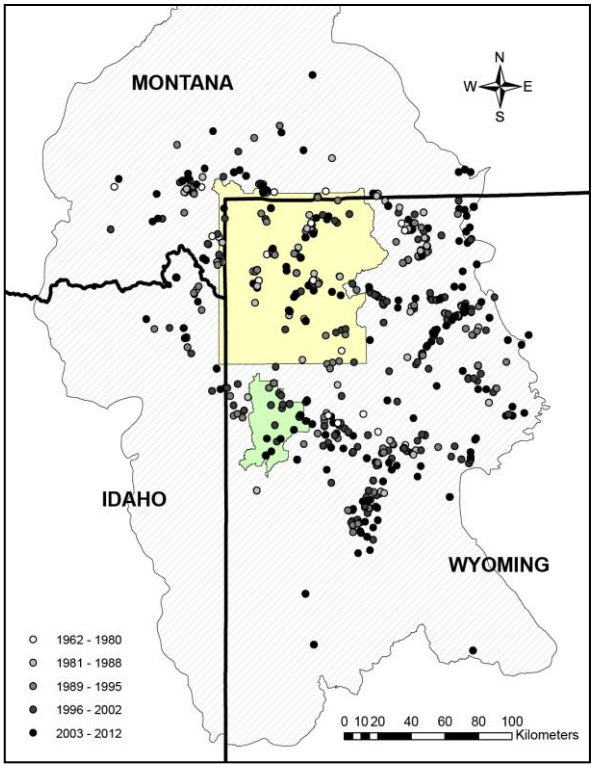


Figure S1. Map of grizzly bear genetic sampling locations. Samples color-coded by birth year in a gradient from white to black (1962 to 2012). Yellowstone National Park is shaded in yellow and Grand Teton National Park in green. The Greater Yellowstone Ecosystem is represented by diagonal line shading.

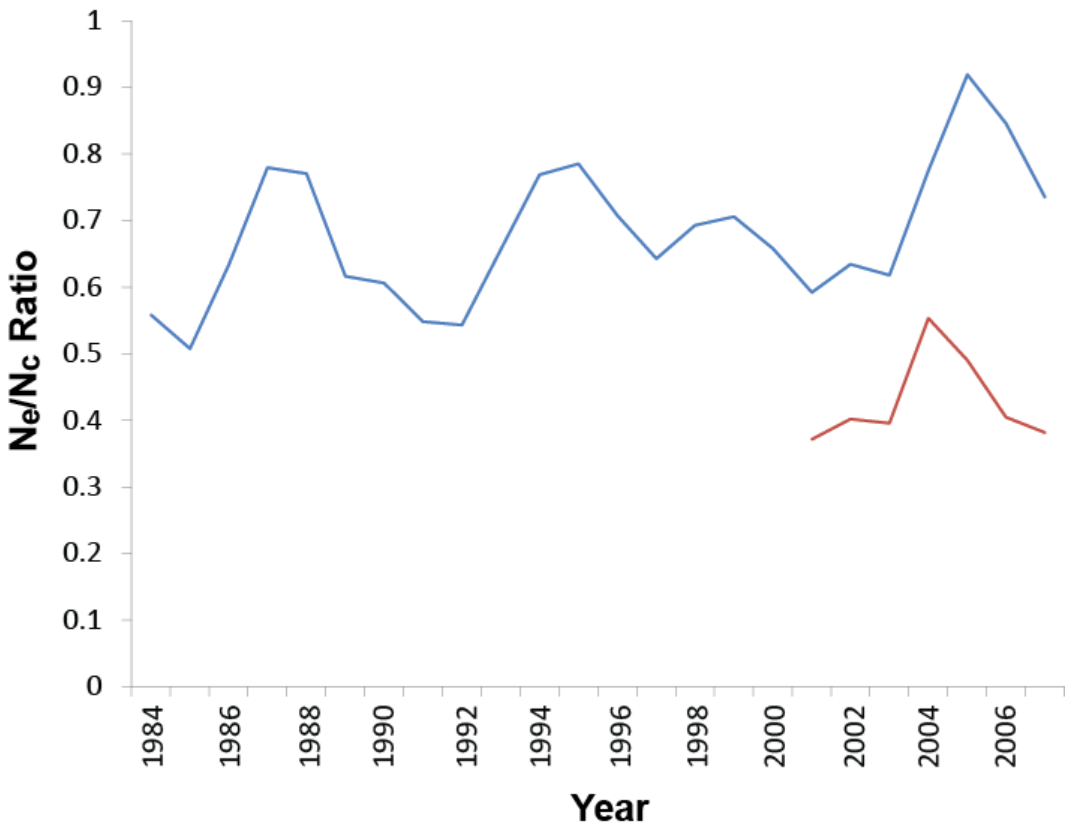


Figure S2. N_e/N_c ratio over time of grizzly bears in the Greater Yellowstone Ecosystem. The ratios of effective-to-census population size (N_e/N_c) for the Greater Yellowstone Ecosystem grizzly bear population, 1984–2007, estimated for each year using the N_e point estimate from the EPA (estimator by parentage assignment) single-sample method in the numerator. Ratios were calculated with two different demographic estimators of N_c (Chao2 = blue; Mark-Resight = red).

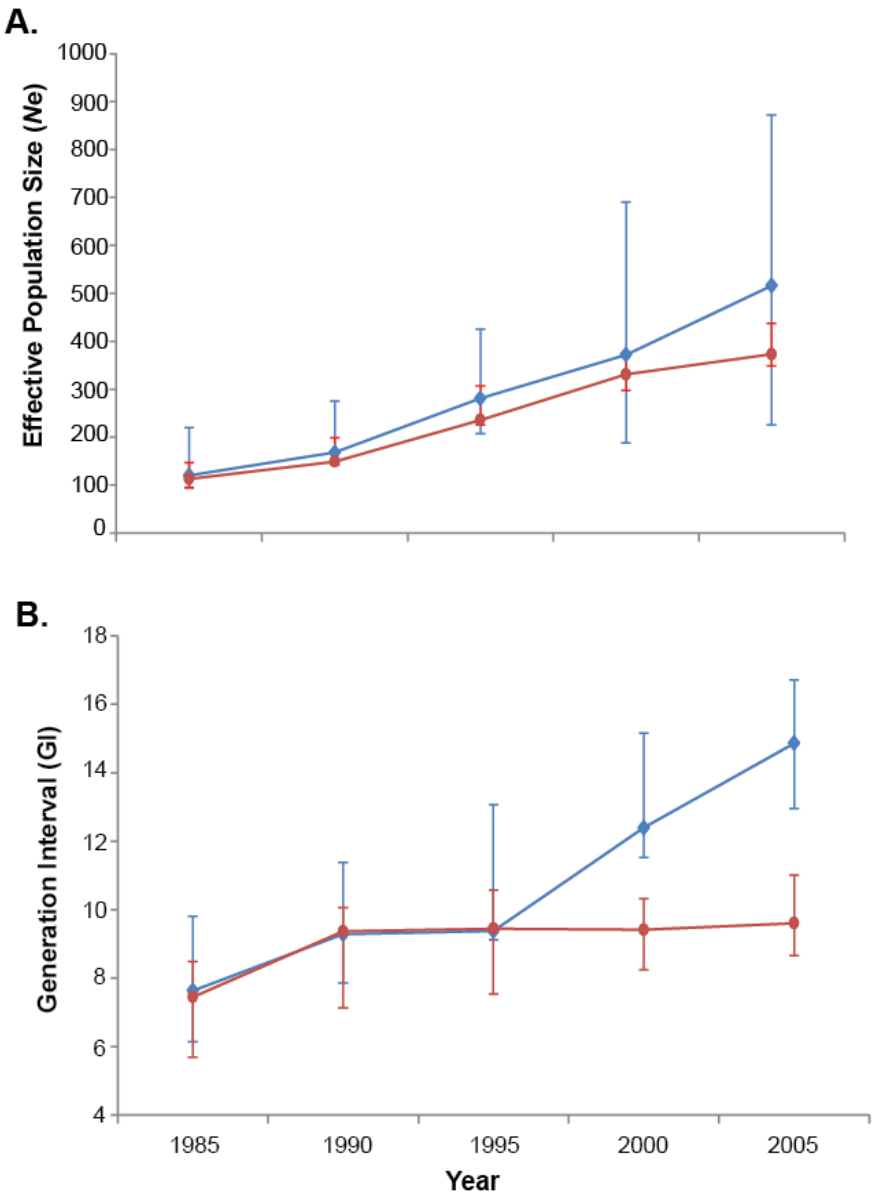


Figure S3. Evaluating sensitivity of the EPA (estimator by parentage assignments) approach to assumed parentage threshold values. Effective population size (A) and generation interval (B) estimated over five population samples using a parentage assignment probability threshold of 0.95 (blue) and 0.80 (red) for grizzly bears in the Greater Yellowstone Ecosystem, 1985–2005**.** Error bars indicate parametric 95% confidence intervals based on 1,000 simulations.

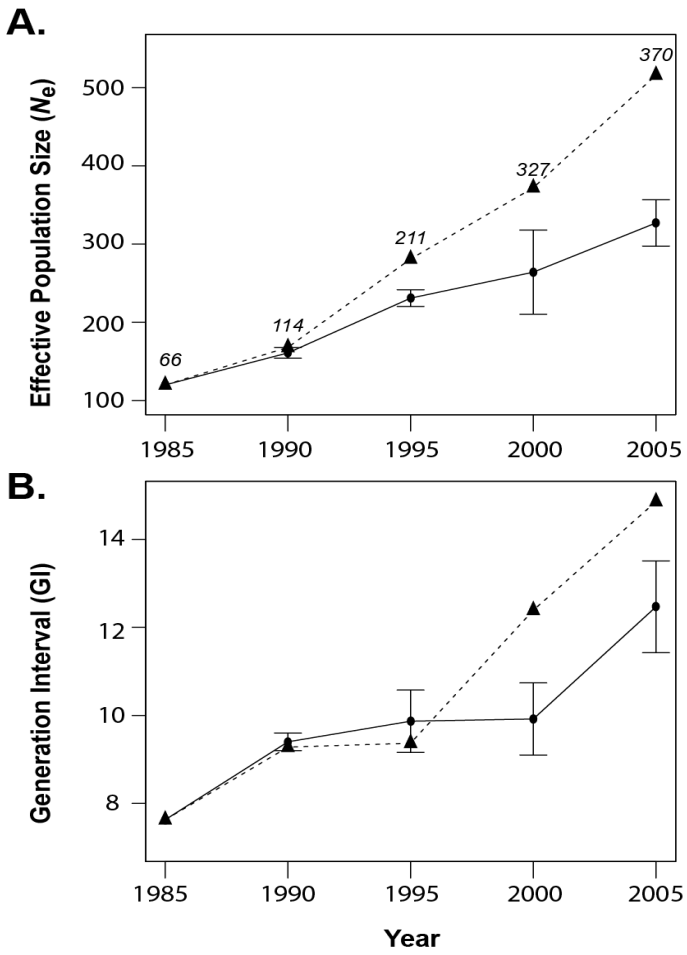


Figure S4. Evaluating sensitivity of the EPA (estimator by parentage assignments) approach to sample size. Effective population size (A) and generation interval (B) estimated over five cohort samples using all data (dashed line; sample size shown in italics) and a random subset of the data (solid line; *n* = 100) for grizzly bears in the Greater Yellowstone Ecosystem, 1985–2005. Error bars showing 95% confidence intervals are derived from 10 independent runs using randomly selected data subsets. Runs applied marker error rates and assumed 95% reliability of parentage assignments, 0.5 prior probability of including a parent in the sample, and 1,000 bootstrap replicates.

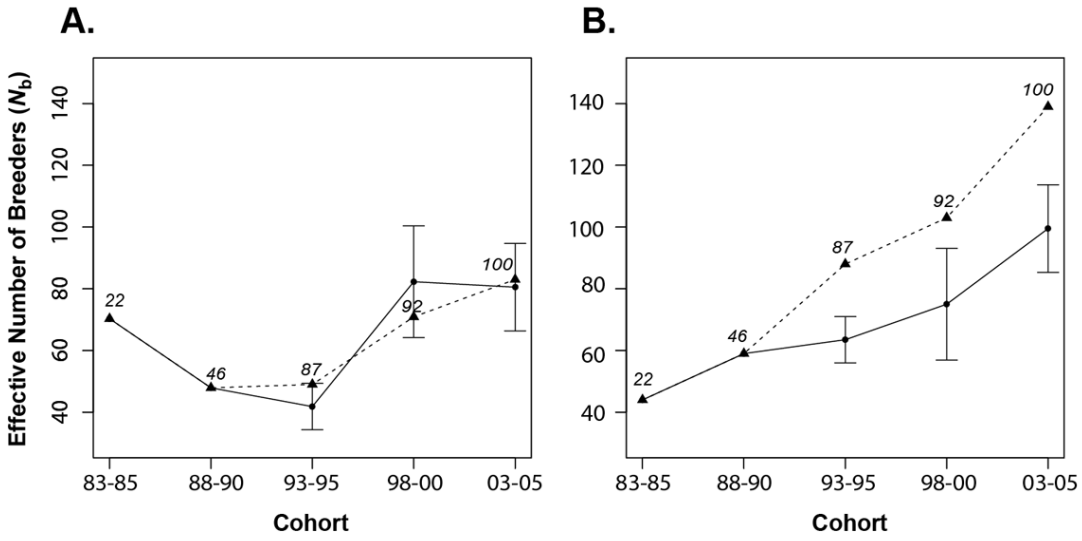


Figure S5. Evaluating sensitivity of N_b estimation approaches to sample size. Sensitivity to sample size evaluated for the Linkage Disequilibrium (A) and Sibship Assignment (B) single-sample approaches for grizzly bears in the Greater Yellowstone Ecosystem, 1985–2005. Effective number of breeders (N_b) estimated over five cohort samples using all data (dashed line; sample size shown in italics) and a random subset of the data (solid line; n = 50). In LD analyses, lowest allele frequency used was 0.02 for subset analysis to account for lower sample size. Error bars showing 95% confidence intervals are derived from 10 independent runs using randomly selected data subsets.

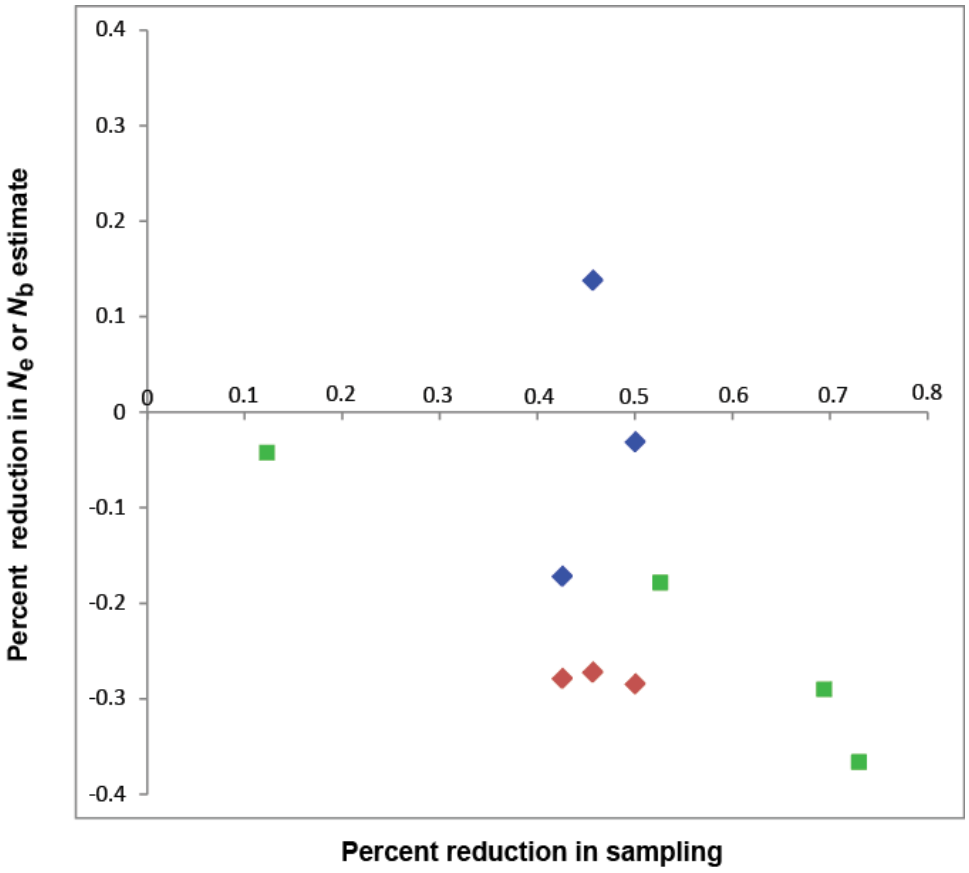


Figure S6. Percent differences in estimates with reductions in sampling. Percent differences in N_e (EPA: green squares) and N_b (LD: blue diamonds, SA: red diamonds) estimates as a function of the percent reduction in sample size for grizzly bears in the Greater Yellowstone Ecosystem, 1985–2005. Data shown summarize the results of sample size sensitivity analyses reported in Figures S4a and S5.

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Subject
Issues with Service on
Grizzley Bear protection

R6 -
Prepare reply
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Due Dec 2

GOAL
TRIBAL COALITION TO PROTECT THE GRIZZLY
GUARDIANS OF OUR ANCESTORS LEGACY

GOAL
Box 30,000, #360
Jackson, WY 83002

Website: GOALtribal.org
Facebook: GOAL.tribalcoalition
Email: GOALtribalcoalition@gmail.com

November 6, 2015.

Dear Secretary Jewell and Director Ashe:

As envoys representing the stance taken by over forty federally recognized tribal nations that stand in opposition to the federal government's stated intent to imminently remove Endangered Species Act (ESA) protections from the Yellowstone grizzly bear to enable state management of grizzlies, which will include the trophy hunting of these beings that are integral to our cultures, we again wish to draw your attention to matters of great concern that have yet to be addressed by the Department of the Interior.

The US Fish and Wildlife Service's (FWS) public admission that it has, to date, only attended five preparatory consultation meetings with tribes, when over forty tribal nations have issued official declarations and resolutions opposing the delisting of the Yellowstone grizzly bear, is unacceptable and entirely contradicts both the established framework for the consultation process between tribal nations and federal agencies that is to be conducted on a government-to-government basis, and also the position espoused and formulated on consultation with tribal nations by the President of the United States.

FWS's latest maneuver, a publicized invitation for tribes to participate in a "webinar," does not amount to the "meaningful consultation" called for by President Obama in his 2013 Executive Order establishing the White House Council on Native American Affairs. FWS's "webinar" invitation asks for tribes to "voice concerns" and states, "Given the historical, cultural, and spiritual connection many tribes have to the grizzly bear, we are especially interested in talking to you and hearing input on any potential actions the Service may take" concerning the Yellowstone grizzly bear. While it is encouraging to note that FWS now recognizes the cultural significance of the grizzly bear to tribal nations, which clearly falls under the American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (US Dept. of Interior and Commerce Order, June 5, 1997), it is disturbing that the information being

requested has already been submitted to the FWS in the form of official declarations and resolutions. Were those documents to be read, the answers solicited would be found.

A "webinar" is not consultation. Consultation, as detailed in recent resolutions by the Standing Rock Sioux Tribe and Oglala Sioux Tribe, is to be conducted on a government-to-government basis with tribes individually. The consensus among tribal representatives we have discussed this development with consider it to be no more than a PR stunt, designed for the press as part of FWS's and the states' delisting publicity mechanism, and for that reason we are urging affected tribes to boycott this "webinar" and insist that FWS honor the long-established obligation of a federal agency to engage in a thorough, good faith, consultation process. Attached is Oglala Sioux Tribe Resolution 15-192, passed 10/5/15, which details that process. In the last six weeks alone, the Ute Mountain Ute Tribe, the Southern Ute Tribe, the Hopi Tribe, the Standing Rock Sioux Tribe, the Oglala Sioux Tribe, the San Carlos Apache Tribe and the Zuni Pueblo have all submitted written requests to FWS asking for the initiation of formal consultation on this issue.

In a statement issued to the Interagency Grizzly Bear Committee–Yellowstone Ecosystem Subcommittee (IGBC-YES) on 11/3/15, Oglala Sioux President, John Yellow Bird Steele, stated: "The federal government recognizes the Oglala Sioux Tribe as one of the twenty-six Associated Tribes of Yellowstone, but it did not include the Oglala Sioux Tribe, or indeed any tribal nation, in the Conservation Strategy relative to its plans to delist the grizzly bear. Ignoring the tribal nations impacted by this proposal, an action that will take place upon our ancestral lands, speaks to the complete lack of respect accorded tribal nations in this process. The OST, along with every other Associated Tribe of Yellowstone, and tribal nations farther afield impacted by this policy, must be signatories of the Conservation Strategy and included in all subsequent discussions in the decision making process. Continuing to ignore tribal nations on this issue is a violation of tribal sovereignty, an attack on our religious and spiritual freedoms, and a clear violation of the federal trust responsibility."

It is at best contradictory for FWS to refer to tribes as "valued tribal partners" in the handful of stock letters it has issued to tribal leaders on this issue, and then completely overlook tribes, not only relative to consultation, but the Conservation Strategy. The Shoshone-Bannock Tribes of Idaho and the Eastern Shoshone Tribe are two of the three tribes with seats on the IGBC-YES Subcommittee, but even they were omitted. All of the nations recognized by the federal government as "Associated Tribes of Yellowstone," along with those tribes that have demonstrated that they are affected by this action, must be included in this process and be signatories to the Conservation Strategy. The Wind River Mountain region is both undeniably part of the traditionally territory of the Eastern Shoshone and Shoshone-Bannock Tribes, and also vital grizzly bear recovery habitat under the criteria of the Conservation Strategy.

It is a clear infringement of tribal sovereignty to exclude these tribes. The existent grizzly bear management plan for the Wind River Indian Reservation was largely crafted by the State of Wyoming. Tribal nations must be included, and their inclusion facilitated by the federal government, in the formulation of grizzly bear management plans, in order that those plans reflect the cultural imperatives of those tribes, and provide for possible economic opportunities through eco-tourism. Tribes should be supported in developing their own grizzly bear management programs that employ qualified tribal members. To that end, the federal

government should be investing in programs to enable tribes to pursue this avenue of self-determination under the federal trust responsibility, not undermining tribes by encouraging the adoption of state influenced plans that are contrary to tribal values. In short, FWS should validate its claim that tribes are "valued partners" by accepting tribes as partners in the co-management of grizzly bears, and making tangible strides to that end.

To date, this process has lacked transparency. On 5/6/2015 Director Ashe indicated during a US Senate Committee on Environment & Public Works hearing that the decision to proceed with delisting the Yellowstone grizzly bear from the ESA had already been made before any meaningful tribal consultation process had even been initiated. During the hearing Ashe stated to Senator John Barrasso (R-WY), Chairman of the Senate Committee on Indian Affairs, "We agree that grizzly bears are recovered. We are working with the states of Wyoming and Idaho and Montana literally as we speak to try to put together the frame for a potential delisting proposal." Director Ashe's statement about actively putting together "the frame for a potential delisting proposal" on 5/6/15 contradicted the attestation of FWS Mountain-Prairie Regional Director, Noreen Walsh, made in the FWS stock letter of 6/15/15 to Standing Rock Sioux Chairman, Dave Archambault II, that FWS was "in the early stages of considering the listing status of the Yellowstone grizzly bear population." FWS Assistant Director Gary Frazer's statement of 8/18/15 that FWS was "cautiously optimistic" about issuing the new rule to delist the Yellowstone grizzly bear this fall (2015) further contradicts FWS's claim on the delisting timetable. As OST President Steele highlighted in his statement to the IGBC, "The consultation process must take place and be concluded before any proposed delisting rule can be issued." By its recent public pronouncements, FWS has admitted that the consultation process has barely begun, but that it still plans to issue the delisting rule before the end of the year.

The totality of the circumstances require the proposal first submitted to the Obama Administration by the Navajo Nation and the Northwestern Band of the Shoshone Nation to be adopted. Those nations called for a moratorium to be instituted by the Department of the Interior on the delisting of the Yellowstone grizzly bear so that a full, thorough, and meaningful tribal consultation process can take place, during which the points raised by each respective tribal nation in their official resolutions and declarations can be fully addressed and incorporated into future federal grizzly bear management plans and policy positions. A moratorium would also allow tribes to engage independent scientists to review the raw data the FWS is basing its decisions on, but as yet has refused to release to tribal nations or independent scientists. As President Steele said, "Transparency is essential for not only tribal members, but also the American people as a whole, to have any confidence in this process." Multiple nations have since petitioned the Department of the Interior and FWS to follow this course.

It is completely unacceptable that the raw data compiled at the expense of taxpayers is not being made available to the affected tribes, and to independent scientists for review. When FOIA requests have been filed, the FWS and its agents have provided only redacted documents or documents with "Do not cite" notices attached (WWA FOIA-USGS/IGBST, 5/26/15). Interagency Grizzly Bear Study Team (IGBST) leader, Frank Van Manen, publicly stated that the data would not be released because, as a researcher and scientist, his livelihood depended on being able to submit articles to journals from this data. This issue is greater than the personal agenda of one government biologist. Indeed, the most recent article authored by Mr. Van Manen

and Ms. Pauline Kamath in Molecular Ecology has been dismantled and discredited by independent scientists, among them former IGBST members, who state that it is, "founded on numerous often unmet assumptions." Tribal nations and the American people deserve biological conclusions established by the "best available science," not propaganda designed to support the delisting agenda. A recent study by Harmony Kristin Szarek revealed that two out of three leading grizzly bear biologists she canvassed opposed delisting.

The population projections released at the IGBC-YES Subcommittee this week validate the concerns expressed by tribal nations that oppose delisting the Yellowstone grizzly bear. The Northern Cheyenne Tribe and the Shoshone-Bannock Tribes of Idaho were the first to question the population trend. Former IGBST scientists advising GOAL Tribal Coalition and the tribes deduced that the Yellowstone grizzly population was not expanding, as consistently being stated by FWS and the states, but was, in fact, declining, and had plateaued since 2002. There are not more grizzly bears; there is less food, which is resulting in bears being observed in areas white people have not seen them in since they virtually extirpated the grizzly. In the Bozeman Daily Chronicle (8/2/15), Suzanna Soileau of the IGBST publicly stated, "Right now we can't tell which direction the [grizzly] population is going." Now we know; the IGBC grizzly population estimate of 714 demonstrates the decline. When the known mortality for 2015 is factored in, the population estimate will be 660. This figure stands in stark contrast to the estimates fed to the press by FWS Coordinator Chris Servheen and past and present IGBC chairs, all of who inflated the figure to twice that, presumably to support the delisting agenda. In September, one grizzly bear was killed every other day in Greater Yellowstone. Applying FWS's approved estimator to account for unknown mortality, it is likely that 10% of the Greater Yellowstone grizzly population has been killed this year. In light of this, and the accepted analysis of the catastrophic loss of the staples of the grizzly bear's diet, it is inconceivable to move forward with a delisting rule.

Neither tribal people, nor the American people en masse, will stand silent if they start to see footage and images of the most iconic being in the West being slaughtered for fun in arguably the most iconic landscape in America. The majority of the American people, irrespective of ethnicity, are not going to support the facilitation of hundreds of Dr. Walter Palmer's, the slayer of Cecil the lion, at the expense of their interests and values, and those of myriad tribal nations. Trophy hunters comprise a tiny minority among the American people. The majority find trophy hunting sentient beings to be abhorrent, archaic, and unacceptable as a "wildlife management tool." Tribal nations have viable alternatives to this practice.

In closing, we quote from Chairman Herman G. Honanie in the Hopi Tribe's declaration opposing delisting: "It is not necessary to debate whether or not the grizzly bear is recovered, being as the government's own population estimates show that there may be fewer than 1,400 grizzlies remaining in the contiguous United States, where, pre-Anglo European contact, it is believed that the grizzly population was in excess of 100,000. Some former government biologists warn that if federal protections are lifted, the grizzly could be doomed to the path of extinction within a decade. It is not the role of the federal government to restrict grizzly bears to two small, genetically isolated pockets; under the letter and intent of the ESA it is the government's responsibility to facility a full recovery. It is estimated that some 110,000 square miles of biologically suitable grizzly habitat exists in this region alone."

Respectfully,

Lee Juan Tyler,
Vice Chairman – Fort Hall Business Council, Shoshone-Bannock Tribes of Idaho.

James Walks Along,
Director – Northern Cheyenne Tribe THPO.

Ben Nuvamsa
Former Chairman – Hopi Tribe.
Hopi Bear Clan, and President of the Kiva Institute.

David Bearshield,
Chairman – GOAL Tribal Coalition, and Member of United Indian Nations of Oklahoma, Kansas and Texas.

From:	Servheen, Chris
To:	Fortin-Noreus, Jennifer
Subject:	Fwd: State CS Update
Date:	Tuesday, December 15, 2015 3:01:28 PM
Attachments:	ATT00001.htm v5 state GYE revisions 12.11.15.docx

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---------- Forwarded message ----------
From: **Thabault, Michael** <michael_thabault@fws.gov>
Date: Mon, Dec 14, 2015 at 8:11 AM
Subject: Fwd: State CS Update
To: Chris Servheen <Chris_Servheen@fws.gov>, Tyson Powell <Tyson.Powell@sol.doi.gov>

Chris and Tyson. We will use the same method as on the MOA. Review and highlight fatal flaw areas and then we will have a call with Matt to discuss and proceed from there. Please refrain from commenting in email until after we talk. Thanks.

Michael Thabault
Assistant Regional Director
Ecological Services
U.S. Fish and Wildlife Service
Mountain Prairie Region
303-236-4210
michael_thabault@fws.gov

---------- Forwarded message ----------
From: **Matt Hogan** <matt_hogan@fws.gov>
Date: Sat, Dec 12, 2015 at 4:49 AM
Subject: Fwd: State CS Update
To: Michael Thabault <Michael_Thabault@fws.gov>
Cc: theresa_rabot@fws.gov

Mike,
Here are the state comments on the CS. I have only reviewed quickly. Let's follow the same process we used on the MOU and talk next week after you have reviewed. Thanks.

Matt Hogan
Deputy Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
303-236-7920

Begin forwarded message:

> **From:** "Gould,Jeff" <jeff.gould@idfg.idaho.gov>
> **Date:** December 11, 2015 at 6:01:44 PM MST

To: "matt_hogan@fws.gov" <matt_hogan@fws.gov>, "brian.nesvik@wyo.gov" <brian.nesvik@wyo.gov>, "McDonald, Ken (kmcdonald@mt.gov)" <kmcdonald@mt.gov>
Subject: State CS Update

There are 76 comments, more than 30 involve 2016 language changes. Chapter 3 is in need of editing and fact checking that we point out but did not dive into. Thanks for your focus, Jeff.

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
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406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

Style Definition: Heading 2: Font: Not Bold, Indent: First line: 0", Line spacing: 1.5 lines

Style Definition: Body Text: Indent: Left: 0.25"

Style Definition: Footnote Text

Style Definition: Caption

Style Definition: List Bullet: Line spacing: 1.5 lines, No bullets or numbering, Tab stops: Not at 1.63"

Style Definition: Separator: Line spacing: 1.5 lines

Table of Contents

List of Figures……iii

List of Tables……iv

List of Appendices……v

Executive Summary……...1

Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Srategy……... 13

Chapter 1. Introduction and Background……..15

Introduction……..15

The Conservation Strategy……...18

Background……..20

Characterization of Grizzly Bear Habitat…… 24

Management Improvements and Mortality Reduction Efforts…… 28

Chapter 2. Population Standards and Monitoring……33

Introduction……..33

Demographic Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem…… 34

Conservatioin Strategy Population Standards……..36

Unduplicated Females with Cubs-of-the-Year…… 37

Mortality…….. 43

Population Trend……..49

Genetic Management……... 54

Chapter 3. Habitat Standards and Monitoring…….. 57

Background……...57

Introduction……..58

Habitat Standards Inside the Primary Conservation Area……... 62

Secure Habitat Standard……...63

Developed Site Standard……..67

Livestock Allotment Standard…… 69
Habitat Monitoring……...70
Monitoring Secure Habitat and Motorized Access Route Density……...71
Monitoring Developed Sites…… 74
Monitoring Livestock Grazing……75
Monitoring High-Caloric Foods…….. 76
Hunter Numbers……...86
Monitoring Habitat Connectivity……88
Chapter 4. Management and Monitoring of Grizzly Bear-Human Conflicts……... 90
Introduction……..90
Nuisance Bear Standards…… 93
Monitoring Protocol……96
Chapter 5. Information and Education……...98
Introduction……..98
The Information and Education Team…… 99
Chapter 6. Implementation and Evaluation…….. 102
Implementation…… 102
Evaluation…… 106
Chapter 7. Existing Authorities……111
Introduction……..111
Federal Lands……...111
States…… 118
Federal Plans and Guidelines……...126
State Plans and Guidelines……...129
Literature Cited…….. 131

List of Figures

Figure 1. Greater Yellowstone Ecosystem boundaries, including the Primary Conservation Area (PCA), Suitable Habitat, Demographic Monitoring Area (DMA), and the Distinct Population Segment (DPS)……**Error! Bookmark not defined.**

Figure 2. The Primary Conservation Area showing bear management unit and subunit boundaries……**Error! Bookmark not defined.**

Figure 3. The number of unduplicated females with cubs-of-the-year within the Demographic Monitoring Area……...**Error! Bookmark not defined.**

Figure 4. Initial sightings of unduplicated females with cubs-of-the-year in the Greater Yellowstone Ecosystem, 1975–2014……..…….**Error! Bookmark not defined.**

Figure 5. Distribution of known and probably mortalities, from all causes, in the Greater Yellowstone Ecosystem, 1975–2014……...**Error! Bookmark not defined.**

Figure 6. Federal lands comprising the Greater Yellowstone Ecosystem and grizzly bear occupied range (2014)…….**Error! Bookmark not defined.**

Figure 7. Bear management units and subunits inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA…….**Error! Bookmark not defined.**

Figure 8. Location of whitebark pine cone production transects in the Greater Yellowstone Ecosystem……**Error! Bookmark not defined.**

List of Tables

Table 1. Area of lands within the Primary Conservation Area by management type .....**Error! Bookmark not defined.**

Table 2. Mortality limits inside the Demographic Monitoring Area using the model-averaged Chao2 population estimate method .....**Error! Bookmark not defined.**

Table 3. Bear Management Units occupied by females with young based on verified reports, 2009–2014 .....**Error! Bookmark not defined.**

Table 4. Framework to manage inside the Demographic Monitoring Area for the population goal of the average population 2002–2014 using the model-averaged Chao2 method .....**Error! Bookmark not defined.**

Table 5. Annual count of unduplicated females with cubs-of-the-year (COY), and known and probably grizzly bear mortalities within the Demographic Monitoring Area, 2004–2015 .....**Error! Bookmark not defined.**

Table 6. Estimated numbers of elk hunters within the grizzly bear Demographic Monitoring Area in Idaho, Montana, and Wyoming for the years 2005–2014……**Error! Bookmark not defined.**

Comment [G1]: remove

List of Appendices

Appendix A Chronological List of the Grizzly Bear Recovery Process for the Greater Yellowstone Ecosystem

Appendix B Methods to Calculate the Total Numbers of Adult Females from Counts of Unduplicated Females with Cubs

Appendix C Calculation of Total Population Size and Mortality Limits

Appendix D Existing Bear Foods and Related Monitoring Programs

Appendix E Habitat Baseline 1998

Appendix F Annual Cost Estimates by Agency for Implementing this Conservation Strategy

Appendix G Lead Agencies for Actions Under the Conservation Strategy

Appendix H The Relationship Between the Five Factors in Section 4(a)(1) of the ESA and the Existing Laws and Authorities

Appendix I Grizzly Bear Management Plan for Southwestern Montana

Appendix J Wyoming Grizzly Bear Management Plan

Appendix K Yellowstone Grizzly Bear Management Plan (State of Idaho)

Appendix L Reassessing Methods To Estimate Popualion Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear

Appendix M Supplement to Reassessing Methods To Estimate Popualion Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear

Appendix N Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem

Appendix O Tribal Grizzly Bear Management Plan

Appendix P Draft MOA Regarding the Managmeent and Allocation of Discretionary Mortality of Grizzly Bears in the GYA

Comment [G2]: Comment-what happended to former Appendix D-Background on Genetic Management; and Appendix G Motorized Access management?

Comment [G3]: Comment-What is this new document?

Comment [G4]: Comment-Draft needs to be approved by commissions then a final will be appended"

Executive Summary
2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem

Chapter 1 Introduction and Background

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear (*Ursus arctos*) and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem.

Within the Greater Yellowstone Ecosystem(GYE), the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area (PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan (Recovery Plan)* (USFWS 1993). The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation.

In the Conservation Strategy, management direction is described for both the PCA and adjacent areas within the GYE (i.e., the Demographic Monitoring Area (DMA)). State grizzly bear management plans, forest plans, and other appropriate planning documents will provide specific management direction for the adjacent areas outside the PCA.

This Conservation Strategy was developed to be the document guiding management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting. This approach will remain in place beyond recovery and delisting. Ongoing review and evaluation of the effectiveness of this Conservation Strategy is the responsibility of the state, tribal, and federal managers in the GYE. This Conservation Strategy will be evaluated ~~updated~~ by the management agencies every five years or as necessary, allowing public comment in the updating process.

Comment [G5]: Comment: 2007 language sets expectations that may not be met so replace updated with evaluated

Upon implementation of the Conservation Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) will replace the Yellowstone Ecosystem Subcommittee.

The purpose of this Conservation Strategy (Strategy) and the state plans is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYE.
- Specify the population, habitat, and nuisance bear standards[1] to maintain a recovered grizzly bear population for the foreseeable future.
- Document the regulatory mechanisms and legal authorities, policies, management, and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

The vision of the Strategy can be summarized as follows:

- 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.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.

[1] Standards are management actions that are required in this Conservation Strategy. A deviation from a standard would occur only with a revision or amendment to the Conservation Strategy.

Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.

Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.

Manage the GYA grizzly bear~~a~~ population within the area called the Demographic Monitoring Area (DMA), which is the area formerly called Suitable Habitat, to at least the 2002-2014 Chao2 average point estimate for total population, with 95% confidence intervals (i.e. 600-747). ~~The population objective in the DMA is the average population size in the DMA 2002–2014 and associated confidence intervals when this population was essentially stable. Use the model-averaged Chao2 population estimator applied inside the DMA to estimate the population on an annual basis and to set the mortality limits within the DMA so as to maintain this average population size using a sliding scale of mortality for independent females and males, and dependent young (*see* Appendix C).~~

Expand public information and education efforts.

Provide quick responsive management to ~~deal with~~address grizzly bear conflicts.

Manage grizzly bears as a game animal; including allowing regulated hunting when and where appropriate.

Comment [G6]: 2016 language to strike- population objectives above recovery are the purview of the states, replace with language from MOA

Relationship to Other Plans

By integrating state plans into the Strategy, it was ensured that the plans and the Strategy are consistent where necessary and complementary. The state plans are formally incorporated in the Conservation Strategy as Appendices I, J, and K.

Relationships with national forest and national park plans are also mentioned throughout the Strategy. Land and resource management plans for national forests and national parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation

Strategy. For those standards and provisions not yet incorporated into management plans, the agencies will implement the habitat standards and monitoring requirements in this conservation strategy through their established planning processes, subject to NEPA or other legal requirements

Chapter 2 Population Standards and Monitoring

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the population criteria in the *Recovery Plan* that were necessary to achieve recovery, and the population standards necessary to maintain it (USFWS 2016). The Strategy will continue to assess demographic recovery criteria within the Demograhpic Monitoring Area (DMA) created by the *Recovery Plan*. Because grizzly bears are a difficult species to monitor and manage, multiple standards with additional monitoring items are identified to provide sufficient information upon which to base management decisions. It is the goal of the agencies implementing this Conservation Strategy to manage the Yellowstone grizzly bear population in the entire GYE ~~at or above a total of 500 grizzly bears. DMA at the average population size between 2002–2014 when the population inside the DMA was essentially stable. Using the model-averaged Chao2 population estimation method this average population size was 674 (average lower 95% CI = 600; average upper 95% CI = 747)~~.

Comment [G7]: 2016 language to strike and replace with 2007 language; population goals above recovery are the purview of the states-support recovery cirteria which is to maintain a minimum population size of 500 animals in the Greater Yellowstone Area. The estimate of total population size cannot drop below 500 in two consecutive years. This estimate will be calculated by the Study Team using data obtained within the Demographic Monitoring Area.

Population standards and monitoring items include:

- Monitoring unduplicated females with cubs-of-the-year inside the GYE DMA.
- Calculating a total population estimate for the GYE DMA using the model-averaged Chao2 estimate of females with cubs-of-the-year (*see* Appendix C).
- Maintaining at least 500 bears in the GYE to assure the genetic health of the population.
  - ~~Five hundred bears is not a population goal but a minimum number necessary to address genetic health.~~

Comment [G8]: 2016 language to strike

- Monitoring the distribution of females with young of all ages and having a target of at least 16 of 18 BMUs (Bear Management Units) within the PCA occupied at least one year in every six, and no two adjacent BMUs can be unoccupied over any six-year period.
- Monitoring all sources of mortality for independent females and males (≥ 2 years old) and dependent young (<2 years old) within the GYE DMA and limiting mortality to annual mortality percentages on a sliding scale depending on the annual population size estimate using model-averaged Chao2.
- Monitoring population trend using female survivorship and reproductive rate data from radio-collared bears.
- Ensure meeting defined genetic management objectives ~~by facilitating occasional male movement between the Northern Continental Divide Ecosystem (NCDE) and GYE~~.

Comment [G9]: 2016 language to strike; if there are no defined genetic management objectives presently then strike the entire bullet

Chapter 3 Habitat Standards and Monitoring

The habitat standards identified in this document will be maintained at identified levels inside the PCA. In addition to the habitat standards, several other habitat factors will be monitored and evaluated to determine the overall condition of habitat for bears. It is the goal of the habitat management agencies to maintain or improve habitat conditions existing as of 1998, as measured within each subunit within the PCA, while maintaining options for management of resource activities at approximately the same level as existed in 1998. The habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.

Habitat standards include:

- Maintenance of secure habitat at 1998 levels in each BMU subunit through management of motorized access route building and density, with short-term deviations allowed under specific conditions. Secure habitat is defined as more than 500 meters from an open or

gated motorized access route or recurring helicopter flight line and must be greater than or equal to 10 acres in size.

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

Management of developed sites at 1998 levels within each BMU subunit, with some exceptions for administrative and maintenance needs.

Habitat criteria that will be monitored and reported include:

Monitoring open and total motorized access route density in each BMU subunit inside the PCA.

Monitoring of four high-calorie food items throughout the Yellowstone area: winter ungulate carcasses, cutthroat trout (*Oncorhynchus clarki*) spawning numbers, bear use of army cutworm moth (*Euxoa auxiliaris*) sites, and whitebark pine (*Pinus albicaulis*) cone production. The incidence of white pine blister rust (*Cronartium ribicola*) and whitebark pine mortality in sampled areas will also be monitored.

Monitoring the number of elk hunters inside the PCA.

Land managers will ensure that habitat connectivity is addressed throughout the Yellowstone area as part of any new road construction or reconstruction and that food storage orders are in place.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

The management of grizzly bear-human conflicts inside the PCA is based upon the existing laws and authorities of the state wildlife agencies and federal land management agencies. Outside the PCA, state management plans will direct the management of nuisance bears. Management of nuisance bears usually falls into one or more of the following categories:

Removing or securing the attractant.

Deterring the bear from the site through the use of aversive conditioning techniques.

Capturing and relocating the nuisance bear.

Removing the bear from the wild, including lethal control.

The focus and intent of nuisance grizzly bear management will be predicated on strategies and actions to prevent grizzly bear-human conflicts. It is recognized that active management aimed at individual nuisance bears will be required. Management actions outside the PCA will be implemented according to state and tribal management plans. These actions will be compatible with grizzly bear population management objectives for each state for the areas outside the PCA.

In circumstances that result in a nuisance bear situation outside the PCA, more consideration will be given to existing human uses. Site-specific conflict areas within and outside the PCA will be documented and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. Past conflict management has demonstrated that grizzly bears can coexist with most human activities.

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

Comment [G10]: 2007 language to strike-no longer appropriate once delisted

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park management plans.

All grizzly bear relocations and removals will be documented and reported annually in the Interagency Grizzly Bear Study Team (IGBST) Annual Report.

Chapter 5 Information and Education

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program. These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

The current information and education (I & E) working group within the Greater Yellowstone Ecosystem will continue. Members of this I & E team include public affairs personnel from Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the I & E specialist from the Interagency Grizzly Bear Committee (IGBC). This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

Chapter 6 Implementation and Evaluation

A new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), will replace the Yellowstone Ecosystem Subcommittee. YGCC meetings will be open to the public.

Some primary activities of the YGCC are:

- Coordinate implementation of this Conservation Strategy.
- Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.
- Share information and implement management actions in a coordinated fashion.
- Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.
- Implement a Biology and Monitoring Review ~~as necessary and submit a petition for relisting~~ as appropriate to ensure agency responsiveness to changing circumstances of the grizzly bear or its habitat in the GYE.
- Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.

Comment [G11]: 2007 language to strike-not an appropriate function for individual agency representatives on the Committee

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership consists of representatives of the following:

Federal	National parks: Yellowstone and Grand Teton
	National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-Targhee, Custer-Gallatin, and Shoshone
	One Bureau of Land Management representative
	The Biological Resources Division of the U.S. Geological Survey
State wildlife agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign

The IGBST and the I & E will perform necessary tasks and report to the YGCC.

As detailed in the monitoring portion of this Strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major demographic and habitat parameters are listed in Appendix G Monitoring results and analysis will be presented to the YGCC by the IGBST.

If there are deviations from ~~any of~~ the population and/or habitat standards stipulated in this Conservation Strategy, a Biology and Monitoring Review will be initiated.

Comment [G12]: 2007 language to strike-contradicts making new changes based on the best available science

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews would normally be undertaken after the annual summary of monitoring information presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

To identify the reasons why particular demographic or habitat objectives have not been achieved and to modify management as necessary, or

To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or

To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to develop plans to ensure that monitoring efforts be maintained as per the standards in this document, or

To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem.

~~Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public.~~

~~The YGCC will respond to the Biology and Monitoring Review with actions to address the deviations from the population or habitat standards. If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat standards specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC will petition the Fish and Wildlife Service (Service) for relisting. In the case of a vote on this issue, a simple majority is necessary.~~

Comment [G13]: 2007 language to strike-too much detail for this portion of the document

Comment [G14]: 2007 language to strike- not an appropriate function for individual agency representatives on the Committee or a committee that is not a separate legal entity; it makes no sense for the Service to subject itself to deadlines to respond to a petition from a committee in which USFSW is a technical support member

~~*Petition for Relisting*~~

~~The YGCC can petition for relisting and a resulting status review from the U.S. Fish and Wildlife Service. A status review is a process that requires the Service to review the status of the GYE grizzly bear population and is triggered by a petition to list a species. This petition from the YGCC will be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy. A status review will evaluate all factors affecting the population and result in a finding that summarizes the current status of the population. For purposes of a status review, the status of the entire GYE grizzly bear population will be considered.~~

Comment [G15]: 2007 language to strike-this is unnecessary in the summary and the detail is in Chap 6.

~~Additionally, the Service can initiate a status review to determine if the grizzly bear in the GYE should be added to the list of candidate species for listing independent of the YGCC based on concerns about the population and/or its habitat. Under Section 4 of the Endangered Species Act, a petition from an individual or organization can also initiate a status review, as long as the petition is deemed to be warranted. To be warranted, such a petition must present credible scientific information to support the petition.~~

~~If, as the result of the status review for candidate status or the petition for relisting, the population is found to be warranted for listing, as per the criteria of the Endangered Species Act in Section 4(a)(1), then the species could be immediately considered for relisting and could be relisted under emergency regulations, per Section 4(b)(7) if the threat were severe and immediate.~~

~~The Service will initiate a status review with possible emergency relisting if necessary if there are changes to Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics in the Conservation Strategy, thereby compromising implementation of the Strategy.~~

Comment [G16]: 2016 language to strike-asking the signators to agree to more than the legal standard for emergency relisting, not necessary when Service already has this authority.

Chapter 7 Existing Authorities

The existence of adequate regulatory mechanisms that serve to maintain the GYE grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to assure a healthy grizzly bear population.

This chapter lists applicable federal, state (Idaho, Montana, and Wyoming) and tribal acts, statutes, regulations, rules, plans, and guidelines[2].

Comment [G17]: 2016 footnote language to strike-the reference is inappropriate for states and federal agencies

[2] ~~Guidelines are management actions that are highly recommended in this Conservation Strategy. A deviation from a guideline would not require a revision or amendment to the Conservation Strategy. A deviation from a guideline requires written rationale as to why the guideline is not being followed.~~

Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Strategy

The agencies signing this Conservation Strategy agree to use their authorities to maintain and enhance the recovered status of the grizzly bear in the Greater Yellowstone Ecosystem (GYE) by implementing the regulatory mechanisms, interagency cooperation, population and habitat management and monitoring, and other provisions of the Conservation Strategy as per the details and responsibilities described in this document. All signatories recognize that each has statutory responsibilities that cannot be delegated and that this agreement does not and is not considered to abrogate any of their statutory responsibilities. This agreement is subject to and is intended to be consistent with all appropriate federal and state laws. Funding of this MOU is subject to approval and appropriations by approved state and federal entities. All agencies will take appropriate steps to seek funding to implement this document. The adequacy of the regulatory mechanisms demonstrated by this Conservation Strategy are dependent upon funding being available to fully implement the management and monitoring actions detailed in this document. This Conservation Strategy does not go into effect until all agencies have signed this document and the final rule delisting the GYE grizzly bear DPS has been published in the Federal Register.

Regional Forester Date
U.S. Forest Service, Northern Region

Regional Forester Date
U.S. Forest Service, Rocky Mountain Region

Regional Forester Date
U.S. Forest Service, Intermountain Region

Director
Idaho Department of Fish and Game
Date

Director
Montana Fish, Wildlife & Parks
Date

Director
Wyoming Game and Fish Department
Date

Director
National Park Service, Intermountain Region
Date

Regional Chief Biologist
Central Region, USGS Biological Resources Division
Date

State Director
Bureau of Land Management Idaho
Date

State Director
Bureau of Land Management Montana
Date

State Director
Bureau of Land Management Wyoming
Date

Regional Director
U.S. Fish and Wildlife Service, Region 1
Date

Regional Director Date
U.S. Fish and Wildlife Service, Region 6

Chapter 1 Introduction and Background

Introduction

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem (GYE).

Within the GYE , the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area (PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan* (Recovery Plan) (USFWS 1993). The size of the recovery zone is not being expanded in this approach. The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation (Figure 1).

In this Conservation Strategy (Strategy), management direction is described for both the PCA and adjacent areas within the GYE. State grizzly bear management plans, forest plans, and other appropriate planning documents provide additional management direction for the adjacent areas outside the PCA.

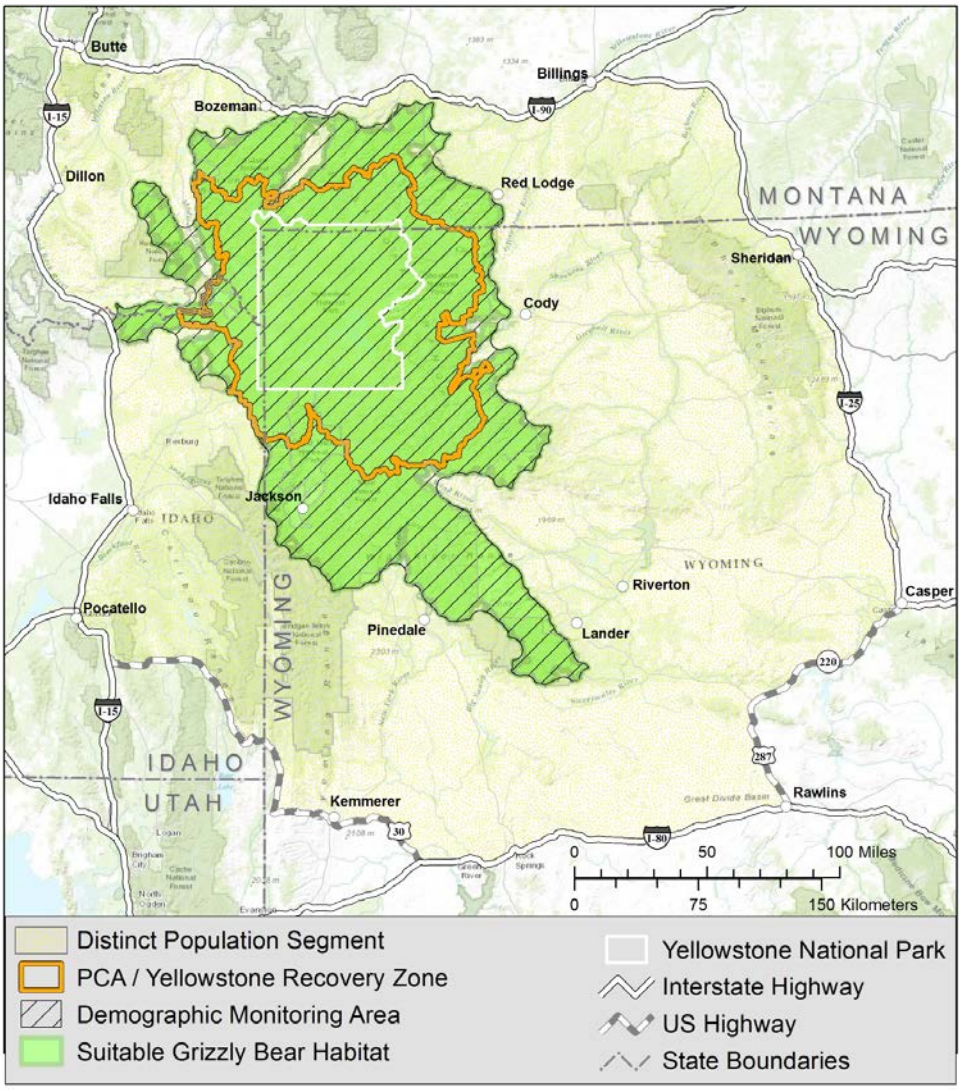
This Strategy was developed to be the document guiding management and monitoring of the GYE grizzly bear population and its habitat upon recovery and delisting. This Strategy will remain in effect beyond recovery~~,~~ and delisting, ~~and the five year monitoring period required by the Act as grizzly bears will always be a "conservation reliant" species (Scott *et al.* 2005) because of their low resiliency to excessive human-caused mortality. Therefore, the need to coordinate management of the population across multiple land ownerships and jurisdictions will always remain.~~

Comment [G18]: 2016 language to strike-This language is not necessary

~~Ongoing review and evaluation of the effectiveness of this Strategy is the responsibility of the state and federal managers in the~~ GYE. This Strategy will be ~~updated~~ evaluated by the management agencies every five years, or as necessary, allowing public comment in the updating process.

Comment [G19]: Comment-same reference as page 2, set expectations that may not be reasonable so replace update with evaluate

Figure 1. Map of the Greater Yellowstone Ecosystem (GYE). Boundaries are shown for: (1) the GYE grizzly bear Distinct Population Segment Area (the legal boundary where grizzly bears would be delisted); (2) the Primary Conservation Area (PCA); (3) Suitable Habitat; and (4) the Demographic Monitoring Area (DMA).



Upon implementation of this Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) replaces the Yellowstone Ecosystem Subcommittee. (*See* Chapter 6 for more information about the activities of the YGCC.)

The Conservation Strategy

The purpose of this Strategy, which includes the state plans, is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYE.
- Specify the population, habitat, and nuisance bear standards to maintain a recovered grizzly bear population.
- Document the regulatory mechanisms and legal authorities, policies, and management and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

Development of the Conservation Strategy and State Plans

Development of the Strategy began in 1993, when biologists representing the National Park Service, U. S. Forest Service, U. S. Fish and Wildlife Service, Interagency Grizzly Bear Study Team, Idaho Department of Fish and Game, Montana Fish, Wildlife & Parks, and the Wyoming Department of Game and Fish were appointed to the Interagency Conservation Strategy Team. In March 2000, a draft Conservation Strategy was released to the public for review and comment. Later the same year, a Governors' Roundtable was organized to provide

recommendations from the perspectives of the three states that would be involved with management of grizzly bears after delisting. The Governors' Roundtable recognized the need to have state management plans that would give direction for grizzly bear management outside the PCA. The state management plans apply to management of grizzly bears outside the PCA, and describe the general areas that grizzly bears are likely to occupy in the foreseeable future.

In 2002, the 2007 Conservation Strategy was developed and the state plans were completed. Although this 2016 version of the Conservation Strategy updates sections of the Strategy, the vision remains the same.

The vision of the Strategy can be summarized as follows:

- The PCA will be a secure area for grizzly bears, with population and habitat conditions maintained that have allowed the grizzly bear population to achieve recovery and expand outside the PCA.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.
- Manage the GYA grizzly bear population within the DMA, to at least the 2002-2014 Chao2 average point estimate for total population, with 95% confidence intervals (i.e. 600-747).
- ~~Manage a population within the area called the Demographic Monitoring Area (DMA), which is the area formerly called Suitable Habitat (Figure 1). The population objective in the DMA is the average population size 2002-2014 when the population in this area was essentially stable. Use the model-averaged Chao2 population estimator applied inside the DMA to measure the population on an annual basis and to set the mortality limits within the DMA so as to maintain this average population size using a sliding scale of mortality for independent females and males, and dependent young.~~
- Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.

Comment [G20]: 2016 language to strike-replaced with language from MOA

Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.

Expand public information and education efforts.

Provide responsive management to deal with nuisance grizzly bears.

Manage grizzly bears as a game animal, including allowing regulated hunting when and where appropriate.

Relationship to Other Plans

The state of Idaho, Montana, and Wyoming and the Tribes of the Wind River ~~Indian~~ Reservation all developed grizzly bear management plans. The three states also entered into a memorandum of agreement memoralizing how the states will coordinate with each other regarding bear management and allocation of mortality[3]. The individual state plans {and three-state memorandum of agreement} are complementary to this Strategy. ~~The state plans are integrated into the Strategy to ensure that the plans and the Strategy are consistent where necessary and complementary.~~ The state and tribal management plans are ~~formally incorporated in the Conservation Strategy as~~ Appendices I, J, K, ~~and~~ O, and P.

Comment [G21]: 2016 new language-The additions re Tribes are inconsistent (is WRT a signatory needed to finalize the revision?)

Comment [G22]: 2016 proposed language-*Add MOA language upon finalization of the Tri-State MOA or use with footnote to reference draft status*

Comment [G23]: 2007 language to change in light of evolution of state plans and MOA; revisions and amendments to state plans should not be encumbered by the Stategy process or vice versa

National Forest and National Park plans are also complimentary to this Strategy. Land and resource management plans for National Forests and National Parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation Strategy. Those standards and provisions not yet incorporated into management plans will be integrated into future land management plan amendments or revisions.

[3] The states have provided a draft MOA that will be finalized by commission approvals in 2016

Background

The Grizzly Bear Population

The grizzly bear population in the lower 48 states was listed as threatened in 1975 pursuant to the Endangered Species Act of 1973.

The Recovery Plan established several demographic (population) recovery targets that must be achieved for a recovered grizzly bear population. All recovery targets are currently being met. When grizzly bears were listed in 1975, "indiscriminate illegal killing" and management removals were identified as threats to the population. In response, the Service and signatories to this Strategy implemented demographic recovery criteria to maintain a minimum population size, a well-distributed population, and establish mortality limits based on scientific data and direct monitoring of the population. Since implementing these criteria, the GYE grizzly bear population has tripled in size and range (Eberhardt *et al.* 1994; Knight and Blanchard 1995; Boyce *et al.* 2001*a*; Schwartz *et al.* 2006; Pyare *et al.* 2004; Schwartz *et al.* 2006a; IGBST 2012; Bjornlie *et al.* 2014).

Counts of females with cubs-of-the-year have increased. In 2013, the estimate of unique females with cubs-of-the-year within the entire GYE was 58 (Haroldson *et al.* 2014). This is the highest count ever recorded. The Recovery Plan target for the number of females with cubs-of-the-year has been exceeded since 1988. Calculations of population trajectory derived from radio-monitored female bears show an increasing population trend at a rate of 4 to 7 percent per year between 1983 and 2002 (Eberhardt *et al.* 1994; Knight and Blanchard 1995; Schwartz *et al.* 2006) and 0.3 to 2.2 percent between 2002 and 2011 (IGBST 2012). Grizzly bear range and distribution has more than tripled since 1975 (Basile 1982; Blanchard *et al.* 1992; Schwartz *et al.* 2002; Pyare *et al.* 2004; Schwartz *et al.* 2006a; Bjornlie *et al.* 2014). Independent female survival rates, the single most important cohort to population trajectory, are high (IGBST 2012).

In total, this population has increased from estimates ranging between 230 and 312 bears when listed in 1975 (Cowan *et al.* 1974; Craighead *et al.* 1974; McCullough 1981) to at least 714 animals as of 2014 (van Manen 2015, *in litt.*).

The Primary Conservation Area and the Demographic Monitoring Area

The Strategy identifies and provides a framework for managing habitat within a Primary Conservation Area (PCA) and managing demographic parameters within a Demographic Monitoring Area (DMA) (Figure 1). The PCA boundaries (containing 23,853 sq km (9,210 sq mi)) correspond to those of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 1). The PCA contains adequate seasonal habitat components needed to support the recovered GYE grizzly bear population for the foreseeable future and to allow bears to continue to expand outside the PCA. The National Park Service and the U. S. Forest Service manage the majority of lands within the PCA; a small percentage of land is privately owned or managed by the states or the Bureau of Land Management (BLM) (Table 1).

Table 12. Area of lands within the Primary Conservation Area by management type.

Management Type	Area (square miles)	Percent of the PCA
National Park Service	3,632	39.4
U. S. Forest Service	5,383	58.5
Private and Other Ownerships	195	2.1
TOTAL	9,210	100

To facilitate habitat management and ensure habitat was well distributed, the PCA was divided into 18 bear management units (BMUs) and 40 subunits (Figure 2). BMUs are used to measure the distribution of females with offspring while subunits allow better resolution of habitat

measurement. Habitat protections inside the PCA that allowed the recovery of the grizzly bear population will be maintained.

Figure 3. The Primary Conservation Area showing bear management unit and subunit boundaries.



Characterization of Grizzly Bear Habitat

Background on the Area Necessary for a Recovered Population

Grizzly bears are one of the subspecies of brown bears, which range throughout diverse areas and habitats in Europe, Asia, and North America. Brown bears have the most widespread distribution of any bear species and live in the widest range of habitats of any bear species including deserts, boreal forests, arctic tundra, coniferous forests, deciduous forests, alpine areas, and coastal rainforests. At minimum, grizzly bears need food, seasonal foraging habitat, denning habitat, and security in an area of sufficient size for survival. Bears overlap in home ranges and change densities based on a variety of social and environmental factors. However, the precise mixture of these diverse elements and the precise size of the area necessary to support a population of grizzly bears are impossible to specify. To a great degree, the difficulty lies in the fact that grizzly bears are long-lived opportunistic omnivores whose needs for foods and space vary depending on a multitude of environmental and behavioral factors and on variation in the experience and knowledge of each individual bear. The key to establishing habitat criteria that will maintain a healthy population is to look to the habitat factors in the past that produced a grizzly bear population in the Yellowstone area that is increasing in numbers and expanding in range. Habitat factors that produced a healthy population in the past were used to establish the habitat criteria for the future that must be maintained if a healthy population continues to be preserved.

The available habitat for bears is largely determined by human activities. Human activities are the primary factor impacting habitat security. Human activities and the social structure and relationships among resident bears are the two major influences on the accessibility of available foods for bears. The issue of how many grizzly bears can live in any specific area is a function of overall habitat productivity, annual production, availability of important foods, and the levels and types of human activities. There is no known way to calculate the number of grizzly bears that can live in an area in relation to ongoing changes in habitat values or to fully understand the

social system of the grizzly bear and how it is influenced by changes in bear density and related social interactions at various densities. As food availability fluctuates, there are corresponding changes in bear density in important use areas and changes in social tolerance within the bear population. This in turn will affect age-specific survivorship. Additional numbers of bears in many areas will result in the expansion of bear range, increasing grizzly bear-human conflicts, and erosion of public support for bears. All these factors interact.

A viable and therefore recovered population is one that has high long-term prospects for survival within acceptable levels of risk. Population size is an important factor in understanding population survival (Boyce 1992, Caughley 1994). However, there is no quantitative way to estimate precisely the number of animals required for a viable population of any species (Boyce 1992, 1993). From the mid 1980s, the Yellowstone grizzly bear population has grown at approximately 3 to 4% or more per year (Eberhardt *et al*. 1994, Boyce 1995, Boyce *et al*. 2001*b*). Boyce (1995) has calculated that the Yellowstone population currently has a probability of extinction of 0.0004 (4/10,000)—a very low probability. Nevertheless, as Boyce *et al.* (2001*b*) points out, "*population size alone is not a sufficient criterion for evaluating population viability*," and "*even though a population may have increased or decreased over the past 10 to 20 years, this offers no indication that the population will continue on the same trajectory in the future*." The best way to ensure a healthy population of grizzly bears is to monitor both population and habitat parameters closely and respond when necessary with adaptive management (Walters and Holling 1990) addressing the problems of the population in a dynamic way. That is what this Conservation Strategy is designed to accomplish.

The PCA has provided the vast majority of habitat for the currently increasing population in the Greater Yellowstone Ecosystem. This area will continue to be managed and monitored carefully to maintain habitat security, and to limit access-related disturbances and developed sites on public lands at or below 1998 levels. The GYE grizzly bear population was increasing at a rate of 3 to 4% per year as of 1998 (Boyce *et al*. 2001*b*). Due to this ongoing bear population increase, 1998 was chosen as the baseline year for measurement of levels of human activities.

The 1998 habitat baseline values for secure, developed sites on public lands, and livestock grazing are shown in Appendix E.

Food

The broad historic distribution of grizzly bears suggests adaptability in food habits of different populations. Although the digestive system of bears is essentially that of a carnivore, bears are successful omnivores, and in some areas may be almost entirely herbivorous. Bears feed on animal matter or vegetable matter that is highly digestible and high in starch, sugars, protein, and stored fat.

Grizzly bears must avail themselves of foods rich in protein or carbohydrates in excess of maintenance requirements in order to survive denning and post-denning periods. Other plant materials are eaten as they emerge, when crude protein levels are highest.

Grizzly bears are opportunistic feeders and will prey or scavenge on almost any available food including ground squirrels, ungulates, carrion, and garbage. In areas where animal matter is less available, roots, bulbs, tubers, fungi, and tree cambium may be important in meeting nutrient requirements. High quality foods such as berries, nuts, and fish are important in some areas.

The search for food has a prime influence on grizzly bear movements. Upon emergence from the den, they seek lower elevations, drainage bottoms, avalanche chutes, and ungulate winter ranges where their food requirements can be met. Throughout late spring and early summer, they follow plant maturity back to higher elevations. In late summer and fall, there is a transition to fruit and nut sources, as well as other plant materials. This is a generalized pattern, however, and it should be kept in mind that bears are individuals trying to survive and will go where they can best meet their food requirements.

Specific to the GYE, four seasonal foods have been identified for monitoring. These are: winter-killed ungulates (primarily elk (*Cervus elaphus*) and bison (*Bison bison*), but also deer (*Odocileus* species) and moose (*Alces alces*)), spawning cutthroat trout, whitebark pine seeds, and army cutworm moths. The High-Calorie Foods section in Chapter 3 provides more detail about the components of grizzly bear diet.

Cover

The relative importance of cover to grizzly bears was documented by Blanchard (1978) in a four-year study in the GYE. The importance of an interspersion of open parks as feeding sites associated with cover is also recorded in Blanchard's study.

Changes in the distribution and quantity and quality of cover are not necessarily detrimental to grizzly bears. The IGBST studied the effects of the large 1988 wildfires on grizzly bears. "*On the average, grizzly bears used burned habitats in proportion to their availability within individual annual ranges during 1989 to1992. Seasonal indices of movement and annual range sizes of cohorts are not statistically different from the 1975 to 1987 averages*" (Blanchard and Knight 1996).

Denning

Grizzly bears excavate dens. Dens are usually dug on steep slopes in forest cover where wind and topography cause an accumulation of deep snow and where the snow is unlikely to melt during warm periods. Elevations of dens vary geographically; generally, they are found at higher elevations well away from development or human activity. Abundant denning habitat is available and is not considered a limiting factor for grizzly bears (Podruzny and Gunther 2002).

Secure Habitat

History has demonstrated that grizzly bear populations survived where frequencies of contact with humans were very low. Populations of grizzly bears persisted in those areas where large expanses of relatively secure habitat were retained and where human-caused mortality was low. In the Yellowstone area, this is primarily associated with national parks, wilderness areas, and large blocks of public lands (IGBC 1998). 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. Habitat security allows a population to increase in numbers and distribution as lowered mortality results in more reproduction and cub recruitment into the adult population. This results in an increasing population. As the population increases, it begins to expand in range and distribution. Both of these responses to habitat security are currently ongoing in the Yellowstone population as the population is increasing at 3 to 4% per year (Boyce *et al*. 2001*b*), and increasing in distribution (Schwartz *et al*. 2002). Maintaining habitat security is a major goal of this conservation strategy.

By managing motorized access, the following grizzly bear management objectives can be met (IGBC 1998):

Minimize human interaction and potential grizzly bear mortality
Minimize displacement from important habitats
Minimize habituation to humans
Provide relatively secure habitat where energetic requirements can be met

Historically, management of motorized use has been primarily accomplished through restriction of certain types of motorized use on established access routes, i.e., management of open motorized route densities. Recent research has shown that secure habitat (areas that are free of motorized traffic, also referred to as core areas) is an important component of grizzly bear habitat (IGBC 1998).

The management of human use levels through access route management is one of the most powerful tools available to balance the needs of grizzly bears with the needs and activities of humans. It has been documented in several research projects, completed and ongoing, that unregulated human access and development within grizzly bear habitat can contribute to increased bear mortality and affect bear use of existing habitat (IGBC 1998).

Management Improvements and Mortality Reduction Efforts

Since listing of the grizzly bear under the Endangered Species Act (ESA), government agencies (federal, tribal, state, county, and city), organizations, and individuals have worked to improve management coordination and habitat conditions, minimize grizzly bear-human conflicts and bear mortality, and increase public awareness and appreciation for the grizzly bear in the GYE.

Summary of Management Improvements Related to Habitat

- The Interagency Grizzly Bear Committee (IGBC) was created to coordinate management efforts across multiple federal lands and different states. The Yellowstone Ecosystem Subcommittee was also created to coordinate efforts specific to the GYE grizzly bear. These committees cooperated in developing the *Interagency Grizzly Bear Guidelines* (IGBC 1986) and the *Interagency Grizzly Bear Committee Taskforce Report on Grizzly Bear/Motorized Access Management* (IGBC 1998). These guidelines were instrumental in changing land management practices on federal lands to provide security and to maintain or improve habitat conditions for the grizzly bear.
- The IGBST was created to provide scientific information for the management and recovery of the grizzly bear in the GYE. Scientific protocols have been developed to monitor the grizzly bear population and important habitat parameters.
- Federal and state agencies developed nuisance bear guidelines to manage bears that become habituated to human foods and refuse. The overall objective of these guidelines is to provide a quick response to grizzly bear-human confrontations.

Miles of open motorized access routes have been reduced through restrictions (such as gates and signs on motorized routes) and decommissioning (the route is no longer available for motorized use), thereby reducing open motorized access route densities and increasing secure habitat for the grizzly bear.

Highway design changes have been implemented, including changed guardrail heights to allow cub crossings; minimized cut-slope barrier walls to facilitate movement; revegetation planting to provide cover, minimize exotic plants, and discourage planting of palatable foods; and narrower rights of way and road widths.

Federal land management agencies have closed areas to cross-country motorized travel to provide more security for grizzly bears.

Federal land management agencies have closed some areas to all human entry during certain seasons to increase human safety and provide security for grizzly bears.

Many areas in the GYE have been closed to oil and gas leasing, or have restrictions (such as no surface occupancy) on oil and gas leasing to protect grizzly bear habitat.

Mortality Reduction Efforts Related to Habitat

Significant reductions in the human-caused bear mortality rate have been the primary reason the bear population is now meeting the demographic sub-goals established in the *Recovery Plan*. In addition to the above management improvements, the following actions have been found to be effective in limiting grizzly bear mortality and grizzly bear-human conflicts. These actions have been ongoing and will continue inside the PCA.

Federal land management agencies have implemented and monitored compliance with food storage orders that require people using grizzly bear habitat to store food and refuse properly on public lands so bears will not become habituated to unnatural foods. This also reduces grizzly bear-human encounters.

Bear-resistant garbage containers have been installed in campgrounds, picnic areas, and other public use areas on federal lands. Garbage collection schedules have been improved to collect garbage before it becomes an attractant to grizzly bears.

Some counties and communities have improved their landfills and garbage collection systems to reduce or prevent conflicts with grizzly bears.

Numerous education and information materials and programs have been developed by federal and state agencies and various organizations, to teach those living, working, and recreating in grizzly bear country how to be safe, to reduce grizzly bear-human encounters, and minimize grizzly bear mortality. Non-agency participation is encouraged.

The state wildlife agencies have developed active management/conflict resolution programs to help minimize conflicts between people and bears.

To provide increased protection for grizzly bears, Montana does not allow baiting or hound hunting for bears. Wyoming prohibits hound hunting within the state, and baiting is not allowed within the PCA. Baiting and use of hounds are not allowed within the PCA in Idaho.

The number of domestic sheep allotments and the number of domestic sheep grazing within the PCA has been reduced; the remaining domestic sheep allotments are to be phased out as opportunities arise. Sheep grazing permittees and herders must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear/grazing conflicts.

Individuals and organizations with special use permits on federal lands must follow strict requirements in their special use permits to protect grizzly bears and reduce grizzly bear-human conflicts.

Adjustments have been made on cattle grazing allotments within the PCA, and cattle permittees must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear/grazing conflicts.

The IGBST coordinates an annual analysis of the causes of conflicts and known and probable mortalities, and proposed management solutions. Reports were reviewed by the

Yellowstone Ecosystem Subcommittee and appropriate actions initiated. The Yellowstone Grizzly Bear Coordinating Committee will continue this review process.

Federal and non-federal landowners have cooperated in limiting grizzly bear mortality and grizzly bear-human conflicts.

Livestock and road-killed carcasses are managed to minimize grizzly bear-human conflict. Hunters are encouraged to quickly care for and remove hunter-killed carcasses to minimize grizzly bear-human conflicts.

State and federal law enforcement agents have cooperated to ensure consistent enforcement of laws protecting grizzly bears. A task force of state and federal prosecutors and enforcement personnel from each state and federal jurisdiction will work together to make recommendations to all jurisdictions, counties, and states, on uniform enforcement, prosecution, and sentencing relating to illegal grizzly bear kills.

Comment [G24]: Comment-2007 language-may need to recalibrate this expectation

When reclaiming or obliterating motorized access routes or restricting motorized or non-motorized access, priority has been and will be given to areas with historical grizzly bear-human conflicts or areas of probable grizzly bear-human conflicts

Appropriate actions to reduce mortality will be implemented as described in the state plans outside the PCA where grizzly bears occur or can reasonably be expected to occur when and where possible to improve public safety and minimize grizzly bear mortality.

Recovery of the grizzly bear in the GYE is the result of partnerships between federal and state agencies, the governors of three states, county and city governments, educational institutions, numerous organizations, private landowners, and the public who live, work, and recreate in the GYE. Maintenance of a recovered grizzly bear population depends on these partnerships.

Chapter 2 Population Standards and Monitoring

Introduction

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the demographic criteria in the *1993 Recovery Plan* that were necessary to achieve recovery, and the criteria necessary to maintain it in the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*. The *1993 Recovery Plan* criteria focused on the PCA and a 10-mile perimeter, whereas criteria in the Strategy, the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Yellowstone Ecosystem*, and the appended state plans encompass the Demographic Monitoring Area (DMA) of the GYE. Because grizzly bears are a difficult species to monitor and manage, multiple criteria are identified to provide sufficient information upon which to base management decisions.

The IGBST has generated extensive information useful to determine the status of the GYE grizzly bear population. Few populations have benefited from the amount of effort in data collection, as has the Yellowstone population. Agencies responsible for management will continue their commitment to data collection so population status can be determined and all designated standards maintained.

Under this Conservation Strategy and the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*, all mortalities and all reports of unduplicated females with cubs (*see* Appendix C) will be monitored within the DMA (Figure 1). This will result in the management and monitoring of the grizzly bear population in the entire GYE DMA , as opposed to the system in the *1993 Recovery Plan*, which managed and monitored only the population inside the recovery zone and within 10 miles outside the recovery zone. This wider monitoring of mortalities and accounting for mortality limits is more stringent

than the system under the *1993 Recovery Plan*. Conservation Strategy demographic standards ~~and the standards in the state plans~~ are tied to the DMA, shown in Figure 1. The criteria and objectives in the existing *1993 Recovery Plan* have modified, as described below.

Comment [G25]: 2016 new language to strike-state plans should be left out of this sentance

Population Monitoring

~~Primary~~ demographic monitoring protocols for the GYE population will focus on the area within the DMA and monitoring and documenting population size, distribution of females with young, and all forms of mortality ~~so as to be within the mortality limits described~~. Additional monitoring or research may be conducted as determined by the IGBST.

Comment [G26]: 2016 language to strike-not necessary and over presciptive

Demographic Recovery Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem

The *1993 Recovery Plan* defined a recovered grizzly bear population as one that could sustain a defined level of mortality and is well distributed throughout the recovery zone. The *1993 Recovery Plan* outlined a monitoring scheme that employed three demographic sub-goals to measure and monitor recovery of the Yellowstone grizzly bear population. The second criterion pertaining to the distribution of females with offspring remains unchanged. However, the first and third criteria pertaining to the minimum allowable number of females with cubs of the year and sustainable mortality limits were revised and updated to reflect current methods based on the best available science. The current demographic recovery criteria in the 2016 *Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem* are:

Comment [G27]: Comment: The document to be incorporated by reference has problems

Demographic Recovery Criterion 1 ~~– Within the Demographic Monitoring Area (DMA), maintain a minimum population size of at least 500 animals to assure genetic health, as quantified by methods established in published, peer-reviewed scientific literature and calculated by the IGBST using the most updated protocol, as posted on their website. This number was chosen to ensure the short-term fitness of the population was not threatened by losses in genetic~~

~~diversity in such an isolated population. Five hundred is not a management target or population goal. Instead, it is a minimum population threshold. The goal is to maintain the population well above this threshold to ensure that genetic issues are not a detriment to the genetic fitness of the GYE grizzly bear population. At this threshold population of 500, more than a third of the suitable habitat in the DMA would be unoccupied (van Manen 2015, *in litt.*) and therefore the grizzly bear population could not be considered demographically recovered.~~ Maintain a minimum population size of 500 animals in the Greater Yellowstone Area. The estimate of total population size cannot drop below 500 in two consecutive years. This estimate will be calculated by IGBST using data obtained within the Demographic Monitoring Area (Figure 1).~~The IGBST has been calculating population size on an annual basis using the model-averaged Chao2 estimate since 2002. As the grizzly bear population has increased, model-averaged Chao2 estimates have become increasingly conservative (i.e., prone to underestimation). As a conservative approach to population estimation, the model-averaged Chao2 method will continue to be the method used to assess Criterion 1 (*see* Appendix C for the application protocol for annual population estimation using the model-averaged Chao2 method). The IGBST will continue to investigate new methods for population estimation as appropriate. If new methods become available, these will be considered for application in the GYE as long as they represent the best available science. However, until possible new methods are developed, the model-averaged Chao2 method will continue to be used.~~

Comment [G28]: 2016 language to strike- We understood there was agreement that Criterion 1 would not be changed. Criterion 1 has been discussed numerous times and now we see lots of new stuff.

Replace with previously agreed upon language regarding 500 and cannot drop below in 2 consecutive years.

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Comment [G29]: 2016 language to strike-out of place- move to page 42.

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Demographic Recovery Criterion 2—Sixteen of 18 bear management units within the PCA (Figure 2, Chapter 1) must be occupied by females with young, with no two adjacent bear management units unoccupied, during a 6-year sum of observations. This criterion is important as it ensures that reproductive females occupy the majority of the PCA and are not concentrated in one portion of the ecosystem.

~~*Demographic Recovery Criterion 3*—Within the DMA, establish annual mortality limits for independent females (at least 2 years old), independent males (at least 2 years old), and dependent young (less than 2 years old) that stabilizes the population at approximately the~~

~~average model-averaged Chao2 estimate 2002–2014 of 674 (average lower 95% CI = 600; average upper 95% CI = 747).~~ Ensure the following total mortality rates are not exceeded within the DMA for three consecutive years for independent males, independent females and dependent young, as set forth in table 2, and based on the 2002-2014 Chao2 average point estimate for the total population with 95% confidence intervals (600-747).

~~Each year the IGBST will calculate the model-averaged Chao2 population estimate for the DMA. This population estimate will be used to set the mortality limits for the following year. These mortality rates will be on a sliding scale with the population objective being to maintain the population within the DMA at the 2002–2014 average (using the Chao2 estimate this is 674 (average lower 95% CI = 600; average upper 95% CI = 747)). The mortality rate that resulted in population stability 2002–2011 was 7.6% for independent females, 7.6% for dependent young, and 15% for independent males (IGBST 2012). The higher rate for independent males is biologically sound since population growth is less sensitive to independent male mortality than to independent female mortality. In order to maintain the population goal at the 2002–2014 average size and associated confidence intervals inside the DMA, a sliding scale of mortality rates will be applied to the model-averaged Chao2 population estimate from the year before as per Table 2.~~ Mortalities are tracked and reported annually using data obtained within the DMA shown in Figure 1.

Comment [G30]: 2016 language to strike-new language aligns with MOA; the criteira is that the identified, adjustable, population size-correlated mortality rates are not exceeded. The language USFWS has proposed is not a criterion. Criterion should be in terms of mortality rate of X for {Demongraphic class" should not be exceeded in Z consecutive years.

~~***Table 2. Mortality***~~ ***Total mortality rates used to establish annual mortality limits for independent females, independent males, and dependent youmg inside the DMA.*** ~~***using the model-averaged Chao2 population estimate method. These mortality limits are on a sliding scale to achieve the population goal inside the DMA of the average population size 2002–2014 of 674 (average lower 95% CI = 600; average upper 95% CI = 747) using the Chao2 method inside the DMA. For populations less than 600, there will be no discretionary mortality unless necessary for public safety or management of bear–human conflicts.***~~

Comment [G31]: 2016 language to strike-shorten table description and replace with table from states MOA

	Total Grizzly Bear Population Estimate

	<674	675-747	>747
Total mortality rate for independent FEMALES.	7.6%	9%	10%
Total mortality rate for independent MALES.	15%	20%	22%
Total mortality rate for dependent young.	7.6%	9%	10%

*For populations less than 600, there will be no discretionary mortality unless necessary for human safety or management of nuisance grizzly bears

~~**Mortality limit % for independent FEMALES (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~<7.6%~~	~~7.6%~~	~~9%~~	~~10%~~
~~**Mortality limit % for independent MALES (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~15%~~	~~15%~~	~~20%~~	~~22%~~
~~**Mortality limit for % of DEPENDENT YOUNG (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~<7.6%~~	~~7.6%~~	~~9%~~	~~10%~~

Comment [G32]: replaced

Conservation Strategy Population Standards

This Conservation Strategy and the state management plans set an objective of maintaining a recovered grizzly bear population in the Yellowstone area sufficient to meet management objectives inside and outside the PCA in biologically suitable and socially acceptable habitats. The demographic standards in this Conservation Strategy are designed to meet these goals.

The GYE grizzly bear population exceeds 500 total bears as of 2006 (Appendix M). The intent of the Conservation Strategy is to allow grizzly bears ~~to expand their range and numbers and re~~occupy all biologically suitable and socially acceptable habitats. It is the goal of the agencies of the YGCC implementing this Conservation Strategy to manage the Yellowstone grizzly bear

Comment [G33]: 2007 language to strike-no longer appropriate.

population in the entire GYE at or above a total of 500 grizzly bears ~~stabilize the Yellowstone grizzly bear population inside the DMA at the 2002-2014 average Chao2 population estimate of 674 individuals (average lower 95% CI = 600; average upper 95% CI = 747).~~ This Conservation Strategy requires continued monitoring of the standards in the 2016 Recovery Plan Supplement to the *1993 Recovery Plan* and some additional standards. These specific population standards, will be applied to the population within the DMA.

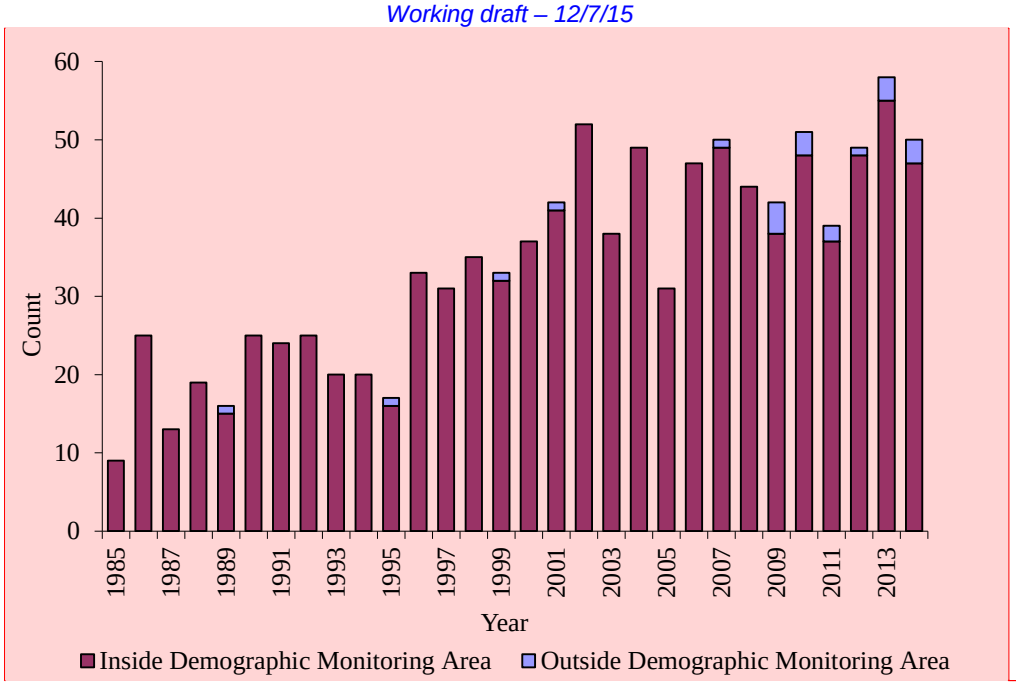
Comment [G34]: 2016 language to strike and replace with 2007 language. Population management is the purview of the states.

Unduplicated Females with Cubs-of-the-Year

Background

Females with COY occupy all of the existing bear management units within the PCA as well as areas outside the PCA (Figure 3).

Figure 3. The number of unduplicated females with cubs-of-the-year inside and outside the Demographic Monitoring Area, as per the Recovery Plan, 1985–2014.



Comment [G35]: 2007 plan had the recovery plan objective reference line-it needs to be added in this table

Monitoring Protocol

Monitoring unduplicated females with COY will provide information to demonstrate adequate reproduction and to estimate *total* population size. *Total* population size will be estimated using the model-averaged Chao2 method, as described in Appendices B, C, L, and M using the sightings and resightings of unduplicated females with cubs from all areas where grizzly bears occur in Figure 2. The IGBST has been calculating population size on an annual basis using the model-averaged Chao2 estimate since 2002. As the grizzly bear population has increased, model-averaged Chao2 estimates have become increasingly conservative (i.e., prone to underestimation). As a conservative approach to population estimation, the model-averaged Chao2 method will continue to be the method used to assess Criterion 1 (*see* Appendix C for the application protocol for annual population estimation using the model-averaged Chao2 method). The IGBST will continue to investigate new methods for population estimation as appropriate. If new methods become available, these will be considered for application in the GYE as long as

Comment [G36]: Make sure this is accurate

they represent the best available science. However, until possible new methods are developed, the model-averaged Chao2 method will continue to be used. This is a departure from the way the population estimate was done per the *1993 Recovery Plan*. In the *1993 Recovery Plan*, a *minimum* population estimate was made based on the most recent three years of sightings of unduplicated females with cubs, using only unduplicated sights from the recovery zone and 10 miles outside the recovery zone. The revised and improved methodology used in this document allows an estimate of the *total* population using the model-averaged Chao2 method rather than the *minimum* population size. This allows the calculation of mortality limits based on the total population size for each age and sex class (i.e., independent females, independent males, and dependent young) within the DMA (Figure 2). This method allows mortality management and population monitoring of the grizzly bear population in the DMA, as opposed to the method used in the *Recovery Plan*, which focused mortality management and population monitoring on only a portion of the Yellowstone grizzly bear population inside the PCA (the former Recovery Zone) and within 10 miles of the outer boundary of the PCA. The number and distribution of females with cubs-of-the-year can also be used to demonstrate that a sufficient number of adult females are alive within the population to reproduce and offset existing levels of human-caused mortality.

Comment [G37]: 2016 new language moved from Criteria one paragraph-still not sure this is the appropriate place.

The numbers of unduplicated sightings and resightings of females with cubs of the year inside the DMA will be reported by the IGBST. Using these data, the IGBST will produce the model-averaged Chao2 estimate of the total number of independent females in the population inside the DMA, which will then be used to estimate the total population size in the DMA. This total population estimate will be used to apply the mortality limits as per Table 2 within the DMA for independent females (> 2 years old) and independent males (> 2 years old) from all causes as well as mortality limits for dependent young (≤ 2 years old) from human-caused mortality. For a more detailed description of this methodology, see Appendix C.

Sightings and resightings of females with COY inside the DMA will be obtained from numerous sources, including radio tracking flights, confirmed sightings, and observation flights. Observation flights are primarily designed to survey the DMA and the number of flights

conducted is standardized to ensure equal effort in obtaining data. The IGBST will verify the reliability of all sightings. The IGBST will plot all sightings and summarize data for unduplicated females and numbers of cubs seen for the entire population. Methodology developed by Knight *et al*. (1995) will be used to separate duplicated from unduplicated sightings (*see* Appendix C for more information).

Distribution of Females with Young

Background

The distribution of females with young of all ages, based on the most recent six years of observations in the ecosystem, is presented in Figure 4. The recovery criterion of having 16 of 18 BMUs occupied with no two adjacent units vacant continues to be met (Table 3). This criterion is important as it ensures that reproducing females occupy the majority of the PCA and that successful reproductive females are not concentrated in one portion of the ecosystem.

Monitoring Protocol

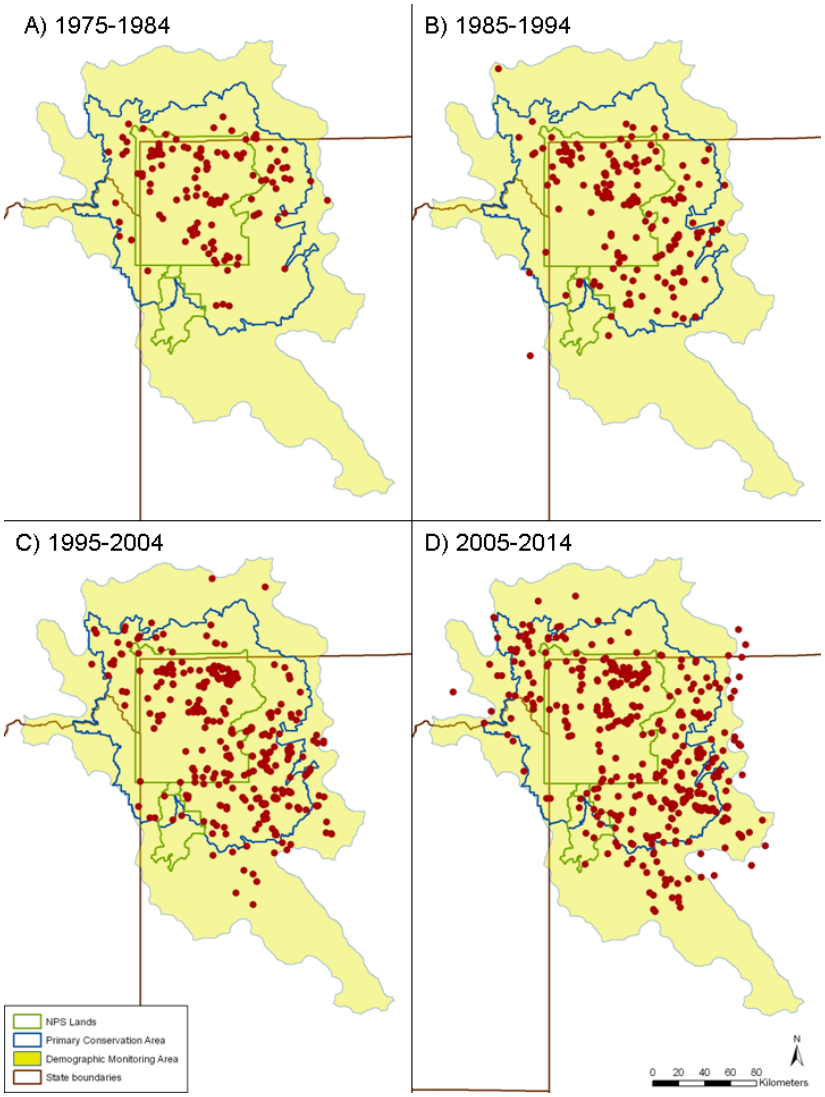
This effort will provide information to assess distribution of the reproductive cohort in all occupied habitats, although the specific distribution standard for reproducing females will apply only to the PCA. A recovered population should be well distributed throughout grizzly bear range. Successful reproduction is one indicator of habitat sufficiency, thus distribution of family groups of grizzly bears is one indicator of suitable habitat in areas where such sightings occur. Since sub-adult females usually establish home ranges adjacent to that of their mothers, the distribution of family groups is also an indication of future occupancy of these areas by grizzly bears. Radio tracking flights, observation flights, agency personnel sightings, and verified reports from other individuals will be the primary methods employed to collect female distribution data. The IGBST will verify all reports and keep a record of locations. Data will be maintained by the IGBST.

The number of BMUs occupied by females with young will be reported for the most recent six years. Females with young outside the PCA will also be reported, but only those females with young within the PCA will be used to document achievement of this distribution standard.

Table 4. Bear Management Units occupied by females with young based on verified reports, 2009–2014.

Bear Management Unit	2009	2010	2011	2012	2013	2014	Years occupied
1) Hilgard	X	X	X	X	X	X	6
2) Gallatin	X	X	X	X	X	X	6
3) Hellroaring/Bear	X	X	X	X	X	X	6
4) Boulder/Slough	X	X	X	X	X	X	6
5) Lamar	X	X	X	X	X	X	6
6) Crandall/Sunlight	X	X	X	X	X	X	6
7) Shoshone	X	X	X	X	X	X	6
8) Pelican/Clear	X	X	X	X	X	X	6
9) Washburn	X	X		X	X	X	5
10) Firehole/Hayden	X	X	X	X	X	X	6
11) Madison	X	X	X		X	X	5
12) Henry's Lake	X	X	X	X	X	X	6
13) Plateau	X	X			X	X	4
14) Two Ocean/Lake	X	X	X	X	X	X	6
15) Thorofare	X	X	X	X	X	X	6
16) South Absaroka	X	X	X	X	X	X	6
17) Buffalo/Spread Creek	X	X	X	X	X	X	6
18) Bechler/Teton	X	X	X		X	X	5
Totals	18	18	16	15	18	18	

Figure 5. Initial sightings of unduplicated females with cubs-of-the-year in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).



Mortality

Background

Agencies have invested significant effort aimed at limiting human-caused deaths for grizzly bears. To date, these efforts have been very successful at limiting mortality and allowing the population to increase since it was listed in 1975.

The distribution of known and probably human-caused mortalities 1975–2014 is shown in Figure 5. As the population continues to expand, the percentage of known and probable mortalities occurring outside the PCA and outside the DMA is increasing ~~and~~ however this is expected.

Comment [G38]: Comment-More explanation why it's expected from protocol section below to this paragraph

Monitoring Protocol

The management of human-caused mortality of grizzly bears is key to successful maintenance of the grizzly bear population in the ~~Greater Yellowstone Ecosystem~~GYE. Mortality limits are a necessary tool for managers in regulating human impacts to any wildlife population, including grizzly bears. Managing mortality is necessary to avoid the unregulated killing that occurred as the Yellowstone area was settled and to build support for long-term survival of the population. Higher numbers of mortalities can be expected in areas outside the DMA as the grizzly bear population expands, particularly in areas on the edge of the range when bears move on to private lands or in areas with higher levels of human development. Mortality management recognizes the need for some bears to be removed to address recurring conflicts to meet management needs for nuisance bears, human safety issues, etc.

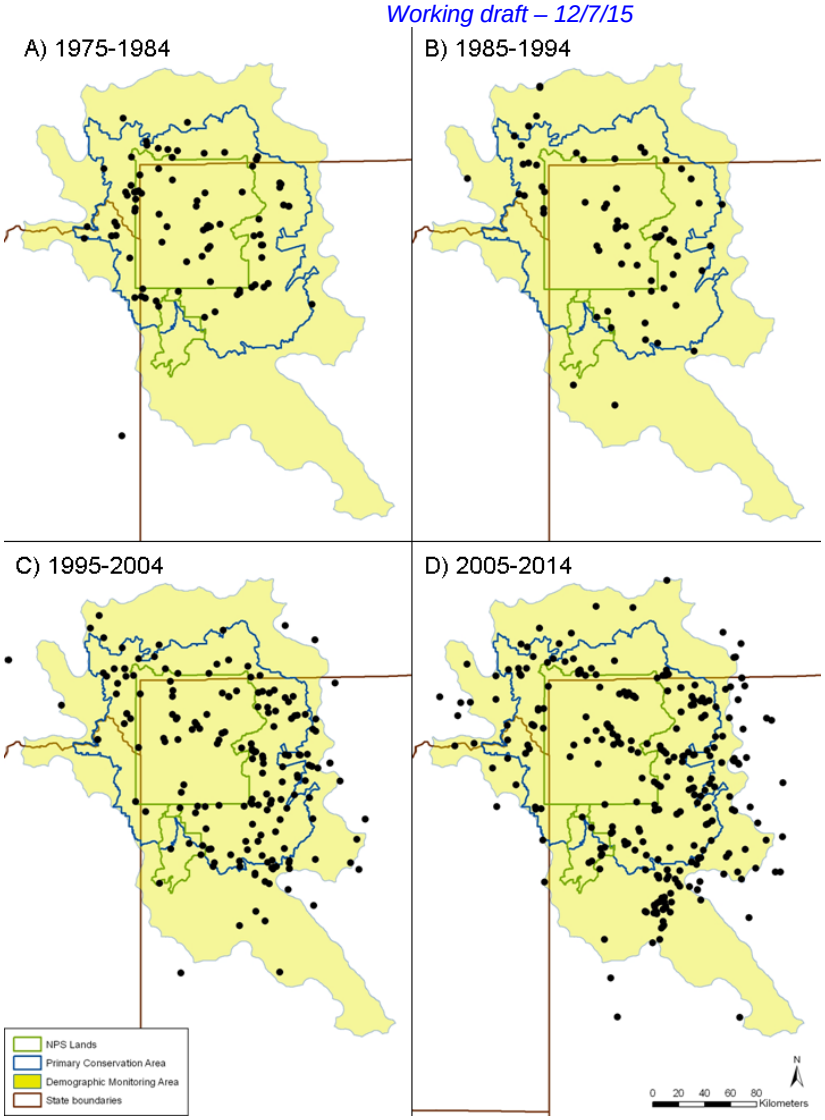
The state wildlife agenices (Montana, Wyoming, and Idaho) have signed a Memorandum of Agreement setting forth how they will coordinate bear management actions and limit discretionary mortality to ensure it will not jeopardize the recovery and survival of the GYE grizzly bear population (Appendix P). This document also summarizes each state's regulatory mechanisms for regulating discretionary mortality, including harvest. The states may use

Comment [G39]: New 2016 language that should be included-This language may benefit from further editing and expanded reference to the MOA (Proposed as Appendix P).
The concept is that the Strategy explains what the States will do; comparable to the habitat sections, which explain what the federal land management agencies have agreed to do. This approach can be used in combination with the deletion of USFWS' incorrect version of the discretionary mortality table.

~~R~~regulated harvest ~~may be utilized~~ as a management tool when and where appropriate. ~~all known and probable mortalities due to regulated harvest will be limited by the overall mortality limits within the DMA. Mortality limits will be monitored and managed within the mortality limits described in Table 2 and Table 4 to ensure mortality will not jeopardize the health and survival of the GYE grizzly bear population.~~

Comment [G40]: 2016 language to strike-

Figure 6. Distribution of known and probable mortalities, from all causes, in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).



~~*Table 4. Framework to manage inside the DMA for the population goal of the average population 2002–2014 using the model-averaged Chao2 method.*~~

Comment [t41]: 2016 language to strike-Since there are two Table 4s, the tables will not need to be renumbered when this is deleted.

Management Framework	Background and Application Protocol				
1. Area within which mortality limits apply.	49,928 sq km (19,279 sq mi) Demographic Monitoring Area (DMA) (Figure 2).				
2. Management objective.	To maintain the population at the average estimate for 2002–2014, a period of population stability (674 using the model-averaged Chao2 methodology (Keating *et al.* 2002; Cherry *et al.* 2007; Harris *et al.* 2007) (average lower 95% CI = 600; average upper 95% CI = 747)).				
3. Population estimator.	The model-averaged Chao2 population estimator will be used as the population measurement tool unless another scientifically sound method becomes available. The model-averaged Chao2 population estimate for 2002–2014 was 674 (average lower 95% CI = 600; average upper 95% CI = 747).				
4. Mortality limit setting protocol.	Each fall the IGBST will annually produce a model-averaged Chao2 population estimate for the DMA. That population estimate will be used to establish the mortality limit percentages for each age/sex class for the following year as per #7, #8, and #9 (below).				
5. Allocation process for managed mortalities	The States will coordinate to manage within the mortality limits per age/sex class outside National Parks and the Wind River Reservation (WRR). The WRR will receive a portion of the available mortality limit based on the % of the WRR geographic area within the DMA. Mortalities outside the DMA are the responsibility of each State and do not count against mortality limits.				
6. Management review by the IGBST every 5–10 years to assure that management actions are achieving the objective of a stable population at the estimated number at time of delisting.	This management review will assess if the management system is achieving the desired objective to maintain a stable population at the 2002–2014 average estimated population size based on the model-averaged Chao2. The management review is a science-based process that will be led by the IGBST (which includes all State and Federal agencies and the WRR Tribes) using all recent available scientific data to assess population numbers and trend against the management objective. Vital rates such as age/sex-specific survival and reproductive rates will also be reevaluated using the most recent data to adjust mortality levels as necessary.				
7. Mortality limit % for independent FEMALES based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	<7.6%	7.6%	9%	10%
8. Mortality limit % for independent MALES based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	15%	15%	20%	22%
9. Mortality limit for % of dependent young based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	<7.6%	7.6%	9%	10%

Comment [t42]: USFWS new language. Stable population at the estimated number at time of delisting. THIS IS NOT THE OBJECTIVE; THIS HAS BEEN DISCUSED REPEATEDLY.

10. Example of background level of annual mortalities from management and other causes – Using average yearly total mortality of independent bears (≥2 years) from all causes including unknown/unreported estimates, this example uses the average 2011 to 2014.	38 expected independent bear deaths/year due to management, illegals, and other deaths (17 F, 21 M). (This includes dead bears from inside the DMA only.) Note that this is only an example of the expected background level of annual mortalities. This number may vary from 38/year and will have to be factored into the numbers presented in items #11 and #12 below. The average number of background mortalities inside the DMA for the previous four years will be used to estimate the expected number of animals available for discretionary mortality allocation.				
11. Total annual mortality limit from all causes for independent FEMALES (≥2 years).	< 600 (as an example of <7.6% mortality)	600–673 <7.6% mortality	674 at 7.6% mortality	675–747 at 9% mortality	>747 at 10% mortality
	<16	16 to 17	18	21 to 23	>26
12. Total annual mortality limit from all causes for independent MALES (≥2 years).	<600 at <15% mortality	600–673 15% mortality	674 at 15% mortality	675–747 at 20% mortality	>747 at 22% mortality
	<31	31 to 34	35	47 to 52	>57

Known and probable human-caused mortalities are defined as follows:

Known. Carcass recovered or evidence to indicate known status due to radio telemetry. Known deaths require a carcass, management removal, or a cut radio collar. Found collars having the appearance of being cut should receive additional forensic review for definitive proof.

Probable. Strong evidence to indicate mortality, reported by highly reliable sources, no carcass recovered. Probable deaths include those cases where there is supportive evidence that a bear was wounded. Circumstances of each reported instance should be considered. Probable includes those cases where evidence of blood, hair, or other tissues clearly indicates wounding serious enough to result in death. The literature is unclear on the likelihood of survival for orphaned cubs, therefore, any cub(s) orphaned during its first year of life because of a known mortality of its mother is considered a probable mortality.

Because probable mortalities will be counted against the mortality quota, and because there is a female quota, each probable mortality must be assigned a sex. Sex will be assigned in the following manner:

Probable deaths of adult bears where cubs-of-the-year are reported present will be classified as sex = female.

Lone bears classified as probable deaths will be assigned sex based upon statistics available from known deaths in the ecosystem. The percentage of known male and female deaths in the GYE between 1975 and 1998 is 59% and 41% respectively. These estimates exclude natural mortalities, management removals, and females with young. Therefore, sex will be assigned to probable adult mortalities in the GYE at a ratio of 59:41, male: female.

Cubs-of-the-year that are orphaned and counted as mortalities will be assigned sex based a 50:50 sex ratio at birth (Eberhardt *et al*. 1994). For each cub, a random number will be drawn between 1 and 100. If the number is 1 through 50, the sex will be assigned as male; if the number is 51 to 100, the sex will be assigned as female.

~~Mortality Management~~

State agencies will ~~assure that~~manage mortalities ~~remain~~ within the limits described in Table 2 and Appendix P, by implementing specific regulatory mechanisms in state law and regulation.~~Table 4 by enacting specific regulatory mechanisms in state law and regulation to demonstrate adequate regulatory mechanisms over human-caused mortality, including mortality from sport hunting. These regulations are as follows:~~

Comment [t43]: 2016 language to strike- USFWS "enacting" mischaracterizes the status of state regulatory mechanisms as not in place. Suggested language above re state MOA addresses this issue.

~~- PLACEHOLDER -~~

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~~Other regulations, such as timing and location of hunting seasons should seasons be implemented, would be devised by the States to minimize the possibility that mortality limits of independent females are exceeded within the DMA.~~

Comment [t44]: 2016 language to strike- season adjustments are based on biological factors and management considerations.

It is recognized that established mortality limits might be exceeded in any given year. Any mortality threshold will not affect the immediate management of bears for human safety concerns or for management of nuisance grizzly bears. ~~This document~~ Appendix P describes agency responsibilities ~~and actions to reduce mortality~~ should this occur. ~~State plans provide for the take of nuisance bears regardless of the current mortality quota upon consultation among all involved agencies.~~

Comment [t45]: 2007 language to strike-or clarify what "involved" means.

Monitoring Protocol

Mortality will be monitored by the IGBST reports from all sources. The IGBST will estimate the annual unknown and unreported mortality as per Appendix C and these mortalities will be added to the known and probably mortalities to produce a total annual mortality estimate by age and sex class. Each State wildlife agency, Tribe, and National Park will provide mortality information to the IGBST, who will update and report ~~ongoing~~ mortalities within the DMA to all agencies so that the states may adjust management actions under their purview ~~mortality management can be adjusted in a rapid fashion should that be necessary~~ if a mortality limit is approached or exceeded. The IGBST will annually

Comment [t46]: 2016 language to modify- clarify it is the states who determine adjustments.

summarize all mortality information as to location, type, date, sex, and age for the ~~Greater Yellowstone Ecosystem~~GYE and produce this information in their annual reports.

Mortality standards and grizzly bear vital rates will be reviewed and reported by the IGBST every 5 years. ~~This information may be used to revise mortality management as necessary as long as any such revisions meet the population objectives in the recovery criteria and use the best available science. All management of and information on mortality management will be open to full public review.~~

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Comment [t47]: 2016 language to strike- ESA "best available science" standard does not apply in perpetuity to delisted population management decisions.

Comment [t48]: 2007 language to strike- states and federal agencies have public records laws.

Population Trend

Background

The population of grizzly bears was increasing at approximately 4% to 7% annually between 1983 and 2001 (Eberhardt *et al*. 1994, Boyce 1995, Boyce *et al*. 2001*b*, Harris *et al*. 2006). While there is some debate related to the actual level of increase since the bear was listed in 1975, all information, number of unduplicated females (Figure 3), distribution of reproducing females (Figure 4), distribution of bears, informal sightings by agency personnel, and areas where nuisance bears are being managed indicate this population has increased in both numbers of bears (Figure 5) and the geographic area they occupy (Schwartz *et al*. 2002).

Schwartz *et al.* (2006*b*) used data from 1983 through 2001, while the 2012 IGBST report examined a more recent time period, 2002 through 2011 (IGBST 2012). The 2012 report (IGBST 2012) reported that population growth had slowed since the previous time period, but was still stable to slightly increasing, and had not declined. Because the fates of some radio-collared bears are unknown, Schwartz *et al.* (2006*b*) and the IGBST (2012) calculated two separate estimates of population growth rate: one based on the assumption that every bear with an unknown fate had died (a conservative estimate); and the other simply removing bears with an unknown fate from the sample. The true population growth rate is assumed to be somewhere in

between these two estimates because we know from 30 years of tracking grizzly bears with radio-collars that every lost collar does not indicate a dead bear. While Schwartz *et al.* (2006*b*) found the GYE grizzly bear population increased at a rate between 4.2 and 7.6 percent per year between 1983 and 2002, the IGBST (2012) found this growth had slowed and leveled off and was between 0.3 percent and 2.2 percent per year during 2002–2011.

Schwartz *et al.* (2006*b*) analyzed survivorship of cubs, yearlings, and independent bears based on whether they lived inside Yellowstone National Park, outside the Park but inside the Recovery Zone or Primary Conservation Area (PCA), or outside the PCA entirely. The PCA boundaries (containing 23,853 sq km (9,210 sq mi) correspond to those of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 2). They concluded that grizzly bears were approaching carrying capacity inside Yellowstone National Park. Consistent with this conclusion, t~~T~~he IGBST (2012) documented lower cub and yearling survival than in the previous time period~~, results consistent with the conclusion by Schwartz *et al.* (2006*b*)~~. Importantly, annual survival of independent females (the most influential age-sex cohort on population trend) remained the same while independent male survival increased (IGBST 2012). Collectively, these two studies indicate that the growth rate of the grizzly bear population inside the DMA had slowed as bear densities have approached carrying capacity, particularly in the core area of occupied range. Recent work by van Manen ~~at~~ *et al.* (2015) confirms that population growth has slowed and the population is showing density dependent population regulation as the population occupies almost all suitable habitat in the DMA.

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Monitoring Protocol

This Strategy recognizes that any one factor cannot provide the needed information to assess population size and trend. Ultimately, population assessments will require multiple sources of information.

Population trend, using the Lotka equation as calculated from adult female survivorship and reproductive rate data for the appropriate period (Eberhardt *et al*. 1994, Eberhardt and Knight 1996), will be used as supportive information to evaluate population trend. This method will be applied to the population inside the DMA.

The agencies will strive to maintain a minimum of 25 adult female grizzly bears fitted with mortality-sensing radio collars and monitored at all times. To adequately sample survival, these 25 adult females will be spatially distributed throughout the ecosystem. The target distribution of these 25 radio-collared adult females will be determined by the IGBST; the expected distribution of collared females by agency will be assigned. Each female will be monitored using aerial telemetry flights during the non-denning period. These data will be collected in conjunction with other regularly scheduled relocation flights. When a radio collar indicates that a bear may have died, a field crew will evaluate the actual status of the female and determine cause of death. The IGBST will coordinate field crew collection of mortality data on each bear.

Data to calculate reproduction and survival are collected annually in all areas occupied by grizzly bears throughout the DMA. These data sets will be maintained by the IGBST and used periodically to evaluate population trend.

Table 7. Within the Greater Yellowstone Ecosystem Demographic Monitoring Area: (1) Annual minimum and total count of unduplicated females with cubs-of-the-year (COY) and the 6-year average; (2) documented known and probable mortalities, estimated total mortalities (including unknown-unreported), and estimated annual percent mortality for independent males and females; and (3) for dependent young, estimated annual population, documented known and probably human-caused mortalities and estimated annual percent human-caused mortality within the DMA, 2004-2014.

Year	Unduplicated females with COY		Total population estimate[b]	Independent aged females (≥2 yrs old)			Independent aged males (≥2 yrs old)			Dependent young (<2 yrs old)	
	Annual minimum count	Annual total count[a]		Documented mortality	Estimated total mortality	Estimated % mortality	Documented mortality	Estimated total mortality	Estimated % mortality	Documented human-caused mortality	Estimated % human-caused mortality
2004	49	58	605	10	18	8.5	12	23	10.9	0	0.0
2005	31	31	630	2	5	2.3	7	10	4.6	1	0.5
2006	47	45	656	2	3	1.3	7	11	4.8	0	0.0
2007	49	53	683	11	20	8.4	6	12	5.1	10	4.8
2008	44	56	710	14	30	12.1	22	40	16.2	8	3.7
2009	38	44	694	9	18	7.4	10	18	7.4	5	2.3
2010	48	56	718	14	23	9.2	21	39	15.6	7	3.2
2011	37	47	706	12	26	10.6	13	19	7.8	5	2.3
2012	48	59	718	8	12	4.8	18	31	12.4	6	2.7
2013	55	60	740	10	18	7.0	7	10	3.9	1	0.4
2014	47	64	756	4	7	2.7	11	17	6.5	2	0.9

2015	44	46	717	10	19	7.7	20	29	11.7	16	7.2

[a] Total numbers calculated using methods of Keating *et al.* 2002 (Appendix B)

[b] Using the Chao2 estimator

Genetic Management

Comment [t49]: 2016 language to strike- The statement in the 2007 statregy may be preferable, but it references reintroduction into the Selway Bitterroot, which Idaho cannot support.

~~*Background*~~

~~The GYE supports the southernmost population of grizzly bears remaining in North America. Areas of human occupation, development, and transportation networks separate the Yellowstone grizzly bear from its nearest neighboring population in the Northern Continental Divide Ecosystem (NCDE) of northwestern Montana. Currently, physical distance and relatively high mortality risk due to anthropogenic influences inhibits gene flow between these two grizzly bear populations. As with any isolated population, genetic issues can potentially be of concern for the Yellowstone grizzly bear population because of long-term inbreeding effects due to the loss of genetic diversity. The question of concern is whether genetic factors pose a risk of compromising the long-term viability of the Yellowstone grizzly bear population.~~

~~DNA analyses conducted on museum specimens by Miller and Waits (2003) indicated a slight decline in genetic variability in the Yellowstone population since the early 20th century; however, this loss of variability was less severe than previously hypothesized. Indeed, a~~ A ~~more~~ recent study by Kamath *et al*. (2015) using recent advances in genetic analysis techniques with molecular markers (Luikart *et al*. 2010) indicate that despite isolation, genetic diversity in the contemporary population has stabilized. Kamath *et al*. (2015) found that the current rate of inbreeding in the Yellowstone grizzly bear population is very low (0.2%). Likewise, the effective population size (N_e), which reflects the number of reproducing individuals in a population, has increased from 102 to 469 during the 25-year period of 1982–2007. This positive trend is important because N_e serves as a surrogate measure for a population's evolutionary potential and risk of inbreeding (Franklin and Frankham 1998). The most current N_e estimate of 469 based on Kamath *et al.* (2015) approaches the minimum threshold criterion of 500 required for a threatened population to retain long-term evolutionary potential and maintain adequate genetic variation necessary for adaptation to environmental change. It also exceeds the requisite minimum threshold (N_e > 50 individuals) needed to avoid risk of inbreeding (Franklin

1980). The recent findings of Kamath *et al.* (2015) that 1) genetic diversity is not declining, 2) rate of inbreeding since 1985 is very low, and 3) effective population size has increased nearly 4-fold since 1982, collectively indicate that, at current population levels and under the current environmental conditions, genetic factors do not pose a substantial risk to the viability of the Yellowstone grizzly bear population.

~~Given that the Yellowstone grizzly bear is an isolated population, it is inevitable that sometime in the future there will be loss of genetic variation in the population if no natural movement between neighboring population(s) and no artificial transplants occur. Although in the short term the urgency of this scenario is reduced (Kamath *et al.* 2015), the genetic diversity of Yellowstone grizzly bears remains low relative to other interior grizzly bear populations. However, Kamath *et al.* (2015) recommend that efforts continue to eventually realize natural connectivity and therefore gene flow between Yellowstone and other ecosystems: *"Thus, our study suggests that current effective population sizes are sufficiently large ($N_e \gg 50$) to avoid substantial accumulation of inbreeding depression, reducing concerns regarding genetic factors affecting the viability of Yellowstone grizzly bears. Nonetheless, the historically small Ne, relatively low diversity and isolation over many generations suggest the grizzly population could benefit from increased fitness following the restoration of gene flow (e.g. Tallmon et al. 2004; Hogg et al. 2006), particularly given the unpredictability of future climate and habitat changes."* Therefore, it is important that facilitation of natural movements between the NCDE and the GYE continue, and that monitoring for flow of new genetic material via natural immigration and assessment of genetic diversity aslo continue. In recent decades, as the NCDE and Yellowstone populations have both increased in numbers and expanded in range, the prospect for re-establishing natural connectivity has been improved (Haroldson *et al.* 2010, Proctor *et al.* 2012).~~

~~It is important to continue to facilitate natural movement between the NCDE and the GYE by: (1) management of attractants on public lands in the intervening areas through food storage orders; (2) that there be continued outreach and education about the fact that grizzly bears may~~

~~occasionally be present in these intervening areas; and (3) by minimizing discretionary mortality in these intervening areas. This effort to facilitate natural connectivity between the NCDE and the GYE will not impact necessary management of nuisance bears should they occur in these intervening areas. Although current genetic monitoring methods yield a very high probability (0.96) for detecting a first generation hybrid if one is to occur, no evidence of recent immigration from neighboring populations has been observed (Haroldson *et al*. 2010). Miller and Waits (2003) suggest that one to two effective migrants per generation from the genetically diverse NCDE population would be an appropriate level of gene flow to maintain or increase current levels of genetic diversity in the Yellowstone population.~~

Comment [G50]: 2016 language to strike-states cannot agree to this

Genetic Monitoring Protocol

Genetic samples will be collected from all grizzly bear captures and mortalities in the GYE for analysis via cooperative efforts between the IGBST and recognized genetic experts. Genetic analyses of these samples will be conducted and evaluated for potential evidence of grizzly bears from other populations immigrating into the Yellowstone population and producing offspring. Monitoring of radio-collared grizzly bears will be used to document potential movements between other ecosystems and the GYE.

Miller and Waits (2003) suggest that one to two effective migrants per generation from the genetically diverse NCDE population would be an appropriate level of gene flow to maintain or increase current levels of genetic diversity in the Yellowstone population. If genetic monitoring indicates a significant decline in genetic health, infusion of new genetics will occur through transplants or natural introgression.

Chapter 3 Habitat Standards and Monitoring

Background

Between 1986 and the initial 2007 delisting of the Yellowstone grizzly bear population, grizzly bear habitat in the Greater Yellowstone Ecosystem (GYE) ~~were~~ was managed under standards and guidelines specified in national forest and national park management plans, which included Guidelines established by the Interagency Grizzly Bear Guidelines (IGBC 1986). Acknowledging that humans are the primary agent of grizzly bear mortalities, a principal objective of the IGBC was to improve survival rates by implementing management strategies that minimized anthropogenic influences and grizzly bear-human conflicts. IGBC measures implemented inside the Grizzly Bear Recovery Zone (GBRZ) improved management of garbage and food attractants, reduced sheep grazing, and restricted motorized access and human development. These standards and guidelines ~~that~~ were imposed upon public lands were instrumental in recovery of the grizzly bear in the GYE.

Comment [t51]: Comment-There are some weird edits to this section; it would benefit from proofreading and better wordsmithing.

Comment [t52]: Comments-"imposed upon public lands"?.

The subsequent1993 *Recovery Plan* required the preservation and monitoring of habitat necessary to support a recovered population. This led to the to the development of more explicit and measureable habitat criteria to be applied inside the GBRZ, as per the *Recovery Plan Supplment: Habitat-based Recovery Criteria for the Greater Yellowstone Ecosystem* (USFWS 2007*c*). ~~.~~To satisfy this requirement, measureable habitat criteria were established that called for no net loss of secure habitat with respect to 1998 conditions. These criteria~~s~~ were embraced and incorporated into the draft Conservation Strategy and released for public comment in 2000. Analysis of public comments and new information was used to establish the final habitat standards for a recovered Yellowstone population as identified in the 2007 Conservation Strategy (USFWS 2007*a*) and appended in a supplement to the Recovery Plan (USFWS 2007*b*). Upon delisting of the Yellowstone population, the GBRZ will be referred to as the Primary Conservation Area (PCA) to reflect the shift from managing for recovery to one of conservation. This 2016 revision of the Conservation Strategy includes some changes

Comment [t53]: Comment-"Embraced"? for a draft?

to the 2007 document that help clarify habitat standards as they pertain to the 1998 baseline. Clarifying language to the application rules has been inserted where necessary to provide better direction for application of these standards on a local project level. No substantive changes in the content of habitat standards have been made under this revision. However, some modifications in habitat monitoring protocols have been made and are documented in this chapter.

Introduction

Habitat standards apply to Federal lands inside the PCA and identify three factors that must be maintained at, or improved upon with respect to conditions existing in 1998: 1) secure habitat, 2) number and capacity of developed sites, and 3) number and acreage of active commercial livestock grazing allotments. All three of these factors are linked to human activities that affect grizzly bear mortality and displacement. These three standards apply only to public lands within the PCA, the area where past recovery efforts and present habitat conservation measures are primariy focused. The PCA serves as a relatively safe haven located at the core of the ecosystem and accounts ~~fro~~ for approximately 47% of the Yellowstone grizzly bear's occupied range as estimated from methods of Bjornlie *et al*. 2014 (Figure 6). The 1998 baseline for habitat standards was selected because studies showed (and recently affirmed) that the Yellowstone grizzly bear population was increasing annually at a robust rate of 4 to 7 percent between 1983 and 2001 (Boyce *et al.* 2001*b*, Harris *et al*. 2006, 2007, IGBST 2012). Habitat conditions in 1998 were considered representative of this time period since levels of secure habitat and developed sites inside the PCA had remained relatively constant in the 10 years preceding 1998 and beyond (USDA 2004). Hence, conditions in 1998 are believed to have supported and contributed to the population growth observed during 1983-2001. Habitat standards, as they apply to the 1998 baseline, impose measureable side boards on allowed levels of human activity inside the PCA and establish a clear benchmark against which future improvements and impacts of habitat can be measured.

Comment [t54]: Comment-Accurate?

Comment [t55]: Comment-Figure 6 is the mortalities figure?

To facilitate management of habitat throughout the PCA, the area inside the PCA is divided into 18 distinct bear management units (BMUs) and 40 subunits (Figure 2, Chapter 1). BMU boundaries were delineated to approximate the average *lifetime* range of an adult female grizzly bear in the GYE. Each BMU was further subdivided into one ore more subunits comparable in size to the average *annual* home range of an adult female grizzly bear. Monitoring habitat at a subunit scale provides greater spatial resolution and proved to be better suited for analyzing habitat use patterns and ensuring good distribution of bear habitat throughout the PCA (USDA 1985). Hence, conditions pertaining to secure habitat and developed site standards are measured and compared against 1998 levels for each of the 40 bear management subunits within the PCA. To date, habitat-based criteria throughout the PCA have been successfully maintained at, or improved upon, 1998 levels for all 40 subunits. Adherence to these standards ensures that sufficient habitat for the Yellowstone grizzly bear will continue to be available into the foreseeable future. Habitat standards in this document are subject to revision based on the best available science and will be reviewd and updated as necessary.

In addition to mandatory habitat standards, several other habitat parameters will be monitored and evaluated to determine the overall condition of habitat for grizzly bears in the PCA. These additional monitoring items include habitat connectivity, hunter numbers, and productivity of the following four high-calorie foods: 1) winter-killed ungulates, 2) cutthroat trout, 3) army cutworm moths, and 4) whitebark pine seeds. Information on monitoring protocols for these items is found in subsequent sections of this chapter.

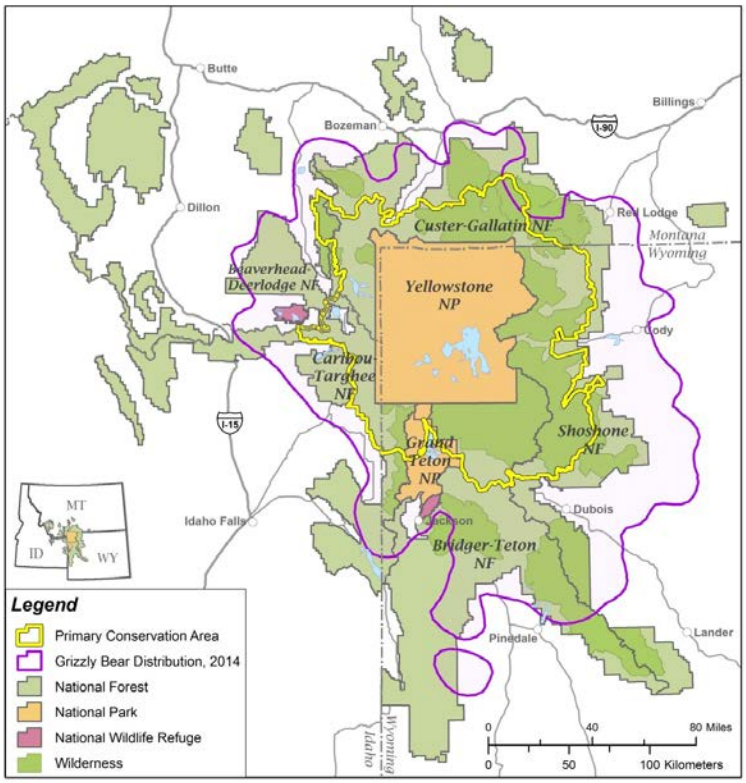
Agencies responsible for management of grizzly bear habitat in the GYE are committed to continue collecting the necessary information to evaluate adherence to habitat standards and monitoring protocols throughout the PCA. The overall objective for habitat management inside the PCA is to reduce human-caused grizzly bear mortalities by maintaining or improving habitat with respect to 1998 conditions while maintaining options for resource management activities at approximately the same level as existed in 1998. The habitat

standards and monitoring requirements in this Conservation Strategy will be incorporated into National Forest, National Park, and BLM plans.

Comment [t56]: Comment-Have been?

Figure 8. Federal lands comprising the Greater Yellowstone Ecosystem (GYE), the Primary Conservation Area (PCA), and estimated current (2014) Grizzly Bear Occupied Range.

Comment [t57]: Comment-This map looks like it includes considerable area outside of the boundaries of the prior GYA DPS. Was this larger area used for the % of occupied habitat? this doesn't match figure 1; what's up with math regarding occupied habitat, such as the reference of unoccupied habitat in demographic critierion 1, etc.



Outside the PCA, grizzly bears are allowed to expand into adjacent areas considered biologically suitable and socially acceptable, as per direction in the State management plans

(Appendices I, J, and K). The key to successful management of grizzly bears outside the PCA is a sustainable balance that accommodates the needs of grizzly bears along with the competing demands of human use. As such, an important management objective for areas outside the PCA is to maintain existing resource management and recreational uses and allow agencies to respond to demonstrated problems with appropriate management actions. ~~Approximately 83 percent of suitable habitat outside the PCA occurs on federally owned land and about 66 percent of that suitable habitat is occupied by grizzly bears (Figure 6).~~ A flexible management strategy is crucial for promoting acceptance and tolerance for grizzly bears as they continue to expand into suitable habitat outside the PCA. Standards and guidelines for other wildlife species identified in National Forest and Park management plans indirectly provide additional habitat management direction for bears outside the PCA.

Comment [t58]: Where did this figure regarding occupation come from?
The document previously stated: "Collectively, these two studies indicate that the growth rate of the grizzly bear population inside the DMA had slowed as bear densities have approached carrying capacity, particularly in the core area of occupied range. Recent work by van Manen *et al.* (2015) confirms that population growth has slowed and the population is showing density dependent population regulation as the population occupies almost all suitable habitat in the DMA." See prior note about Figures 1 and 8.

State grizzly bear management plans for Idaho, Montana, and Wyoming recommend and encourage land management agencies to maintain or improve habitats important to grizzly bears and to monitor habitat conditions outside the PCA. These three states acknowledge the importance of secure habitat, motorized access management, and road density issues related to the survival of grizzly bears and other wildlife. Consequently, levels of secure habitat and motorized route density are monitored on federal lands outside the PCA to identify and prevent potential habitat threats from negatively impacting the long-term viability of the Yellowstone grizzly bear population. Land management agencies work cooperatively with state wildlife agencies to meet identified population and habitat goals for grizzly bears in the GYE. The process of implementing state and federal grizzly bear management is coordinated by the Yellowstone Grizzly Bear Coordinating Committee (YGCC) representing all respective land management agencies in the GYE (*see* Chapter 6 Implementation and Evaluation).

Immediately upon ESA delisting of the species, Forest Service regional foresters in Regions 1, 2, and 4 agree to add the grizzly bear to their Sensitive Species lists for the five National Forests in the GYE. Forest Service sensitive species direction requires that any project "*must*

not result in loss of species viability or create significant trends toward federal listing" (USDA 2005). Sensitive species direction also requires the Forest Service to "*assist states in achieving their goals for conservation of endemic species*" (USDA 2005). A biological evaluation will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will determine whether projects do or do not meet the habitat standards in this Conservation Strategy. If the biological evaluation demonstrates that a project does not meet the habitat standards as well as other relevant habitat and population criteria, the project will be modified as necessary to ensure complete adherence with all required measures.

Habitat Standards Inside the PCA

Human activity is the primary factor negatively impacting availability and security of grizzly bear habitat in the GYE. The relationship between bears and habitat is extremely complex and difficult to quantify. However, unfettered human activity is known to result in displacement and mortality of grizzly bears and was a significant contributing factor leading to listing the grizzly bear in the conterminous U.S. as a Threatened species in 1975. Restrictions in human activities due to management practices implemented by the IGBC in the mid-1980s correlate strongly with the steady increase in the Yellowstone grizzly bear population that was observed between 1983 and 2001. Habitat standards formalized in this document impose measurable sideboards on levels of human activity allowed on Federal lands inside the PCA, thereby reducing opportunities for grizzly bear-human conflicts, habitat disturbance, and displacement of grizzly bears from valuable habitat.

Habitat standards identified in this document address three key factors related to human activity (motorized access, site development, and commercial livestock grazing) and specifically call for no net loss in secure habitat inside the PCA from what existed in 1998

(Appendix E). Adequate secure habitat is essential to the survival and reproductive success of grizzly bears, particularly adult females.

It is the goal of habitat management agencies to maintain or improve habitat conditions throughout the PCA at or above 1998 levels, as measured per bear managementsubunit, These levels of secure habitat have been maintained and will continue to be maintained, and improved on where possible, long into the future.

Potential impacts to grizzly bears and their habitat will be evaluated and mitigated using the criteria and standards in this Conservation Strategy in coordination with state wildlife agencies.

Omissions to the 1998 habitat measurements comprising the baseline (Appendix E) may be corrected for when based on new and well documented information substantiating the existence and status of anthropomorphic features (i.e., motorized routes, developed sites, or livestock allotments) that were not propery accounted for in the 1998 baseline. When verified, legitimate corrections to the baseline will be tracked and reported and will constitute new baseline habitat levels against which future change will be measured.

Application rules specific to each habitat standard provide additional direction on how these standards are to be implemented at a Federal project level. The following habitat standards and application rules apply to all Federal lands inside the PCA.

Secure Habitat Standard

The Secure Habitat Standard requires that inside the PCA, the percentage of secure habitat within each bear management subunit must be maintained at or above levels that existed in 1998 (Appendix E). The sole exception to the 1998 secure habitat baseline applies to the three subunits identified in the 2007 Conservation strategy as in need of improvement above 1998 levels (Gallatin #3, Henrys Lake #2, and Madison #2). These three subunits must be

maintained at or above levels attained from the full implementation of the 2006 Gallatin National Forest Travel Management Plan (Appendix E). Authorized Federal projects that result in temporary or permanent changes to secure habitat must follow the Application Rules identified below.

Secure habitat is defined as any contiguous area ≥ 10 acres in size and more than 500 m from an open or gated motorized access route (road or trail) or recurring low level helicopter line during the non-denning period (March 1 – November 30). Gated routes that are closed year-round to public motorized use but remain accessible to administrative personnel are still considered motorized access routes, and hence, detract from secure grizzly bear habitat. Decomissioned routes that are permanently and effectively closed to the public and administrative staff do not count against this standard. Lakes larger than 1.6 sq km (1 sq mi) in spatial extent are excluded from secure habitat calculations.

Application Rules for Permanent Changes in Secure Habitat

Permanent changes to secure habitat are allowed inside the PCA when associated with an authorized Federal project involving construction of new motorized routes (i.e., roads or trails), reconstruction of existing motorized routes, or opening of a previously decommissioned route if, and only if, the following conditions are met:

- Any loss in secure habitat below baseline levels is replaced by restoring secure habitat of equivalent quality and quantity (e.g., through decommissioning) in the same bear management subunit. Habitat quality must be assessed based on the best collective scientific understanding of grizzly bear habitat ecology and the rationale for all mitigation measures must be fully documented.
- Replacement habitat must be in place before project implementation or concurrent with project development as an integral part of the project plan. Replacement habitat must remain in place for a minimum of 10 years before it can be subsequently replaced and

mitigated for per application rules (this duration is based upone the generation time for a female grizzly bear, or the time it takes to replace herself in the population).

- For those subunits identified as in need of improvement above 1998 levels (*Gallatin #3, Madison #2,* and *Henry's Lake #2*), secure habitat will be maintained at or above levels associated with full implementation of the 2006 Gallatin National Forest Travel Management Plan (see Appendix E).
- For activities based on statutory rights, such as access to private lands under the *Alaska National Interest Lands Conservation* (ANILCA) or the *1872 General Mining Law*, where permanent reductions in secure habitat cannot be replaced within the affected subunit, then secure habitat will be compensated at a commensurate level at or above the baseline in the nearest possible subunit. In these rare situations, subsequent changes to secure habitat in the two affected subunits constitute permante changes to the baseline.
- Honor existing oil and gas or other mineral leases. Proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases would strive to meet the application rules for changes to secure habitat. New leases, APDs, and operating plans must meet the secure habitat and developed site standards.
- Motorized routes on private land that post-date 1998 are not counted against this standard. However, for motorized roads or trails acquired through land exchanges or acquisition that are desirable to maintain for public use, mitigation is strongly recommended.

Application Rules for Temporary Changes in Secure Habitat

Temporary reductions in secure habitat below baseline levels inside the PCA are allowed when associated with authorized Federal projects. Project activities should be concentrated in space and time to minimize disturbance**.** The following conditions must be met for temporary projects:

Only one project affecting secure habitat may be active within a given bear management subunit at any one time.

Total acreage of secure habitat affected within a given BMU does not exceed 1 percent of the acreage in the largest subunit within that BMU. The acreage of a project that counts against the 1 percent limit (i.e., the amount of secure habitat affected) is measured as the acreage within the 500-meter buffer around any temporary motorized access route or low-level helicopter flight line that intrudes into existing secure habitat.

Use of project roads will be limited to administrative purposes associated with project activities. Project implementation shall not reduce secure habitat below baseline levels for more than 4 consecutive years. The collective set of project roads that affect secure habitat below baseline levels shall be closed to all motorized travel after 3 years. Project roads shall be decommissioned such that secure habitat is restored within 1 year after road closure.

Activities Allowed in Secure Habitat

The following activities are allowed in secure habitat inside the PCA without violating the standard:

- ***Activities that do not require route construction or reconstruction, re-opening of a permanently closed road, or recurring low-level helicopter flight lines.***
- ***Helicopter use for short term (no more than 2 days in the duration of a project), or at higher elevations (> 500 m above ground level with no landing). Aircraft used in emergency firefighting are allowed.***
- Non-wheeled, over-the-snow use (i.e., snow machines) is allowed unless new research identifies a concern. Conflicts associated with winter-use activities that develop either during denning or after den emergence in the spring can be addressed with local area restrictions.

- Access to power lines and/or utility corridors for occasional and necessary maintenance service that does not require new route construction and is used only for administrative purposes related to power line/utility maintenance.
- Project activities (e.g., temporary road construction and maintenance, or use of recurring low-level helicopter flights) that occur during the grizzly bear denning season between December 1 and February 28.

Developed Site Standard

The Developed Site Standard requires that on Federal lands inside the PCA, the number and capacity for human use of developed sites must be maintained at or below the 1998 levels (Appendix E). Projects that propose a change in the number or capacity of developed sites must follow the Application Rules specified below.

Developed sites *refer to those sites or facilities on public land with features intended to accommodate administrative and public recreational use. Such sites typically are identified or advertised via visitor maps or information displays as discernable destination sites promoted by the agency. Developed sites are often associated with human activities that may disrupt grizzly bear use of habitat, or have attractants that potentially lead to increased human-bear conflicts. Examples of developed sites include, but are not limited to: campgrounds, picnic areas, trailheads, boat launches, rental cabins, summer homes, lodges, service stations, restaurants, visitor centers, and administrative sites.* ***Administrative sites*** *are those sites or facilities constructed for use primarily by government employees to facilitate the administrations and management of public lands. Administrative sites are counted towards developed sites. Examples include: administrative headquarters, ranger stations, patrol cabins, park entrances, federal employee housing, and other facilities supporting government operations.* ***Dispersed sites****, in contrast to developed or administrative sites, are those not associated with a developed site, such as a front-country campground. These sites are typically characterized as having no*

permanent agency-constructed features, have minimal to no site modifications, and may include primitive road access. Dispersed sites are not counted toward developed sites.

Application Rules for Developed Sites

On Federal lands inside the PCA, changes to developed sites or construction of new developed sites are allowed if the following conditions are met:

Construction of new sites will be mitigated for within that subunit to offset any increase in the number of developed sites and/or capacity for human use, habitat loss, and increased access to surrounding habitats.

Mitigation of detrimental impacts will occur within the affected subunit and adequately compensate for the type and extent of impacts. Mitigation measures will be in place before implementation of the project or included as an integral part of completion of the project.

Consolidation and/or elimination of dispersed campsites is considered adequate mitigation for increases in human capacity at developed campgrounds if the new campsite capacity is less than or equivalent to that of the dispersed camping eliminated and if future overnight use of the dispersed site(s) is definitively curtailed.

Conversion of uncontrolled dispersed campsites to a minor day-use site is allowed if there is a net benefit to both human and bear safety and if the dispersed site(s) can be modified in such a way that future over-night use of the site is definitively curtailed. Such modification of site-use would not contribute to an increase in baseline developed sites.

Expansion of existing administrative sites is exempt from mitigation if such developments are deemed necessary for enhancement of public land management and other viable alternatives are not available. Temporary construction of work camps for highway construction or other major maintenance projects are exempt from human capacity mitigation if other viable alternatives are not available. Food storage structures and management must be in place and all other factors resulting in potential detrimental impacts to grizzly bears will be mitigated as identified for other developed sites.

Modifications to existing developed sites that reduce resource damage, detrimental environmental impacts, and/or the potential for grizzly bear conflicts are allowed (e.g., installing a vaulted toilet to avoid damage to water resources or installing bear-resistant storage structures to reduce conflict).

For activities based in statutory rights (e.g., *1872 General Mining Law, Americans with Disability Act,* ANILCA, etc.), if the number of developed sites exceeds the 1998 baseline, the Forest Service will, to the fullest extent of its regulatory authority, reduce developed sites to commensurate levels and mitigate to offset any increases in human capacity, habitat loss, and increased access to surrounding habitat within the affected subunit if possible. In those rare cases where mitigation cannot be accomplished within that subunit, commensurate compensation will be accomplished in the nearest subunit and changes in the two affected subunits become permanent changes to the baseline.

Honor existing oil and gas and other mineral leases. For proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases, the Forest Service should, to the fullest extent of their regulatory authority, strive to meet the developed site standard and satisfy application rules for changes in secure habitat. New leases, APDs, and operating plans must meet the developed site standard and satisfy application rules for changes in secure habitat. Developments on private land are not counted against this standard. However, for developed sites acquired through land exchanges or acquisitions that are desirable to maintain, mitigation is strongly encouraged but not required. The rationale behind this is to encourage acquisition and transformation of private land to public ownership since this negates the potential for future development and results in better management for grizzly bears.

Livestock Allotment Standard

The Livestock Allotment Standard requires that on Federal lands inside the PCA, there will be no increase in the number or acreage of active commercial livestock grazing allotments nor an increase in permitted sheep Animal Months (AMs) relative to that which existed

in1998 (see Appendix E). Existing sheep allotments will be monitored, evaluated, and phased out as the opportunity arises with willing permittees.

Application Rules

Grazing allotments tracked for purposes of grizzly bear conservation include both vacant and active commercial livestock units for sheep, cattle, and/or horses on Federal lands inside the PCA. **Active** allotments are livestock units with active grazing permits. **Vacant** allotments are those without an active permit, but which may be restocked or grazed periodically by other permittees at the discretion of the land management agency to resolve resource issues or other concerns. Changes in livestock allotments inside the PCA that satisfy the allotment standard may occur if the following conditions are met:

- A vacant allotment may be reissued an active permit resulting in an increase in the number of permitted cattle, but the number and net acreage of active allotments inside the PCA must not exceed the 1998 baseline. Appropriate analysis by the action agency must be conducted to evaluate impacts on grizzly bears.
- Combining or dividing existing allotments is allowed as long as the net acreage and number of active allotments does not exceed 1998 levels.
- Where chronic grizzly bear conflicts occur on livestock allotments inside the PCA, and an opportunity exists with a willing permittee, alternatives for resolving conflicts may include authorization of a non-use permit, moving livestock to a vacant allotment where there is less likelihood of conflict, or cattle grazing can be phased out on that allotment.

Habitat Monitoring

The primary objective of habitat monitoring is to track and assess the status of grizzly bear habitat throughout the ecosystem with an emphasis placed on habitat inside the PCA. Monitoring requirements presented in this section focus on evaluation of adherence to habitat

standards identified such that secure habitat, developed sites, and commercial livestock grazing allotments are maintained at, or improved upon, 1998 levels. However, additional habitat parameters pertaining to four high-calorie foods of the grizzly bear diet are also monitored to assist in evaluating the status of grizzly bear habitat and its ability to support a a recovered grizzly bear population.

Monitoring Secure Habitat and Motorized Access Route Density

Background

Humans are the primary agent influencing grizzly bear mortality and population trajectories in the GYE and elsewhere (McLellan and Shackleton 1988, Mattson and Knight 1991, Mace *et al*. 1996, Schwartz *et al*. 2010, Proctor *et al*. 2012). Motorized access has historically been used as a surrogate measure of human presence on the landscape, and consequently serves as the basis for differentiating secure and non-secure habitat throughout the ecosystem. Land managers throughout the GYE recognize that availability of secure habitat is crucial to the survival and long-term reproductive success of grizzly bears. Managing the landscape to reduce grizzly bear mortality risk requires that motorized roads and trails be considered when evaluating and maintaining secure habitat throughout the ecosystem.

Motorized access parameters, including: 1) percent secure habitat, 2) open motorized access route density (OMARD), and 3) total motorized access route density (TMARD) , are measured and monitored against levels that existed in 1998. To date, no net decrease in secure habitat relative to 1998 levels has occurred on federal lands in any of the 40 bear management subunits within the PCA. Instead, reductions in motorized access implemented post-1998 have led to an increase of 1.4 percent in secure habitat inside the PCA; a gain approximate in size to the area of Yellowstone Lake.

Subunits with potential for improvement

Several subunits, Gallatin #3, Henrys Lake #2, and Madison #2, were targeted in the 2007 Conservation Strategy as needing improvement in secure habitat with respect to 1998 levels. The specific areas with potential for improvement identified in these three subunits fall within the Gallatin National Forest boundary and consequently, the quantity and timing of improvements was to be determined by the Gallatin National Forest Travel Management Plan (TMP). With implementation of the 2006 Gallatin TMP, many roads inherited from these exchanges have been permanently decommissioned. Non-system routes that are not maintained by the Forest Service have subsequently been closed, with a high priority given to road decommissions in the three subunits identified as in need of improvement. With full implementation of the Gallatin Travel Plan near completion, measureable increases in secure habitat with respect to 1998 baseline levels (Appendix E) and reductions in motorized route density have been realized in the three targeted subunits. The Gallatin National forest determine, via a Travel Plan Amendment, that all gains in secure habitat resulting from full implementation of the TMP will effectively constitute new baseline levels for these three subunits. If and when approved, elevated secure levels for these three subunits will serve as a new measure against which future change will be made.

Monitoring Protocol

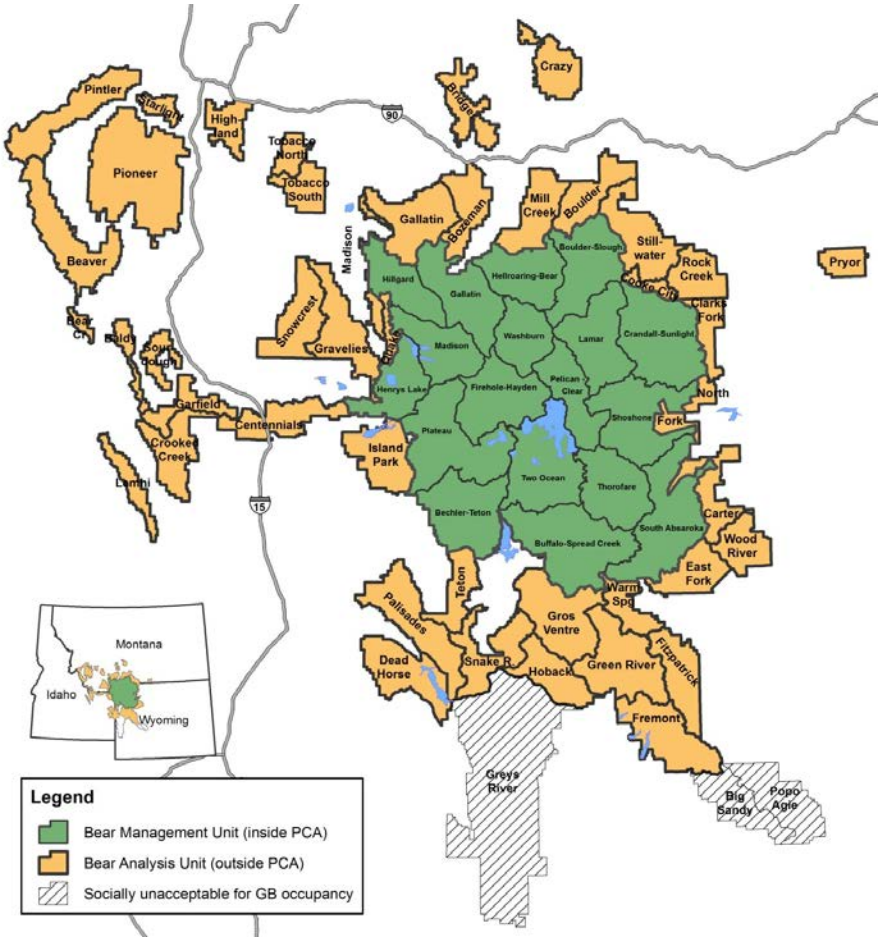
Secure habitat and motorized route density are monitored and tracked throughout the ecosystem to verify compliance with secure habitat standards inside the PCA and to assist in balancing grizzly bear security and survival with human land use concerns outside the PCA. Motorized access parameters that are monitored and reported include levels of 1)secure habitat, 2) open motorized access route density (OMARD) greater than 1.6 km/sq km (1 mi/sq mi)), and 3) total motorized access route density (TMARD) greater than 3.2 km/sq km (2 mi/sq mi). Inside the PCA, these three parameters are measured and reported annually for each bear management subunit. Outside the PCA, secure habitat is measured and reported biennially (even numbered years) for each bear analysis unit (BAU, see Figure 7). Changes in configuration and status of

motorized routes are submitted each year to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park in the ecosystem. Status and configuration of motorized access routes are inventoried and tracked by the Database Coordinator. This insures that reported measurements are based on the most current available information. Percent secure habitat, OMARD, and TMARD are calculated using the Motorized Access Model as described in Appendix E.

Secure habitat, as definied earlier, refers to those areas ≥ 10 acres in size and more than 500 m from an open or gated motorized route. Lakes greater than 1.6 sq km (1 sq mi) are excluded from secure habitat calculations. **OMARD** is a measure of the density of motorized routes that are open to the public for one or more days during the non-denning portion of the year when grizzly bears are active (March 1-November 30). **TMARD** measure the density of all motorized routes open to the public and/or administrative personnel for one or more days during the non-denning season. Roads that are closed year-round to the public but open to administrative personnel detract from secure habitat and count toward TMARD, but do not contribute to OMARD. Motorized routes that have been permanently decommissioned such that there is no motorized use by either the public or administrative staff, do not contribute to OMARD or TMARD, and do not detract from secure habitat. For a more detailed discussion of OMARD and TMARD, as well as changes in monitoring protocol, please refer to Appendix E. Measurements are reported annually (inside the PCA) and biennially (outside the PCA) in the IGBST Annual Report, *Yellowstone Grizzly Bear Investigations* and are posted online for public access at the IGBST website (http://nrmsc.usgs.gov/products/IGBST).

Figure 7. Bear management units and subunits inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA.

Comment [t59]: Comment-This includes units outside the previously designated DPS??? The more area delisted with management flexilbity the better, but just want to understand what's going on…



Monitoring Developed Sites

Background

Levels of human development on the landscape have been shown to be an important predictor of grizzly bear mortality in the GYE (Schwartz et al. 2010). Developed sites increase the spatial and temporal extent of human presence on the landscape and contribute to the displacement and mortality of grizzly bears. A significant concern related to developed sites is the increased potential for grizzly bear-human conflicts attributable to food conditioning and habituation. Past attempts at modeling grizzly bear mortality in the GYE have focused on levels of overnight human use as a primary factor related to grizzly bear mortality. Increased numbers of people using an area and potentially interacting with grizzly bears is an important issue in evaluating impacts of developed sites on grizzly bear survival.

Monitoring Protocol

Changes in developed sites on public lands inside the PCA are measured, tracked, and evaluated against 1998 levels (Appendix E). Information pertaining to changes in the number of developed sites inside the PCA is submitted annually to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park Ecosystem. Current and baseline numbers of developed sites are inventoried in a GIS database and reported annually in the IGBST Annual Report Yellowstone Grizzly Bear
Investigations.

Monitoring Livestock Grazing

Background

Conflicts between livestock and grizzly bears have historically led to the relocation or removal of grizzly bears in the GYE. Grizzly bears tend to prey on cattle and sheep regardless of the abundance of natural foods because livestock in occupied grizzly bear territory represent one of many foraging opportunities (Gunther *et al*. 2004). Most grizzly bear-livestock conflicts tend to

occur outside the PCA since all commercial allotments on National Park lands and many allotments on National Forest lands inside the PCA have been permanently closed. Consequently, monitoring grizzly bear-livestock conflicts on public lands is not limited to inside the PCA, but is conducted annually throughout the entire ecosystem. Currently, approximately 59 percent of the Yellowstone grizzly bear's occupied range falls outside the PCA. As commercial livestock grazing persists in areas where grizzly bears live, the number of conflicts will most likely continue to pose a challenge to grizzly bear managers. This is particularly true on domestic sheep allotments. Financial incentives offered through non-governmental organizations (NGOs) have proven to be a successful mechanism for retiring sheep grazing allotments on public land when willing participants were available (Gunther *et al*. 2004). These types of opportunistic partnerships between federal agencies, NGOs, and willing permittees may be considered an alternative for resolving chronic conflicts on grazing allotments within prime grizzly bear habitat.

Monitoring Protocol

On federal lands inside the PCA, the number and acreage of commercial livestock grazing allotments and the number of sheep animal months (AMs) is monitored and reported annually relative to 1998 levels. Inside and outside the PCA, grizzly bear conflicts associated with grazing of commercial livestock on federal lands is monitored and reported annually. Commercial livestock grazing and conflict information is submitted for publication in the IGBST annual report, *Yellowstone Grizzly Bear Investigations*.

Monitoring High-Caloric Foods

Background

Grizzly bears are opportunistic omnivores who have evolved highly versatile foraging strategies allowing them to shift diets among numerous food sources, depending on what is available

spatially and temporally (Schwartz *et al*. 2003, 2013). Long-term management and conservation of grizzly bears in the GYE call for monitoring of four high-calorie foods. These four food types listed by dry weight kilocalories per gram (kcal/g) include: 1) army cutworm moths (7.91 kcal/g), 2) winter-killed ungulates (6.80 kcal/g), 3) cutthroat trout (6.10 kcal/g), and 4) whitebark pine seeds (3.99 kcal/g). These four foods have varying distributions in the ecosystem and are subject to annual fluctuations and therefore do not necessarily serve as a major dietary component of every grizzly bear in the GYE. Natural annual fluctuations in abundance and distribution of these four calorie-rich foods make it very challenging to establish reliable thresholds. However, these four high-calorie foods are known to exert a positive influence on grizzly bear fecundity and survival and constitute some of the highest sources of digestible energy available to grizzly bears in the GYE (Mealey 1975, Servheen *et al*. 1986, Pritchard and Robbins 1990, Mattson *et al*. 1992, Haroldson *et al*. 2006, Schwartz *et al.* 2006).

Gunther *et al.* (2014*a*) exhaustively documented the diet of the GYE grizzly bears to include over 266 distinct plant and animal species ranging from grasses, fungi, berries and seeds, to fish and carrion. The trophic flexibility of grizzly bears, as documented by the variety of foods they consume, allow them to opportunistically forage across diverse habitats spanning the entire GYE. Their highly varied diet serves as an adaptive mechanism that enhances their ability to persist when faced with rapid and long-term changes in availability and abundance of any one food source. Compositional analysis of scats collected over a 37-year period (1943 to 2009) showed that grizzly bears within the GYE most frequently feed on foods that are consistently available and widely distributed, such as grasses, sedges, and ants (Gunther *et al.* 2014*a*). However, when opportunity arises, grizzly bears will shift their diet to maximize body mass gain by selecting calorie-rich foods such as ungulates, fish, whitebark pine seeds, clover, moths, and small mammals.

Human-induced environmental change, such as introduced organisms, habitat loss, climate change, and other anthropogenic factors, have the potential to affect availability and distribution of these calorie-rich foods in the future. However, despite a substantial decline of whitebark

pine and natural stochasticity of other food resources within the GYE, grizzly bears have shown notable resilience by adjusting habitat use (Costello *et al.* 2014) and shifting diets to maintain body mass and condition (Schwartz *et al.* 2014). Because of their high caloric value and use by grizzly bears, whitebark pine, ungulates, cutthroat trout, and arm cutworm moths are currently monitored either directly or indirectly on an annual basis.

Monitoring Protocol

To monitor these four high-caloric foods and their importance to grizzly bears, the IGBST will survey and report on each of these food groups annually d per detailed food monitoring protocols identified in Appendix D, as budgetary constraints allow. IGBST scientists will analyze the relationship between abundance and availability of these four food types with the number of grizzly bear-human conflicts, grizzly bear management actions, known and probable grizzly bear mortalities, and changes in the distribution and trend of the GYE grizzly bear population. Results of these analysis will be presented, when available, in the annual reports prepared by the IGBST and relevant peer-reviewed publications. If detectable declines in certain foods occur and the IGBST concludes these declines are related to biologically significant changes in demographic parameters , the IGBST shall report these findings for consideration by the GYCC (see Chapter 6, Implementation and Evaluation, for details on this process).

Monitoring protocols of high-caloric foods identified in this Conservation Strategy will continue as long as budgets allow. Monitoring and surveying methods may be modified when necessary to incorporate new technological advances in monitoring techniques or new knowledge of bear foraging and habitat use within the GYE. Existing monitoring programs may be expanded, as budget allows, to include occupied habitat beyond the PCA and areas predicted for future use by bears. Monitoring results of whitebark pine, winter-killed ungulates, cutthroat trout, and army cutworm moths, when available, are to be reported in the annual IGBST publication *Yellowstone Grizzly Bear Investigations*.

Winter-killed Ungulates



Background—The GYE harbors one of the most carnivorous grizzly bear populations inhabiting the North American interior (Jacoby et al. 1999, Mowat and Heard 2006). Isotopic nitrogen ($\delta^{15}N$) levels measured in 221 grizzly bear hair samples collected between 2000 and 2010 indicate that on average, terrestrial meat accounted for 44.4% of the assimilated diet of Yellowstone grizzly bears (Schwartz et al. 2014). In contrast, in Glacier National Park and adjacent national forest lands, meat accounts for a smaller proportion of the grizzly bear diet; using stable isotope analysis for a small sample of grizzly bears, Jacoby et al. (1999) found that meat accounted for only 33%, 0%, and 6% of adult male, adult female and subadult diets, respectively. Protein and fat from ungulate carcasses ranks as the second-highest food source of gross caloric value available to grizzly bears in the GYE (Gunther et al. 2014a, b). Winter-killed ungulates, primarily elk and bison, provide an important source of protein to bears, especially during early spring before most plant foods become available. As an alternative to carcasses as a spring food, grizzly bears also consume earthworms, ants, and pocket gophers. Grizzly bears continue to opportunistically forage for animal matter and scavenge carrion throughout the active season and will seek out gut piles and other remains left by ungulate hunters in the fall (Haroldson et al. 2004).

Monitoring Protocol—Relative abundance of ungulate carrion is often monitored by correlating the number of carcasses available to grizzly bears and other scavengers during the spring with measures of snow-water equivalency (depth, density, and moisture content) in snowpack (Podruzny *et al.* 2012). Availability of carrion for grizzly bears is potentially affected by increased competition from recently reintroduced wolves and changes in elk and bison management practices. For these and other reasons historic carcass transsects will continue to be surveyed as long as budgetary allocations permit. There are currently 30 spring ungulate carcass survey routes in Yellowstone National Park (YNP) and 12 transect routes on Yellowstone's Northern Range in the Gallatin National Forest. Current survey

methods and ungulate carcass survey routes may be redesigned or modified when appropriate. When available, monitoring results of winter-killed ungulate carcass availability will be summarized and reported annually in the IGBST publication *Yellowstone Grizzly Bear Investigations*.

Cutthroat Trout

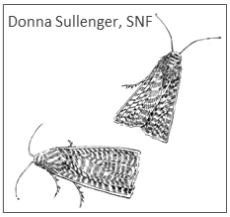

Donna Sullenger, SNF

Background—Due to their high digestibility and protein and lipid content, spawning cutthroat trout are one of the highest sources of digestible energy available to bears in with home ranges in close proximity of Yellowstone Lake and its tributaries (Mealey 1975, Pritchard and Robbins 1990, Gunther et al. 2014a). Grizzly bears were once known to prey on cutthroat trout in at least 36 different streams tributary to Yellowstone Lake (Hoskins 1975, Reinhart and Mattson 1990). Haroldson et al. (2005) estimated that approximately 68 grizzly bears per year frequented and likely fished ten Yellowstone Lake spawning streams tributaries monitored during 1997-2000. Introduction of non-native lake trout (Salvelinus namaycush) and effects of drought and whirling disease (Myxobolus cerebralis) has led to a decline in native cutthroat trout populations and an associated decline in number of bears visiting spawning streams (Teisberg et al. 2014).

Monitoring Protocol—The Yellowstone Lake cutthroat trout population is monitored most years in the spring, depending on weather and spring snow melt, using stream surveys, large mesh gillnets, weirs with fish traps, and occasionally electronic fish counters. An electronic sonar fish counter was installed and calibrated in 2013 along Clear Creek on the east side of Yellowstone Lake to facilitate annual counting of spawning cutthroat trout ascending Clear Creek. Visual stream surveys are also conducted most years to identify trends in the number of cutthroat trout spawning Yellowstone Lake tributaries. Visual surveys to measure the presence of cutthroat trout and rainbow hybrids are also typically conducted at the Trout Lake inlet creek. Yellowstone NP biologists provide an annual summary of cutthroat trout

monitoring results to the IGBST for publication in the *Yellowstone Grizzly Bear Investigations*. Current survey methods may be modified or redesigned as appropriate.

Moth Aggregation Sites

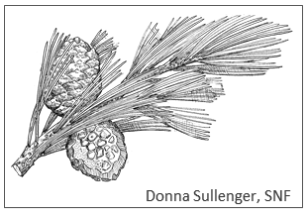


Background—Alpine moth aggregations are a calorie-dense and nutrient-rich food source found at remote, high-elevation alpine sites dominated by talus and scree slopes in the eastern half of the ecosystem. Knowledge regarding the intricate relationship between army cutworm moths and grizzly bears has improved substantially since the late 1980s when grizzly bear use of moth aggregation sites was first discovered and such sites were included in observation flights (Bjornlie and Haroldson 2014). When available, moths are a valuable source of nutrition for grizzly bears because they have the highest reported gross caloric content per gram of any food available to grizzly bears in the GYE (7.91 kcal/g; Gunther et al. 2014a). Some bears may feed almost exclusively on moths for a period of over one month (French et al. 1994). A grizzly bear feeding extensively on moths over a 30-day period can consume 47%, or close to half, of its annual energy budget of 960,000 calories (White 1996). Grizzly bears whose home ranges include moth aggregation sites often visit these talus slopes during mid-to-late summer and early fall to accumulate fat reserves in preparation for the winter denning season. Although grizzly bear use of moth sites does not vary widely over time (1993 is one notable exception; low bear use due to late, extensive snow cover), annual monitoring provides important data regarding this high-calorie resource.

Monitoring Protocol—As of 2013, 37 confirmed and 16 possible moth sites have been identified in the GYE. However, size, location and moth abundance of sites fluctuate from year to year due to natural variation in environmental factors, such as snow cover (Bjornlie and Haroldson 2014). Aerial observations of bears feeding at moth sites are made from fixed-wing aircraft as part of on-going radio tracking and observation flights conducted by the IGBST. Although this monitoring protocol does not provide direct information regarding the abundance of moths,

grizzly bear use of aggregation sites can provide an indirect measure of the relative abundance of this resource in a given year. Aerial surveys of all confirmed moth sites will be conducted annually and results will be summarized and presented in the annual IGBST report Yellowstone Grizzly Bear Investigations.

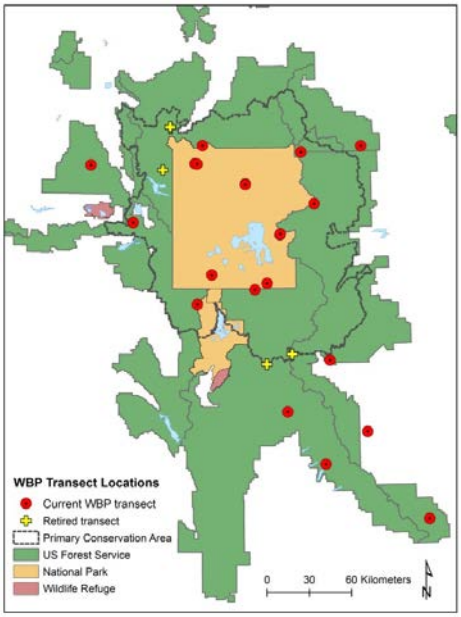
Whitebark Pine Cone Production


Donna Sullenger, SNF

Background—Due to their high fat content and potential abundance, whitebark pine seeds are an important fall food for bears in the GYE(Mattson and Jonkel 1990). Yellowstone grizzly bears consume whitebark pine seeds extensively when whitebark cones are available. Bears may feed almost exclusively on whitebark pine seeds when production exceeds 22 cones per tree (Mattson et al. 1992). Because whitebark pine is a masting species, availability varies substantially from year to year. During fall seasons of low whitebark pine seed availability, grizzly bears often seek alternate foods at lower elevations, leading to more frequent bear conflicts and human-caused grizzly bear mortalities (Mattson et al. 1992, Knight and Blanchard 1994, Gunther et al. 1997, Haroldson et al. 2006). Conversely, when whitebark pine nuts are abundant, there are generally very few grizzly bear-human conflicts during the fall season (Mattson et al. 1992, Gunther et al. 1997). Studies have shown that during poor whitebark pine years grizzly bears selected less for whitebark pine stands (Costello et al. 2014) and consumed more animal matter, boosting their fat levels to match those measured in years of high cone production (Schwartz et al. 2014). Although whitebark pine has experienced widespread declines in the GYE (see subsequent section), extensive studies by the IGBST showed no profound negative effects on grizzly bears at the individual or population level (IGBST 2013). Costello et al. (2014) reported that approximately one-third of Yellowstone grizzly bears in their study included little or no whitebark pine stands within their fall range.

Monitoring Protocol—Currently there are 21 whitebark pine cone production transects (Figure 8) within the GYE. Annual transect surveys are typically conducted between July 15 and August 15 to count cones after maturation but before cones and seeds have been collected by red squirrels (*Tamiasciurus hudsonicus*) and Clark's nutcrackers (*Nucifraga columbiana*). The presence or absence of blister rust and beetle infestations as well as activity levels of grizzly bear, black bear, red squirrel, and Clark's nutcracker are also recorded during transect surveys. Monitoring of whitebark pine cone production using current or modified methods will continue under this Conservation Strategy and results will be summarized and reported in the IGBST publication *Yellowstone Grizzly Bear Investigations*.

Figure 8. Location of whitebark pine cone production transect sites in the GYE, 2014.



Monitoring Mountain Pine Beetle Infestation and White Pine Blister Rust Infection

Background—Since the early 2000s, whitebark pine has declined significantly throughout much of the species' historic range in the Northern Rockies due to the spread of mountain pine beetle (*Dendroctonus ponderosae*) and white pine blister rust (*Cronartium ribicola*). The greatest levels of whitebark mortality resulted from mountain pine beetle, a native insect that typically attacks large, mature trees with inner bark thick enough to support larvae (Larson 2011). Beetle infestations tend to occur episodically every 20-40 years resulting in high, widespread mortality across coniferous forests. The most recent outbreak began in the early 2000s and impacted millions of hectares in the Rocky Mountains (Raffa *et al.* 2008). The infestation was exacerbated by warmer winters at higher elevations allowing for increased brood development and survival of adult beetles, and greater opportunity for reproduction (Bentz *et al.* 1991, Perkins and Roberts 2003, Larson 2011, Dooley 2012).

White pine blister rust, an exotic invasive pathogen introduced to North America in 1910, affects whitebark pines of all age classes, although seedlings and saplings are especially susceptible to infection. This exotic fungal pathogen infects the cambium of whitebark pine and other five-needle pines, causing reproductive failure and tree mortality (McKinney *et al.* 2009, Bockino and Tinker 2012). However, some individual whitebark pines carry genetic traits that make them more resistant to the disease. Restoration programs launched by the Forest Service use a technique described by Mahalovich *et al.* (2006) to breed and plant rust-resistant whitebark pines as part of an on-going effort to restore and maintain the species in the GYE.

In 2000, under the auspices of the Greater Yellowstone Coordinating Committee (GYCC), the Whitebark Pine Subcommittee (WBPSC) was created and tasked with forging a comprehensive long-term strategy for monitoring whitebark pine throughout the ecosystem. Recognizing the persistent and pervasive threat that blister rust and pine beetle posed to the health of whitebark pine, the subcommittee reached out to other agency and non-governmental partners to avoid duplication of efforts. The result of these alliances is the Greater Yellowstone Whitebark Pine Monitoring Working Group (GYWPMWG), which consists of partners from the National Park Service (NPS), U.S. Forest Service (USFS), U.S. Geological Survey (USGS), and Montana State University (MSU). Led by the NPS Greater Yellowstone Inventory and Monitoring Network (GRYN), a strategic and peer-reviewed monitoring protocol was established for detecting, tracking, assessing, and reporting the health, status, and trends of whitebark pine throughout the GYE (GYWPMWG 2011). This ground-based monitoring program was initiated in 2004 and will continue to assess the current status and long-term trends of whitebark pine into the foreseeable future.

Monitoring Protocol—Spearheaded by the GRYN, an interagency collaborative monitoring effort involving NPS, USFS, and USGS partners will measure the status and trends of whitebark pine throughout the GYE. Monitoring efforts will focus on collecting critical baseline information for assessing 1) infection rates and severity of white pine blister rust; 2) survival of whitebark pine, taking into account synergistic interactions of blister rust, mountain pine beetle,

wildland fire, and other agents of change; and 3) recruitment of whitebark pine trees into cone-bearing age classes. Monitoring protocols will follow methods and procedures established in the *Interagency Whitebark Pine Monitoring Protocol for the Greater Yellowstone Ecosystem* (GYWPMWG 2011). Results of current whitebark pine status and trends will be made available at the GRYN Inventory and Monitoring website and referenced in the annual IGBST monitoring report *Yellowstone Grizzly Bear Investigations*.

Hunter Numbers

Background

The number of elk hunters in Wyoming, Idaho, and Montana who recreate in the PCA (Table 6) were estimated and compared with known and probable grizzly bear mortalities from 2005 to 2014 to determine if bear mortality is correlated with hunter numbers. Although total hunter numbers have declined over this time period, the data showed little evidence of a relationship between hunter numbers and hunting-related human-caused grizzly bear mortality (van Manen 2015, *in litt.*).

The greatest source of grizzly bear (≥2 years old) mortality during 2004–2014 in the GYE has been due to interactions with hunters. Nearly all known and probable bear mortalities occur as surprise encounters, at big game carcasses, or at hunter camps. The number of mistaken identity kills (i.e., mistaken for black bear) are small. Although the number of hunters using the PCA have decreased, the number of grizzly bear known and probable mortalities due to interactions with hunters increased in the last decade, primarily outside the PCA (Figure 5, Chapter 2). Potential explanations for why this occurred include bears learning to seek hunter-killed game, an increase in population size and concurrent expansion of occupied range, and greater use of ungulate resources (Haroldson *et al*. 2004, Schwartz *et al*. 2010, IGBST 2013).

Table 9. Estimated numbers of elk hunters within the GYE grizzly bear recovery zone plus a 10-mile perimeter in Idaho, Montana, and Wyoming, 2005–2014.

	Year									
State	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Idaho[a]	3,619	3,016	2,592	1,763	1,819	1,904	1,860	1,803	1,937	2,771
Montana[c]	12,365	12,211	12,635	12,470	12,382	12,334	12,269	10,936	NA[b]	11,925
Wyoming[a,d]	9,888	9,346	8,716	8,792	8,440	6,712	6,413	7,566	7,818	8,109
Total	25,872	24,573	23,943	23,025	22,641	20,950	20,542	20,305	NA	22,805

[a] Idaho and Wyoming numbers include archery and gun hunters.

[b] NA = hunter number estimates not currently available.

[c] Gun-only season.

[d] A percentage of total hunter numbers was used in hunt areas 61 to 63, 67, 68, 73, and 83 because a portion of the hunt area falls outside the designated area.

State and federal wildlife agencies have attempted to reduce the loss of bears to hunters by expanding information and education programs. "Living in Bear Country" workshops are conducted regularly in many GYE communities, and licensed outfitters and guides have increased training for their members and clients.

Monitoring Protocol

Data from state wildlife agencies on big game herd units or hunting districts will be used as an index to backcountry use during the hunting season. Hunter use levels combined with numbers of grizzly bear-human conflicts will be used to identify when and where to increase

public education efforts and develop appropriate management actions to minimize grizzly bear-human conflicts that result in bear mortality.

Monitoring Habitat Connectivity

Background

Habitat connectivity is the degree to which the landscape promotes natural movement of wildlife as they seek important resources for survival and successful procreation. Potential effects of highway improvements, such as increased motorized access, higher traffic volume, and higher speed limits, are known to increase grizzly bear mortality, reduce habitat connectivity, and potentially inhibit gene flow among nearby populations (Mace 2004, Summerfield *et al.* 2004, Proctor *et al.* 2012). Certain road designs and road improvements potentially discourage bear crossings, may lead to increased mortality from vehicle collisions, and may cause habitat fragmentation. The potential impact of highways on demographic and genetic connectivity of grizzly bears in the GYE is a key consideration in the transportation planning process.

Monitoring Protocol

To prevent habitat fragmentation and loss of connectivity, existing road survey information will be compiled and evaluated by the appropriate land management agency as an integral part of the planning stage of any proposed road improvement and/or construction project in suitable grizzly bear habitat within the GYE (both inside and outside the PCA). During the NEPA analysis stage of such projects, analyses of road survey information will be conducted to evaluate potential impacts of the project on grizzly bear habitat connectivity. More specifically, federal agencies will identify important crossing areas by collecting and/or assessing existing information about known grizzly bear sightings, ungulate road mortalities, locations of game trails, and bear home ranges and habitat use within and near the road corridor. By identifying crossing areas used by grizzly bears, federal officials can recommend mitigation measures to reduce potential impacts

from road construction both during and after a project. For example, during construction, work camps should be placed in areas with lower risk of displacing grizzly bears and use of bear-proof food and garbage storage containers should be implemented. Highway planners are encouraged to place warning signs at points of high mortality risk and implement wildlife crossing infrastructure such as culverts or underpasses to enhance safe passage. Road construction in areas of relatively high value for potential grizzly bear habitat linkage should be designed to mitigate potential negative impacts on habitat connectivity, including the consideration of installing crossing structures.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

Introduction

Humans and grizzly bears occasionally come into conflict in areas where they encounter one another. The objective of nuisance management is to minimize grizzly bear-human conflicts. In the Greater Yellowstone Ecosystem, nuisance bear management is essential to successful grizzly bear conservation and is often necessary to prevent property damage, livestock losses, and human injury or death. Grizzly bears cannot be totally protected. Like other species, grizzly bears develop individual traits, and some of those traits are not compatible with coexistence with humans. Management emphasis will shift from protecting every individual grizzly bear in the population to assessing an individual's importance to the entire population before instituting management actions. Females will continue to receive a higher level of protection than males. Management of nuisance bears requires rapid responses by state and federal agencies to address conflict situations. This agency response will address the sources of the conflict through public education, removal of attractants, or preventive sanitation of human use areas. Agencies will also capture, relocate, or destroy repeat offender grizzly bears when necessary and when other options have been exhausted.

Analysis of grizzly bear-human incidents indicates that most property damage incidents are the result of bears attempting to gain access to garbage, human foods, livestock or pet foods, or other human-related foods in areas of human presence. Occasionally bears will prey on domestic swine, fowl, or goats, or will damage apiaries. They have rarely injured horses.

Although aggression toward people and human injury or death are rare, bears will occasionally harm people. Incidents of injury are usually the result of a surprise encounter, protection of cubs, defense of a food cache, harassment, or when bears have become accustomed to obtaining food from humans.

The management of grizzly bear-human conflicts is based upon the existing laws and authorities of the state and federal land management agencies as detailed in Chapter 7. Management of nuisance bears usually falls into one or more of the following categories:

- Removing or securing the attractant
- Deterring the bear from the site through the use of aversive conditioning techniques
- Capturing and relocating the nuisance bear
- Removing the bear from the wild, including lethal control

Definitions:

- **Unnatural aggression** by a grizzly bear is defined as behavior that includes active predation on humans, approaching humans or human use areas, such as camps, in an aggressive way, or aggressive behavior when the bear is unprovoked by self-defense, defense of cubs, defense of foods, or in a surprise encounter.

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- **Grizzly bear-human conflicts** are incidents in which bears injure people, damage property, kill or injure livestock, damage beehives, obtain anthropogenic foods, or damage or obtain garden and orchard fruits and vegetables.

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- **Natural aggression** by a grizzly bear is defined as defense of young, food, during a surprise encounter, or self-defense.

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- A bear is classified as **food conditioned** when it has received a significant food reward of human foods such as garbage, camp food, pet food, or processed livestock food, and persistently seeks these foods.

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- A bear is classified as **habituated** when it does not display avoidance behavior around humans or in human use areas such as camps or town sites or within 100 meters of open roads.

- **Relocation** is the capture and movement by management authorities of a bear involved in a conflict with humans or human-related foods, to a remote area away from the conflict site, usually after fitting the bear with a radio collar.

- **Repeat offense** is the involvement of a bear that has been previously relocated in a nuisance situation or, if not relocated, continues to repeat a behavior that constitutes a grizzly bear-human conflict.

- **Removal** is the capture and placement of a bear in an authorized public zoological or research facility or destruction of that bear. Removal can also involve killing the bear through active measures in the wild when it is not otherwise possible to capture the bear.

- **Management authorities** are the designated representatives of the agencies in the GYE including: Yellowstone National Park; Grand Teton National Park (GTNP); Wyoming Game and Fish Department; Montana Fish, Wildlife & Parks; Idaho Department of Fish and Game; Interagency Grizzly Bear Study Team; each of the GYE national forests—Custer-Gallatin, Shoshone, Bridger-Teton, Caribou-Targhee, and Beaverhead-Deerlodge; the BLM; and USDA Wildlife Services. These authorities will make the decision to classify a bear as nuisance inside the GYE in compliance with the nuisance bear criteria (discussed below). Outside Yellowstone and Grand Teton National Parks within the PCA, subsequent management actions will be coordinated and completed by state wildlife agencies~~, after coordination with other appropriate agencies~~. Nuisance grizzly bear conflict management is under the authority of the states, who will have primary responsibility for the management action. When nuisance bears are in YNP or GTNP, decisions will be made by park representatives, and coordinated with state and Forest Service representatives when

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necessary, e.g., for bear relocations. Management of nuisance bears outside the PCA will be conducted as described in the state grizzly bear management plans or appropriate park management plans.

Management of nuisance grizzly bears in the Greater Yellowstone Ecosystem will vary depending on whether they are inside or outside the PCA. This system will provide increased security for grizzly bears inside the PCA, as bears will be given greater consideration in most conflicts inside the PCA. Minimization of grizzly bear-human conflicts and management of individual nuisance bears is the primary direction for management within the PCA.

In circumstances that result in a nuisance bear situation outside the PCA, more consideration will be given to existing human uses. Site-specific conflict areas within and outside the PCA will be documented and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. Past conflict management has demonstrated that grizzly bears can coexist with most human activities.

Outside the PCA, state management plans will govern how nuisance grizzly bears are handled. Site-specific conflict areas within and outside the PCA will be documented routinely and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. The following nuisance grizzly bear standards apply only to the PCA. All nuisance grizzly bear conflicts that occur outside the PCA will be managed according to guidelines in each of the state management plans (Appendices I, J, and K).

Nuisance Bear Standards

The focus and intent of nuisance grizzly bear management inside and outside the PCA are predicated on strategies and actions to prevent grizzly bear-human conflicts. It is recognized that active management aimed at individual nuisance bears will be required in both areas. Management actions outside the PCA will be implemented according to state management plans in coordination with landowners and land management agencies. These actions will be compatible with grizzly bear population management objectives for each state for the areas outside the PCA.

General Criteria

Location, cause of incident, severity of incident, history of bear, health/age/sex of bear, and demographic characteristics of animals involved will all be considered in any relocation or removal. Removal of nuisance bears will be carefully considered and consistent with mortality limits for the GYE as described in the Conservation Strategy. Recognizing that conservation of female bears is essential to maintenance of a grizzly bear population, removal of nuisance females will be minimized.

Within the Primary Conservation Area

Within the PCA, management of nuisance bears will be addressed according to the following standards:

Bears displaying food conditioning and/or habituation may be either relocated or removed based on specific details of the incident. State wildlife agencies~~, following consultation with other appropriate management authorities,~~ and national parks will make this judgment after considering the cause, location, and severity of the incident or incidents.

Bears may be relocated as many times as judged prudent by management authorities. ~~No bear may be removed for any offense, other than unnatural aggression, without at least one relocation~~

Comment [t61]: 2007 language to strike-Delete or clarify that transplants require coordination but management actions are the decision of the state..

~~unless representatives of affected agencies document the reason in writing~~. All relocations outside the PCA will be governed by state management plans.

Bears may be preemptively moved when they are in areas where they are likely to come into conflicts with site-specific human activities, but only as a last resort. Such preemptive moves will not count against the bear as nuisance moves.

Bears preying on lawfully present livestock (cows, domestic sheep, horses, goats, llamas, etc.) on public lands will be managed according to the following criteria:

- No grizzly bear involved in livestock depredations inside the PCA shall be removed unless it has been relocated at least one time and continues to cause livestock depredations.

~~Before any removal, except in cases of human safety, management authorities will consult by telephone or in person to judge the adequacy of the reason for removal.~~

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

Bears displaying unnatural aggression will be removed from the population.

Decisions will be based on criteria for relocation and removal inside the PCA for management of nuisance bears in the Conservation Strategy and best biological judgment of authorities.

- Authorized National Park Service authorities will implement removals and relocations within YNP and GTNP.
- Authorized state or tribal authorities outside YNP and GTNP will implement other removals and relocations.
- State and tribal wildlife agencies in coordination with the appropriate federal agencies will predetermine adequate and available sites for relocations. Relocation sites should be agreed upon before the need for relocation occurs. In order to deal with problem bears more efficiently, managers should have full access to relocation sites without having to conduct individual consultation for each relocation.
- Livestock damage prevention and compensation are addressed in individual state management plans.

Comment [t62]: 2007 language to strike- there may not be an appropriate location to move the bear and mortality threshold will assure mortality is managed appropriately

Comment [t63]: 2007 language to strike- mortality threshold will assure mortality is managed appropriately

Comment [t64]: 2007 language. Delete

Management of ~~all~~ nuisance bear situations will emphasize removal of the human cause of the conflict, when possible, or management and education actions to limit such conflicts. Relocation and removal of grizzly bears may occur if the above actions are not successful.

Comment [t65]: 2007 language to consider.

Specific Criteria for Removals

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park rules and regulations.

Outside of national parks, individual nuisance bears deemed appropriate for removal may be taken by a legal hunter in compliance with rules and regulations promulgated by the appropriate state wildlife agency commission, as long as such taking is in compliance with existing state and federal laws, and as long as mortality limits specified for the GYE as described in this Conservation Strategy are not exceeded. This could include licensed hunters or property owners or their agents who have obtained appropriate permits from the state. Licensed hunters will be allowed to possess bear parts for bears that are legally harvested under a state permit.

Monitoring Protocol

All nuisance bear control actions, and grizzly bear-human and grizzly bear-livestock conflicts will be summarized annually in the Annual Report of the IGBST. Most conflicts are due to availability of human foods, human developments, or livestock depredations in occupied grizzly bear habitat. This report will detail the cause and location of each conflict and management action and display an annual spatial distribution of conflicts that can be used by managers to

identify where problems occur and to compare trends in locations, sources, land ownership, and types of conflicts.

Chapter 5 Information and Education

Introduction

The future of the Yellowstone grizzly bear lies in our ability to learn to coexist with the grizzly bear and to accept this animal as a cohabitant of the land. Historically, excessive human-caused mortality and loss of habitat are the major factors in grizzly bear population decline. Addressing the source of grizzly bear-human conflicts is critical to an effective public outreach plan. Public attitudes in large part determine the success of efforts to manage a recovered grizzly bear population in the Greater Yellowstone Ecosystem. For the good of the bear and to develop positive public attitudes, a coordinated information and education campaign is essential.

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Other management strategies outlined in this plan are unlikely to succeed without useful, state-of-the-art public information and education programs. A partnership information and education approach involving state and federal agencies, tribes, local communities, and private interests can result in minimizing grizzly bear-human conflicts while building support for bears and bear management.

Successful long-term community involvement in future grizzly bear management efforts requires continued use of current effective methods and tools that have contributed to the success story of the recovered population we have today. In addition, to meet the needs of an ever-growing human population and expanding bear population, it will be necessary to

develop new processes and outreach tools to further enhance public involvement and appreciation of the grizzly bear and monitor social behavior and attitudes. Through close monitoring, we will be able to gauge our success in reaching our diverse public and in minimizing grizzly bear-human conflicts, adjusting programs as needed.

Successful public education and involvement should result in the understanding that it is acceptable and expected human behavior to practice good stewardship, and this will in turn allow us to live with the grizzly bear as part of our valued wildlife resources.

The Information and Education Team

The information and education effort will continue to be coordinated between all agencies and private interests to ensure timely, accurate, and consistent messages to the public. The current information and education (I & E) working group within the Greater Yellowstone Ecosystem will continue. Members of this I & E Team include public affairs personnel from Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the information and education specialist from the IGBC. This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

A coordinated information and education campaign will be most effective if it facilitates changing inappropriate human behaviors and helps people learn to coexist with bears. The benefits of grizzly bear management for a multitude of resources and species, including elk habitat management, black bear management, and water quality, recreation, and aesthetic values of access management, will be included in the information and education efforts. Long-term community engagement in grizzly bear issues is necessary to increase the awareness of bear behavior and biology and how these can be compatible with human needs and activities. Identification of sources of grizzly bear-human conflicts and the use of public

education as a tool are essential. The responsibilities of the I & E Team include the following:

Develop a coordinated information and education campaign to cultivate an appreciation of the value of the grizzly bear resource in this area. The grizzly bear will be presented as a valuable wildlife resource, while still acknowledging the risks associated with them in publications and educational outreach.

Continue and expand living-with-bears workshops or outreach with a similar message for citizens and teachers within the Greater Yellowstone Ecosystem. Similar seminars for other specific target groups such as hunters and other backcountry recreationists will be used as appropriate.

Local citizens involvement groups and processes will be used to facilitate information exchange and identify other community interests regarding the grizzly bear.

Updates and information will be provided to all affected interests through various media including news releases and mailings, television, etc.

State and federal volunteer programs will be encouraged to identify and provide an opportunity for public participation in grizzly bear information outreach and management. This could include trailhead demonstrations on bear resistant containers, distribution of brochures, school education programs, etc.

Proactive and preventative safety messages will be expanded.

Citizens will be encouraged to participate in land management decisions at the project level on state and federal lands affecting grizzly bear habitat and management.

Citizens will also be encouraged to be involved in private land issues associated with grizzly bear management. This may include sanitation ordinances, conservation easements, developing private land management plans, and supporting informational outreach campaigns to private landowners.

Knowledge about bears and acceptance of grizzly bears by people and groups that live, work, and recreate in grizzly bear country are key to the long-term conservation of a healthy grizzly bear population. Continuing specific outreach messages and techniques tailored to the needs of

these groups is essential. Some of these groups include landowners, mining industry, timber industry, firewood gatherers, ranchers, outfitters, anglers, hunters, front country visitors, backcountry visitors, summer home owners, local business owners, developers, county planners, and school children.

Finally, information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program.

These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

Many brochures, videos, signs, articles, etc. are currently available and in use. Examples of these specific information and education tools are discussed in the state management plans.

Chapter 6 Implementation and Evaluation

Implementation

A new committee will replace the Yellowstone Ecosystem Subcommittee. The new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), is the body that will coordinate management and promote the exchange of information about the Yellowstone grizzly bear population. The YGCC will inform the IGBC about the Yellowstone grizzly bear population for the benefit of grizzly bear conservation and management.

The Yellowstone Grizzly Bear Coordinating Committee

Within 30 days of a final rule delisting the Greater Yellowstone Ecosystem grizzly bear population, the signatories of this Conservation Strategy will name their agency representatives to the YGCC. The person who was chairperson of the Yellowstone Ecosystem Subcommittee when the final rule changing status is published will call the first meeting of the GYCC. At this first meeting, the YGCC will elect a chairperson. Chairpersons will be elected at intervals determined by the members of the YGCC. The YGCC will meet at least two times each year; public notification of these meetings will be made by the chairperson or her/his representatives. The YGCC will strive for consensus, but when consensus cannot be achieved, decisions of the YGCC will be determined by majority vote. The details on locations and times of meetings and other business issues associated with the functioning of the YGCC will be determined at the first meeting.

YGCC members' expenses will be paid by their respective agencies.

YGCC authorities include:

Revise or amend the Conservation Strategy based on the best biological data and the best available science. Any such amendments will be subject to public review and comment. Amendments will be made by the YGCC with a majority vote.

Comment [t66]: Comment-2007 language. May want to discuss how other legal requirements apply. E.g.,, a majority of votes can't require a change to a USFS plan that Forest hasn't processed

Establish meeting rules and procedures, and chairperson election rules for the committee.

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

Some primary activities of the YGCC are:

Coordinate implementation of this Conservation Strategy.

Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.

Share information and implement management actions in a coordinated fashion.

Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.

Implement a Biology and Monitoring Review ~~as necessary and submit a petition for relisting~~ as appropriate to ensure agency responsiveness to changing circumstances of the grizzly or its habitat in the Greater Yellowstone Ecosystem.

Comment [t67]: . 2007 language to strike- not an appropriate function for individual agency representatives on the Committee or a committee that is not a separate legal entity

Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership will consist of representatives of the following, each having one vote:

Federal	National parks: Yellowstone and Grand Teton
	National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-

	Targhee, Custer-Gallatin, and Shoshone
	One Bureau of Land Management representative
	The Biological Resources Division of the U.S. Geological Survey
State wildlife agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign powers over reservation lands within the ecosystem

The Interagency Grizzly Bear Study Team (IGBST) and the Information and Education Team (I & E) will perform necessary tasks and report to the YGCC.

The Interagency Grizzly Bear Study Team

In order to understand the dynamics of grizzly bears throughout the GYE, a need for centralized responsibility to collect, manage, analyze, and distribute science-based information was identified. To meet this need, in 1973 agencies formed the Interagency Grizzly Bear Study Team, a cooperative effort between the U.S. Geological Survey, National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, and the state wildlife agencies of Idaho, Montana, and Wyoming.

Since 1974, the IGBST has published more than 200 scientific papers on the grizzly bear. A complete list of these papers can be found at: http://nrmsc.usgs.gov/science/igbst/detailedpubs .

Quantitative data on grizzly bear abundance, distribution, survival, mortality, nuisance activity, and bear foods are critical to formulating management strategies and decisions. The IGBST coordinates data collection and analysis on an ecosystem scale, prevents overlap of efforts, and pools limited economic and human resources.

The IGBST will continue to function under this Conservation Strategy after delisting.

The responsibilities of the IGBST are to:

Conduct both short- and long-term research projects addressing information needs for bear management
Monitor the bear population, including status and trend, numbers, reproduction, and mortality
Monitor grizzly bear habitats, foods, and the impacts of humans
Provide technical support to agencies and other groups responsible for the immediate and long-term management of grizzly bears in the GYE
Take the lead in preparing a Biology and Monitoring Review with staff support from the YGCC in response to deviations from required population or habitat standards
Coordinate annual updates of the motorized access database
Coordinate annual evaluation of motorized access route density and secure habitat
Document annually any changes in developed sites, livestock allotments, or permitted sheep numbers and maintain associated databases
Ensure all units have the tools and the training to evaluate motorized access route density and secure habitat for projects
Evaluate the need for changes in ways to evaluate motorized access route density, secure habitat, and habitat effectiveness, and make recommendations to the YGCC on such changes, as necessary
Set and maintain standards, definitions, values, formats and processes for collecting and updating data and assessment models, and maintaining data consistency between units.
Produce annual reports on population and habitat monitoring items

The USGS employee who is the lead biologist for USGS on the Greater Yellowstone Ecosystem grizzly bear population chairs the IGBST and will call meetings at least twice each year. The majority of funding for the IGBST comes from USGS but additional funding and in-kind efforts are made by all agencies (*see* Appendix F). The IGBST will report its findings to the YGCC.

The Information and Education Team

Successful maintenance of a recovered grizzly bear population in the GYE requires joint understanding of issues, sharing of knowledge (including new science and results of monitoring), and open communication among agencies, tribes, elected officials, non-governmental groups and organizations, and the public. The goals of the Information and Education (I & E) Team are:

Increase public support for and compliance with agency management actions to maintain a secure GYE grizzly bear population

Utilize all possible modern technology and media resources to help decrease grizzly bear-human conflicts while still maintaining maximum access to natural resources for both humans and grizzly bears

Increase an understanding of grizzly bears and their habitat

Foster information sharing to ensure maximum resource, policy, and scientific informational exchange among agencies, tribes, elected officials, interest groups, local residents, and the public.

Provide for meaningful public involvement through use of open houses, direct mailings, and media campaigns to inform the public about agency decisions relating to grizzly bear habitat and population management activities and other management actions that may affect local residents, landowners, tribes, and users

Members of the Information and Education Team will include I & E specialists from the National Park Service, U.S. Forest Service, and the state wildlife agencies of Idaho, Montana, and Wyoming. The I & E Team will report to the YGCC.

Evaluation

The evaluation of the effectiveness of grizzly bear conservation measures detailed in this Conservation Strategy will be an ongoing process shared by all the members of the Yellowstone Grizzly Bear Coordinating Committee.

As detailed in the monitoring portion of this strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major population and habitat parameters are listed in Appendix G. Monitoring results and analyses will be presented to the YGCC by the IGBST. A Biology and Monitoring Review would be triggered if any of the following conditions were met:

- Exceeding independent female mortality limits in 3 consecutive years
- Exceeding independent male mortality limits in 3 consecutive years
- Exceeding dependent young mortality limits in 3 consecutive years
- Failure to meet the distribution criterion

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews will be undertaken after the annual summary of monitoring information presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency also can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

To identify the reasons why particular demographic or habitat objectives have not been achieved and to recommend modifications to the YGCC for changes as necessary, or
To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or
To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to recommend plans to the YGCC to ensure that monitoring efforts be maintained as per the standards in this document, or
To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem and make those recommendations to the YGCC~~, or~~
~~Make recommendations as to whether a petition for relisting should be submitted.~~

Comment [t68]: 2007 language to strike. Delete per comments above re petition.

Biology and Monitoring Reviews will be based on the best available science. Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public. The YGCC will respond to the Biology and Monitoring Review in a written form either through the minutes of the YGCC meeting or in specific Biology and Monitoring Review response documents, as necessary. The purpose of the YGCC response is to address the issues(s) raised in the Biology and Monitoring Review with an explanation or management changes as necessary. In the case of a deviation from monitoring efforts required under this Conservation Strategy, the response will identify the means to be implemented by the YGCC to ensure continued population and/or habitat monitoring efforts as required in this document.

A Biology and Monitoring Review is generally triggered by negative deviations from the desired conditions established in this Conservation Strategy for population, mortality ~~reduction~~management, and habitat parameters; however, the IGBST can recommend a Biology and Monitoring Review to the YGCC if they deem it necessary.

~~A Biology and Monitoring Review will make recommendations as to whether a petition for relisting should be made. This recommendation shall be based upon the magnitude of the threat that the deviation from the desired condition poses to the maintenance of a recovered population.~~

~~The YGCC has to formally agree with a recommendation from the IGBST to petition for relisting.~~

Comment [t69]: 2007 language to strike. Delete per prior comments re petition. Additionally, inappropriate for IGBST to make recommendations or policy decision

~~If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat conditions specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC will submit to the Fish and Wildlife Service a petition for relisting. In the case of a vote on this issue, a simple majority is necessary.~~

Fish and Wildlife Service Status Review

The Service may initiate a formal status review: ~~and may emergency relist the GYE grizzly population until the formal status review is complete under two conditions~~: (1) if there are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics of population or habitat management detailed in this section and significantly increase the threat to the population.; ~~and/or (2) if independent female mortality limits are exceeded in 3 consecutive years; or~~ (~~3~~2) ~~A~~ a total population estimate of less than 500 inside the DMA~~.~~; and/or (3) if the Service determines a petition to relist from an individual or organization, including the YGCC, is warranted.

Comment [t70]: 2016 language to strike- These can't be predecided to meet the emergency listing critiera and process of Section 4(a) /4(b) of the ESA. This is covered in paragraph on next page from 2007 language.

Comment [G71]: 2016 language to strike-this triggers a biology and monitoring review, not a status review.

Comment [t72]: 2016 language to modify- these are within the reasonable range of the status review "scenarios" in a delisting rule. The change in regulation or law scenario should include a tie to a significant increase in threat.

~~Under Section 4 of the Endangered Species Act, a petition from an individual or organization to relist this population will initiate a status review, if the Service determines that the petition is warranted.~~ To be warranted, such a petition must present credible scientific information to support the petition. ~~The YGCC can petition the Fish and Wildlife Service to relist the GYE~~

~~grizzly bears.~~ The Service is to perform a status review upon receipt of such a petition that contains sufficient information to demonstrate that the request to relist is warranted. ~~A relisting petition from the YGCC should be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy.~~ A status review will evaluate the factors affecting the population and result in a finding that summarizes the status of the population and recommends listing or not. For purposes of a status review, the status of the entire Greater Yellowstone Ecosystem grizzly bear population would be considered~~.~~

Comment [G73]: 2007 language to strike. Delete per prior comments re petition.

The Service can also unilaterally initiate a status review to determine if the GYE grizzly bears should be a candidate species and be added to the species to be listed. ~~This could be accomplished independently of the YGCC based on Service concerns about the population and/or its habitat.~~ Based on a review of a petition or a status review initiated by the Service, if the Service finds serious and imminent threats to the population as per the criteria of the Endangered Species Act in Section 4(a)(1), the species could be immediately considered for relisting or could be relisted under emergency regulations, per Section 4(b)(7).

Chapter 7 Existing Authorities

Introduction

The existence of adequate regulatory mechanisms that serve to maintain the Yellowstone grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to ensure a healthy grizzly bear population.

The management of populations of grizzly bears and the habitats these bears require for survival is dependent upon the laws and regulations of the federal and state agencies in the Greater Yellowstone Ecosystem (GYE). These laws and regulations provide the legal basis for controlling mortality, providing secure habitats, managing grizzly bear-human conflicts, controlling hunters, limiting access where necessary, controlling livestock grazing, maintaining education and outreach programs to control conflicts, monitoring populations and habitats, and requesting management and petitions for relisting when necessary. Many of these laws provide authorities for a number of these actions and controls.

The following laws and regulations, or portions thereof, exist and are relevant to agency programs regarding management of the grizzly bear and its habitat in the GYE. These provisions, whether national or state, have application in terms of agency compliance, agency authority, or discretion to act.

The relationship between the existing authorities and the five factors in Section 4(a)(1) used to consider listing and delisting of a species is presented in Appendix H. These five factors are all relevant to maintain a recovered population.

Federal Lands

Acts of Congress[4]

The Act of Congress March 1, 1872. Set Yellowstone apart as a public park for the benefit and enjoyment of the people" and "for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities or wonders...and their retention in their natural condition". 16 U.S.C. §§21-22.

National Park Service Organic Act, 1916. The National Park Service...shall promote and regulate the use...by such means... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such a manner...as will leave them unimpaired for future generations. 16 U.S.C. §31 repealed June 25, 1948.

Lacey Act, Criminal Code Provisions, 18 U.S.C. 42-44. This Act makes it illegal to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken or possessed in violation of any law, treaty or regulation of the United States or in violation of any Indian tribal law; to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law. 18 U.S.C. §§42-43.

Fish and Wildlife Coordination Act, 16 U.S.C. §§661-666c. This Act relates to wildlife as associated with water resource development. This act also authorizes that lands and waters may be acquired by Federal construction agencies for wildlife conservation to mitigate water projects in order to preserve and assure for the public benefit the wildlife potential of the particular water project area.

The Act of Congress September 14, 1950. (Expansion of Grand Teton National Park to include Jackson Hole National Monument) "The national park so established shall, so far as

[4] Federal legislation can be viewed at the Library of Congress web site: http://thomas.loc.gov

consistent with the provisions of this Act, be administered in accordance with the general statutes governing national parks..." 16 U.S.C. § 406d-1

Sikes Act, 16 U.S.C. §670g. The Secretaries of Agriculture and Interior and the State agencies will cooperate under this act to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish and game. These programs shall include, but not be limited to, specific habitat improvements projects and related activities and provide adequate protection for species considered threatened or endangered pursuant to Section 4 of the ESA.

Multiple-Use Sustained-Yield Act, 16 U.S.C. §§528-531. It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed and wildlife and fish purposes. As used in this Act, "Multiple Use" means the management of all the various resources of the National Forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

National Environmental Policy Act, 42 U.S.C. §§ 4321-4331. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment: to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the

United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—
(A) Utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment; (B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations; (C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented

(iii) Alternatives to the proposed action.

(iv) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved.

The Act of Congress August 25, 1972, PL. 94-404 86 §620. Authorization to establish John D. Rockefeller, Jr. Memorial Parkway "... to provide both a symbolic and desirable physical connection between... Yellowstone, and the Grand Teton National Park..." "The Secretary shall administer the parkway as a unit of the national park system in accordance with the

authority contained in the Act of August 25, 1916..." Established by the Secretary of the Interior, September 30, 1977.

Endangered Species Act, 16 U.S.C. § 1533. ESA - Section 4 of the Act gives the criteria for determining a species' status as threatened or endangered. In order to delist a species, it must be shown that the opposite is true. It must be shown that: a) the species' habitat or range is not threatened with destruction, modification or curtailment, b) the species is not being over utilized for commercial, recreational, scientific or educational purposes, c) disease and predation are not significant problems, d) there are adequate regulatory mechanisms in place, and e) there are no significant other natural or manmade factors affecting the continued existence of the species. The Secretary of Interior and States shall effectively monitor recovered species for not less than five years after the species is delisted and no longer protected under the ESA.

Forest and Rangeland Renewable Resources Planning Act, 1974. In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resources Assessment. A strategic plan for all Forest Service activities shall be prepared every five years based on the assessment of renewable natural resources and on all land ownerships every 10 years. It provides direction that land management plans specify guidelines for land management plans, which provide for diversity of plant and animal communities. 16 U.S.C. §1600.

National Forest Management Act (NFMA) of 1976. NFMA provides the legal basis and direction for development of national forest plans. NFMA specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management

(36 CFR 219), adopted in 1979 augmented the diversity policy by requiring management of habitats to maintain viable populations of vertebrates. 15 U.S.C. §1600.

Federal Land Policy and Management Act. Public lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...that will provide food and habitat for fish and wildlife and domestic animals, and that will provide for outdoor recreation and human occupancy and use. 43 U.S.C. §§ 1701-1777.

Fish and Wildlife Improvement Act, 16 U.S.C. § 742(a).

Fish and Wildlife Conservation Act, 16 U.S.C. §§ 2901-2911. Each State should be encouraged to develop, revise and implement, in consultation with appropriate other agencies, a plan for the conservation of fish and wildlife, particularly those species, which are indigenous to the State. The purpose of this act is to provide financial and technical assistance to the States for the development, revision and implementation of conservation plans and programs for nongame fish and wildlife and to conserve and promote conservation of nongame fish and wildlife and their habitats.

The National Parks Omnibus Management Act of 1998 (PL 105-391,112 Stat. 3497). Title I, Section 101 recognizes the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System. Title II, Section 201, National Park System Resource Inventory and Management identifies the need to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park system and to use the information gathered for management purposes. 16 U.S.C. §5901.

Federal Regulations

36 CFR 1.5 (a)(1). Gives National Park Superintendents the authority to establish for all or a portion of a park area a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity in order to protect natural resources or provide for human safety.

36 CFR 1.7(B). National Park Service Superintendents shall publish in writing all designations, closures, permit requirements and other restrictions imposed under discretionary authority.

36 CFR 1.7(B) 1.2 (d). Gives National Park Superintendents the ability to regulate activities conducted by National Parks, or their agents, relative to the management and handling of grizzly bears (*Ursus arctos horribilis*). Specifics are described in Park Annual Bear Management Plans.

36 CFR 2.10 (d). Gives the National Park Superintendents authority to designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage and equipment used to cook or store food must be kept to avoid bear-human conflicts. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

36 CFR 219. Specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management and requiring management of habitats to maintain viable populations of vertebrates.

36 CFR 219.19. Requires that Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.

A viable population shall be regarded as one, which has the estimated numbers, and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area.

36 CFR 219.26. Specifies that Forest planning shall provide for diversity of plant and animal communities to meet multiple use objectives.

36 CFR 219.27 (a) (6). States that (a) All management prescriptions shall – (6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species.

36 CFR 261.50 (a) and (b). Gives Forest Supervisors the authority to issue orders which close or restrict the use of described areas, or of any forest development road or trail within the area over which he has jurisdiction. This authority is used to close areas to minimize human/bear conflicts and to issue food storage, carcass storage and camping requirements.

36 CFR 261.53 (a) and (e). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) it is prohibited to go into or be upon any area which is closed for the protection of: (a) threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish; or (b) for public health or safety.

36 CFR 261.58 (e) and (s) and (cc). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) the following are prohibited. (a) Camping; (s) Possessing, storing, or transporting any bird, fish, or other animal or parts thereof as specified in the order; (cc) Possessing or storing any food or refuse, as specified in the order.

States

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

~~Wyoming State Statutes~~[5]

~~23-1-101(a)(xii). "Trophy game animal" means black bear, grizzly bear, or mountain lion.~~

~~23-1-103. Ownership of wildlife. For the purpose of this act, all wildlife in Wyoming is property of the State. There shall be no private ownership of live animals classified as big or trophy game animals.~~

~~23-1-302(a)(ii). Powers and duties of the commission. To establish zones and areas in which trophy game animals may be taken as game animals with a license or in the same manner as predatory animals without a license, giving proper regard to livestock and game industries in those particular areas.~~

~~23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration. This is a lengthy statute that addresses procedures for filing damage claims.~~

~~23-2-101(e). Fees. This statute requires the commission to maintain a $500,000 balance to be used to compensate landowners for damage done by game animals.~~

~~23-3-102(b). License requirements. Requires a license to take a grizzly bear, except as otherwise provided.~~

[5] ~~Wyoming statues are available from the Wyoming State Law Library at http://courts.state.wy.us/state_law_library.htm.~~

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Comment [G74]: New 2016 language to include- refers to the draft MOA that needs to be approved by commissions.

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~~23-3-102(d). Provides for a minimum of $5,000 and a maximum of $10,000 fine for killing a grizzly bear.~~

~~23-3-103(b). Taking predatory animals and trophy animals. Allows trophy game animals to be taken in areas designated by the Commission by the same means as a predatory animal.~~

~~23-3-106. Interstate game tag required. Regulates the transportation of bears within and across Wyoming State lines.~~

~~23-3-107. Wanton destruction. Prohibits a person from wantonly destroying any grizzly bear.~~

~~23-3-109. Use of dogs. Prohibits the use of dogs to hunt, run, or harass big or trophy game animals except as especially permitted by statute.~~

~~23-3-112. Firearms. Prohibits the use of certain types of firearms to take game animals.~~

~~23-3-115. Taking black bears doing damage. Allows landowner to kill black bears doing damage and requires them to notify the department. Grizzly bears may not be taken.~~

~~23-3-301. Importation and sale prohibited. Prohibits the importation and sale of bears.~~
~~Wyoming Game and Fish Commission Regulations~~

~~Chapter XLIII. Prohibits the taking of any wildlife unless the season is specifically opened by the commission.~~

~~Chapter II. Requires the taking of any grizzly bear to be reported to the department and the U.S. Fish Wildlife Service immediately. Section 7.~~

Chapter III. Prohibits the placement of baits in the current grizzly bear recovery zone. Section 6(a)(v).

Idaho State Statutes[6]

36-103 (a). Wildlife property of State – Preservation – Wildlife Policy. All wildlife, including all wild animals, wild birds, and fish, within the State of Idaho, is hereby declared the property of the State of Idaho. It shall be preserved, protected, perpetuated, and managed. It shall only be captured or taken at such times or places, under such conditions, or by such means, or in such manner, as will preserve, protect, and perpetuate such wildlife, and provide for the citizens of this State and, as by law permitted to others, continuous supplies of such wildlife for hunting, fishing and trapping.

36-103 (b). Commission to Administer Policy. Authority, power and duty of the Fish and Game Commission to administer and carry out the provisions of the Idaho Fish and Game Code. The Commission is not authorized to change the states' wildlife policy but only to administer it.

36-201. Fish and Game Commission authorized to classify wildlife. With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the State of Idaho.

Idaho Fish and Game Commission Regulations

IDAPA 13 G 1.9. Species of Special Concern, Threatened or Endangered Species. Lists the grizzly bear as a Threatened Species. By definition a species likely to be classified as Endangered within the foreseeable future throughout all or a significant portion of its Idaho range.

[6] Idaho statutes are available from http://www3.state.id.us/idstat/TOC/idstTOC.html.

IDAPA 13 G 2.2. No person shall take or possess those species of wildlife classified as Protected non game, Species of Special Concern, or Threatened or Endangered at any time or in any manner, except as provided in Sections 36-106 (e) 5 and 36-1107, Idaho code or by commission regulation.

Comment [t75]: Update to reflect "big game" classification

Montana State Statutes[7]

Section 87-1-301. MCA, Powers of the Commission. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

Requires the Fish, Wildlife and Parks Commission to set policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the State and for the fulfillment of all other responsibilities of the department as provided by law.

Section 87-5-301. MCA Policy toward grizzly bear. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

It is hereby declared the policy of the State of Montana to protect, conserve, and manage grizzly bears as a rare species of Montana wildlife.

Section 87-5-302. MCA Commission regulation on grizzly bear. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

The commission shall have authority to provide open and closed seasons; means of taking; shooting hours; tagging requirements for carcasses, skulls, and hides; possession limits; and requirements for transportation, exportation, and importation of grizzly bears.

[7] Montana statues are available from http://www.lawlibrary.state.mt.us, the State Law Library of Montana.

~~Section 87-2-101. MCA Definitions. Statutes, State of Montana, Department of Fish, Wildlife and Parks.~~

~~By definition under this section bears are classified a game animal in Montana.~~

~~Administrative Rules of Montana~~

~~MCA 12.9.103. Grizzly Bear Policy (1) Whereas, the Montana Fish and Game Commission has management authority for the grizzly bear, a resident wildlife species, and is dedicated to the preservation of grizzly bear populations within the State of Montana; and~~

~~Whereas the secure habitat for the grizzly bear has been greatly reduced as a result of human development and population growth from 1850 through 1950 in the bear's traditional range in all western States; and~~

~~Whereas, a significant portion of the remaining grizzly bear habitat and population is located in Montana and these Montana populations occur in wildlands such as wilderness, primitive areas, de facto wilderness areas, national forests, national parks, Indian reservations, and seasonally, on adjacent private lands.~~

~~Now, therefore, in order to promote the preservation of the grizzly bear in its native habitat, the commission establishes the following policy guidelines for the Montana Department of Fish, Wildlife and Parks action when dealing with grizzly bear.~~

~~(a) Habitat. The department shall work to perpetuate and manage grizzly bear in suitable habitats of this State for the welfare of the bear and the enjoyment of the people of Montana and the nation. In performing this work the department should consider the following:~~

~~(i) the commission has the responsibility for the welfare of the grizzly bear and advocates the protection of the bear's habitat;~~

~~(ii) management of Montana's wildlands, including the grizzly bear habitat, is predominately, but not exclusively, a responsibility of various Federal agencies and private landowners;~~

~~(iii) land use decisions made by these agencies and individuals affect grizzly bear habitat, thus cooperative programs with these agencies and individuals are essential to the management of this species;~~

~~(iv) preservation of wildlands is critical to the protection of this species and the commission advocates wildland preservation in occupied grizzly bear habitat; and~~

~~(v) while some logging may not be detrimental to grizzly bear habitat, each logging sale in areas inhabited by grizzly bear should be carefully reviewed and evaluated.~~

~~(b) Research. It is recognized by the commission that research on the habitat requirements and population characteristics of the grizzly bear is essential for the welfare of the species. Departmental research programs and proposals directed at defining those habitat requirements are encouraged and supported.~~

~~(c) Hunting and recreational use. The commission recognizes its responsibility to consider and provide for recreational opportunities as part of a grizzly bear management program. These opportunities shall include legal hunting, recreational experiences, aesthetics of natural ecosystems, and other uses consistent with the overall welfare of the species.~~

~~(i) the department should consider the variability of values between individuals, groups, organizations, and agencies when management programs for various grizzly bear populations are developed.~~

~~(ii) sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, minimizing depredations against private property within adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.~~

~~(d) Depredations. Contacts between grizzly bear and humans, or property of humans, require delicate handling and consideration. When these contacts reach the stage for definite action, the following actions should be carried out:~~

~~(i) grizzly bear, in the process of threatening or endangering human life, shall be captured or dispatched immediately.~~

~~(ii) where no immediate threat to human life exists, individual bear encounters with humans shall be evaluated on a case-by-case basis and when the attack is abnormal or apparently unprovoked, the individual bear involved shall be captured or dispatched.~~

~~(iii) when the attack is normal (e.g., a female defending her cubs, any bear defending its food, or any bear defending itself) but the situation leads itself to no reasonable possibility of leaving the bear in place, then the bear should be removed.~~

~~(iv) grizzly bear committing depredations that do not directly endanger human life but that are causing property losses shall be evaluated on an individual case basis.~~

~~(v) where removal is determined to be the best resolution to the problem, depredating or nuisance bear shall be trapped, and if determined to be suitable for transplanting, shall be marked and released in suitable habitat previously approved with appropriate land management agencies.~~

~~(vi) reasonable efforts shall be made to inform the public of the transplant program, fully explaining the reasons for the capturing and locations of the release area.~~

~~(vii) upon request by an authorized scientific investigative agency or public zoological institution, a captured bear may be given to that agency or institution, for appropriate non-release research purposes. A reasonable charge may be required to cover costs of handling.~~

~~(e) Depredating grizzly bear that are not suitable for release or research because of old age, acquired behavior, disease, or crippling, shall be killed and sent to the department's research facilities for investigation. The public shall be fully informed when these actions are taken and the reasons for these actions shall be fully explained~~

~~(f) Coordination. The department shall consult with appropriate Federal agencies and comply with applicable Federal rules and regulations in implementation of this policy. (History: Sec.87-1-301MCA, IMP, 87-1-201, 87-1-301 MCA; Eff. 12/31/72; AMD, 1977 MAR p.257, Eff. 8/26/77.)~~

~~Montana Department of Natural Resources and Conservation~~

~~Title 75, Chapter 1, MCA – Montana Environmental Policy Act. Establishes policy of the State of Montana to use all practicable means and measures to create and maintain conditions under which man and nature can coexist in productive harmony.~~

~~Title 76, Chapter 14, MCA – Montana Rangeland Resource Act. Establishes a program of rangeland management whereby the importance of Montana's rangeland with respect to wildlife habitat and the natural beauty of the State is recognized.~~

~~Title 77, Chapter 1, MCA – Administration of State Lands. Directs the State board of land commissioners to manage State lands to support education and for the attainment of other worthy objectives helpful to the well-being of the people of Montana. It further directs the board to manage State lands under the multiple-use management concept to insure: 1) they are utilized in that combination best meeting the needs of the people and the beneficiaries of the trust; and 2) harmonious and coordinated management of the various resources.~~

~~Title 87, Chapter 5, MCA – Nongame and Endangered Species Conservation Act. Establishes Montana policy to manage certain nongame wildlife for human enjoyment and to insure their perpetuation as members of ecosystems. It further declares the policy of the State of Montana to protect, conserve, and manage the grizzly bear as a rare species of Montana wildlife.~~

~~Montana Constitution. Article IX – Environment and Natural Resources. Section 1 – Protection and Improvement. The State and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.~~

Federal Plans and Guidelines

In addition to federal and state laws, the following plans and guidelines provide both direction and guidance for grizzly bear population and/or habitat management.

National Park Service

Comment [t76]: Comment-Compendia (consistent with Ninth Circuit ruling reference?

NPS-77, Natural Resource Management Guidelines, May 16, 1991. Guides National Park managers to perpetuate and prevent from harm (through human actions) wildlife populations as part of the natural ecosystems of parks.

Final Environmental Impact Statement, Grizzly Bear Management Program, Yellowstone National Park, July 1983:

Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, careful and frequent garbage pickup to prevent overflow and overnight accumulations.
The Superintendent authorizes and approves the YNP Grizzly Bear Management Program that outlines the park's Bear Management Area Program. The Bear Management Area Program restricts recreational activity in areas with seasonal concentrations of grizzly bears. The goals of these restrictions include: (1) minimize bear-people interactions that may lead to habituation of bears to people (habituation can result in bears being removed from the population for human safety), (2) prevent human-caused displacement of bears from prime food sources, and (3) decrease the risk of bear-caused human injury in areas with high levels of bear activity.
Outlines Park bear monitoring program.
Outlines Park bear research goals and objectives.
Leaves open the possibility for supplemental feeding of grizzly bears, if deemed necessary.
Identifies as an objective that public awareness of exposing bears to unnatural food sources may lead to human injury, or to the bears' destruction, or both. Requires an active information program be directed at both visitors and employees to inform them of policies and goals of bear management, and the reasons for these. Provides guidelines for the distribution of bear safety warning information through entrance stations, signs, visitor contacts, and literature.

Yellowstone National Park Annual Bear Management Plan: Outlines grizzly bear ecology and management information distributed to park employees and the general public by the Bear Management Office.

Grand Teton National Park Human/Bear Management Plan, 1989:

Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, and careful and frequent garbage pickup to prevent overflow and overnight accumulations. Containers not of bear-resistant design must be located inside the building served. Large animal carcasses that are near trails, facilities, or roads will be managed in a way to reduce human/bear encounters.

Grizzly bear management follows the *Interagency Grizzly Bear Guidelines* (IGBC 1986).

Management of Situation 1 areas includes area closures and/or activity curtailments to protect the bears.

Follows the procedures outlined in the *Interagency Grizzly Bear Guidelines* (IGBC 1986).

Actions subsequent to capture are coordinated with the U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator.

All incidents involving human-bear interactions are documented on Bear Sighting/Identification reports. All Park employees and visitors are encouraged to complete these forms for all bear sightings.

Outlines Park bear research goals and objectives.

Outlines a program for the dissemination of information of human/bear relationships, the causes of human-bear conflicts, and how visitors, inholders, Park, and concession employees can help alleviate problems through their personal actions and compliance with Park regulations.

U.S. Forest Service

- If a change of status for the Yellowstone grizzly bear population under the ESA takes place, Forest Service Regions 1, 2, and 4 will classify the grizzly bear as a sensitive species[8] in the GYE. Grizzly bears and their habitats will then be managed as sensitive on National Forest System lands in accordance with Forest Service Manual 2670 (specifically 2670.22, 2670.32, and 2676.1-2676.17e). In addition, national forests will continue to follow direction established in existing land management plans until amended or revised. Bridge-Teton National Forest Land and Resource Management Plan with Amendments and Corrections (2015)
- Custer National Forest and Grasslands Land and Resource Management Plan (1987)
- Gallatin Forest Plan 1987 as Amended through November 2014
- 1997 Revised Forest Plan - Targhee National Forest
- Shoshone National Forest Land Management Plan (2015)
- Beaverhead-Deerlodge National Forest Land and Resource Management Plan (2009)

State Plans and Guidelines

[8] 2672.1 - Sensitive Species Management. Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing.

There must be no impacts to sensitive species without an analysis of the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole. It is essential to establish population viability objectives when making decisions that would significantly reduce sensitive species numbers.

2672.11 - Identification of Sensitive Species. Regional Foresters shall identify sensitive species occurring within the Region. They shall examine the following sources as possible candidates for listing as sensitive species:

1. Fish and Wildlife Service or National Marine Fisheries Service candidates for Federal listing (categories 1 and 2) under Federal Register Notice of Review.

2. State lists of endangered, threatened, rare, endemic, unique, or vanishing species, especially those listed as threatened under State law.

3. Other sources as appropriate in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities.

It is the policy of MDNRC to conduct programs and activities in a manner that limits the potential for conflicts between grizzly bears and people and that provides habitat to help achieve and sustain recovery within the GYE. Land uses which can adversely affect grizzly bears or their habitat will be designed and coordinated in a manner that is compatible with grizzly bear behavior and habitat needs, but not to the extent of excluding other uses.

The Forestry Division of the MDNRC has additional policy guidance for management of grizzly bear habitat within the Yellowstone. In 1988, grizzly bear management standards and guidelines were implemented to integrate management of grizzly bear habitat with timber management on State lands within the GYE. Performance standards and guidelines cover long range planning, project planning and design, management of bear-human conflicts, and special management areas. These will be implemented until the Forestry Division develops and adopts other guidance through a programmatic planning effort that will incorporate grizzly bear management objectives.

Additional policy guidance will be developed in the near future. The USFWS and MDNRC have mutually agreed to develop and implement guidelines for integrating grizzly bear habitat protection and MDNRC land management activities. MDNRC will continue to consult with MFWP on specific projects that may adversely affect any species of wildlife in Montana, in an attempt to minimize or avoid adverse impacts to populations or their habitats.

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Table of Contents

List of Figures……iii

List of Tables……iv

List of Appendices……v

Executive Summary……...1

Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Srategy……... 13

Chapter 1. Introduction and Background……..15

Introduction……..15

The Conservation Strategy……...18

Background……..20

Characterization of Grizzly Bear Habitat…… 24

Management Improvements and Mortality Reduction Efforts…… 28

Chapter 2. Population Standards and Monitoring……33

Introduction……..33

Demographic Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem…… 34

Conservatioin Strategy Population Standards……..36

Unduplicated Females with Cubs-of-the-Year…… 37

Mortality…….. 43

Population Trend……..49

Genetic Management……... 54

Chapter 3. Habitat Standards and Monitoring…….. 57

Background……...57

Introduction……..58

Habitat Standards Inside the Primary Conservation Area……... 62

Secure Habitat Standard……...63

Developed Site Standard……..67

Livestock Allotment Standard…… 69
Habitat Monitoring……...70
Monitoring Secure Habitat and Motorized Access Route Density……...71
Monitoring Developed Sites…… 74
Monitoring Livestock Grazing……75
Monitoring High-Caloric Foods…….. 76
Hunter Numbers……...86
Monitoring Habitat Connectivity……88
Chapter 4. Management and Monitoring of Grizzly Bear-Human Conflicts……... 90
Introduction……..90
Nuisance Bear Standards…… 93
Monitoring Protocol……96
Chapter 5. Information and Education……...98
Introduction……..98
The Information and Education Team…… 99
Chapter 6. Implementation and Evaluation…….. 102
Implementation…… 102
Evaluation…… 106
Chapter 7. Existing Authorities……111
Introduction……..111
Federal Lands……...111
States…… 118
Federal Plans and Guidelines……...126
State Plans and Guidelines……...129
Literature Cited…….. 131

List of Figures

Figure 1. Greater Yellowstone Ecosystem boundaries, including the Primary Conservation Area (PCA), Suitable Habitat, Demographic Monitoring Area (DMA), and the Distinct Population Segment (DPS)……**Error! Bookmark not defined.**

Figure 2. The Primary Conservation Area showing bear management unit and subunit boundaries……**Error! Bookmark not defined.**

Figure 3. The number of unduplicated females with cubs-of-the-year within the Demographic Monitoring Area……...**Error! Bookmark not defined.**

Figure 4. Initial sightings of unduplicated females with cubs-of-the-year in the Greater Yellowstone Ecosystem, 1975–2014……..…….**Error! Bookmark not defined.**

Figure 5. Distribution of known and probably mortalities, from all causes, in the Greater Yellowstone Ecosystem, 1975–2014……...**Error! Bookmark not defined.**

Figure 6. Federal lands comprising the Greater Yellowstone Ecosystem and grizzly bear occupied range (2014)…….**Error! Bookmark not defined.**

Figure 7. Bear management units and subunits inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA…….**Error! Bookmark not defined.**

Figure 8. Location of whitebark pine cone production transects in the Greater Yellowstone Ecosystem……**Error! Bookmark not defined.**

List of Tables

Table 1. Area of lands within the Primary Conservation Area by management type .....**Error! Bookmark not defined.**

Table 2. Mortality limits inside the Demographic Monitoring Area using the model-averaged Chao2 population estimate method .....**Error! Bookmark not defined.**

Table 3. Bear Management Units occupied by females with young based on verified reports, 2009–2014 .....**Error! Bookmark not defined.**

Table 4. Framework to manage inside the Demographic Monitoring Area for the population goal of the average population 2002–2014 using the model-averaged Chao2 method .....**Error! Bookmark not defined.**

Table 5. Annual count of unduplicated females with cubs-of-the-year (COY), and known and probably grizzly bear mortalities within the Demographic Monitoring Area, 2004–2015 .....**Error! Bookmark not defined.**

Table 6. Estimated numbers of elk hunters within the grizzly bear Demographic Monitoring Area in Idaho, Montana, and Wyoming for the years 2005–2014……**Error! Bookmark not defined.**

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List of Appendices

Appendix A Chronological List of the Grizzly Bear Recovery Process for the Greater Yellowstone Ecosystem

Appendix B Methods to Calculate the Total Numbers of Adult Females from Counts of Unduplicated Females with Cubs

Appendix C Calculation of Total Population Size and Mortality Limits

Appendix D Existing Bear Foods and Related Monitoring Programs

Appendix E Habitat Baseline 1998

Appendix F Annual Cost Estimates by Agency for Implementing this Conservation Strategy

Appendix G Lead Agencies for Actions Under the Conservation Strategy

Appendix H The Relationship Between the Five Factors in Section 4(a)(1) of the ESA and the Existing Laws and Authorities

Appendix I Grizzly Bear Management Plan for Southwestern Montana

Appendix J Wyoming Grizzly Bear Management Plan

Appendix K Yellowstone Grizzly Bear Management Plan (State of Idaho)

Appendix L Reassessing Methods To Estimate Popualion Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear

Appendix M Supplement to Reassessing Methods To Estimate Popualion Size And Sustainable Mortality Limits For The Yellowstone Grizzly Bear

Appendix N Updating and Evaluating Approaches to Estimate Population Size and Sustainable Mortality Limits for Grizzly Bears in the Greater Yellowstone Ecosystem

Appendix O Tribal Grizzly Bear Management Plan

Appendix P Draft MOA Regarding the Managmeent and Allocation of Discretionary Mortality of Grizzly Bears in the GYA

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Executive Summary
2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem

Chapter 1 Introduction and Background

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear (*Ursus arctos*) and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem.

Within the Greater Yellowstone Ecosystem(GYE), the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area (PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan (Recovery Plan)* (USFWS 1993). The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation.

In the Conservation Strategy, management direction is described for both the PCA and adjacent areas within the GYE (i.e., the Demographic Monitoring Area (DMA)). State grizzly bear management plans, forest plans, and other appropriate planning documents will provide specific management direction for the adjacent areas outside the PCA.

This Conservation Strategy was developed to be the document guiding management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting. This approach will remain in place beyond recovery and delisting. Ongoing review and evaluation of the effectiveness of this Conservation Strategy is the responsibility of the state, tribal, and federal managers in the GYE. This Conservation Strategy will be evaluated ~~updated~~ by the management agencies every five years or as necessary, allowing public comment in the updating process.

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Upon implementation of the Conservation Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) will replace the Yellowstone Ecosystem Subcommittee.

The purpose of this Conservation Strategy (Strategy) and the state plans is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYE.
- Specify the population, habitat, and nuisance bear standards[1] to maintain a recovered grizzly bear population for the foreseeable future.
- Document the regulatory mechanisms and legal authorities, policies, management, and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

The vision of the Strategy can be summarized as follows:

- 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.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.

[1] Standards are management actions that are required in this Conservation Strategy. A deviation from a standard would occur only with a revision or amendment to the Conservation Strategy.

Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.

Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.

Manage the GYA grizzly bear~~a~~ population within the area called the Demographic Monitoring Area (DMA), which is the area formerly called Suitable Habitat, to at least the 2002-2014 Chao2 average point estimate for total population, with 95% confidence intervals (i.e. 600-747). ~~The population objective in the DMA is the average population size in the DMA 2002–2014 and associated confidence intervals when this population was essentially stable. Use the model-averaged Chao2 population estimator applied inside the DMA to estimate the population on an annual basis and to set the mortality limits within the DMA so as to maintain this average population size using a sliding scale of mortality for independent females and males, and dependent young (*see* Appendix C).~~

Expand public information and education efforts.

Provide quick responsive management to ~~deal with~~address grizzly bear conflicts.

Manage grizzly bears as a game animal; including allowing regulated hunting when and where appropriate.

Comment [G6]: 2016 language to strike- population objectives above recovery are the purview of the states, replace with language from MOA

Relationship to Other Plans

By integrating state plans into the Strategy, it was ensured that the plans and the Strategy are consistent where necessary and complementary. The state plans are formally incorporated in the Conservation Strategy as Appendices I, J, and K.

Relationships with national forest and national park plans are also mentioned throughout the Strategy. Land and resource management plans for national forests and national parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation

Strategy. For those standards and provisions not yet incorporated into management plans, the agencies will implement the habitat standards and monitoring requirements in this conservation strategy through their established planning processes, subject to NEPA or other legal requirements

Chapter 2 Population Standards and Monitoring

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the population criteria in the *Recovery Plan* that were necessary to achieve recovery, and the population standards necessary to maintain it (USFWS 2016). The Strategy will continue to assess demographic recovery criteria within the Demograhpic Monitoring Area (DMA) created by the *Recovery Plan*. Because grizzly bears are a difficult species to monitor and manage, multiple standards with additional monitoring items are identified to provide sufficient information upon which to base management decisions. It is the goal of the agencies implementing this Conservation Strategy to manage the Yellowstone grizzly bear population in the entire GYE ~~at or above a total of 500 grizzly bears. DMA at the average population size between 2002–2014 when the population inside the DMA was essentially stable. Using the model-averaged Chao2 population estimation method this average population size was 674 (average lower 95% CI = 600; average upper 95% CI = 747)~~.

Comment [G7]: 2016 language to strike and replace with 2007 language; population goals above recovery are the purview of the states-support recovery cirteria which is to maintain a minimum population size of 500 animals in the Greater Yellowstone Area. The estimate of total population size cannot drop below 500 in two consecutive years. This estimate will be calculated by the Study Team using data obtained within the Demographic Monitoring Area.

Population standards and monitoring items include:

- Monitoring unduplicated females with cubs-of-the-year inside the GYE DMA.
- Calculating a total population estimate for the GYE DMA using the model-averaged Chao2 estimate of females with cubs-of-the-year (*see* Appendix C).
- Maintaining at least 500 bears in the GYE to assure the genetic health of the population.
  - ~~Five hundred bears is not a population goal but a minimum number necessary to address genetic health.~~

Comment [G8]: 2016 language to strike

- Monitoring the distribution of females with young of all ages and having a target of at least 16 of 18 BMUs (Bear Management Units) within the PCA occupied at least one year in every six, and no two adjacent BMUs can be unoccupied over any six-year period.
- Monitoring all sources of mortality for independent females and males (≥ 2 years old) and dependent young (<2 years old) within the GYE DMA and limiting mortality to annual mortality percentages on a sliding scale depending on the annual population size estimate using model-averaged Chao2.
- Monitoring population trend using female survivorship and reproductive rate data from radio-collared bears.
- Ensure meeting defined genetic management objectives ~~by facilitating occasional male movement between the Northern Continental Divide Ecosystem (NCDE) and GYE~~.

Comment [G9]: 2016 language to strike; if there are no defined genetic management objectives presently then strike the entire bullet

Chapter 3 Habitat Standards and Monitoring

The habitat standards identified in this document will be maintained at identified levels inside the PCA. In addition to the habitat standards, several other habitat factors will be monitored and evaluated to determine the overall condition of habitat for bears. It is the goal of the habitat management agencies to maintain or improve habitat conditions existing as of 1998, as measured within each subunit within the PCA, while maintaining options for management of resource activities at approximately the same level as existed in 1998. The habitat standards in this document are subject to revision based on the best available science and will be reviewed and updated as necessary.

Habitat standards include:

- Maintenance of secure habitat at 1998 levels in each BMU subunit through management of motorized access route building and density, with short-term deviations allowed under specific conditions. Secure habitat is defined as more than 500 meters from an open or

gated motorized access route or recurring helicopter flight line and must be greater than or equal to 10 acres in size.

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

Management of developed sites at 1998 levels within each BMU subunit, with some exceptions for administrative and maintenance needs.

Habitat criteria that will be monitored and reported include:

Monitoring open and total motorized access route density in each BMU subunit inside the PCA.

Monitoring of four high-calorie food items throughout the Yellowstone area: winter ungulate carcasses, cutthroat trout (*Oncorhynchus clarki*) spawning numbers, bear use of army cutworm moth (*Euxoa auxiliaris*) sites, and whitebark pine (*Pinus albicaulis*) cone production. The incidence of white pine blister rust (*Cronartium ribicola*) and whitebark pine mortality in sampled areas will also be monitored.

Monitoring the number of elk hunters inside the PCA.

Land managers will ensure that habitat connectivity is addressed throughout the Yellowstone area as part of any new road construction or reconstruction and that food storage orders are in place.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

The management of grizzly bear-human conflicts inside the PCA is based upon the existing laws and authorities of the state wildlife agencies and federal land management agencies. Outside the PCA, state management plans will direct the management of nuisance bears. Management of nuisance bears usually falls into one or more of the following categories:

Removing or securing the attractant.

Deterring the bear from the site through the use of aversive conditioning techniques.

Capturing and relocating the nuisance bear.

Removing the bear from the wild, including lethal control.

The focus and intent of nuisance grizzly bear management will be predicated on strategies and actions to prevent grizzly bear-human conflicts. It is recognized that active management aimed at individual nuisance bears will be required. Management actions outside the PCA will be implemented according to state and tribal management plans. These actions will be compatible with grizzly bear population management objectives for each state for the areas outside the PCA.

In circumstances that result in a nuisance bear situation outside the PCA, more consideration will be given to existing human uses. Site-specific conflict areas within and outside the PCA will be documented and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. Past conflict management has demonstrated that grizzly bears can coexist with most human activities.

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

Comment [G10]: 2007 language to strike-no longer appropriate once delisted

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park management plans.

All grizzly bear relocations and removals will be documented and reported annually in the Interagency Grizzly Bear Study Team (IGBST) Annual Report.

Chapter 5 Information and Education

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program. These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

The current information and education (I & E) working group within the Greater Yellowstone Ecosystem will continue. Members of this I & E team include public affairs personnel from Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the I & E specialist from the Interagency Grizzly Bear Committee (IGBC). This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

Chapter 6 Implementation and Evaluation

A new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), will replace the Yellowstone Ecosystem Subcommittee. YGCC meetings will be open to the public.

Some primary activities of the YGCC are:

- Coordinate implementation of this Conservation Strategy.
- Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.
- Share information and implement management actions in a coordinated fashion.
- Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.
- Implement a Biology and Monitoring Review ~~as necessary and submit a petition for relisting~~ as appropriate to ensure agency responsiveness to changing circumstances of the grizzly bear or its habitat in the GYE.
- Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.

Comment [G11]: 2007 language to strike-not an appropriate function for individual agency representatives on the Committee

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership consists of representatives of the following:

Federal	National parks: Yellowstone and Grand Teton
	National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-Targhee, Custer-Gallatin, and Shoshone
	One Bureau of Land Management representative
	The Biological Resources Division of the U.S. Geological Survey
State wildlife agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign

The IGBST and the I & E will perform necessary tasks and report to the YGCC.

As detailed in the monitoring portion of this Strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major demographic and habitat parameters are listed in Appendix G Monitoring results and analysis will be presented to the YGCC by the IGBST.

If there are deviations from ~~any of~~ the population and/or habitat standards stipulated in this Conservation Strategy, a Biology and Monitoring Review will be initiated.

Comment [G12]: 2007 language to strike-contradicts making new changes based on the best available science

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews would normally be undertaken after the annual summary of monitoring information presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

To identify the reasons why particular demographic or habitat objectives have not been achieved and to modify management as necessary, or

To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or

To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to develop plans to ensure that monitoring efforts be maintained as per the standards in this document, or

To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem.

~~Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public.~~

~~The YGCC will respond to the Biology and Monitoring Review with actions to address the deviations from the population or habitat standards. If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat standards specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC will petition the Fish and Wildlife Service (Service) for relisting. In the case of a vote on this issue, a simple majority is necessary.~~

Comment [G13]: 2007 language to strike-too much detail for this portion of the document

Comment [G14]: 2007 language to strike- not an appropriate function for individual agency representatives on the Committee or a committee that is not a separate legal entity; it makes no sense for the Service to subject itself to deadlines to respond to a petition from a committee in which USFSW is a technical support member

~~*Petition for Relisting*~~

~~The YGCC can petition for relisting and a resulting status review from the U.S. Fish and Wildlife Service. A status review is a process that requires the Service to review the status of the GYE grizzly bear population and is triggered by a petition to list a species. This petition from the YGCC will be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy. A status review will evaluate all factors affecting the population and result in a finding that summarizes the current status of the population. For purposes of a status review, the status of the entire GYE grizzly bear population will be considered.~~

Comment [G15]: 2007 language to strike-this is unnecessary in the summary and the detail is in Chap 6.

~~Additionally, the Service can initiate a status review to determine if the grizzly bear in the GYE should be added to the list of candidate species for listing independent of the YGCC based on concerns about the population and/or its habitat. Under Section 4 of the Endangered Species Act, a petition from an individual or organization can also initiate a status review, as long as the petition is deemed to be warranted. To be warranted, such a petition must present credible scientific information to support the petition.~~

~~If, as the result of the status review for candidate status or the petition for relisting, the population is found to be warranted for listing, as per the criteria of the Endangered Species Act in Section 4(a)(1), then the species could be immediately considered for relisting and could be relisted under emergency regulations, per Section 4(b)(7) if the threat were severe and immediate.~~

~~The Service will initiate a status review with possible emergency relisting if necessary if there are changes to Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics in the Conservation Strategy, thereby compromising implementation of the Strategy.~~

Comment [G16]: 2016 language to strike-asking the signators to agree to more than the legal standard for emergency relisting, not necessary when Service already has this authority.

Chapter 7 Existing Authorities

The existence of adequate regulatory mechanisms that serve to maintain the GYE grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to assure a healthy grizzly bear population.

This chapter lists applicable federal, state (Idaho, Montana, and Wyoming) and tribal acts, statutes, regulations, rules, plans, and guidelines[2].

Comment [G17]: 2016 footnote language to strike-the reference is inappropriate for states and federal agencies

[2] ~~Guidelines are management actions that are highly recommended in this Conservation Strategy. A deviation from a guideline would not require a revision or amendment to the Conservation Strategy. A deviation from a guideline requires written rationale as to why the guideline is not being followed.~~

Memorandum of Understanding Detailing Agency Agreement to Implement this Conservation Strategy

The agencies signing this Conservation Strategy agree to use their authorities to maintain and enhance the recovered status of the grizzly bear in the Greater Yellowstone Ecosystem (GYE) by implementing the regulatory mechanisms, interagency cooperation, population and habitat management and monitoring, and other provisions of the Conservation Strategy as per the details and responsibilities described in this document. All signatories recognize that each has statutory responsibilities that cannot be delegated and that this agreement does not and is not considered to abrogate any of their statutory responsibilities. This agreement is subject to and is intended to be consistent with all appropriate federal and state laws. Funding of this MOU is subject to approval and appropriations by approved state and federal entities. All agencies will take appropriate steps to seek funding to implement this document. The adequacy of the regulatory mechanisms demonstrated by this Conservation Strategy are dependent upon funding being available to fully implement the management and monitoring actions detailed in this document. This Conservation Strategy does not go into effect until all agencies have signed this document and the final rule delisting the GYE grizzly bear DPS has been published in the Federal Register.

Regional Forester Date
U.S. Forest Service, Northern Region

Regional Forester Date
U.S. Forest Service, Rocky Mountain Region

Regional Forester Date
U.S. Forest Service, Intermountain Region

Director
Idaho Department of Fish and Game
Date

Director
Montana Fish, Wildlife & Parks
Date

Director
Wyoming Game and Fish Department
Date

Director
National Park Service, Intermountain Region
Date

Regional Chief Biologist
Central Region, USGS Biological Resources Division
Date

State Director
Bureau of Land Management Idaho
Date

State Director
Bureau of Land Management Montana
Date

State Director
Bureau of Land Management Wyoming
Date

Regional Director
U.S. Fish and Wildlife Service, Region 1
Date

Regional Director Date
U.S. Fish and Wildlife Service, Region 6

Chapter 1 Introduction and Background

Introduction

The future management of the Yellowstone grizzly bear population is envisioned as one in which the grizzly bear and its habitat are conserved as integral parts of the Greater Yellowstone Ecosystem (GYE).

Within the GYE , the grizzly bear population and its habitat will be managed utilizing a management approach that identifies a Primary Conservation Area (PCA) and adjacent areas where occupancy by grizzly bears is anticipated and acceptable. The PCA is the existing Yellowstone grizzly bear recovery zone as identified in the 1993 *Grizzly Bear Recovery Plan* (Recovery Plan) (USFWS 1993). The size of the recovery zone is not being expanded in this approach. The PCA boundary will replace the recovery zone boundary to reflect the paradigm shift from managing for recovery to one of conservation (Figure 1).

In this Conservation Strategy (Strategy), management direction is described for both the PCA and adjacent areas within the GYE. State grizzly bear management plans, forest plans, and other appropriate planning documents provide additional management direction for the adjacent areas outside the PCA.

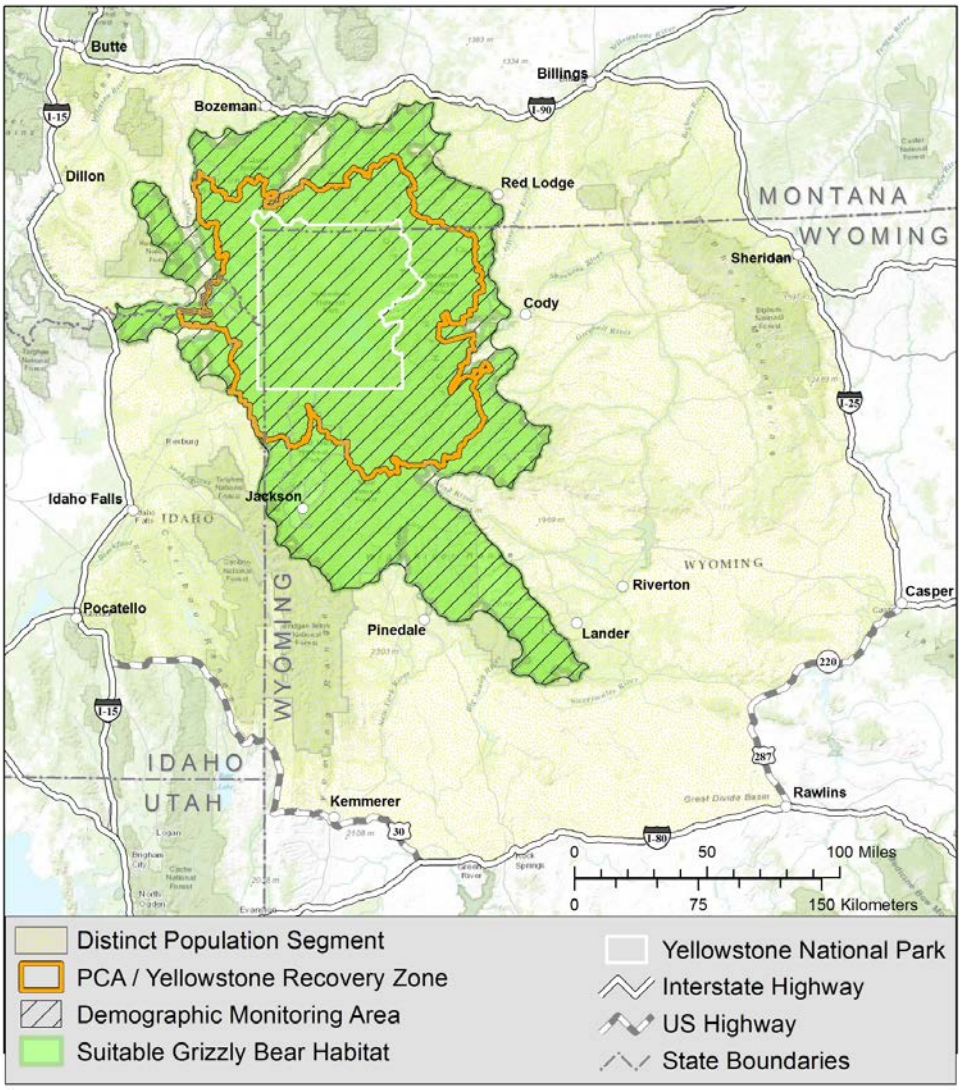
This Strategy was developed to be the document guiding management and monitoring of the GYE grizzly bear population and its habitat upon recovery and delisting. This Strategy will remain in effect beyond recovery~~,~~ and delisting, ~~and the five year monitoring period required by the Act as grizzly bears will always be a "conservation reliant" species (Scott *et al.* 2005) because of their low resiliency to excessive human-caused mortality. Therefore, the need to coordinate management of the population across multiple land ownerships and jurisdictions will always remain.~~

Comment [G18]: 2016 language to strike-This language is not necessary

~~Ongoing review and evaluation of the effectiveness of this Strategy is the responsibility of the state and federal managers in the~~ GYE. This Strategy will be ~~updated~~ evaluated by the management agencies every five years, or as necessary, allowing public comment in the updating process.

Comment [G19]: Comment-same reference as page 2, set expectations that may not be reasonable so replace update with evaluate

Figure 1. Map of the Greater Yellowstone Ecosystem (GYE). Boundaries are shown for: (1) the GYE grizzly bear Distinct Population Segment Area (the legal boundary where grizzly bears would be delisted); (2) the Primary Conservation Area (PCA); (3) Suitable Habitat; and (4) the Demographic Monitoring Area (DMA).



Upon implementation of this Strategy, the Yellowstone Grizzly Bear Coordinating Committee (YGCC) replaces the Yellowstone Ecosystem Subcommittee. (*See* Chapter 6 for more information about the activities of the YGCC.)

The Conservation Strategy

The purpose of this Strategy, which includes the state plans, is to:

- Describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYE.
- Specify the population, habitat, and nuisance bear standards to maintain a recovered grizzly bear population.
- Document the regulatory mechanisms and legal authorities, policies, and management and monitoring programs that exist to maintain the recovered grizzly bear population.
- Document the commitment of the participating agencies.

Implementation of the management strategies requires continued cooperation between federal and state agencies.

The GYE is a dynamic environment; monitoring systems in the Strategy allow for dynamic management as environmental issues change. The agencies are committed to be responsive to the needs of the grizzly bear by dynamic management actions based on the results of detailed annual population and habitat monitoring.

Development of the Conservation Strategy and State Plans

Development of the Strategy began in 1993, when biologists representing the National Park Service, U. S. Forest Service, U. S. Fish and Wildlife Service, Interagency Grizzly Bear Study Team, Idaho Department of Fish and Game, Montana Fish, Wildlife & Parks, and the Wyoming Department of Game and Fish were appointed to the Interagency Conservation Strategy Team. In March 2000, a draft Conservation Strategy was released to the public for review and comment. Later the same year, a Governors' Roundtable was organized to provide

recommendations from the perspectives of the three states that would be involved with management of grizzly bears after delisting. The Governors' Roundtable recognized the need to have state management plans that would give direction for grizzly bear management outside the PCA. The state management plans apply to management of grizzly bears outside the PCA, and describe the general areas that grizzly bears are likely to occupy in the foreseeable future.

In 2002, the 2007 Conservation Strategy was developed and the state plans were completed. Although this 2016 version of the Conservation Strategy updates sections of the Strategy, the vision remains the same.

The vision of the Strategy can be summarized as follows:

- The PCA will be a secure area for grizzly bears, with population and habitat conditions maintained that have allowed the grizzly bear population to achieve recovery and expand outside the PCA.
- Outside of the PCA, grizzly bears will be allowed to expand into biologically suitable and socially acceptable areas.
- Manage the GYA grizzly bear population within the DMA, to at least the 2002-2014 Chao2 average point estimate for total population, with 95% confidence intervals (i.e. 600-747).
- ~~Manage a population within the area called the Demographic Monitoring Area (DMA), which is the area formerly called Suitable Habitat (Figure 1). The population objective in the DMA is the average population size 2002-2014 when the population in this area was essentially stable. Use the model-averaged Chao2 population estimator applied inside the DMA to measure the population on an annual basis and to set the mortality limits within the DMA so as to maintain this average population size using a sliding scale of mortality for independent females and males, and dependent young.~~
- Outside of the PCA, the objective is to maintain existing resource management and recreational uses and to allow agencies to respond to demonstrated problems with appropriate management actions.

Comment [G20]: 2016 language to strike-replaced with language from MOA

Outside of the PCA, the key to successful management of grizzly bears lies in bears utilizing lands that are not managed solely for bears but in which their needs are considered along with other uses.

Expand public information and education efforts.

Provide responsive management to deal with nuisance grizzly bears.

Manage grizzly bears as a game animal, including allowing regulated hunting when and where appropriate.

Relationship to Other Plans

The state of Idaho, Montana, and Wyoming and the Tribes of the Wind River ~~Indian~~ Reservation all developed grizzly bear management plans. The three states also entered into a memorandum of agreement memoralizing how the states will coordinate with each other regarding bear management and allocation of mortality[3]. The individual state plans {and three-state memorandum of agreement} are complementary to this Strategy. ~~The state plans are integrated into the Strategy to ensure that the plans and the Strategy are consistent where necessary and complementary.~~ The state and tribal management plans are ~~formally incorporated in the Conservation Strategy as~~ Appendices I, J, K, ~~and~~ O, and P.

Comment [G21]: 2016 new language-The additions re Tribes are inconsistent (is WRT a signatory needed to finalize the revision?)

Comment [G22]: 2016 proposed language-*Add MOA language upon finalization of the Tri-State MOA or use with footnote to reference draft status*

Comment [G23]: 2007 language to change in light of evolution of state plans and MOA; revisions and amendments to state plans should not be encumbered by the Stategy process or vice versa

National Forest and National Park plans are also complimentary to this Strategy. Land and resource management plans for National Forests and National Parks in the GYE have incorporated the habitat standards and other relevant provisions of the Conservation Strategy. Those standards and provisions not yet incorporated into management plans will be integrated into future land management plan amendments or revisions.

[3] The states have provided a draft MOA that will be finalized by commission approvals in 2016

Background

The Grizzly Bear Population

The grizzly bear population in the lower 48 states was listed as threatened in 1975 pursuant to the Endangered Species Act of 1973.

The Recovery Plan established several demographic (population) recovery targets that must be achieved for a recovered grizzly bear population. All recovery targets are currently being met. When grizzly bears were listed in 1975, "indiscriminate illegal killing" and management removals were identified as threats to the population. In response, the Service and signatories to this Strategy implemented demographic recovery criteria to maintain a minimum population size, a well-distributed population, and establish mortality limits based on scientific data and direct monitoring of the population. Since implementing these criteria, the GYE grizzly bear population has tripled in size and range (Eberhardt *et al.* 1994; Knight and Blanchard 1995; Boyce *et al.* 2001*a*; Schwartz *et al.* 2006; Pyare *et al.* 2004; Schwartz *et al.* 2006a; IGBST 2012; Bjornlie *et al.* 2014).

Counts of females with cubs-of-the-year have increased. In 2013, the estimate of unique females with cubs-of-the-year within the entire GYE was 58 (Haroldson *et al.* 2014). This is the highest count ever recorded. The Recovery Plan target for the number of females with cubs-of-the-year has been exceeded since 1988. Calculations of population trajectory derived from radio-monitored female bears show an increasing population trend at a rate of 4 to 7 percent per year between 1983 and 2002 (Eberhardt *et al.* 1994; Knight and Blanchard 1995; Schwartz *et al.* 2006) and 0.3 to 2.2 percent between 2002 and 2011 (IGBST 2012). Grizzly bear range and distribution has more than tripled since 1975 (Basile 1982; Blanchard *et al.* 1992; Schwartz *et al.* 2002; Pyare *et al.* 2004; Schwartz *et al.* 2006a; Bjornlie *et al.* 2014). Independent female survival rates, the single most important cohort to population trajectory, are high (IGBST 2012).

In total, this population has increased from estimates ranging between 230 and 312 bears when listed in 1975 (Cowan *et al.* 1974; Craighead *et al.* 1974; McCullough 1981) to at least 714 animals as of 2014 (van Manen 2015, *in litt.*).

The Primary Conservation Area and the Demographic Monitoring Area

The Strategy identifies and provides a framework for managing habitat within a Primary Conservation Area (PCA) and managing demographic parameters within a Demographic Monitoring Area (DMA) (Figure 1). The PCA boundaries (containing 23,853 sq km (9,210 sq mi)) correspond to those of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 1). The PCA contains adequate seasonal habitat components needed to support the recovered GYE grizzly bear population for the foreseeable future and to allow bears to continue to expand outside the PCA. The National Park Service and the U. S. Forest Service manage the majority of lands within the PCA; a small percentage of land is privately owned or managed by the states or the Bureau of Land Management (BLM) (Table 1).

Table 12. Area of lands within the Primary Conservation Area by management type.

Management Type	Area (square miles)	Percent of the PCA
National Park Service	3,632	39.4
U. S. Forest Service	5,383	58.5
Private and Other Ownerships	195	2.1
TOTAL	9,210	100

To facilitate habitat management and ensure habitat was well distributed, the PCA was divided into 18 bear management units (BMUs) and 40 subunits (Figure 2). BMUs are used to measure the distribution of females with offspring while subunits allow better resolution of habitat

measurement. Habitat protections inside the PCA that allowed the recovery of the grizzly bear population will be maintained.

Figure 3. The Primary Conservation Area showing bear management unit and subunit boundaries.



Characterization of Grizzly Bear Habitat

Background on the Area Necessary for a Recovered Population

Grizzly bears are one of the subspecies of brown bears, which range throughout diverse areas and habitats in Europe, Asia, and North America. Brown bears have the most widespread distribution of any bear species and live in the widest range of habitats of any bear species including deserts, boreal forests, arctic tundra, coniferous forests, deciduous forests, alpine areas, and coastal rainforests. At minimum, grizzly bears need food, seasonal foraging habitat, denning habitat, and security in an area of sufficient size for survival. Bears overlap in home ranges and change densities based on a variety of social and environmental factors. However, the precise mixture of these diverse elements and the precise size of the area necessary to support a population of grizzly bears are impossible to specify. To a great degree, the difficulty lies in the fact that grizzly bears are long-lived opportunistic omnivores whose needs for foods and space vary depending on a multitude of environmental and behavioral factors and on variation in the experience and knowledge of each individual bear. The key to establishing habitat criteria that will maintain a healthy population is to look to the habitat factors in the past that produced a grizzly bear population in the Yellowstone area that is increasing in numbers and expanding in range. Habitat factors that produced a healthy population in the past were used to establish the habitat criteria for the future that must be maintained if a healthy population continues to be preserved.

The available habitat for bears is largely determined by human activities. Human activities are the primary factor impacting habitat security. Human activities and the social structure and relationships among resident bears are the two major influences on the accessibility of available foods for bears. The issue of how many grizzly bears can live in any specific area is a function of overall habitat productivity, annual production, availability of important foods, and the levels and types of human activities. There is no known way to calculate the number of grizzly bears that can live in an area in relation to ongoing changes in habitat values or to fully understand the

social system of the grizzly bear and how it is influenced by changes in bear density and related social interactions at various densities. As food availability fluctuates, there are corresponding changes in bear density in important use areas and changes in social tolerance within the bear population. This in turn will affect age-specific survivorship. Additional numbers of bears in many areas will result in the expansion of bear range, increasing grizzly bear-human conflicts, and erosion of public support for bears. All these factors interact.

A viable and therefore recovered population is one that has high long-term prospects for survival within acceptable levels of risk. Population size is an important factor in understanding population survival (Boyce 1992, Caughley 1994). However, there is no quantitative way to estimate precisely the number of animals required for a viable population of any species (Boyce 1992, 1993). From the mid 1980s, the Yellowstone grizzly bear population has grown at approximately 3 to 4% or more per year (Eberhardt *et al*. 1994, Boyce 1995, Boyce *et al*. 2001*b*). Boyce (1995) has calculated that the Yellowstone population currently has a probability of extinction of 0.0004 (4/10,000)—a very low probability. Nevertheless, as Boyce *et al.* (2001*b*) points out, "*population size alone is not a sufficient criterion for evaluating population viability*," and "*even though a population may have increased or decreased over the past 10 to 20 years, this offers no indication that the population will continue on the same trajectory in the future*." The best way to ensure a healthy population of grizzly bears is to monitor both population and habitat parameters closely and respond when necessary with adaptive management (Walters and Holling 1990) addressing the problems of the population in a dynamic way. That is what this Conservation Strategy is designed to accomplish.

The PCA has provided the vast majority of habitat for the currently increasing population in the Greater Yellowstone Ecosystem. This area will continue to be managed and monitored carefully to maintain habitat security, and to limit access-related disturbances and developed sites on public lands at or below 1998 levels. The GYE grizzly bear population was increasing at a rate of 3 to 4% per year as of 1998 (Boyce *et al*. 2001*b*). Due to this ongoing bear population increase, 1998 was chosen as the baseline year for measurement of levels of human activities.

The 1998 habitat baseline values for secure, developed sites on public lands, and livestock grazing are shown in Appendix E.

Food

The broad historic distribution of grizzly bears suggests adaptability in food habits of different populations. Although the digestive system of bears is essentially that of a carnivore, bears are successful omnivores, and in some areas may be almost entirely herbivorous. Bears feed on animal matter or vegetable matter that is highly digestible and high in starch, sugars, protein, and stored fat.

Grizzly bears must avail themselves of foods rich in protein or carbohydrates in excess of maintenance requirements in order to survive denning and post-denning periods. Other plant materials are eaten as they emerge, when crude protein levels are highest.

Grizzly bears are opportunistic feeders and will prey or scavenge on almost any available food including ground squirrels, ungulates, carrion, and garbage. In areas where animal matter is less available, roots, bulbs, tubers, fungi, and tree cambium may be important in meeting nutrient requirements. High quality foods such as berries, nuts, and fish are important in some areas.

The search for food has a prime influence on grizzly bear movements. Upon emergence from the den, they seek lower elevations, drainage bottoms, avalanche chutes, and ungulate winter ranges where their food requirements can be met. Throughout late spring and early summer, they follow plant maturity back to higher elevations. In late summer and fall, there is a transition to fruit and nut sources, as well as other plant materials. This is a generalized pattern, however, and it should be kept in mind that bears are individuals trying to survive and will go where they can best meet their food requirements.

Specific to the GYE, four seasonal foods have been identified for monitoring. These are: winter-killed ungulates (primarily elk (*Cervus elaphus*) and bison (*Bison bison*), but also deer (*Odocileus* species) and moose (*Alces alces*)), spawning cutthroat trout, whitebark pine seeds, and army cutworm moths. The High-Calorie Foods section in Chapter 3 provides more detail about the components of grizzly bear diet.

Cover

The relative importance of cover to grizzly bears was documented by Blanchard (1978) in a four-year study in the GYE. The importance of an interspersion of open parks as feeding sites associated with cover is also recorded in Blanchard's study.

Changes in the distribution and quantity and quality of cover are not necessarily detrimental to grizzly bears. The IGBST studied the effects of the large 1988 wildfires on grizzly bears. "*On the average, grizzly bears used burned habitats in proportion to their availability within individual annual ranges during 1989 to1992. Seasonal indices of movement and annual range sizes of cohorts are not statistically different from the 1975 to 1987 averages*" (Blanchard and Knight 1996).

Denning

Grizzly bears excavate dens. Dens are usually dug on steep slopes in forest cover where wind and topography cause an accumulation of deep snow and where the snow is unlikely to melt during warm periods. Elevations of dens vary geographically; generally, they are found at higher elevations well away from development or human activity. Abundant denning habitat is available and is not considered a limiting factor for grizzly bears (Podruzny and Gunther 2002).

Secure Habitat

History has demonstrated that grizzly bear populations survived where frequencies of contact with humans were very low. Populations of grizzly bears persisted in those areas where large expanses of relatively secure habitat were retained and where human-caused mortality was low. In the Yellowstone area, this is primarily associated with national parks, wilderness areas, and large blocks of public lands (IGBC 1998). 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. Habitat security allows a population to increase in numbers and distribution as lowered mortality results in more reproduction and cub recruitment into the adult population. This results in an increasing population. As the population increases, it begins to expand in range and distribution. Both of these responses to habitat security are currently ongoing in the Yellowstone population as the population is increasing at 3 to 4% per year (Boyce *et al*. 2001*b*), and increasing in distribution (Schwartz *et al*. 2002). Maintaining habitat security is a major goal of this conservation strategy.

By managing motorized access, the following grizzly bear management objectives can be met (IGBC 1998):

Minimize human interaction and potential grizzly bear mortality
Minimize displacement from important habitats
Minimize habituation to humans
Provide relatively secure habitat where energetic requirements can be met

Historically, management of motorized use has been primarily accomplished through restriction of certain types of motorized use on established access routes, i.e., management of open motorized route densities. Recent research has shown that secure habitat (areas that are free of motorized traffic, also referred to as core areas) is an important component of grizzly bear habitat (IGBC 1998).

The management of human use levels through access route management is one of the most powerful tools available to balance the needs of grizzly bears with the needs and activities of humans. It has been documented in several research projects, completed and ongoing, that unregulated human access and development within grizzly bear habitat can contribute to increased bear mortality and affect bear use of existing habitat (IGBC 1998).

Management Improvements and Mortality Reduction Efforts

Since listing of the grizzly bear under the Endangered Species Act (ESA), government agencies (federal, tribal, state, county, and city), organizations, and individuals have worked to improve management coordination and habitat conditions, minimize grizzly bear-human conflicts and bear mortality, and increase public awareness and appreciation for the grizzly bear in the GYE.

Summary of Management Improvements Related to Habitat

- The Interagency Grizzly Bear Committee (IGBC) was created to coordinate management efforts across multiple federal lands and different states. The Yellowstone Ecosystem Subcommittee was also created to coordinate efforts specific to the GYE grizzly bear. These committees cooperated in developing the *Interagency Grizzly Bear Guidelines* (IGBC 1986) and the *Interagency Grizzly Bear Committee Taskforce Report on Grizzly Bear/Motorized Access Management* (IGBC 1998). These guidelines were instrumental in changing land management practices on federal lands to provide security and to maintain or improve habitat conditions for the grizzly bear.
- The IGBST was created to provide scientific information for the management and recovery of the grizzly bear in the GYE. Scientific protocols have been developed to monitor the grizzly bear population and important habitat parameters.
- Federal and state agencies developed nuisance bear guidelines to manage bears that become habituated to human foods and refuse. The overall objective of these guidelines is to provide a quick response to grizzly bear-human confrontations.

Miles of open motorized access routes have been reduced through restrictions (such as gates and signs on motorized routes) and decommissioning (the route is no longer available for motorized use), thereby reducing open motorized access route densities and increasing secure habitat for the grizzly bear.

Highway design changes have been implemented, including changed guardrail heights to allow cub crossings; minimized cut-slope barrier walls to facilitate movement; revegetation planting to provide cover, minimize exotic plants, and discourage planting of palatable foods; and narrower rights of way and road widths.

Federal land management agencies have closed areas to cross-country motorized travel to provide more security for grizzly bears.

Federal land management agencies have closed some areas to all human entry during certain seasons to increase human safety and provide security for grizzly bears.

Many areas in the GYE have been closed to oil and gas leasing, or have restrictions (such as no surface occupancy) on oil and gas leasing to protect grizzly bear habitat.

Mortality Reduction Efforts Related to Habitat

Significant reductions in the human-caused bear mortality rate have been the primary reason the bear population is now meeting the demographic sub-goals established in the *Recovery Plan*. In addition to the above management improvements, the following actions have been found to be effective in limiting grizzly bear mortality and grizzly bear-human conflicts. These actions have been ongoing and will continue inside the PCA.

Federal land management agencies have implemented and monitored compliance with food storage orders that require people using grizzly bear habitat to store food and refuse properly on public lands so bears will not become habituated to unnatural foods. This also reduces grizzly bear-human encounters.

Bear-resistant garbage containers have been installed in campgrounds, picnic areas, and other public use areas on federal lands. Garbage collection schedules have been improved to collect garbage before it becomes an attractant to grizzly bears.

Some counties and communities have improved their landfills and garbage collection systems to reduce or prevent conflicts with grizzly bears.

Numerous education and information materials and programs have been developed by federal and state agencies and various organizations, to teach those living, working, and recreating in grizzly bear country how to be safe, to reduce grizzly bear-human encounters, and minimize grizzly bear mortality. Non-agency participation is encouraged.

The state wildlife agencies have developed active management/conflict resolution programs to help minimize conflicts between people and bears.

To provide increased protection for grizzly bears, Montana does not allow baiting or hound hunting for bears. Wyoming prohibits hound hunting within the state, and baiting is not allowed within the PCA. Baiting and use of hounds are not allowed within the PCA in Idaho.

The number of domestic sheep allotments and the number of domestic sheep grazing within the PCA has been reduced; the remaining domestic sheep allotments are to be phased out as opportunities arise. Sheep grazing permittees and herders must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear/grazing conflicts.

Individuals and organizations with special use permits on federal lands must follow strict requirements in their special use permits to protect grizzly bears and reduce grizzly bear-human conflicts.

Adjustments have been made on cattle grazing allotments within the PCA, and cattle permittees must follow strict requirements in their grazing permits to protect grizzly bears and reduce grizzly bear/grazing conflicts.

The IGBST coordinates an annual analysis of the causes of conflicts and known and probable mortalities, and proposed management solutions. Reports were reviewed by the

Yellowstone Ecosystem Subcommittee and appropriate actions initiated. The Yellowstone Grizzly Bear Coordinating Committee will continue this review process.

Federal and non-federal landowners have cooperated in limiting grizzly bear mortality and grizzly bear-human conflicts.

Livestock and road-killed carcasses are managed to minimize grizzly bear-human conflict. Hunters are encouraged to quickly care for and remove hunter-killed carcasses to minimize grizzly bear-human conflicts.

State and federal law enforcement agents have cooperated to ensure consistent enforcement of laws protecting grizzly bears. A task force of state and federal prosecutors and enforcement personnel from each state and federal jurisdiction will work together to make recommendations to all jurisdictions, counties, and states, on uniform enforcement, prosecution, and sentencing relating to illegal grizzly bear kills.

Comment [G24]: Comment-2007 language-may need to recalibrate this expectation

When reclaiming or obliterating motorized access routes or restricting motorized or non-motorized access, priority has been and will be given to areas with historical grizzly bear-human conflicts or areas of probable grizzly bear-human conflicts

Appropriate actions to reduce mortality will be implemented as described in the state plans outside the PCA where grizzly bears occur or can reasonably be expected to occur when and where possible to improve public safety and minimize grizzly bear mortality.

Recovery of the grizzly bear in the GYE is the result of partnerships between federal and state agencies, the governors of three states, county and city governments, educational institutions, numerous organizations, private landowners, and the public who live, work, and recreate in the GYE. Maintenance of a recovered grizzly bear population depends on these partnerships.

Chapter 2 Population Standards and Monitoring

Introduction

To maintain a healthy (recovered) grizzly bear population in the GYE, it is necessary to have adequate numbers of bears that are widely distributed with a balance between reproduction and mortality. This section details the demographic criteria in the *1993 Recovery Plan* that were necessary to achieve recovery, and the criteria necessary to maintain it in the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*. The *1993 Recovery Plan* criteria focused on the PCA and a 10-mile perimeter, whereas criteria in the Strategy, the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Yellowstone Ecosystem*, and the appended state plans encompass the Demographic Monitoring Area (DMA) of the GYE. Because grizzly bears are a difficult species to monitor and manage, multiple criteria are identified to provide sufficient information upon which to base management decisions.

The IGBST has generated extensive information useful to determine the status of the GYE grizzly bear population. Few populations have benefited from the amount of effort in data collection, as has the Yellowstone population. Agencies responsible for management will continue their commitment to data collection so population status can be determined and all designated standards maintained.

Under this Conservation Strategy and the *2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem*, all mortalities and all reports of unduplicated females with cubs (*see* Appendix C) will be monitored within the DMA (Figure 1). This will result in the management and monitoring of the grizzly bear population in the entire GYE DMA , as opposed to the system in the *1993 Recovery Plan*, which managed and monitored only the population inside the recovery zone and within 10 miles outside the recovery zone. This wider monitoring of mortalities and accounting for mortality limits is more stringent

than the system under the *1993 Recovery Plan*. Conservation Strategy demographic standards ~~and the standards in the state plans~~ are tied to the DMA, shown in Figure 1. The criteria and objectives in the existing *1993 Recovery Plan* have modified, as described below.

Comment [G25]: 2016 new language to strike-state plans should be left out of this sentance

Population Monitoring

~~Primary~~ demographic monitoring protocols for the GYE population will focus on the area within the DMA and monitoring and documenting population size, distribution of females with young, and all forms of mortality ~~so as to be within the mortality limits described~~. Additional monitoring or research may be conducted as determined by the IGBST.

Comment [G26]: 2016 language to strike-not necessary and over presciptive

Demographic Recovery Criteria from the 2016 Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem

The *1993 Recovery Plan* defined a recovered grizzly bear population as one that could sustain a defined level of mortality and is well distributed throughout the recovery zone. The *1993 Recovery Plan* outlined a monitoring scheme that employed three demographic sub-goals to measure and monitor recovery of the Yellowstone grizzly bear population. The second criterion pertaining to the distribution of females with offspring remains unchanged. However, the first and third criteria pertaining to the minimum allowable number of females with cubs of the year and sustainable mortality limits were revised and updated to reflect current methods based on the best available science. The current demographic recovery criteria in the 2016 *Recovery Plan Supplement: Revised Demographic Criteria for the Greater Yellowstone Ecosystem* are:

Comment [G27]: Comment: The document to be incorporated by reference has problems

Demographic Recovery Criterion 1 ~~– Within the Demographic Monitoring Area (DMA), maintain a minimum population size of at least 500 animals to assure genetic health, as quantified by methods established in published, peer-reviewed scientific literature and calculated by the IGBST using the most updated protocol, as posted on their website. This number was chosen to ensure the short-term fitness of the population was not threatened by losses in genetic~~

~~diversity in such an isolated population. Five hundred is not a management target or population goal. Instead, it is a minimum population threshold. The goal is to maintain the population well above this threshold to ensure that genetic issues are not a detriment to the genetic fitness of the GYE grizzly bear population. At this threshold population of 500, more than a third of the suitable habitat in the DMA would be unoccupied (van Manen 2015, *in litt.*) and therefore the grizzly bear population could not be considered demographically recovered.~~ Maintain a minimum population size of 500 animals in the Greater Yellowstone Area. The estimate of total population size cannot drop below 500 in two consecutive years. This estimate will be calculated by IGBST using data obtained within the Demographic Monitoring Area (Figure 1).~~The IGBST has been calculating population size on an annual basis using the model-averaged Chao2 estimate since 2002. As the grizzly bear population has increased, model-averaged Chao2 estimates have become increasingly conservative (i.e., prone to underestimation). As a conservative approach to population estimation, the model-averaged Chao2 method will continue to be the method used to assess Criterion 1 (*see* Appendix C for the application protocol for annual population estimation using the model-averaged Chao2 method). The IGBST will continue to investigate new methods for population estimation as appropriate. If new methods become available, these will be considered for application in the GYE as long as they represent the best available science. However, until possible new methods are developed, the model-averaged Chao2 method will continue to be used.~~

Comment [G28]: 2016 language to strike- We understood there was agreement that Criterion 1 would not be changed. Criterion 1 has been discussed numerous times and now we see lots of new stuff.

Replace with previously agreed upon language regarding 500 and cannot drop below in 2 consecutive years.

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Comment [G29]: 2016 language to strike-out of place- move to page 42.

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Demographic Recovery Criterion 2—Sixteen of 18 bear management units within the PCA (Figure 2, Chapter 1) must be occupied by females with young, with no two adjacent bear management units unoccupied, during a 6-year sum of observations. This criterion is important as it ensures that reproductive females occupy the majority of the PCA and are not concentrated in one portion of the ecosystem.

~~*Demographic Recovery Criterion 3*—Within the DMA, establish annual mortality limits for independent females (at least 2 years old), independent males (at least 2 years old), and dependent young (less than 2 years old) that stabilizes the population at approximately the~~

~~average model-averaged Chao2 estimate 2002–2014 of 674 (average lower 95% CI = 600; average upper 95% CI = 747).~~ Ensure the following total mortality rates are not exceeded within the DMA for three consecutive years for independent males, independent females and dependent young, as set forth in table 2, and based on the 2002-2014 Chao2 average point estimate for the total population with 95% confidence intervals (600-747).

~~Each year the IGBST will calculate the model-averaged Chao2 population estimate for the DMA. This population estimate will be used to set the mortality limits for the following year. These mortality rates will be on a sliding scale with the population objective being to maintain the population within the DMA at the 2002–2014 average (using the Chao2 estimate this is 674 (average lower 95% CI = 600; average upper 95% CI = 747)). The mortality rate that resulted in population stability 2002–2011 was 7.6% for independent females, 7.6% for dependent young, and 15% for independent males (IGBST 2012). The higher rate for independent males is biologically sound since population growth is less sensitive to independent male mortality than to independent female mortality. In order to maintain the population goal at the 2002–2014 average size and associated confidence intervals inside the DMA, a sliding scale of mortality rates will be applied to the model-averaged Chao2 population estimate from the year before as per Table 2.~~ Mortalities are tracked and reported annually using data obtained within the DMA shown in Figure 1.

Comment [G30]: 2016 language to strike-new language aligns with MOA; the criteira is that the identified, adjustable, population size-correlated mortality rates are not exceeded. The language USFWS has proposed is not a criterion. Criterion should be in terms of mortality rate of X for {Demongraphic class" should not be exceeded in Z consecutive years.

~~***Table 2. Mortality***~~ ***Total mortality rates used to establish annual mortality limits for independent females, independent males, and dependent youmg inside the DMA.*** ~~***using the model-averaged Chao2 population estimate method. These mortality limits are on a sliding scale to achieve the population goal inside the DMA of the average population size 2002–2014 of 674 (average lower 95% CI = 600; average upper 95% CI = 747) using the Chao2 method inside the DMA. For populations less than 600, there will be no discretionary mortality unless necessary for public safety or management of bear–human conflicts.***~~

Comment [G31]: 2016 language to strike-shorten table description and replace with table from states MOA

	Total Grizzly Bear Population Estimate

	<674	675-747	>747
Total mortality rate for independent FEMALES.	7.6%	9%	10%
Total mortality rate for independent MALES.	15%	20%	22%
Total mortality rate for dependent young.	7.6%	9%	10%

*For populations less than 600, there will be no discretionary mortality unless necessary for human safety or management of nuisance grizzly bears

~~**Mortality limit % for independent FEMALES (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~<7.6%~~	~~7.6%~~	~~9%~~	~~10%~~
~~**Mortality limit % for independent MALES (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~15%~~	~~15%~~	~~20%~~	~~22%~~
~~**Mortality limit for % of DEPENDENT YOUNG (using model-averaged Chao2 method)**~~	~~Pop. Size using Chao2~~	~~<600~~	~~601-673~~	~~674~~	~~675-747~~	~~>747~~
	~~Mort. %~~	~~No discretionary~~	~~<7.6%~~	~~7.6%~~	~~9%~~	~~10%~~

Comment [G32]: replaced

Conservation Strategy Population Standards

This Conservation Strategy and the state management plans set an objective of maintaining a recovered grizzly bear population in the Yellowstone area sufficient to meet management objectives inside and outside the PCA in biologically suitable and socially acceptable habitats. The demographic standards in this Conservation Strategy are designed to meet these goals.

The GYE grizzly bear population exceeds 500 total bears as of 2006 (Appendix M). The intent of the Conservation Strategy is to allow grizzly bears ~~to expand their range and numbers and re~~occupy all biologically suitable and socially acceptable habitats. It is the goal of the agencies of the YGCC implementing this Conservation Strategy to manage the Yellowstone grizzly bear

Comment [G33]: 2007 language to strike-no longer appropriate.

population in the entire GYE at or above a total of 500 grizzly bears ~~stabilize the Yellowstone grizzly bear population inside the DMA at the 2002-2014 average Chao2 population estimate of 674 individuals (average lower 95% CI = 600; average upper 95% CI = 747).~~ This Conservation Strategy requires continued monitoring of the standards in the 2016 Recovery Plan Supplement to the *1993 Recovery Plan* and some additional standards. These specific population standards, will be applied to the population within the DMA.

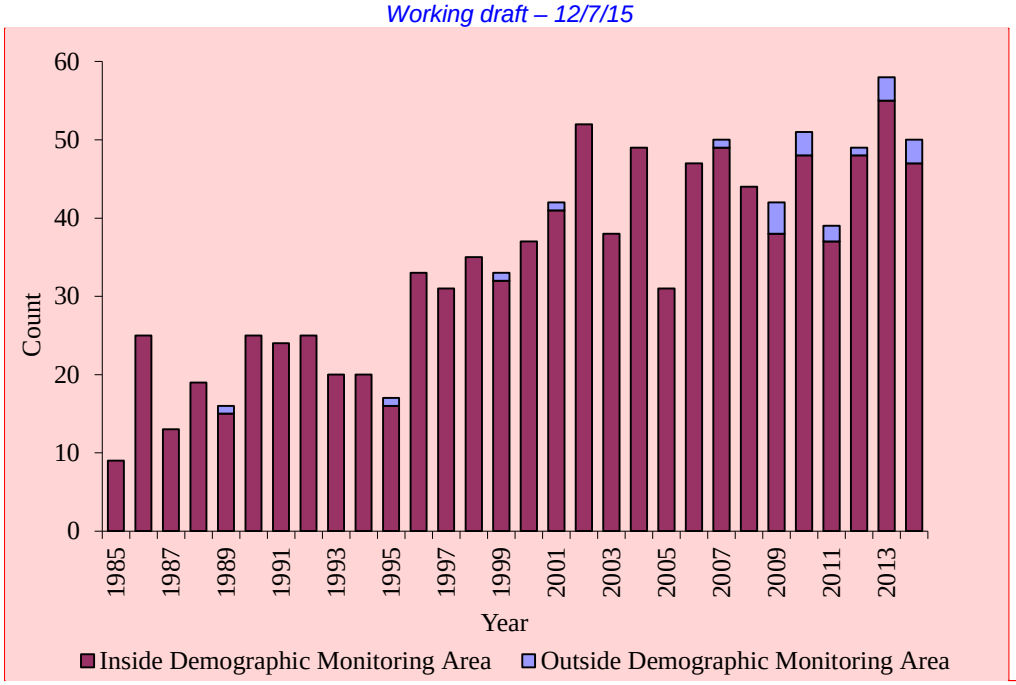
Comment [G34]: 2016 language to strike and replace with 2007 language. Population management is the purview of the states.

Unduplicated Females with Cubs-of-the-Year

Background

Females with COY occupy all of the existing bear management units within the PCA as well as areas outside the PCA (Figure 3).

Figure 3. The number of unduplicated females with cubs-of-the-year inside and outside the Demographic Monitoring Area, as per the Recovery Plan, 1985–2014.



Comment [G35]: 2007 plan had the recovery plan objective reference line-it needs to be added in this table

Monitoring Protocol

Monitoring unduplicated females with COY will provide information to demonstrate adequate reproduction and to estimate *total* population size. *Total* population size will be estimated using the model-averaged Chao2 method, as described in Appendices B, C, L, and M using the sightings and resightings of unduplicated females with cubs from all areas where grizzly bears occur in Figure 2. The IGBST has been calculating population size on an annual basis using the model-averaged Chao2 estimate since 2002. As the grizzly bear population has increased, model-averaged Chao2 estimates have become increasingly conservative (i.e., prone to underestimation). As a conservative approach to population estimation, the model-averaged Chao2 method will continue to be the method used to assess Criterion 1 (*see* Appendix C for the application protocol for annual population estimation using the model-averaged Chao2 method). The IGBST will continue to investigate new methods for population estimation as appropriate. If new methods become available, these will be considered for application in the GYE as long as

Comment [G36]: Make sure this is accurate

they represent the best available science. However, until possible new methods are developed, the model-averaged Chao2 method will continue to be used. This is a departure from the way the population estimate was done per the *1993 Recovery Plan*. In the *1993 Recovery Plan*, a *minimum* population estimate was made based on the most recent three years of sightings of unduplicated females with cubs, using only unduplicated sights from the recovery zone and 10 miles outside the recovery zone. The revised and improved methodology used in this document allows an estimate of the *total* population using the model-averaged Chao2 method rather than the *minimum* population size. This allows the calculation of mortality limits based on the total population size for each age and sex class (i.e., independent females, independent males, and dependent young) within the DMA (Figure 2). This method allows mortality management and population monitoring of the grizzly bear population in the DMA, as opposed to the method used in the *Recovery Plan*, which focused mortality management and population monitoring on only a portion of the Yellowstone grizzly bear population inside the PCA (the former Recovery Zone) and within 10 miles of the outer boundary of the PCA. The number and distribution of females with cubs-of-the-year can also be used to demonstrate that a sufficient number of adult females are alive within the population to reproduce and offset existing levels of human-caused mortality.

Comment [G37]: 2016 new language moved from Criteria one paragraph-still not sure this is the appropriate place.

The numbers of unduplicated sightings and resightings of females with cubs of the year inside the DMA will be reported by the IGBST. Using these data, the IGBST will produce the model-averaged Chao2 estimate of the total number of independent females in the population inside the DMA, which will then be used to estimate the total population size in the DMA. This total population estimate will be used to apply the mortality limits as per Table 2 within the DMA for independent females (> 2 years old) and independent males (> 2 years old) from all causes as well as mortality limits for dependent young (≤ 2 years old) from human-caused mortality. For a more detailed description of this methodology, see Appendix C.

Sightings and resightings of females with COY inside the DMA will be obtained from numerous sources, including radio tracking flights, confirmed sightings, and observation flights. Observation flights are primarily designed to survey the DMA and the number of flights

conducted is standardized to ensure equal effort in obtaining data. The IGBST will verify the reliability of all sightings. The IGBST will plot all sightings and summarize data for unduplicated females and numbers of cubs seen for the entire population. Methodology developed by Knight *et al*. (1995) will be used to separate duplicated from unduplicated sightings (*see* Appendix C for more information).

Distribution of Females with Young

Background

The distribution of females with young of all ages, based on the most recent six years of observations in the ecosystem, is presented in Figure 4. The recovery criterion of having 16 of 18 BMUs occupied with no two adjacent units vacant continues to be met (Table 3). This criterion is important as it ensures that reproducing females occupy the majority of the PCA and that successful reproductive females are not concentrated in one portion of the ecosystem.

Monitoring Protocol

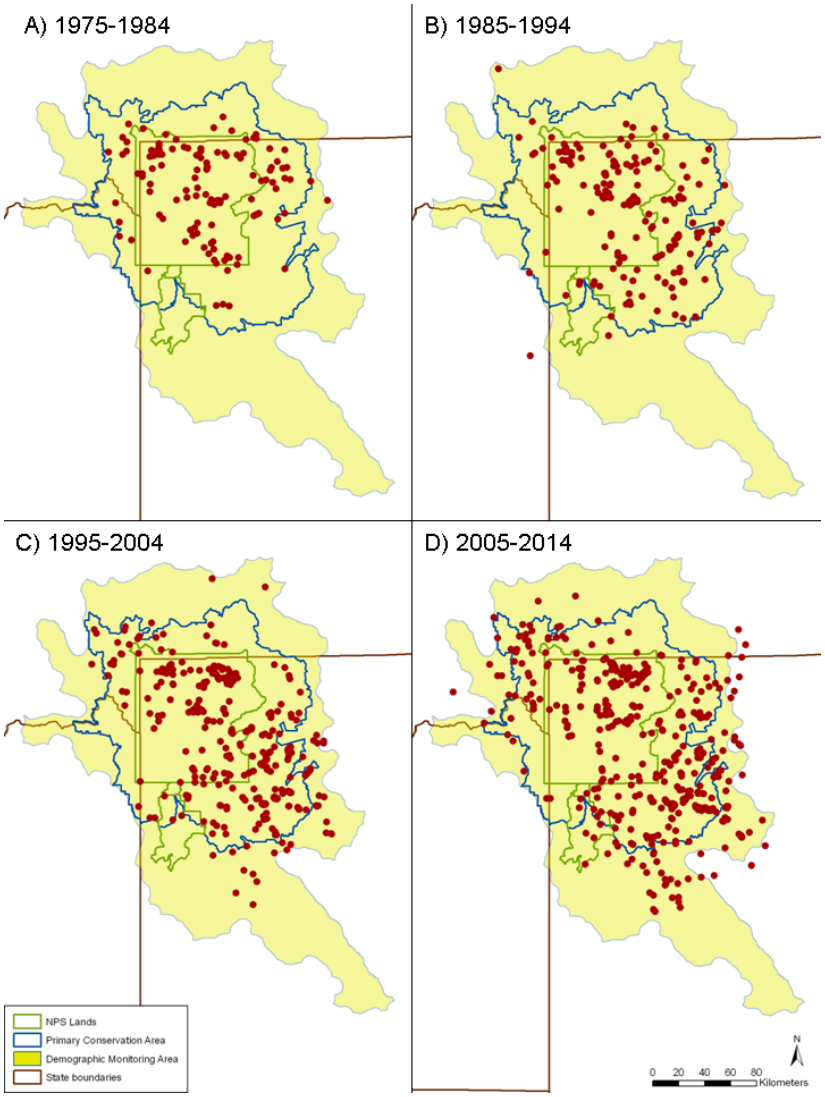
This effort will provide information to assess distribution of the reproductive cohort in all occupied habitats, although the specific distribution standard for reproducing females will apply only to the PCA. A recovered population should be well distributed throughout grizzly bear range. Successful reproduction is one indicator of habitat sufficiency, thus distribution of family groups of grizzly bears is one indicator of suitable habitat in areas where such sightings occur. Since sub-adult females usually establish home ranges adjacent to that of their mothers, the distribution of family groups is also an indication of future occupancy of these areas by grizzly bears. Radio tracking flights, observation flights, agency personnel sightings, and verified reports from other individuals will be the primary methods employed to collect female distribution data. The IGBST will verify all reports and keep a record of locations. Data will be maintained by the IGBST.

The number of BMUs occupied by females with young will be reported for the most recent six years. Females with young outside the PCA will also be reported, but only those females with young within the PCA will be used to document achievement of this distribution standard.

Table 4. Bear Management Units occupied by females with young based on verified reports, 2009–2014.

Bear Management Unit	2009	2010	2011	2012	2013	2014	Years occupied
1) Hilgard	X	X	X	X	X	X	6
2) Gallatin	X	X	X	X	X	X	6
3) Hellroaring/Bear	X	X	X	X	X	X	6
4) Boulder/Slough	X	X	X	X	X	X	6
5) Lamar	X	X	X	X	X	X	6
6) Crandall/Sunlight	X	X	X	X	X	X	6
7) Shoshone	X	X	X	X	X	X	6
8) Pelican/Clear	X	X	X	X	X	X	6
9) Washburn	X	X		X	X	X	5
10) Firehole/Hayden	X	X	X	X	X	X	6
11) Madison	X	X	X		X	X	5
12) Henry's Lake	X	X	X	X	X	X	6
13) Plateau	X	X			X	X	4
14) Two Ocean/Lake	X	X	X	X	X	X	6
15) Thorofare	X	X	X	X	X	X	6
16) South Absaroka	X	X	X	X	X	X	6
17) Buffalo/Spread Creek	X	X	X	X	X	X	6
18) Bechler/Teton	X	X	X		X	X	5
Totals	18	18	16	15	18	18	

Figure 5. Initial sightings of unduplicated females with cubs-of-the-year in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).



Mortality

Background

Agencies have invested significant effort aimed at limiting human-caused deaths for grizzly bears. To date, these efforts have been very successful at limiting mortality and allowing the population to increase since it was listed in 1975.

The distribution of known and probably human-caused mortalities 1975–2014 is shown in Figure 5. As the population continues to expand, the percentage of known and probable mortalities occurring outside the PCA and outside the DMA is increasing ~~and~~ however this is expected.

Comment [G38]: Comment-More explanation why it's expected from protocol section below to this paragraph

Monitoring Protocol

The management of human-caused mortality of grizzly bears is key to successful maintenance of the grizzly bear population in the ~~Greater Yellowstone Ecosystem~~GYE. Mortality limits are a necessary tool for managers in regulating human impacts to any wildlife population, including grizzly bears. Managing mortality is necessary to avoid the unregulated killing that occurred as the Yellowstone area was settled and to build support for long-term survival of the population. Higher numbers of mortalities can be expected in areas outside the DMA as the grizzly bear population expands, particularly in areas on the edge of the range when bears move on to private lands or in areas with higher levels of human development. Mortality management recognizes the need for some bears to be removed to address recurring conflicts to meet management needs for nuisance bears, human safety issues, etc.

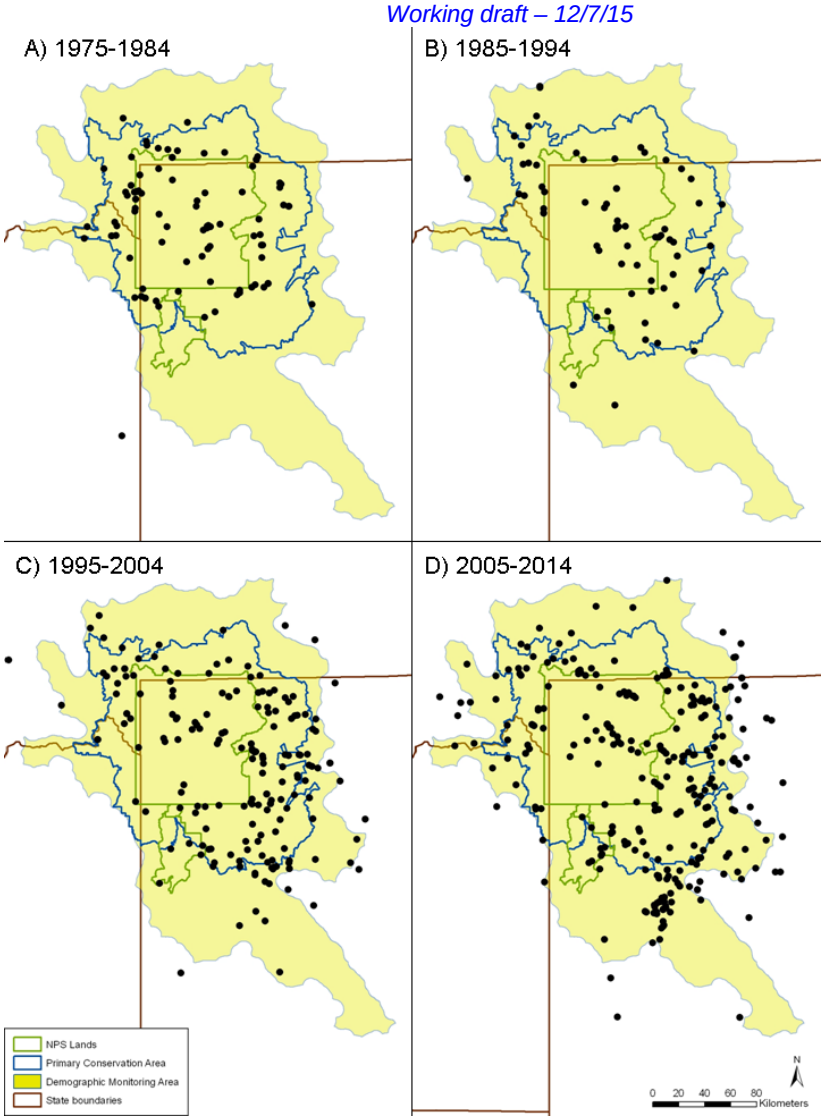
The state wildlife agenices (Montana, Wyoming, and Idaho) have signed a Memorandum of Agreement setting forth how they will coordinate bear management actions and limit discretionary mortality to ensure it will not jeopardize the recovery and survival of the GYE grizzly bear population (Appendix P). This document also summarizes each state's regulatory mechanisms for regulating discretionary mortality, including harvest. The states may use

Comment [G39]: New 2016 language that should be included-This language may benefit from further editing and expanded reference to the MOA (Proposed as Appendix P).
The concept is that the Strategy explains what the States will do; comparable to the habitat sections, which explain what the federal land management agencies have agreed to do. This approach can be used in combination with the deletion of USFWS' incorrect version of the discretionary mortality table.

~~R~~regulated harvest ~~may be utilized~~ as a management tool when and where appropriate. ~~all known and probable mortalities due to regulated harvest will be limited by the overall mortality limits within the DMA. Mortality limits will be monitored and managed within the mortality limits described in Table 2 and Table 4 to ensure mortality will not jeopardize the health and survival of the GYE grizzly bear population.~~

Comment [G40]: 2016 language to strike-

Figure 6. Distribution of known and probable mortalities, from all causes, in the Greater Yellowstone Ecosystem, by decade from 1975–2014 (IGBST Data).



~~*Table 4. Framework to manage inside the DMA for the population goal of the average population 2002–2014 using the model-averaged Chao2 method.*~~

Comment [t41]: 2016 language to strike-Since there are two Table 4s, the tables will not need to be renumbered when this is deleted.

Management Framework	Background and Application Protocol				
1. Area within which mortality limits apply.	49,928 sq km (19,279 sq mi) Demographic Monitoring Area (DMA) (Figure 2).				
2. Management objective.	To maintain the population at the average estimate for 2002–2014, a period of population stability (674 using the model-averaged Chao2 methodology (Keating *et al.* 2002; Cherry *et al.* 2007; Harris *et al.* 2007) (average lower 95% CI = 600; average upper 95% CI = 747)).				
3. Population estimator.	The model-averaged Chao2 population estimator will be used as the population measurement tool unless another scientifically sound method becomes available. The model-averaged Chao2 population estimate for 2002–2014 was 674 (average lower 95% CI = 600; average upper 95% CI = 747).				
4. Mortality limit setting protocol.	Each fall the IGBST will annually produce a model-averaged Chao2 population estimate for the DMA. That population estimate will be used to establish the mortality limit percentages for each age/sex class for the following year as per #7, #8, and #9 (below).				
5. Allocation process for managed mortalities	The States will coordinate to manage within the mortality limits per age/sex class outside National Parks and the Wind River Reservation (WRR). The WRR will receive a portion of the available mortality limit based on the % of the WRR geographic area within the DMA. Mortalities outside the DMA are the responsibility of each State and do not count against mortality limits.				
6. Management review by the IGBST every 5–10 years to assure that management actions are achieving the objective of a stable population at the estimated number at time of delisting.	This management review will assess if the management system is achieving the desired objective to maintain a stable population at the 2002–2014 average estimated population size based on the model-averaged Chao2. The management review is a science-based process that will be led by the IGBST (which includes all State and Federal agencies and the WRR Tribes) using all recent available scientific data to assess population numbers and trend against the management objective. Vital rates such as age/sex-specific survival and reproductive rates will also be reevaluated using the most recent data to adjust mortality levels as necessary.				
7. Mortality limit % for independent FEMALES based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	<7.6%	7.6%	9%	10%
8. Mortality limit % for independent MALES based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	15%	15%	20%	22%
9. Mortality limit for % of dependent young based on the results of the model-averaged Chao2 method.	Pop. size	<674	674	675–747	>747
	Mort. %	<7.6%	7.6%	9%	10%

Comment [t42]: USFWS new language. Stable population at the estimated number at time of delisting. THIS IS NOT THE OBJECTIVE; THIS HAS BEEN DISCUSED REPEATEDLY.

10. Example of background level of annual mortalities from management and other causes – Using average yearly total mortality of independent bears (≥2 years) from all causes including unknown/unreported estimates, this example uses the average 2011 to 2014.	38 expected independent bear deaths/year due to management, illegals, and other deaths (17 F, 21 M). (This includes dead bears from inside the DMA only.) Note that this is only an example of the expected background level of annual mortalities. This number may vary from 38/year and will have to be factored into the numbers presented in items #11 and #12 below. The average number of background mortalities inside the DMA for the previous four years will be used to estimate the expected number of animals available for discretionary mortality allocation.				
11. Total annual mortality limit from all causes for independent FEMALES (≥2 years).	< 600 (as an example of <7.6% mortality)	600–673 <7.6% mortality	674 at 7.6% mortality	675–747 at 9% mortality	>747 at 10% mortality
	<16	16 to 17	18	21 to 23	>26
12. Total annual mortality limit from all causes for independent MALES (≥2 years).	<600 at <15% mortality	600–673 15% mortality	674 at 15% mortality	675–747 at 20% mortality	>747 at 22% mortality
	<31	31 to 34	35	47 to 52	>57

Known and probable human-caused mortalities are defined as follows:

Known. Carcass recovered or evidence to indicate known status due to radio telemetry. Known deaths require a carcass, management removal, or a cut radio collar. Found collars having the appearance of being cut should receive additional forensic review for definitive proof.

Probable. Strong evidence to indicate mortality, reported by highly reliable sources, no carcass recovered. Probable deaths include those cases where there is supportive evidence that a bear was wounded. Circumstances of each reported instance should be considered. Probable includes those cases where evidence of blood, hair, or other tissues clearly indicates wounding serious enough to result in death. The literature is unclear on the likelihood of survival for orphaned cubs, therefore, any cub(s) orphaned during its first year of life because of a known mortality of its mother is considered a probable mortality.

Because probable mortalities will be counted against the mortality quota, and because there is a female quota, each probable mortality must be assigned a sex. Sex will be assigned in the following manner:

Probable deaths of adult bears where cubs-of-the-year are reported present will be classified as sex = female.

Lone bears classified as probable deaths will be assigned sex based upon statistics available from known deaths in the ecosystem. The percentage of known male and female deaths in the GYE between 1975 and 1998 is 59% and 41% respectively. These estimates exclude natural mortalities, management removals, and females with young. Therefore, sex will be assigned to probable adult mortalities in the GYE at a ratio of 59:41, male: female.

Cubs-of-the-year that are orphaned and counted as mortalities will be assigned sex based a 50:50 sex ratio at birth (Eberhardt *et al*. 1994). For each cub, a random number will be drawn between 1 and 100. If the number is 1 through 50, the sex will be assigned as male; if the number is 51 to 100, the sex will be assigned as female.

~~Mortality Management~~

State agencies will ~~assure that~~manage mortalities ~~remain~~ within the limits described in Table 2 and Appendix P, by implementing specific regulatory mechanisms in state law and regulation.~~Table 4 by enacting specific regulatory mechanisms in state law and regulation to demonstrate adequate regulatory mechanisms over human-caused mortality, including mortality from sport hunting. These regulations are as follows:~~

Comment [t43]: 2016 language to strike- USFWS "enacting" mischaracterizes the status of state regulatory mechanisms as not in place. Suggested language above re state MOA addresses this issue.

~~- PLACEHOLDER -~~

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~~Other regulations, such as timing and location of hunting seasons should seasons be implemented, would be devised by the States to minimize the possibility that mortality limits of independent females are exceeded within the DMA.~~

Comment [t44]: 2016 language to strike- season adjustments are based on biological factors and management considerations.

It is recognized that established mortality limits might be exceeded in any given year. Any mortality threshold will not affect the immediate management of bears for human safety concerns or for management of nuisance grizzly bears. ~~This document~~ Appendix P describes agency responsibilities ~~and actions to reduce mortality~~ should this occur. ~~State plans provide for the take of nuisance bears regardless of the current mortality quota upon consultation among all involved agencies.~~

Comment [t45]: 2007 language to strike-or clarify what "involved" means.

Monitoring Protocol

Mortality will be monitored by the IGBST reports from all sources. The IGBST will estimate the annual unknown and unreported mortality as per Appendix C and these mortalities will be added to the known and probably mortalities to produce a total annual mortality estimate by age and sex class. Each State wildlife agency, Tribe, and National Park will provide mortality information to the IGBST, who will update and report ~~ongoing~~ mortalities within the DMA to all agencies so that the states may adjust management actions under their purview ~~mortality management can be adjusted in a rapid fashion should that be necessary~~ if a mortality limit is approached or exceeded. The IGBST will annually

Comment [t46]: 2016 language to modify- clarify it is the states who determine adjustments.

summarize all mortality information as to location, type, date, sex, and age for the ~~Greater Yellowstone Ecosystem~~GYE and produce this information in their annual reports.

Mortality standards and grizzly bear vital rates will be reviewed and reported by the IGBST every 5 years. ~~This information may be used to revise mortality management as necessary as long as any such revisions meet the population objectives in the recovery criteria and use the best available science. All management of and information on mortality management will be open to full public review.~~

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Comment [t47]: 2016 language to strike- ESA "best available science" standard does not apply in perpetuity to delisted population management decisions.

Comment [t48]: 2007 language to strike- states and federal agencies have public records laws.

Population Trend

Background

The population of grizzly bears was increasing at approximately 4% to 7% annually between 1983 and 2001 (Eberhardt *et al*. 1994, Boyce 1995, Boyce *et al*. 2001*b*, Harris *et al*. 2006). While there is some debate related to the actual level of increase since the bear was listed in 1975, all information, number of unduplicated females (Figure 3), distribution of reproducing females (Figure 4), distribution of bears, informal sightings by agency personnel, and areas where nuisance bears are being managed indicate this population has increased in both numbers of bears (Figure 5) and the geographic area they occupy (Schwartz *et al*. 2002).

Schwartz *et al.* (2006*b*) used data from 1983 through 2001, while the 2012 IGBST report examined a more recent time period, 2002 through 2011 (IGBST 2012). The 2012 report (IGBST 2012) reported that population growth had slowed since the previous time period, but was still stable to slightly increasing, and had not declined. Because the fates of some radio-collared bears are unknown, Schwartz *et al.* (2006*b*) and the IGBST (2012) calculated two separate estimates of population growth rate: one based on the assumption that every bear with an unknown fate had died (a conservative estimate); and the other simply removing bears with an unknown fate from the sample. The true population growth rate is assumed to be somewhere in

between these two estimates because we know from 30 years of tracking grizzly bears with radio-collars that every lost collar does not indicate a dead bear. While Schwartz *et al.* (2006*b*) found the GYE grizzly bear population increased at a rate between 4.2 and 7.6 percent per year between 1983 and 2002, the IGBST (2012) found this growth had slowed and leveled off and was between 0.3 percent and 2.2 percent per year during 2002–2011.

Schwartz *et al.* (2006*b*) analyzed survivorship of cubs, yearlings, and independent bears based on whether they lived inside Yellowstone National Park, outside the Park but inside the Recovery Zone or Primary Conservation Area (PCA), or outside the PCA entirely. The PCA boundaries (containing 23,853 sq km (9,210 sq mi) correspond to those of the Yellowstone Recovery Zone (U.S. Fish and Wildlife Service 1993) and will replace the Recovery Zone boundary (Figure 2). They concluded that grizzly bears were approaching carrying capacity inside Yellowstone National Park. Consistent with this conclusion, t~~T~~he IGBST (2012) documented lower cub and yearling survival than in the previous time period~~, results consistent with the conclusion by Schwartz *et al.* (2006*b*)~~. Importantly, annual survival of independent females (the most influential age-sex cohort on population trend) remained the same while independent male survival increased (IGBST 2012). Collectively, these two studies indicate that the growth rate of the grizzly bear population inside the DMA had slowed as bear densities have approached carrying capacity, particularly in the core area of occupied range. Recent work by van Manen ~~at~~ *et al.* (2015) confirms that population growth has slowed and the population is showing density dependent population regulation as the population occupies almost all suitable habitat in the DMA.

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Monitoring Protocol

This Strategy recognizes that any one factor cannot provide the needed information to assess population size and trend. Ultimately, population assessments will require multiple sources of information.

Population trend, using the Lotka equation as calculated from adult female survivorship and reproductive rate data for the appropriate period (Eberhardt *et al*. 1994, Eberhardt and Knight 1996), will be used as supportive information to evaluate population trend. This method will be applied to the population inside the DMA.

The agencies will strive to maintain a minimum of 25 adult female grizzly bears fitted with mortality-sensing radio collars and monitored at all times. To adequately sample survival, these 25 adult females will be spatially distributed throughout the ecosystem. The target distribution of these 25 radio-collared adult females will be determined by the IGBST; the expected distribution of collared females by agency will be assigned. Each female will be monitored using aerial telemetry flights during the non-denning period. These data will be collected in conjunction with other regularly scheduled relocation flights. When a radio collar indicates that a bear may have died, a field crew will evaluate the actual status of the female and determine cause of death. The IGBST will coordinate field crew collection of mortality data on each bear.

Data to calculate reproduction and survival are collected annually in all areas occupied by grizzly bears throughout the DMA. These data sets will be maintained by the IGBST and used periodically to evaluate population trend.

Table 7. Within the Greater Yellowstone Ecosystem Demographic Monitoring Area: (1) Annual minimum and total count of unduplicated females with cubs-of-the-year (COY) and the 6-year average; (2) documented known and probable mortalities, estimated total mortalities (including unknown-unreported), and estimated annual percent mortality for independent males and females; and (3) for dependent young, estimated annual population, documented known and probably human-caused mortalities and estimated annual percent human-caused mortality within the DMA, 2004-2014.

Year	Unduplicated females with COY		Total population estimate[b]	Independent aged females (≥2 yrs old)			Independent aged males (≥2 yrs old)			Dependent young (<2 yrs old)	
	Annual minimum count	Annual total count[a]		Documented mortality	Estimated total mortality	Estimated % mortality	Documented mortality	Estimated total mortality	Estimated % mortality	Documented human-caused mortality	Estimated % human-caused mortality
2004	49	58	605	10	18	8.5	12	23	10.9	0	0.0
2005	31	31	630	2	5	2.3	7	10	4.6	1	0.5
2006	47	45	656	2	3	1.3	7	11	4.8	0	0.0
2007	49	53	683	11	20	8.4	6	12	5.1	10	4.8
2008	44	56	710	14	30	12.1	22	40	16.2	8	3.7
2009	38	44	694	9	18	7.4	10	18	7.4	5	2.3
2010	48	56	718	14	23	9.2	21	39	15.6	7	3.2
2011	37	47	706	12	26	10.6	13	19	7.8	5	2.3
2012	48	59	718	8	12	4.8	18	31	12.4	6	2.7
2013	55	60	740	10	18	7.0	7	10	3.9	1	0.4
2014	47	64	756	4	7	2.7	11	17	6.5	2	0.9

2015	44	46	717	10	19	7.7	20	29	11.7	16	7.2

[a] Total numbers calculated using methods of Keating *et al.* 2002 (Appendix B)

[b] Using the Chao2 estimator

Genetic Management

Comment [t49]: 2016 language to strike- The statement in the 2007 statregy may be preferable, but it references reintroduction into the Selway Bitterroot, which Idaho cannot support.

~~*Background*~~

~~The GYE supports the southernmost population of grizzly bears remaining in North America. Areas of human occupation, development, and transportation networks separate the Yellowstone grizzly bear from its nearest neighboring population in the Northern Continental Divide Ecosystem (NCDE) of northwestern Montana. Currently, physical distance and relatively high mortality risk due to anthropogenic influences inhibits gene flow between these two grizzly bear populations. As with any isolated population, genetic issues can potentially be of concern for the Yellowstone grizzly bear population because of long-term inbreeding effects due to the loss of genetic diversity. The question of concern is whether genetic factors pose a risk of compromising the long-term viability of the Yellowstone grizzly bear population.~~

~~DNA analyses conducted on museum specimens by Miller and Waits (2003) indicated a slight decline in genetic variability in the Yellowstone population since the early 20th century; however, this loss of variability was less severe than previously hypothesized. Indeed, a~~ A ~~more~~ recent study by Kamath *et al*. (2015) using recent advances in genetic analysis techniques with molecular markers (Luikart *et al*. 2010) indicate that despite isolation, genetic diversity in the contemporary population has stabilized. Kamath *et al*. (2015) found that the current rate of inbreeding in the Yellowstone grizzly bear population is very low (0.2%). Likewise, the effective population size (N_e), which reflects the number of reproducing individuals in a population, has increased from 102 to 469 during the 25-year period of 1982–2007. This positive trend is important because N_e serves as a surrogate measure for a population's evolutionary potential and risk of inbreeding (Franklin and Frankham 1998). The most current N_e estimate of 469 based on Kamath *et al.* (2015) approaches the minimum threshold criterion of 500 required for a threatened population to retain long-term evolutionary potential and maintain adequate genetic variation necessary for adaptation to environmental change. It also exceeds the requisite minimum threshold (N_e > 50 individuals) needed to avoid risk of inbreeding (Franklin

1980). The recent findings of Kamath *et al.* (2015) that 1) genetic diversity is not declining, 2) rate of inbreeding since 1985 is very low, and 3) effective population size has increased nearly 4-fold since 1982, collectively indicate that, at current population levels and under the current environmental conditions, genetic factors do not pose a substantial risk to the viability of the Yellowstone grizzly bear population.

~~Given that the Yellowstone grizzly bear is an isolated population, it is inevitable that sometime in the future there will be loss of genetic variation in the population if no natural movement between neighboring population(s) and no artificial transplants occur. Although in the short term the urgency of this scenario is reduced (Kamath *et al.* 2015), the genetic diversity of Yellowstone grizzly bears remains low relative to other interior grizzly bear populations. However, Kamath *et al.* (2015) recommend that efforts continue to eventually realize natural connectivity and therefore gene flow between Yellowstone and other ecosystems: *"Thus, our study suggests that current effective population sizes are sufficiently large ($N_e \gg 50$) to avoid substantial accumulation of inbreeding depression, reducing concerns regarding genetic factors affecting the viability of Yellowstone grizzly bears. Nonetheless, the historically small Ne, relatively low diversity and isolation over many generations suggest the grizzly population could benefit from increased fitness following the restoration of gene flow (e.g. Tallmon et al. 2004; Hogg et al. 2006), particularly given the unpredictability of future climate and habitat changes."* Therefore, it is important that facilitation of natural movements between the NCDE and the GYE continue, and that monitoring for flow of new genetic material via natural immigration and assessment of genetic diversity aslo continue. In recent decades, as the NCDE and Yellowstone populations have both increased in numbers and expanded in range, the prospect for re-establishing natural connectivity has been improved (Haroldson *et al.* 2010, Proctor *et al.* 2012).~~

~~It is important to continue to facilitate natural movement between the NCDE and the GYE by: (1) management of attractants on public lands in the intervening areas through food storage orders; (2) that there be continued outreach and education about the fact that grizzly bears may~~

~~occasionally be present in these intervening areas; and (3) by minimizing discretionary mortality in these intervening areas. This effort to facilitate natural connectivity between the NCDE and the GYE will not impact necessary management of nuisance bears should they occur in these intervening areas. Although current genetic monitoring methods yield a very high probability (0.96) for detecting a first generation hybrid if one is to occur, no evidence of recent immigration from neighboring populations has been observed (Haroldson *et al*. 2010). Miller and Waits (2003) suggest that one to two effective migrants per generation from the genetically diverse NCDE population would be an appropriate level of gene flow to maintain or increase current levels of genetic diversity in the Yellowstone population.~~

Comment [G50]: 2016 language to strike-states cannot agree to this

Genetic Monitoring Protocol

Genetic samples will be collected from all grizzly bear captures and mortalities in the GYE for analysis via cooperative efforts between the IGBST and recognized genetic experts. Genetic analyses of these samples will be conducted and evaluated for potential evidence of grizzly bears from other populations immigrating into the Yellowstone population and producing offspring. Monitoring of radio-collared grizzly bears will be used to document potential movements between other ecosystems and the GYE.

Miller and Waits (2003) suggest that one to two effective migrants per generation from the genetically diverse NCDE population would be an appropriate level of gene flow to maintain or increase current levels of genetic diversity in the Yellowstone population. If genetic monitoring indicates a significant decline in genetic health, infusion of new genetics will occur through transplants or natural introgression.

Chapter 3 Habitat Standards and Monitoring

Background

Between 1986 and the initial 2007 delisting of the Yellowstone grizzly bear population, grizzly bear habitat in the Greater Yellowstone Ecosystem (GYE) ~~were~~ was managed under standards and guidelines specified in national forest and national park management plans, which included Guidelines established by the Interagency Grizzly Bear Guidelines (IGBC 1986). Acknowledging that humans are the primary agent of grizzly bear mortalities, a principal objective of the IGBC was to improve survival rates by implementing management strategies that minimized anthropogenic influences and grizzly bear-human conflicts. IGBC measures implemented inside the Grizzly Bear Recovery Zone (GBRZ) improved management of garbage and food attractants, reduced sheep grazing, and restricted motorized access and human development. These standards and guidelines ~~that~~ were imposed upon public lands were instrumental in recovery of the grizzly bear in the GYE.

Comment [t51]: Comment-There are some weird edits to this section; it would benefit from proofreading and better wordsmithing.

Comment [t52]: Comments-"imposed upon public lands"?.

The subsequent1993 *Recovery Plan* required the preservation and monitoring of habitat necessary to support a recovered population. This led to the to the development of more explicit and measureable habitat criteria to be applied inside the GBRZ, as per the *Recovery Plan Supplment: Habitat-based Recovery Criteria for the Greater Yellowstone Ecosystem* (USFWS 2007*c*). ~~.~~To satisfy this requirement, measureable habitat criteria were established that called for no net loss of secure habitat with respect to 1998 conditions. These criteria~~s~~ were embraced and incorporated into the draft Conservation Strategy and released for public comment in 2000. Analysis of public comments and new information was used to establish the final habitat standards for a recovered Yellowstone population as identified in the 2007 Conservation Strategy (USFWS 2007*a*) and appended in a supplement to the Recovery Plan (USFWS 2007*b*). Upon delisting of the Yellowstone population, the GBRZ will be referred to as the Primary Conservation Area (PCA) to reflect the shift from managing for recovery to one of conservation. This 2016 revision of the Conservation Strategy includes some changes

Comment [t53]: Comment-"Embraced"? for a draft?

to the 2007 document that help clarify habitat standards as they pertain to the 1998 baseline. Clarifying language to the application rules has been inserted where necessary to provide better direction for application of these standards on a local project level. No substantive changes in the content of habitat standards have been made under this revision. However, some modifications in habitat monitoring protocols have been made and are documented in this chapter.

Introduction

Habitat standards apply to Federal lands inside the PCA and identify three factors that must be maintained at, or improved upon with respect to conditions existing in 1998: 1) secure habitat, 2) number and capacity of developed sites, and 3) number and acreage of active commercial livestock grazing allotments. All three of these factors are linked to human activities that affect grizzly bear mortality and displacement. These three standards apply only to public lands within the PCA, the area where past recovery efforts and present habitat conservation measures are primariy focused. The PCA serves as a relatively safe haven located at the core of the ecosystem and accounts ~~fro~~ for approximately 47% of the Yellowstone grizzly bear's occupied range as estimated from methods of Bjornlie *et al*. 2014 (Figure 6). The 1998 baseline for habitat standards was selected because studies showed (and recently affirmed) that the Yellowstone grizzly bear population was increasing annually at a robust rate of 4 to 7 percent between 1983 and 2001 (Boyce *et al.* 2001*b*, Harris *et al*. 2006, 2007, IGBST 2012). Habitat conditions in 1998 were considered representative of this time period since levels of secure habitat and developed sites inside the PCA had remained relatively constant in the 10 years preceding 1998 and beyond (USDA 2004). Hence, conditions in 1998 are believed to have supported and contributed to the population growth observed during 1983-2001. Habitat standards, as they apply to the 1998 baseline, impose measureable side boards on allowed levels of human activity inside the PCA and establish a clear benchmark against which future improvements and impacts of habitat can be measured.

Comment [t54]: Comment-Accurate?

Comment [t55]: Comment-Figure 6 is the mortalities figure?

To facilitate management of habitat throughout the PCA, the area inside the PCA is divided into 18 distinct bear management units (BMUs) and 40 subunits (Figure 2, Chapter 1). BMU boundaries were delineated to approximate the average *lifetime* range of an adult female grizzly bear in the GYE. Each BMU was further subdivided into one ore more subunits comparable in size to the average *annual* home range of an adult female grizzly bear. Monitoring habitat at a subunit scale provides greater spatial resolution and proved to be better suited for analyzing habitat use patterns and ensuring good distribution of bear habitat throughout the PCA (USDA 1985). Hence, conditions pertaining to secure habitat and developed site standards are measured and compared against 1998 levels for each of the 40 bear management subunits within the PCA. To date, habitat-based criteria throughout the PCA have been successfully maintained at, or improved upon, 1998 levels for all 40 subunits. Adherence to these standards ensures that sufficient habitat for the Yellowstone grizzly bear will continue to be available into the foreseeable future. Habitat standards in this document are subject to revision based on the best available science and will be reviewd and updated as necessary.

In addition to mandatory habitat standards, several other habitat parameters will be monitored and evaluated to determine the overall condition of habitat for grizzly bears in the PCA. These additional monitoring items include habitat connectivity, hunter numbers, and productivity of the following four high-calorie foods: 1) winter-killed ungulates, 2) cutthroat trout, 3) army cutworm moths, and 4) whitebark pine seeds. Information on monitoring protocols for these items is found in subsequent sections of this chapter.

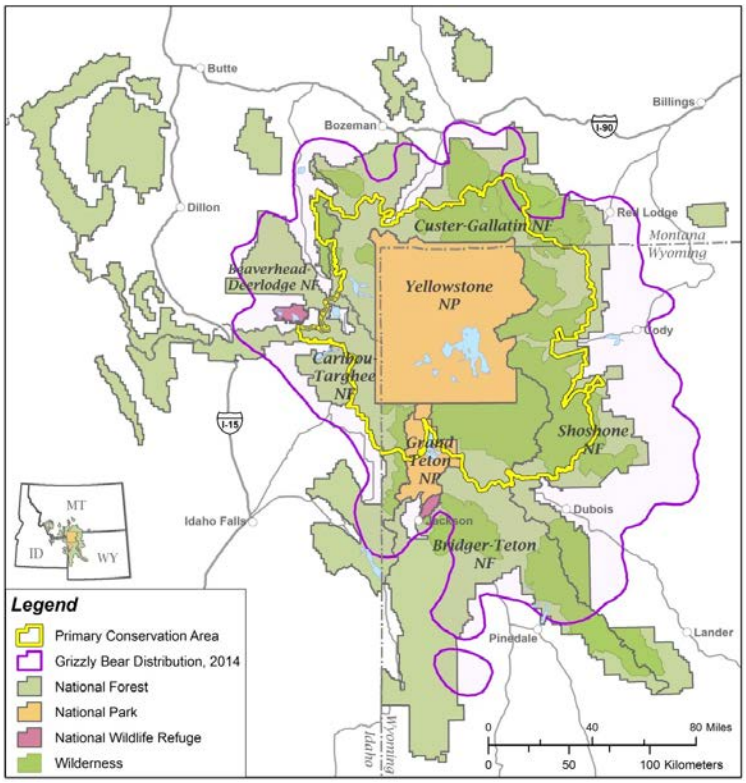
Agencies responsible for management of grizzly bear habitat in the GYE are committed to continue collecting the necessary information to evaluate adherence to habitat standards and monitoring protocols throughout the PCA. The overall objective for habitat management inside the PCA is to reduce human-caused grizzly bear mortalities by maintaining or improving habitat with respect to 1998 conditions while maintaining options for resource management activities at approximately the same level as existed in 1998. The habitat

standards and monitoring requirements in this Conservation Strategy will be incorporated into National Forest, National Park, and BLM plans.

Comment [t56]: Comment-Have been?

Figure 8. Federal lands comprising the Greater Yellowstone Ecosystem (GYE), the Primary Conservation Area (PCA), and estimated current (2014) Grizzly Bear Occupied Range.

Comment [t57]: Comment-This map looks like it includes considerable area outside of the boundaries of the prior GYA DPS. Was this larger area used for the % of occupied habitat? this doesn't match figure 1; what's up with math regarding occupied habitat, such as the reference of unoccupied habitat in demographic critierion 1, etc.



Outside the PCA, grizzly bears are allowed to expand into adjacent areas considered biologically suitable and socially acceptable, as per direction in the State management plans

(Appendices I, J, and K). The key to successful management of grizzly bears outside the PCA is a sustainable balance that accommodates the needs of grizzly bears along with the competing demands of human use. As such, an important management objective for areas outside the PCA is to maintain existing resource management and recreational uses and allow agencies to respond to demonstrated problems with appropriate management actions. ~~Approximately 83 percent of suitable habitat outside the PCA occurs on federally owned land and about 66 percent of that suitable habitat is occupied by grizzly bears (Figure 6).~~ A flexible management strategy is crucial for promoting acceptance and tolerance for grizzly bears as they continue to expand into suitable habitat outside the PCA. Standards and guidelines for other wildlife species identified in National Forest and Park management plans indirectly provide additional habitat management direction for bears outside the PCA.

Comment [t58]: Where did this figure regarding occupation come from?
The document previously stated: "Collectively, these two studies indicate that the growth rate of the grizzly bear population inside the DMA had slowed as bear densities have approached carrying capacity, particularly in the core area of occupied range. Recent work by van Manen *et al.* (2015) confirms that population growth has slowed and the population is showing density dependent population regulation as the population occupies almost all suitable habitat in the DMA." See prior note about Figures 1 and 8.

State grizzly bear management plans for Idaho, Montana, and Wyoming recommend and encourage land management agencies to maintain or improve habitats important to grizzly bears and to monitor habitat conditions outside the PCA. These three states acknowledge the importance of secure habitat, motorized access management, and road density issues related to the survival of grizzly bears and other wildlife. Consequently, levels of secure habitat and motorized route density are monitored on federal lands outside the PCA to identify and prevent potential habitat threats from negatively impacting the long-term viability of the Yellowstone grizzly bear population. Land management agencies work cooperatively with state wildlife agencies to meet identified population and habitat goals for grizzly bears in the GYE. The process of implementing state and federal grizzly bear management is coordinated by the Yellowstone Grizzly Bear Coordinating Committee (YGCC) representing all respective land management agencies in the GYE (*see* Chapter 6 Implementation and Evaluation).

Immediately upon ESA delisting of the species, Forest Service regional foresters in Regions 1, 2, and 4 agree to add the grizzly bear to their Sensitive Species lists for the five National Forests in the GYE. Forest Service sensitive species direction requires that any project "*must*

not result in loss of species viability or create significant trends toward federal listing" (USDA 2005). Sensitive species direction also requires the Forest Service to "*assist states in achieving their goals for conservation of endemic species*" (USDA 2005). A biological evaluation will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will be completed for all Forest Service projects potentially affecting the grizzly bear. These evaluations will determine whether projects do or do not meet the habitat standards in this Conservation Strategy. If the biological evaluation demonstrates that a project does not meet the habitat standards as well as other relevant habitat and population criteria, the project will be modified as necessary to ensure complete adherence with all required measures.

Habitat Standards Inside the PCA

Human activity is the primary factor negatively impacting availability and security of grizzly bear habitat in the GYE. The relationship between bears and habitat is extremely complex and difficult to quantify. However, unfettered human activity is known to result in displacement and mortality of grizzly bears and was a significant contributing factor leading to listing the grizzly bear in the conterminous U.S. as a Threatened species in 1975. Restrictions in human activities due to management practices implemented by the IGBC in the mid-1980s correlate strongly with the steady increase in the Yellowstone grizzly bear population that was observed between 1983 and 2001. Habitat standards formalized in this document impose measurable sideboards on levels of human activity allowed on Federal lands inside the PCA, thereby reducing opportunities for grizzly bear-human conflicts, habitat disturbance, and displacement of grizzly bears from valuable habitat.

Habitat standards identified in this document address three key factors related to human activity (motorized access, site development, and commercial livestock grazing) and specifically call for no net loss in secure habitat inside the PCA from what existed in 1998

(Appendix E). Adequate secure habitat is essential to the survival and reproductive success of grizzly bears, particularly adult females.

It is the goal of habitat management agencies to maintain or improve habitat conditions throughout the PCA at or above 1998 levels, as measured per bear managementsubunit, These levels of secure habitat have been maintained and will continue to be maintained, and improved on where possible, long into the future.

Potential impacts to grizzly bears and their habitat will be evaluated and mitigated using the criteria and standards in this Conservation Strategy in coordination with state wildlife agencies.

Omissions to the 1998 habitat measurements comprising the baseline (Appendix E) may be corrected for when based on new and well documented information substantiating the existence and status of anthropomorphic features (i.e., motorized routes, developed sites, or livestock allotments) that were not propery accounted for in the 1998 baseline. When verified, legitimate corrections to the baseline will be tracked and reported and will constitute new baseline habitat levels against which future change will be measured.

Application rules specific to each habitat standard provide additional direction on how these standards are to be implemented at a Federal project level. The following habitat standards and application rules apply to all Federal lands inside the PCA.

Secure Habitat Standard

The Secure Habitat Standard requires that inside the PCA, the percentage of secure habitat within each bear management subunit must be maintained at or above levels that existed in 1998 (Appendix E). The sole exception to the 1998 secure habitat baseline applies to the three subunits identified in the 2007 Conservation strategy as in need of improvement above 1998 levels (Gallatin #3, Henrys Lake #2, and Madison #2). These three subunits must be

maintained at or above levels attained from the full implementation of the 2006 Gallatin National Forest Travel Management Plan (Appendix E). Authorized Federal projects that result in temporary or permanent changes to secure habitat must follow the Application Rules identified below.

Secure habitat is defined as any contiguous area ≥ 10 acres in size and more than 500 m from an open or gated motorized access route (road or trail) or recurring low level helicopter line during the non-denning period (March 1 – November 30). Gated routes that are closed year-round to public motorized use but remain accessible to administrative personnel are still considered motorized access routes, and hence, detract from secure grizzly bear habitat. Decomissioned routes that are permanently and effectively closed to the public and administrative staff do not count against this standard. Lakes larger than 1.6 sq km (1 sq mi) in spatial extent are excluded from secure habitat calculations.

Application Rules for Permanent Changes in Secure Habitat

Permanent changes to secure habitat are allowed inside the PCA when associated with an authorized Federal project involving construction of new motorized routes (i.e., roads or trails), reconstruction of existing motorized routes, or opening of a previously decommissioned route if, and only if, the following conditions are met:

- Any loss in secure habitat below baseline levels is replaced by restoring secure habitat of equivalent quality and quantity (e.g., through decommissioning) in the same bear management subunit. Habitat quality must be assessed based on the best collective scientific understanding of grizzly bear habitat ecology and the rationale for all mitigation measures must be fully documented.
- Replacement habitat must be in place before project implementation or concurrent with project development as an integral part of the project plan. Replacement habitat must remain in place for a minimum of 10 years before it can be subsequently replaced and

mitigated for per application rules (this duration is based upone the generation time for a female grizzly bear, or the time it takes to replace herself in the population).

- For those subunits identified as in need of improvement above 1998 levels (*Gallatin #3, Madison #2,* and *Henry's Lake #2*), secure habitat will be maintained at or above levels associated with full implementation of the 2006 Gallatin National Forest Travel Management Plan (see Appendix E).
- For activities based on statutory rights, such as access to private lands under the *Alaska National Interest Lands Conservation* (ANILCA) or the *1872 General Mining Law*, where permanent reductions in secure habitat cannot be replaced within the affected subunit, then secure habitat will be compensated at a commensurate level at or above the baseline in the nearest possible subunit. In these rare situations, subsequent changes to secure habitat in the two affected subunits constitute permante changes to the baseline.
- Honor existing oil and gas or other mineral leases. Proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases would strive to meet the application rules for changes to secure habitat. New leases, APDs, and operating plans must meet the secure habitat and developed site standards.
- Motorized routes on private land that post-date 1998 are not counted against this standard. However, for motorized roads or trails acquired through land exchanges or acquisition that are desirable to maintain for public use, mitigation is strongly recommended.

Application Rules for Temporary Changes in Secure Habitat

Temporary reductions in secure habitat below baseline levels inside the PCA are allowed when associated with authorized Federal projects. Project activities should be concentrated in space and time to minimize disturbance**.** The following conditions must be met for temporary projects:

Only one project affecting secure habitat may be active within a given bear management subunit at any one time.

Total acreage of secure habitat affected within a given BMU does not exceed 1 percent of the acreage in the largest subunit within that BMU. The acreage of a project that counts against the 1 percent limit (i.e., the amount of secure habitat affected) is measured as the acreage within the 500-meter buffer around any temporary motorized access route or low-level helicopter flight line that intrudes into existing secure habitat.

Use of project roads will be limited to administrative purposes associated with project activities. Project implementation shall not reduce secure habitat below baseline levels for more than 4 consecutive years. The collective set of project roads that affect secure habitat below baseline levels shall be closed to all motorized travel after 3 years. Project roads shall be decommissioned such that secure habitat is restored within 1 year after road closure.

Activities Allowed in Secure Habitat

The following activities are allowed in secure habitat inside the PCA without violating the standard:

- ***Activities that do not require route construction or reconstruction, re-opening of a permanently closed road, or recurring low-level helicopter flight lines.***
- ***Helicopter use for short term (no more than 2 days in the duration of a project), or at higher elevations (> 500 m above ground level with no landing). Aircraft used in emergency firefighting are allowed.***
- Non-wheeled, over-the-snow use (i.e., snow machines) is allowed unless new research identifies a concern. Conflicts associated with winter-use activities that develop either during denning or after den emergence in the spring can be addressed with local area restrictions.

- Access to power lines and/or utility corridors for occasional and necessary maintenance service that does not require new route construction and is used only for administrative purposes related to power line/utility maintenance.
- Project activities (e.g., temporary road construction and maintenance, or use of recurring low-level helicopter flights) that occur during the grizzly bear denning season between December 1 and February 28.

Developed Site Standard

The Developed Site Standard requires that on Federal lands inside the PCA, the number and capacity for human use of developed sites must be maintained at or below the 1998 levels (Appendix E). Projects that propose a change in the number or capacity of developed sites must follow the Application Rules specified below.

Developed sites *refer to those sites or facilities on public land with features intended to accommodate administrative and public recreational use. Such sites typically are identified or advertised via visitor maps or information displays as discernable destination sites promoted by the agency. Developed sites are often associated with human activities that may disrupt grizzly bear use of habitat, or have attractants that potentially lead to increased human-bear conflicts. Examples of developed sites include, but are not limited to: campgrounds, picnic areas, trailheads, boat launches, rental cabins, summer homes, lodges, service stations, restaurants, visitor centers, and administrative sites.* ***Administrative sites*** *are those sites or facilities constructed for use primarily by government employees to facilitate the administrations and management of public lands. Administrative sites are counted towards developed sites. Examples include: administrative headquarters, ranger stations, patrol cabins, park entrances, federal employee housing, and other facilities supporting government operations.* ***Dispersed sites****, in contrast to developed or administrative sites, are those not associated with a developed site, such as a front-country campground. These sites are typically characterized as having no*

permanent agency-constructed features, have minimal to no site modifications, and may include primitive road access. Dispersed sites are not counted toward developed sites.

Application Rules for Developed Sites

On Federal lands inside the PCA, changes to developed sites or construction of new developed sites are allowed if the following conditions are met:

Construction of new sites will be mitigated for within that subunit to offset any increase in the number of developed sites and/or capacity for human use, habitat loss, and increased access to surrounding habitats.

Mitigation of detrimental impacts will occur within the affected subunit and adequately compensate for the type and extent of impacts. Mitigation measures will be in place before implementation of the project or included as an integral part of completion of the project.

Consolidation and/or elimination of dispersed campsites is considered adequate mitigation for increases in human capacity at developed campgrounds if the new campsite capacity is less than or equivalent to that of the dispersed camping eliminated and if future overnight use of the dispersed site(s) is definitively curtailed.

Conversion of uncontrolled dispersed campsites to a minor day-use site is allowed if there is a net benefit to both human and bear safety and if the dispersed site(s) can be modified in such a way that future over-night use of the site is definitively curtailed. Such modification of site-use would not contribute to an increase in baseline developed sites.

Expansion of existing administrative sites is exempt from mitigation if such developments are deemed necessary for enhancement of public land management and other viable alternatives are not available. Temporary construction of work camps for highway construction or other major maintenance projects are exempt from human capacity mitigation if other viable alternatives are not available. Food storage structures and management must be in place and all other factors resulting in potential detrimental impacts to grizzly bears will be mitigated as identified for other developed sites.

Modifications to existing developed sites that reduce resource damage, detrimental environmental impacts, and/or the potential for grizzly bear conflicts are allowed (e.g., installing a vaulted toilet to avoid damage to water resources or installing bear-resistant storage structures to reduce conflict).

For activities based in statutory rights (e.g., *1872 General Mining Law, Americans with Disability Act,* ANILCA, etc.), if the number of developed sites exceeds the 1998 baseline, the Forest Service will, to the fullest extent of its regulatory authority, reduce developed sites to commensurate levels and mitigate to offset any increases in human capacity, habitat loss, and increased access to surrounding habitat within the affected subunit if possible. In those rare cases where mitigation cannot be accomplished within that subunit, commensurate compensation will be accomplished in the nearest subunit and changes in the two affected subunits become permanent changes to the baseline.

Honor existing oil and gas and other mineral leases. For proposed *Applications for Permit to Drill* (APDs) and operating plans within those leases, the Forest Service should, to the fullest extent of their regulatory authority, strive to meet the developed site standard and satisfy application rules for changes in secure habitat. New leases, APDs, and operating plans must meet the developed site standard and satisfy application rules for changes in secure habitat. Developments on private land are not counted against this standard. However, for developed sites acquired through land exchanges or acquisitions that are desirable to maintain, mitigation is strongly encouraged but not required. The rationale behind this is to encourage acquisition and transformation of private land to public ownership since this negates the potential for future development and results in better management for grizzly bears.

Livestock Allotment Standard

The Livestock Allotment Standard requires that on Federal lands inside the PCA, there will be no increase in the number or acreage of active commercial livestock grazing allotments nor an increase in permitted sheep Animal Months (AMs) relative to that which existed

in1998 (see Appendix E). Existing sheep allotments will be monitored, evaluated, and phased out as the opportunity arises with willing permittees.

Application Rules

Grazing allotments tracked for purposes of grizzly bear conservation include both vacant and active commercial livestock units for sheep, cattle, and/or horses on Federal lands inside the PCA. **Active** allotments are livestock units with active grazing permits. **Vacant** allotments are those without an active permit, but which may be restocked or grazed periodically by other permittees at the discretion of the land management agency to resolve resource issues or other concerns. Changes in livestock allotments inside the PCA that satisfy the allotment standard may occur if the following conditions are met:

- A vacant allotment may be reissued an active permit resulting in an increase in the number of permitted cattle, but the number and net acreage of active allotments inside the PCA must not exceed the 1998 baseline. Appropriate analysis by the action agency must be conducted to evaluate impacts on grizzly bears.
- Combining or dividing existing allotments is allowed as long as the net acreage and number of active allotments does not exceed 1998 levels.
- Where chronic grizzly bear conflicts occur on livestock allotments inside the PCA, and an opportunity exists with a willing permittee, alternatives for resolving conflicts may include authorization of a non-use permit, moving livestock to a vacant allotment where there is less likelihood of conflict, or cattle grazing can be phased out on that allotment.

Habitat Monitoring

The primary objective of habitat monitoring is to track and assess the status of grizzly bear habitat throughout the ecosystem with an emphasis placed on habitat inside the PCA. Monitoring requirements presented in this section focus on evaluation of adherence to habitat

standards identified such that secure habitat, developed sites, and commercial livestock grazing allotments are maintained at, or improved upon, 1998 levels. However, additional habitat parameters pertaining to four high-calorie foods of the grizzly bear diet are also monitored to assist in evaluating the status of grizzly bear habitat and its ability to support a a recovered grizzly bear population.

Monitoring Secure Habitat and Motorized Access Route Density

Background

Humans are the primary agent influencing grizzly bear mortality and population trajectories in the GYE and elsewhere (McLellan and Shackleton 1988, Mattson and Knight 1991, Mace *et al*. 1996, Schwartz *et al*. 2010, Proctor *et al*. 2012). Motorized access has historically been used as a surrogate measure of human presence on the landscape, and consequently serves as the basis for differentiating secure and non-secure habitat throughout the ecosystem. Land managers throughout the GYE recognize that availability of secure habitat is crucial to the survival and long-term reproductive success of grizzly bears. Managing the landscape to reduce grizzly bear mortality risk requires that motorized roads and trails be considered when evaluating and maintaining secure habitat throughout the ecosystem.

Motorized access parameters, including: 1) percent secure habitat, 2) open motorized access route density (OMARD), and 3) total motorized access route density (TMARD) , are measured and monitored against levels that existed in 1998. To date, no net decrease in secure habitat relative to 1998 levels has occurred on federal lands in any of the 40 bear management subunits within the PCA. Instead, reductions in motorized access implemented post-1998 have led to an increase of 1.4 percent in secure habitat inside the PCA; a gain approximate in size to the area of Yellowstone Lake.

Subunits with potential for improvement

Several subunits, Gallatin #3, Henrys Lake #2, and Madison #2, were targeted in the 2007 Conservation Strategy as needing improvement in secure habitat with respect to 1998 levels. The specific areas with potential for improvement identified in these three subunits fall within the Gallatin National Forest boundary and consequently, the quantity and timing of improvements was to be determined by the Gallatin National Forest Travel Management Plan (TMP). With implementation of the 2006 Gallatin TMP, many roads inherited from these exchanges have been permanently decommissioned. Non-system routes that are not maintained by the Forest Service have subsequently been closed, with a high priority given to road decommissions in the three subunits identified as in need of improvement. With full implementation of the Gallatin Travel Plan near completion, measureable increases in secure habitat with respect to 1998 baseline levels (Appendix E) and reductions in motorized route density have been realized in the three targeted subunits. The Gallatin National forest determine, via a Travel Plan Amendment, that all gains in secure habitat resulting from full implementation of the TMP will effectively constitute new baseline levels for these three subunits. If and when approved, elevated secure levels for these three subunits will serve as a new measure against which future change will be made.

Monitoring Protocol

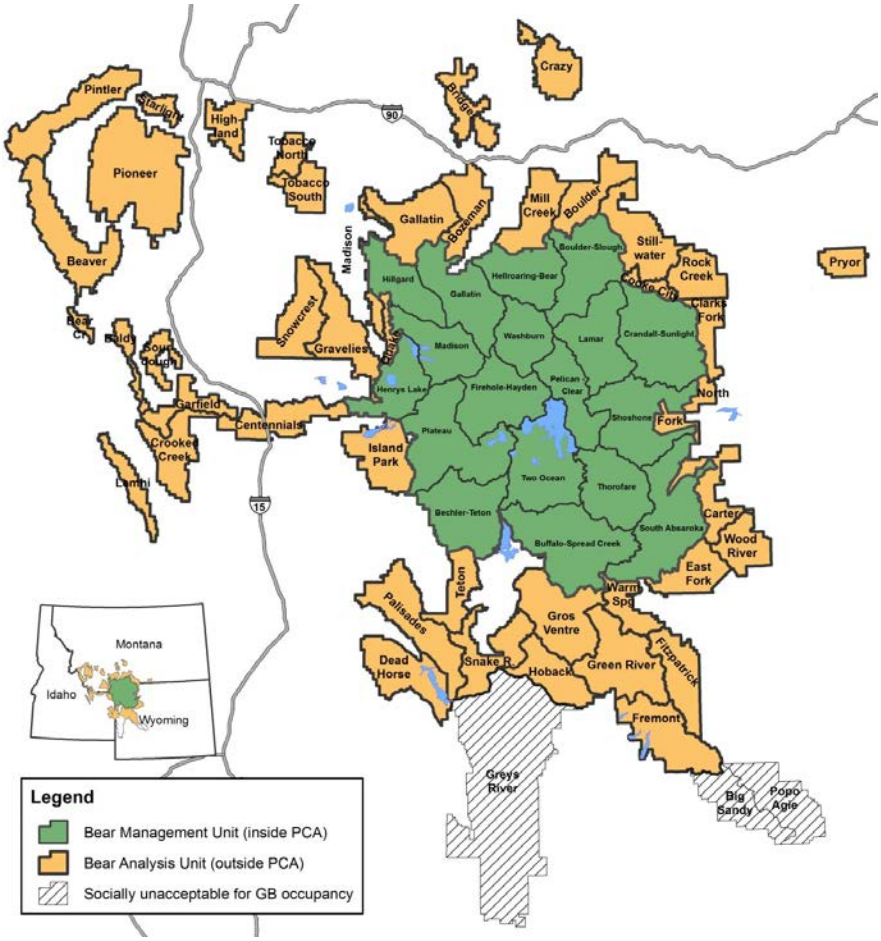
Secure habitat and motorized route density are monitored and tracked throughout the ecosystem to verify compliance with secure habitat standards inside the PCA and to assist in balancing grizzly bear security and survival with human land use concerns outside the PCA. Motorized access parameters that are monitored and reported include levels of 1)secure habitat, 2) open motorized access route density (OMARD) greater than 1.6 km/sq km (1 mi/sq mi)), and 3) total motorized access route density (TMARD) greater than 3.2 km/sq km (2 mi/sq mi). Inside the PCA, these three parameters are measured and reported annually for each bear management subunit. Outside the PCA, secure habitat is measured and reported biennially (even numbered years) for each bear analysis unit (BAU, see Figure 7). Changes in configuration and status of

motorized routes are submitted each year to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park in the ecosystem. Status and configuration of motorized access routes are inventoried and tracked by the Database Coordinator. This insures that reported measurements are based on the most current available information. Percent secure habitat, OMARD, and TMARD are calculated using the Motorized Access Model as described in Appendix E.

Secure habitat, as definied earlier, refers to those areas ≥ 10 acres in size and more than 500 m from an open or gated motorized route. Lakes greater than 1.6 sq km (1 sq mi) are excluded from secure habitat calculations. **OMARD** is a measure of the density of motorized routes that are open to the public for one or more days during the non-denning portion of the year when grizzly bears are active (March 1-November 30). **TMARD** measure the density of all motorized routes open to the public and/or administrative personnel for one or more days during the non-denning season. Roads that are closed year-round to the public but open to administrative personnel detract from secure habitat and count toward TMARD, but do not contribute to OMARD. Motorized routes that have been permanently decommissioned such that there is no motorized use by either the public or administrative staff, do not contribute to OMARD or TMARD, and do not detract from secure habitat. For a more detailed discussion of OMARD and TMARD, as well as changes in monitoring protocol, please refer to Appendix E. Measurements are reported annually (inside the PCA) and biennially (outside the PCA) in the IGBST Annual Report, *Yellowstone Grizzly Bear Investigations* and are posted online for public access at the IGBST website (http://nrmsc.usgs.gov/products/IGBST).

Figure 7. Bear management units and subunits inside the Primary Conservation Area (PCA) and bear analysis units outside the PCA.

Comment [t59]: Comment-This includes units outside the previously designated DPS??? The more area delisted with management flexilbity the better, but just want to understand what's going on…



Monitoring Developed Sites

Background

Levels of human development on the landscape have been shown to be an important predictor of grizzly bear mortality in the GYE (Schwartz et al. 2010). Developed sites increase the spatial and temporal extent of human presence on the landscape and contribute to the displacement and mortality of grizzly bears. A significant concern related to developed sites is the increased potential for grizzly bear-human conflicts attributable to food conditioning and habituation. Past attempts at modeling grizzly bear mortality in the GYE have focused on levels of overnight human use as a primary factor related to grizzly bear mortality. Increased numbers of people using an area and potentially interacting with grizzly bears is an important issue in evaluating impacts of developed sites on grizzly bear survival.

Monitoring Protocol

Changes in developed sites on public lands inside the PCA are measured, tracked, and evaluated against 1998 levels (Appendix E). Information pertaining to changes in the number of developed sites inside the PCA is submitted annually to the Grizzly Bear Habitat Database Coordinator by representatives from each National Forest and National Park Ecosystem. Current and baseline numbers of developed sites are inventoried in a GIS database and reported annually in the IGBST Annual Report Yellowstone Grizzly Bear
Investigations.

Monitoring Livestock Grazing

Background

Conflicts between livestock and grizzly bears have historically led to the relocation or removal of grizzly bears in the GYE. Grizzly bears tend to prey on cattle and sheep regardless of the abundance of natural foods because livestock in occupied grizzly bear territory represent one of many foraging opportunities (Gunther *et al*. 2004). Most grizzly bear-livestock conflicts tend to

occur outside the PCA since all commercial allotments on National Park lands and many allotments on National Forest lands inside the PCA have been permanently closed. Consequently, monitoring grizzly bear-livestock conflicts on public lands is not limited to inside the PCA, but is conducted annually throughout the entire ecosystem. Currently, approximately 59 percent of the Yellowstone grizzly bear's occupied range falls outside the PCA. As commercial livestock grazing persists in areas where grizzly bears live, the number of conflicts will most likely continue to pose a challenge to grizzly bear managers. This is particularly true on domestic sheep allotments. Financial incentives offered through non-governmental organizations (NGOs) have proven to be a successful mechanism for retiring sheep grazing allotments on public land when willing participants were available (Gunther *et al*. 2004). These types of opportunistic partnerships between federal agencies, NGOs, and willing permittees may be considered an alternative for resolving chronic conflicts on grazing allotments within prime grizzly bear habitat.

Monitoring Protocol

On federal lands inside the PCA, the number and acreage of commercial livestock grazing allotments and the number of sheep animal months (AMs) is monitored and reported annually relative to 1998 levels. Inside and outside the PCA, grizzly bear conflicts associated with grazing of commercial livestock on federal lands is monitored and reported annually. Commercial livestock grazing and conflict information is submitted for publication in the IGBST annual report, *Yellowstone Grizzly Bear Investigations*.

Monitoring High-Caloric Foods

Background

Grizzly bears are opportunistic omnivores who have evolved highly versatile foraging strategies allowing them to shift diets among numerous food sources, depending on what is available

spatially and temporally (Schwartz *et al*. 2003, 2013). Long-term management and conservation of grizzly bears in the GYE call for monitoring of four high-calorie foods. These four food types listed by dry weight kilocalories per gram (kcal/g) include: 1) army cutworm moths (7.91 kcal/g), 2) winter-killed ungulates (6.80 kcal/g), 3) cutthroat trout (6.10 kcal/g), and 4) whitebark pine seeds (3.99 kcal/g). These four foods have varying distributions in the ecosystem and are subject to annual fluctuations and therefore do not necessarily serve as a major dietary component of every grizzly bear in the GYE. Natural annual fluctuations in abundance and distribution of these four calorie-rich foods make it very challenging to establish reliable thresholds. However, these four high-calorie foods are known to exert a positive influence on grizzly bear fecundity and survival and constitute some of the highest sources of digestible energy available to grizzly bears in the GYE (Mealey 1975, Servheen *et al*. 1986, Pritchard and Robbins 1990, Mattson *et al*. 1992, Haroldson *et al*. 2006, Schwartz *et al.* 2006).

Gunther *et al.* (2014*a*) exhaustively documented the diet of the GYE grizzly bears to include over 266 distinct plant and animal species ranging from grasses, fungi, berries and seeds, to fish and carrion. The trophic flexibility of grizzly bears, as documented by the variety of foods they consume, allow them to opportunistically forage across diverse habitats spanning the entire GYE. Their highly varied diet serves as an adaptive mechanism that enhances their ability to persist when faced with rapid and long-term changes in availability and abundance of any one food source. Compositional analysis of scats collected over a 37-year period (1943 to 2009) showed that grizzly bears within the GYE most frequently feed on foods that are consistently available and widely distributed, such as grasses, sedges, and ants (Gunther *et al.* 2014*a*). However, when opportunity arises, grizzly bears will shift their diet to maximize body mass gain by selecting calorie-rich foods such as ungulates, fish, whitebark pine seeds, clover, moths, and small mammals.

Human-induced environmental change, such as introduced organisms, habitat loss, climate change, and other anthropogenic factors, have the potential to affect availability and distribution of these calorie-rich foods in the future. However, despite a substantial decline of whitebark

pine and natural stochasticity of other food resources within the GYE, grizzly bears have shown notable resilience by adjusting habitat use (Costello *et al.* 2014) and shifting diets to maintain body mass and condition (Schwartz *et al.* 2014). Because of their high caloric value and use by grizzly bears, whitebark pine, ungulates, cutthroat trout, and arm cutworm moths are currently monitored either directly or indirectly on an annual basis.

Monitoring Protocol

To monitor these four high-caloric foods and their importance to grizzly bears, the IGBST will survey and report on each of these food groups annually d per detailed food monitoring protocols identified in Appendix D, as budgetary constraints allow. IGBST scientists will analyze the relationship between abundance and availability of these four food types with the number of grizzly bear-human conflicts, grizzly bear management actions, known and probable grizzly bear mortalities, and changes in the distribution and trend of the GYE grizzly bear population. Results of these analysis will be presented, when available, in the annual reports prepared by the IGBST and relevant peer-reviewed publications. If detectable declines in certain foods occur and the IGBST concludes these declines are related to biologically significant changes in demographic parameters , the IGBST shall report these findings for consideration by the GYCC (see Chapter 6, Implementation and Evaluation, for details on this process).

Monitoring protocols of high-caloric foods identified in this Conservation Strategy will continue as long as budgets allow. Monitoring and surveying methods may be modified when necessary to incorporate new technological advances in monitoring techniques or new knowledge of bear foraging and habitat use within the GYE. Existing monitoring programs may be expanded, as budget allows, to include occupied habitat beyond the PCA and areas predicted for future use by bears. Monitoring results of whitebark pine, winter-killed ungulates, cutthroat trout, and army cutworm moths, when available, are to be reported in the annual IGBST publication *Yellowstone Grizzly Bear Investigations*.

Winter-killed Ungulates



Background—The GYE harbors one of the most carnivorous grizzly bear populations inhabiting the North American interior (Jacoby et al. 1999, Mowat and Heard 2006). Isotopic nitrogen ($\delta^{15}N$) levels measured in 221 grizzly bear hair samples collected between 2000 and 2010 indicate that on average, terrestrial meat accounted for 44.4% of the assimilated diet of Yellowstone grizzly bears (Schwartz et al. 2014). In contrast, in Glacier National Park and adjacent national forest lands, meat accounts for a smaller proportion of the grizzly bear diet; using stable isotope analysis for a small sample of grizzly bears, Jacoby et al. (1999) found that meat accounted for only 33%, 0%, and 6% of adult male, adult female and subadult diets, respectively. Protein and fat from ungulate carcasses ranks as the second-highest food source of gross caloric value available to grizzly bears in the GYE (Gunther et al. 2014a, b). Winter-killed ungulates, primarily elk and bison, provide an important source of protein to bears, especially during early spring before most plant foods become available. As an alternative to carcasses as a spring food, grizzly bears also consume earthworms, ants, and pocket gophers. Grizzly bears continue to opportunistically forage for animal matter and scavenge carrion throughout the active season and will seek out gut piles and other remains left by ungulate hunters in the fall (Haroldson et al. 2004).

Monitoring Protocol—Relative abundance of ungulate carrion is often monitored by correlating the number of carcasses available to grizzly bears and other scavengers during the spring with measures of snow-water equivalency (depth, density, and moisture content) in snowpack (Podruzny *et al.* 2012). Availability of carrion for grizzly bears is potentially affected by increased competition from recently reintroduced wolves and changes in elk and bison management practices. For these and other reasons historic carcass transsects will continue to be surveyed as long as budgetary allocations permit. There are currently 30 spring ungulate carcass survey routes in Yellowstone National Park (YNP) and 12 transect routes on Yellowstone's Northern Range in the Gallatin National Forest. Current survey

methods and ungulate carcass survey routes may be redesigned or modified when appropriate. When available, monitoring results of winter-killed ungulate carcass availability will be summarized and reported annually in the IGBST publication *Yellowstone Grizzly Bear Investigations*.

Cutthroat Trout

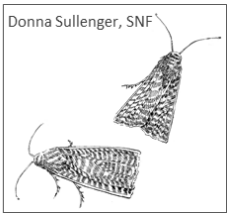

Donna Sullenger, SNF

Background—Due to their high digestibility and protein and lipid content, spawning cutthroat trout are one of the highest sources of digestible energy available to bears in with home ranges in close proximity of Yellowstone Lake and its tributaries (Mealey 1975, Pritchard and Robbins 1990, Gunther et al. 2014a). Grizzly bears were once known to prey on cutthroat trout in at least 36 different streams tributary to Yellowstone Lake (Hoskins 1975, Reinhart and Mattson 1990). Haroldson et al. (2005) estimated that approximately 68 grizzly bears per year frequented and likely fished ten Yellowstone Lake spawning streams tributaries monitored during 1997-2000. Introduction of non-native lake trout (Salvelinus namaycush) and effects of drought and whirling disease (Myxobolus cerebralis) has led to a decline in native cutthroat trout populations and an associated decline in number of bears visiting spawning streams (Teisberg et al. 2014).

Monitoring Protocol—The Yellowstone Lake cutthroat trout population is monitored most years in the spring, depending on weather and spring snow melt, using stream surveys, large mesh gillnets, weirs with fish traps, and occasionally electronic fish counters. An electronic sonar fish counter was installed and calibrated in 2013 along Clear Creek on the east side of Yellowstone Lake to facilitate annual counting of spawning cutthroat trout ascending Clear Creek. Visual stream surveys are also conducted most years to identify trends in the number of cutthroat trout spawning Yellowstone Lake tributaries. Visual surveys to measure the presence of cutthroat trout and rainbow hybrids are also typically conducted at the Trout Lake inlet creek. Yellowstone NP biologists provide an annual summary of cutthroat trout

monitoring results to the IGBST for publication in the *Yellowstone Grizzly Bear Investigations*. Current survey methods may be modified or redesigned as appropriate.

Moth Aggregation Sites

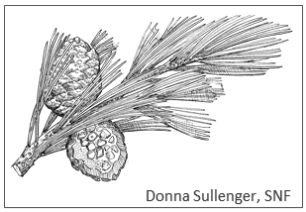


Background—Alpine moth aggregations are a calorie-dense and nutrient-rich food source found at remote, high-elevation alpine sites dominated by talus and scree slopes in the eastern half of the ecosystem. Knowledge regarding the intricate relationship between army cutworm moths and grizzly bears has improved substantially since the late 1980s when grizzly bear use of moth aggregation sites was first discovered and such sites were included in observation flights (Bjornlie and Haroldson 2014). When available, moths are a valuable source of nutrition for grizzly bears because they have the highest reported gross caloric content per gram of any food available to grizzly bears in the GYE (7.91 kcal/g; Gunther et al. 2014a). Some bears may feed almost exclusively on moths for a period of over one month (French et al. 1994). A grizzly bear feeding extensively on moths over a 30-day period can consume 47%, or close to half, of its annual energy budget of 960,000 calories (White 1996). Grizzly bears whose home ranges include moth aggregation sites often visit these talus slopes during mid-to-late summer and early fall to accumulate fat reserves in preparation for the winter denning season. Although grizzly bear use of moth sites does not vary widely over time (1993 is one notable exception; low bear use due to late, extensive snow cover), annual monitoring provides important data regarding this high-calorie resource.

Monitoring Protocol—As of 2013, 37 confirmed and 16 possible moth sites have been identified in the GYE. However, size, location and moth abundance of sites fluctuate from year to year due to natural variation in environmental factors, such as snow cover (Bjornlie and Haroldson 2014). Aerial observations of bears feeding at moth sites are made from fixed-wing aircraft as part of on-going radio tracking and observation flights conducted by the IGBST. Although this monitoring protocol does not provide direct information regarding the abundance of moths,

grizzly bear use of aggregation sites can provide an indirect measure of the relative abundance of this resource in a given year. Aerial surveys of all confirmed moth sites will be conducted annually and results will be summarized and presented in the annual IGBST report Yellowstone Grizzly Bear Investigations.

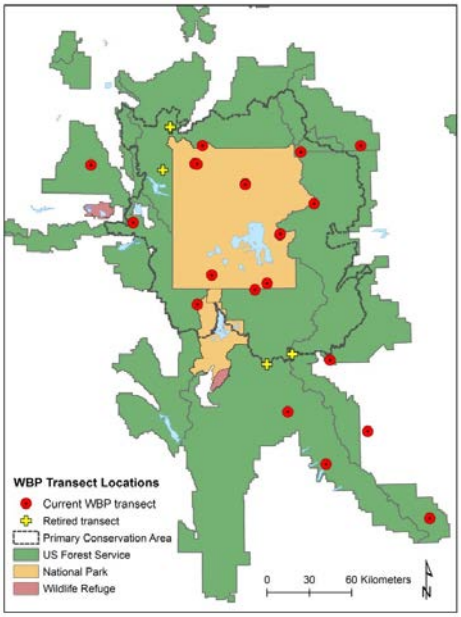
Whitebark Pine Cone Production


Donna Sullenger, SNF

Background—Due to their high fat content and potential abundance, whitebark pine seeds are an important fall food for bears in the GYE(Mattson and Jonkel 1990). Yellowstone grizzly bears consume whitebark pine seeds extensively when whitebark cones are available. Bears may feed almost exclusively on whitebark pine seeds when production exceeds 22 cones per tree (Mattson et al. 1992). Because whitebark pine is a masting species, availability varies substantially from year to year. During fall seasons of low whitebark pine seed availability, grizzly bears often seek alternate foods at lower elevations, leading to more frequent bear conflicts and human-caused grizzly bear mortalities (Mattson et al. 1992, Knight and Blanchard 1994, Gunther et al. 1997, Haroldson et al. 2006). Conversely, when whitebark pine nuts are abundant, there are generally very few grizzly bear-human conflicts during the fall season (Mattson et al. 1992, Gunther et al. 1997). Studies have shown that during poor whitebark pine years grizzly bears selected less for whitebark pine stands (Costello et al. 2014) and consumed more animal matter, boosting their fat levels to match those measured in years of high cone production (Schwartz et al. 2014). Although whitebark pine has experienced widespread declines in the GYE (see subsequent section), extensive studies by the IGBST showed no profound negative effects on grizzly bears at the individual or population level (IGBST 2013). Costello et al. (2014) reported that approximately one-third of Yellowstone grizzly bears in their study included little or no whitebark pine stands within their fall range.

Monitoring Protocol—Currently there are 21 whitebark pine cone production transects (Figure 8) within the GYE. Annual transect surveys are typically conducted between July 15 and August 15 to count cones after maturation but before cones and seeds have been collected by red squirrels (*Tamiasciurus hudsonicus*) and Clark's nutcrackers (*Nucifraga columbiana*). The presence or absence of blister rust and beetle infestations as well as activity levels of grizzly bear, black bear, red squirrel, and Clark's nutcracker are also recorded during transect surveys. Monitoring of whitebark pine cone production using current or modified methods will continue under this Conservation Strategy and results will be summarized and reported in the IGBST publication *Yellowstone Grizzly Bear Investigations*.

Figure 8. Location of whitebark pine cone production transect sites in the GYE, 2014.



Monitoring Mountain Pine Beetle Infestation and White Pine Blister Rust Infection

Background—Since the early 2000s, whitebark pine has declined significantly throughout much of the species' historic range in the Northern Rockies due to the spread of mountain pine beetle (*Dendroctonus ponderosae*) and white pine blister rust (*Cronartium ribicola*). The greatest levels of whitebark mortality resulted from mountain pine beetle, a native insect that typically attacks large, mature trees with inner bark thick enough to support larvae (Larson 2011). Beetle infestations tend to occur episodically every 20-40 years resulting in high, widespread mortality across coniferous forests. The most recent outbreak began in the early 2000s and impacted millions of hectares in the Rocky Mountains (Raffa *et al.* 2008). The infestation was exacerbated by warmer winters at higher elevations allowing for increased brood development and survival of adult beetles, and greater opportunity for reproduction (Bentz *et al.* 1991, Perkins and Roberts 2003, Larson 2011, Dooley 2012).

White pine blister rust, an exotic invasive pathogen introduced to North America in 1910, affects whitebark pines of all age classes, although seedlings and saplings are especially susceptible to infection. This exotic fungal pathogen infects the cambium of whitebark pine and other five-needle pines, causing reproductive failure and tree mortality (McKinney *et al.* 2009, Bockino and Tinker 2012). However, some individual whitebark pines carry genetic traits that make them more resistant to the disease. Restoration programs launched by the Forest Service use a technique described by Mahalovich *et al.* (2006) to breed and plant rust-resistant whitebark pines as part of an on-going effort to restore and maintain the species in the GYE.

In 2000, under the auspices of the Greater Yellowstone Coordinating Committee (GYCC), the Whitebark Pine Subcommittee (WBPSC) was created and tasked with forging a comprehensive long-term strategy for monitoring whitebark pine throughout the ecosystem. Recognizing the persistent and pervasive threat that blister rust and pine beetle posed to the health of whitebark pine, the subcommittee reached out to other agency and non-governmental partners to avoid duplication of efforts. The result of these alliances is the Greater Yellowstone Whitebark Pine Monitoring Working Group (GYWPMWG), which consists of partners from the National Park Service (NPS), U.S. Forest Service (USFS), U.S. Geological Survey (USGS), and Montana State University (MSU). Led by the NPS Greater Yellowstone Inventory and Monitoring Network (GRYN), a strategic and peer-reviewed monitoring protocol was established for detecting, tracking, assessing, and reporting the health, status, and trends of whitebark pine throughout the GYE (GYWPMWG 2011). This ground-based monitoring program was initiated in 2004 and will continue to assess the current status and long-term trends of whitebark pine into the foreseeable future.

Monitoring Protocol—Spearheaded by the GRYN, an interagency collaborative monitoring effort involving NPS, USFS, and USGS partners will measure the status and trends of whitebark pine throughout the GYE. Monitoring efforts will focus on collecting critical baseline information for assessing 1) infection rates and severity of white pine blister rust; 2) survival of whitebark pine, taking into account synergistic interactions of blister rust, mountain pine beetle,

wildland fire, and other agents of change; and 3) recruitment of whitebark pine trees into cone-bearing age classes. Monitoring protocols will follow methods and procedures established in the *Interagency Whitebark Pine Monitoring Protocol for the Greater Yellowstone Ecosystem* (GYWPMWG 2011). Results of current whitebark pine status and trends will be made available at the GRYN Inventory and Monitoring website and referenced in the annual IGBST monitoring report *Yellowstone Grizzly Bear Investigations*.

Hunter Numbers

Background

The number of elk hunters in Wyoming, Idaho, and Montana who recreate in the PCA (Table 6) were estimated and compared with known and probable grizzly bear mortalities from 2005 to 2014 to determine if bear mortality is correlated with hunter numbers. Although total hunter numbers have declined over this time period, the data showed little evidence of a relationship between hunter numbers and hunting-related human-caused grizzly bear mortality (van Manen 2015, *in litt.*).

The greatest source of grizzly bear (≥2 years old) mortality during 2004–2014 in the GYE has been due to interactions with hunters. Nearly all known and probable bear mortalities occur as surprise encounters, at big game carcasses, or at hunter camps. The number of mistaken identity kills (i.e., mistaken for black bear) are small. Although the number of hunters using the PCA have decreased, the number of grizzly bear known and probable mortalities due to interactions with hunters increased in the last decade, primarily outside the PCA (Figure 5, Chapter 2). Potential explanations for why this occurred include bears learning to seek hunter-killed game, an increase in population size and concurrent expansion of occupied range, and greater use of ungulate resources (Haroldson *et al*. 2004, Schwartz *et al*. 2010, IGBST 2013).

Table 9. Estimated numbers of elk hunters within the GYE grizzly bear recovery zone plus a 10-mile perimeter in Idaho, Montana, and Wyoming, 2005–2014.

	Year									
State	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Idaho[a]	3,619	3,016	2,592	1,763	1,819	1,904	1,860	1,803	1,937	2,771
Montana[c]	12,365	12,211	12,635	12,470	12,382	12,334	12,269	10,936	NA[b]	11,925
Wyoming[a,d]	9,888	9,346	8,716	8,792	8,440	6,712	6,413	7,566	7,818	8,109
Total	25,872	24,573	23,943	23,025	22,641	20,950	20,542	20,305	NA	22,805

[a] Idaho and Wyoming numbers include archery and gun hunters.

[b] NA = hunter number estimates not currently available.

[c] Gun-only season.

[d] A percentage of total hunter numbers was used in hunt areas 61 to 63, 67, 68, 73, and 83 because a portion of the hunt area falls outside the designated area.

State and federal wildlife agencies have attempted to reduce the loss of bears to hunters by expanding information and education programs. "Living in Bear Country" workshops are conducted regularly in many GYE communities, and licensed outfitters and guides have increased training for their members and clients.

Monitoring Protocol

Data from state wildlife agencies on big game herd units or hunting districts will be used as an index to backcountry use during the hunting season. Hunter use levels combined with numbers of grizzly bear-human conflicts will be used to identify when and where to increase

public education efforts and develop appropriate management actions to minimize grizzly bear-human conflicts that result in bear mortality.

Monitoring Habitat Connectivity

Background

Habitat connectivity is the degree to which the landscape promotes natural movement of wildlife as they seek important resources for survival and successful procreation. Potential effects of highway improvements, such as increased motorized access, higher traffic volume, and higher speed limits, are known to increase grizzly bear mortality, reduce habitat connectivity, and potentially inhibit gene flow among nearby populations (Mace 2004, Summerfield *et al.* 2004, Proctor *et al.* 2012). Certain road designs and road improvements potentially discourage bear crossings, may lead to increased mortality from vehicle collisions, and may cause habitat fragmentation. The potential impact of highways on demographic and genetic connectivity of grizzly bears in the GYE is a key consideration in the transportation planning process.

Monitoring Protocol

To prevent habitat fragmentation and loss of connectivity, existing road survey information will be compiled and evaluated by the appropriate land management agency as an integral part of the planning stage of any proposed road improvement and/or construction project in suitable grizzly bear habitat within the GYE (both inside and outside the PCA). During the NEPA analysis stage of such projects, analyses of road survey information will be conducted to evaluate potential impacts of the project on grizzly bear habitat connectivity. More specifically, federal agencies will identify important crossing areas by collecting and/or assessing existing information about known grizzly bear sightings, ungulate road mortalities, locations of game trails, and bear home ranges and habitat use within and near the road corridor. By identifying crossing areas used by grizzly bears, federal officials can recommend mitigation measures to reduce potential impacts

from road construction both during and after a project. For example, during construction, work camps should be placed in areas with lower risk of displacing grizzly bears and use of bear-proof food and garbage storage containers should be implemented. Highway planners are encouraged to place warning signs at points of high mortality risk and implement wildlife crossing infrastructure such as culverts or underpasses to enhance safe passage. Road construction in areas of relatively high value for potential grizzly bear habitat linkage should be designed to mitigate potential negative impacts on habitat connectivity, including the consideration of installing crossing structures.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts

Introduction

Humans and grizzly bears occasionally come into conflict in areas where they encounter one another. The objective of nuisance management is to minimize grizzly bear-human conflicts. In the Greater Yellowstone Ecosystem, nuisance bear management is essential to successful grizzly bear conservation and is often necessary to prevent property damage, livestock losses, and human injury or death. Grizzly bears cannot be totally protected. Like other species, grizzly bears develop individual traits, and some of those traits are not compatible with coexistence with humans. Management emphasis will shift from protecting every individual grizzly bear in the population to assessing an individual's importance to the entire population before instituting management actions. Females will continue to receive a higher level of protection than males. Management of nuisance bears requires rapid responses by state and federal agencies to address conflict situations. This agency response will address the sources of the conflict through public education, removal of attractants, or preventive sanitation of human use areas. Agencies will also capture, relocate, or destroy repeat offender grizzly bears when necessary and when other options have been exhausted.

Analysis of grizzly bear-human incidents indicates that most property damage incidents are the result of bears attempting to gain access to garbage, human foods, livestock or pet foods, or other human-related foods in areas of human presence. Occasionally bears will prey on domestic swine, fowl, or goats, or will damage apiaries. They have rarely injured horses.

Although aggression toward people and human injury or death are rare, bears will occasionally harm people. Incidents of injury are usually the result of a surprise encounter, protection of cubs, defense of a food cache, harassment, or when bears have become accustomed to obtaining food from humans.

The management of grizzly bear-human conflicts is based upon the existing laws and authorities of the state and federal land management agencies as detailed in Chapter 7. Management of nuisance bears usually falls into one or more of the following categories:

- Removing or securing the attractant
- Deterring the bear from the site through the use of aversive conditioning techniques
- Capturing and relocating the nuisance bear
- Removing the bear from the wild, including lethal control

Definitions:

- **Unnatural aggression** by a grizzly bear is defined as behavior that includes active predation on humans, approaching humans or human use areas, such as camps, in an aggressive way, or aggressive behavior when the bear is unprovoked by self-defense, defense of cubs, defense of foods, or in a surprise encounter.

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- **Grizzly bear-human conflicts** are incidents in which bears injure people, damage property, kill or injure livestock, damage beehives, obtain anthropogenic foods, or damage or obtain garden and orchard fruits and vegetables.

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- **Natural aggression** by a grizzly bear is defined as defense of young, food, during a surprise encounter, or self-defense.

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- A bear is classified as **food conditioned** when it has received a significant food reward of human foods such as garbage, camp food, pet food, or processed livestock food, and persistently seeks these foods.

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- A bear is classified as **habituated** when it does not display avoidance behavior around humans or in human use areas such as camps or town sites or within 100 meters of open roads.

- **Relocation** is the capture and movement by management authorities of a bear involved in a conflict with humans or human-related foods, to a remote area away from the conflict site, usually after fitting the bear with a radio collar.

- **Repeat offense** is the involvement of a bear that has been previously relocated in a nuisance situation or, if not relocated, continues to repeat a behavior that constitutes a grizzly bear-human conflict.

- **Removal** is the capture and placement of a bear in an authorized public zoological or research facility or destruction of that bear. Removal can also involve killing the bear through active measures in the wild when it is not otherwise possible to capture the bear.

- **Management authorities** are the designated representatives of the agencies in the GYE including: Yellowstone National Park; Grand Teton National Park (GTNP); Wyoming Game and Fish Department; Montana Fish, Wildlife & Parks; Idaho Department of Fish and Game; Interagency Grizzly Bear Study Team; each of the GYE national forests—Custer-Gallatin, Shoshone, Bridger-Teton, Caribou-Targhee, and Beaverhead-Deerlodge; the BLM; and USDA Wildlife Services. These authorities will make the decision to classify a bear as nuisance inside the GYE in compliance with the nuisance bear criteria (discussed below). Outside Yellowstone and Grand Teton National Parks within the PCA, subsequent management actions will be coordinated and completed by state wildlife agencies~~, after coordination with other appropriate agencies~~. Nuisance grizzly bear conflict management is under the authority of the states, who will have primary responsibility for the management action. When nuisance bears are in YNP or GTNP, decisions will be made by park representatives, and coordinated with state and Forest Service representatives when

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necessary, e.g., for bear relocations. Management of nuisance bears outside the PCA will be conducted as described in the state grizzly bear management plans or appropriate park management plans.

Management of nuisance grizzly bears in the Greater Yellowstone Ecosystem will vary depending on whether they are inside or outside the PCA. This system will provide increased security for grizzly bears inside the PCA, as bears will be given greater consideration in most conflicts inside the PCA. Minimization of grizzly bear-human conflicts and management of individual nuisance bears is the primary direction for management within the PCA.

In circumstances that result in a nuisance bear situation outside the PCA, more consideration will be given to existing human uses. Site-specific conflict areas within and outside the PCA will be documented and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. Past conflict management has demonstrated that grizzly bears can coexist with most human activities.

Outside the PCA, state management plans will govern how nuisance grizzly bears are handled. Site-specific conflict areas within and outside the PCA will be documented routinely and prioritized to focus proactive management actions to minimize grizzly bear-human conflicts and address existing and potential human activities that may cause future conflicts. The following nuisance grizzly bear standards apply only to the PCA. All nuisance grizzly bear conflicts that occur outside the PCA will be managed according to guidelines in each of the state management plans (Appendices I, J, and K).

Nuisance Bear Standards

The focus and intent of nuisance grizzly bear management inside and outside the PCA are predicated on strategies and actions to prevent grizzly bear-human conflicts. It is recognized that active management aimed at individual nuisance bears will be required in both areas. Management actions outside the PCA will be implemented according to state management plans in coordination with landowners and land management agencies. These actions will be compatible with grizzly bear population management objectives for each state for the areas outside the PCA.

General Criteria

Location, cause of incident, severity of incident, history of bear, health/age/sex of bear, and demographic characteristics of animals involved will all be considered in any relocation or removal. Removal of nuisance bears will be carefully considered and consistent with mortality limits for the GYE as described in the Conservation Strategy. Recognizing that conservation of female bears is essential to maintenance of a grizzly bear population, removal of nuisance females will be minimized.

Within the Primary Conservation Area

Within the PCA, management of nuisance bears will be addressed according to the following standards:

Bears displaying food conditioning and/or habituation may be either relocated or removed based on specific details of the incident. State wildlife agencies~~, following consultation with other appropriate management authorities,~~ and national parks will make this judgment after considering the cause, location, and severity of the incident or incidents.

Bears may be relocated as many times as judged prudent by management authorities. ~~No bear may be removed for any offense, other than unnatural aggression, without at least one relocation~~

Comment [t61]: 2007 language to strike-Delete or clarify that transplants require coordination but management actions are the decision of the state..

~~unless representatives of affected agencies document the reason in writing~~. All relocations outside the PCA will be governed by state management plans.

Bears may be preemptively moved when they are in areas where they are likely to come into conflicts with site-specific human activities, but only as a last resort. Such preemptive moves will not count against the bear as nuisance moves.

Bears preying on lawfully present livestock (cows, domestic sheep, horses, goats, llamas, etc.) on public lands will be managed according to the following criteria:

- No grizzly bear involved in livestock depredations inside the PCA shall be removed unless it has been relocated at least one time and continues to cause livestock depredations.

~~Before any removal, except in cases of human safety, management authorities will consult by telephone or in person to judge the adequacy of the reason for removal.~~

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

Bears displaying unnatural aggression will be removed from the population.

Decisions will be based on criteria for relocation and removal inside the PCA for management of nuisance bears in the Conservation Strategy and best biological judgment of authorities.

- Authorized National Park Service authorities will implement removals and relocations within YNP and GTNP.
- Authorized state or tribal authorities outside YNP and GTNP will implement other removals and relocations.
- State and tribal wildlife agencies in coordination with the appropriate federal agencies will predetermine adequate and available sites for relocations. Relocation sites should be agreed upon before the need for relocation occurs. In order to deal with problem bears more efficiently, managers should have full access to relocation sites without having to conduct individual consultation for each relocation.
- Livestock damage prevention and compensation are addressed in individual state management plans.

Comment [t62]: 2007 language to strike- there may not be an appropriate location to move the bear and mortality threshold will assure mortality is managed appropriately

Comment [t63]: 2007 language to strike- mortality threshold will assure mortality is managed appropriately

Comment [t64]: 2007 language. Delete

Management of ~~all~~ nuisance bear situations will emphasize removal of the human cause of the conflict, when possible, or management and education actions to limit such conflicts. Relocation and removal of grizzly bears may occur if the above actions are not successful.

Comment [t65]: 2007 language to consider.

Specific Criteria for Removals

Captured grizzly bears identified for removal may be given to public research institutions or public zoological parks for appropriate non-release educational or scientific purposes as per regulations of states and national parks. Grizzly bears not suitable for release, research, or educational purposes will be removed as described in appropriate state management plans or in compliance with national park rules and regulations.

Outside of national parks, individual nuisance bears deemed appropriate for removal may be taken by a legal hunter in compliance with rules and regulations promulgated by the appropriate state wildlife agency commission, as long as such taking is in compliance with existing state and federal laws, and as long as mortality limits specified for the GYE as described in this Conservation Strategy are not exceeded. This could include licensed hunters or property owners or their agents who have obtained appropriate permits from the state. Licensed hunters will be allowed to possess bear parts for bears that are legally harvested under a state permit.

Monitoring Protocol

All nuisance bear control actions, and grizzly bear-human and grizzly bear-livestock conflicts will be summarized annually in the Annual Report of the IGBST. Most conflicts are due to availability of human foods, human developments, or livestock depredations in occupied grizzly bear habitat. This report will detail the cause and location of each conflict and management action and display an annual spatial distribution of conflicts that can be used by managers to

identify where problems occur and to compare trends in locations, sources, land ownership, and types of conflicts.

Chapter 5 Information and Education

Introduction

The future of the Yellowstone grizzly bear lies in our ability to learn to coexist with the grizzly bear and to accept this animal as a cohabitant of the land. Historically, excessive human-caused mortality and loss of habitat are the major factors in grizzly bear population decline. Addressing the source of grizzly bear-human conflicts is critical to an effective public outreach plan. Public attitudes in large part determine the success of efforts to manage a recovered grizzly bear population in the Greater Yellowstone Ecosystem. For the good of the bear and to develop positive public attitudes, a coordinated information and education campaign is essential.

The purposes of the information and education aspects of this cooperative effort are to support the development, implementation, and dissemination of a coordinated information and education program. This program should be understandable and useful for the people who visit, live, work, and recreate in bear habitat to minimize grizzly bear-human conflicts and to provide for the safety of people while building support for viable bear populations.

Other management strategies outlined in this plan are unlikely to succeed without useful, state-of-the-art public information and education programs. A partnership information and education approach involving state and federal agencies, tribes, local communities, and private interests can result in minimizing grizzly bear-human conflicts while building support for bears and bear management.

Successful long-term community involvement in future grizzly bear management efforts requires continued use of current effective methods and tools that have contributed to the success story of the recovered population we have today. In addition, to meet the needs of an ever-growing human population and expanding bear population, it will be necessary to

develop new processes and outreach tools to further enhance public involvement and appreciation of the grizzly bear and monitor social behavior and attitudes. Through close monitoring, we will be able to gauge our success in reaching our diverse public and in minimizing grizzly bear-human conflicts, adjusting programs as needed.

Successful public education and involvement should result in the understanding that it is acceptable and expected human behavior to practice good stewardship, and this will in turn allow us to live with the grizzly bear as part of our valued wildlife resources.

The Information and Education Team

The information and education effort will continue to be coordinated between all agencies and private interests to ensure timely, accurate, and consistent messages to the public. The current information and education (I & E) working group within the Greater Yellowstone Ecosystem will continue. Members of this I & E Team include public affairs personnel from Forest Service Regions 1, 2, and 4; Grand Teton and Yellowstone National Parks; the BLM; representatives from each state wildlife agency; and the information and education specialist from the IGBC. This team will continue to work with all affected interests to ensure consistency of information, efficient funding strategies, identifying and targeting audiences, developing partnerships, and identifying new tools for implementation.

A coordinated information and education campaign will be most effective if it facilitates changing inappropriate human behaviors and helps people learn to coexist with bears. The benefits of grizzly bear management for a multitude of resources and species, including elk habitat management, black bear management, and water quality, recreation, and aesthetic values of access management, will be included in the information and education efforts. Long-term community engagement in grizzly bear issues is necessary to increase the awareness of bear behavior and biology and how these can be compatible with human needs and activities. Identification of sources of grizzly bear-human conflicts and the use of public

education as a tool are essential. The responsibilities of the I & E Team include the following:

Develop a coordinated information and education campaign to cultivate an appreciation of the value of the grizzly bear resource in this area. The grizzly bear will be presented as a valuable wildlife resource, while still acknowledging the risks associated with them in publications and educational outreach.

Continue and expand living-with-bears workshops or outreach with a similar message for citizens and teachers within the Greater Yellowstone Ecosystem. Similar seminars for other specific target groups such as hunters and other backcountry recreationists will be used as appropriate.

Local citizens involvement groups and processes will be used to facilitate information exchange and identify other community interests regarding the grizzly bear.

Updates and information will be provided to all affected interests through various media including news releases and mailings, television, etc.

State and federal volunteer programs will be encouraged to identify and provide an opportunity for public participation in grizzly bear information outreach and management. This could include trailhead demonstrations on bear resistant containers, distribution of brochures, school education programs, etc.

Proactive and preventative safety messages will be expanded.

Citizens will be encouraged to participate in land management decisions at the project level on state and federal lands affecting grizzly bear habitat and management.

Citizens will also be encouraged to be involved in private land issues associated with grizzly bear management. This may include sanitation ordinances, conservation easements, developing private land management plans, and supporting informational outreach campaigns to private landowners.

Knowledge about bears and acceptance of grizzly bears by people and groups that live, work, and recreate in grizzly bear country are key to the long-term conservation of a healthy grizzly bear population. Continuing specific outreach messages and techniques tailored to the needs of

these groups is essential. Some of these groups include landowners, mining industry, timber industry, firewood gatherers, ranchers, outfitters, anglers, hunters, front country visitors, backcountry visitors, summer home owners, local business owners, developers, county planners, and school children.

Finally, information made available to the public will be open and responsive to public concerns. Open discussions with the public will increase credibility of the grizzly bear management program.

These efforts will be reviewed periodically and program adjustments will be made as necessary. In addition, efforts will be expanded as the bear population expands and additional efforts will be needed in areas that could become occupied in the near future.

Many brochures, videos, signs, articles, etc. are currently available and in use. Examples of these specific information and education tools are discussed in the state management plans.

Chapter 6 Implementation and Evaluation

Implementation

A new committee will replace the Yellowstone Ecosystem Subcommittee. The new committee, the Yellowstone Grizzly Bear Coordinating Committee (YGCC), is the body that will coordinate management and promote the exchange of information about the Yellowstone grizzly bear population. The YGCC will inform the IGBC about the Yellowstone grizzly bear population for the benefit of grizzly bear conservation and management.

The Yellowstone Grizzly Bear Coordinating Committee

Within 30 days of a final rule delisting the Greater Yellowstone Ecosystem grizzly bear population, the signatories of this Conservation Strategy will name their agency representatives to the YGCC. The person who was chairperson of the Yellowstone Ecosystem Subcommittee when the final rule changing status is published will call the first meeting of the GYCC. At this first meeting, the YGCC will elect a chairperson. Chairpersons will be elected at intervals determined by the members of the YGCC. The YGCC will meet at least two times each year; public notification of these meetings will be made by the chairperson or her/his representatives. The YGCC will strive for consensus, but when consensus cannot be achieved, decisions of the YGCC will be determined by majority vote. The details on locations and times of meetings and other business issues associated with the functioning of the YGCC will be determined at the first meeting.

YGCC members' expenses will be paid by their respective agencies.

YGCC authorities include:

Revise or amend the Conservation Strategy based on the best biological data and the best available science. Any such amendments will be subject to public review and comment. Amendments will be made by the YGCC with a majority vote.

Comment [t66]: Comment-2007 language. May want to discuss how other legal requirements apply. E.g.,, a majority of votes can't require a change to a USFS plan that Forest hasn't processed

Establish meeting rules and procedures, and chairperson election rules for the committee.

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

Some primary activities of the YGCC are:

Coordinate implementation of this Conservation Strategy.

Ensure that population and habitat data are collected annually by the IGBST, as specified in this Conservation Strategy, and evaluated to assess current status of the grizzly bear population.

Share information and implement management actions in a coordinated fashion.

Identify management, research, and financial needs to successfully implement the coordinated Conservation Strategy.

Implement a Biology and Monitoring Review ~~as necessary and submit a petition for relisting~~ as appropriate to ensure agency responsiveness to changing circumstances of the grizzly or its habitat in the Greater Yellowstone Ecosystem.

Comment [t67]: . 2007 language to strike- not an appropriate function for individual agency representatives on the Committee or a committee that is not a separate legal entity

Appoint a chairperson and members of the Information and Education Team, and coordinate information and education efforts.

This committee does not supersede the authority of the management agencies beyond the specific actions agreed to as signatories of this Conservation Strategy.

YGCC membership will consist of representatives of the following, each having one vote:

Federal	National parks: Yellowstone and Grand Teton
	National forests: Beaverhead-Deerlodge, Bridger-Teton, Caribou-

	Targhee, Custer-Gallatin, and Shoshone
	One Bureau of Land Management representative
	The Biological Resources Division of the U.S. Geological Survey
State wildlife agencies	Idaho, Montana, and Wyoming
Local government	One representative from each state
Tribal	One representative from each Native American tribe with sovereign powers over reservation lands within the ecosystem

The Interagency Grizzly Bear Study Team (IGBST) and the Information and Education Team (I & E) will perform necessary tasks and report to the YGCC.

The Interagency Grizzly Bear Study Team

In order to understand the dynamics of grizzly bears throughout the GYE, a need for centralized responsibility to collect, manage, analyze, and distribute science-based information was identified. To meet this need, in 1973 agencies formed the Interagency Grizzly Bear Study Team, a cooperative effort between the U.S. Geological Survey, National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, and the state wildlife agencies of Idaho, Montana, and Wyoming.

Since 1974, the IGBST has published more than 200 scientific papers on the grizzly bear. A complete list of these papers can be found at: http://nrmsc.usgs.gov/science/igbst/detailedpubs .

Quantitative data on grizzly bear abundance, distribution, survival, mortality, nuisance activity, and bear foods are critical to formulating management strategies and decisions. The IGBST coordinates data collection and analysis on an ecosystem scale, prevents overlap of efforts, and pools limited economic and human resources.

The IGBST will continue to function under this Conservation Strategy after delisting.

The responsibilities of the IGBST are to:

Conduct both short- and long-term research projects addressing information needs for bear management
Monitor the bear population, including status and trend, numbers, reproduction, and mortality
Monitor grizzly bear habitats, foods, and the impacts of humans
Provide technical support to agencies and other groups responsible for the immediate and long-term management of grizzly bears in the GYE
Take the lead in preparing a Biology and Monitoring Review with staff support from the YGCC in response to deviations from required population or habitat standards
Coordinate annual updates of the motorized access database
Coordinate annual evaluation of motorized access route density and secure habitat
Document annually any changes in developed sites, livestock allotments, or permitted sheep numbers and maintain associated databases
Ensure all units have the tools and the training to evaluate motorized access route density and secure habitat for projects
Evaluate the need for changes in ways to evaluate motorized access route density, secure habitat, and habitat effectiveness, and make recommendations to the YGCC on such changes, as necessary
Set and maintain standards, definitions, values, formats and processes for collecting and updating data and assessment models, and maintaining data consistency between units.
Produce annual reports on population and habitat monitoring items

The USGS employee who is the lead biologist for USGS on the Greater Yellowstone Ecosystem grizzly bear population chairs the IGBST and will call meetings at least twice each year. The majority of funding for the IGBST comes from USGS but additional funding and in-kind efforts are made by all agencies (*see* Appendix F). The IGBST will report its findings to the YGCC.

The Information and Education Team

Successful maintenance of a recovered grizzly bear population in the GYE requires joint understanding of issues, sharing of knowledge (including new science and results of monitoring), and open communication among agencies, tribes, elected officials, non-governmental groups and organizations, and the public. The goals of the Information and Education (I & E) Team are:

Increase public support for and compliance with agency management actions to maintain a secure GYE grizzly bear population

Utilize all possible modern technology and media resources to help decrease grizzly bear-human conflicts while still maintaining maximum access to natural resources for both humans and grizzly bears

Increase an understanding of grizzly bears and their habitat

Foster information sharing to ensure maximum resource, policy, and scientific informational exchange among agencies, tribes, elected officials, interest groups, local residents, and the public.

Provide for meaningful public involvement through use of open houses, direct mailings, and media campaigns to inform the public about agency decisions relating to grizzly bear habitat and population management activities and other management actions that may affect local residents, landowners, tribes, and users

Members of the Information and Education Team will include I & E specialists from the National Park Service, U.S. Forest Service, and the state wildlife agencies of Idaho, Montana, and Wyoming. The I & E Team will report to the YGCC.

Evaluation

The evaluation of the effectiveness of grizzly bear conservation measures detailed in this Conservation Strategy will be an ongoing process shared by all the members of the Yellowstone Grizzly Bear Coordinating Committee.

As detailed in the monitoring portion of this strategy, the IGBST will take the lead in preparing an annual monitoring report with staff support from the YGCC. Agencies responsible for monitoring major population and habitat parameters are listed in Appendix G. Monitoring results and analyses will be presented to the YGCC by the IGBST. A Biology and Monitoring Review would be triggered if any of the following conditions were met:

- Exceeding independent female mortality limits in 3 consecutive years
- Exceeding independent male mortality limits in 3 consecutive years
- Exceeding dependent young mortality limits in 3 consecutive years
- Failure to meet the distribution criterion

Biology and Monitoring Review

Under this Conservation Strategy, a Biology and Monitoring Review is a process carried out by the IGBST. A Biology and Monitoring Review examines management of habitat, populations, or efforts of participating agencies to complete their required monitoring. Biology and Monitoring Reviews will be undertaken after the annual summary of monitoring information presented to the YGCC and in response to deviations from required population or habitat standards. Any YGCC member agency also can request that a Biology and Monitoring Review be considered. Such consideration would be a topic for discussion by the YGCC and the review would be initiated based on the decision of the YGCC. The Biology and Monitoring Review process will be completed within six months and the resulting written report presented to the YGCC and made available to the public. The IGBST is not responsible for completing impact analyses for projects proposed by any agency; such analyses are the responsibility of the agency making the proposal.

The purposes of a Biology and Monitoring Review are:

To identify the reasons why particular demographic or habitat objectives have not been achieved and to recommend modifications to the YGCC for changes as necessary, or
To consider potential impacts of a proposed action of concern to one or more members of the YGCC, or
To consider departures by one or more agencies from the monitoring effort required under this Conservation Strategy and to recommend plans to the YGCC to ensure that monitoring efforts be maintained as per the standards in this document, or
To consider and establish a scientific basis for possible changes in management due to changed conditions in the ecosystem and make those recommendations to the YGCC~~, or~~
~~Make recommendations as to whether a petition for relisting should be submitted.~~

Comment [t68]: 2007 language to strike. Delete per comments above re petition.

Biology and Monitoring Reviews will be based on the best available science. Biology and Monitoring Reviews will be submitted as written reports by the IGBST to the YGCC and made available to the public. The YGCC will respond to the Biology and Monitoring Review in a written form either through the minutes of the YGCC meeting or in specific Biology and Monitoring Review response documents, as necessary. The purpose of the YGCC response is to address the issues(s) raised in the Biology and Monitoring Review with an explanation or management changes as necessary. In the case of a deviation from monitoring efforts required under this Conservation Strategy, the response will identify the means to be implemented by the YGCC to ensure continued population and/or habitat monitoring efforts as required in this document.

A Biology and Monitoring Review is generally triggered by negative deviations from the desired conditions established in this Conservation Strategy for population, mortality ~~reduction~~management, and habitat parameters; however, the IGBST can recommend a Biology and Monitoring Review to the YGCC if they deem it necessary.

~~A Biology and Monitoring Review will make recommendations as to whether a petition for relisting should be made. This recommendation shall be based upon the magnitude of the threat that the deviation from the desired condition poses to the maintenance of a recovered population.~~

~~The YGCC has to formally agree with a recommendation from the IGBST to petition for relisting.~~

Comment [t69]: 2007 language to strike. Delete per prior comments re petition. Additionally, inappropriate for IGBST to make recommendations or policy decision

~~If the situation, after completion of the Biology and Monitoring Review, is such that some or all of the desired population and habitat conditions specified in this Conservation Strategy are not being met, and cannot be met in the opinion of the YGCC, then the YGCC will submit to the Fish and Wildlife Service a petition for relisting. In the case of a vote on this issue, a simple majority is necessary.~~

Fish and Wildlife Service Status Review

The Service may initiate a formal status review: ~~and may emergency relist the GYE grizzly population until the formal status review is complete under two conditions~~: (1) if there are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that depart significantly from the specifics of population or habitat management detailed in this section and significantly increase the threat to the population.; ~~and/or (2) if independent female mortality limits are exceeded in 3 consecutive years; or~~ (~~3~~2) ~~A~~ a total population estimate of less than 500 inside the DMA~~.~~; and/or (3) if the Service determines a petition to relist from an individual or organization, including the YGCC, is warranted.

Comment [t70]: 2016 language to strike- These can't be predecided to meet the emergency listing critiera and process of Section 4(a) /4(b) of the ESA. This is covered in paragraph on next page from 2007 language.

Comment [G71]: 2016 language to strike-this triggers a biology and monitoring review, not a status review.

Comment [t72]: 2016 language to modify- these are within the reasonable range of the status review "scenarios" in a delisting rule. The change in regulation or law scenario should include a tie to a significant increase in threat.

~~Under Section 4 of the Endangered Species Act, a petition from an individual or organization to relist this population will initiate a status review, if the Service determines that the petition is warranted.~~ To be warranted, such a petition must present credible scientific information to support the petition. ~~The YGCC can petition the Fish and Wildlife Service to relist the GYE~~

~~grizzly bears.~~ The Service is to perform a status review upon receipt of such a petition that contains sufficient information to demonstrate that the request to relist is warranted. ~~A relisting petition from the YGCC should be accompanied by the available specific biological data on the population and its habitat sufficient to judge its status as a recovered population as per the requirements of this Conservation Strategy.~~ A status review will evaluate the factors affecting the population and result in a finding that summarizes the status of the population and recommends listing or not. For purposes of a status review, the status of the entire Greater Yellowstone Ecosystem grizzly bear population would be considered~~.~~

Comment [G73]: 2007 language to strike. Delete per prior comments re petition.

The Service can also unilaterally initiate a status review to determine if the GYE grizzly bears should be a candidate species and be added to the species to be listed. ~~This could be accomplished independently of the YGCC based on Service concerns about the population and/or its habitat.~~ Based on a review of a petition or a status review initiated by the Service, if the Service finds serious and imminent threats to the population as per the criteria of the Endangered Species Act in Section 4(a)(1), the species could be immediately considered for relisting or could be relisted under emergency regulations, per Section 4(b)(7).

Chapter 7 Existing Authorities

Introduction

The existence of adequate regulatory mechanisms that serve to maintain the Yellowstone grizzly bear population as recovered is one of the five factors required to change the status of the population to delisted and to ensure a healthy grizzly bear population.

The management of populations of grizzly bears and the habitats these bears require for survival is dependent upon the laws and regulations of the federal and state agencies in the Greater Yellowstone Ecosystem (GYE). These laws and regulations provide the legal basis for controlling mortality, providing secure habitats, managing grizzly bear-human conflicts, controlling hunters, limiting access where necessary, controlling livestock grazing, maintaining education and outreach programs to control conflicts, monitoring populations and habitats, and requesting management and petitions for relisting when necessary. Many of these laws provide authorities for a number of these actions and controls.

The following laws and regulations, or portions thereof, exist and are relevant to agency programs regarding management of the grizzly bear and its habitat in the GYE. These provisions, whether national or state, have application in terms of agency compliance, agency authority, or discretion to act.

The relationship between the existing authorities and the five factors in Section 4(a)(1) used to consider listing and delisting of a species is presented in Appendix H. These five factors are all relevant to maintain a recovered population.

Federal Lands

Acts of Congress[4]

The Act of Congress March 1, 1872. Set Yellowstone apart as a public park for the benefit and enjoyment of the people" and "for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities or wonders...and their retention in their natural condition". 16 U.S.C. §§21-22.

National Park Service Organic Act, 1916. The National Park Service...shall promote and regulate the use...by such means... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such a manner...as will leave them unimpaired for future generations. 16 U.S.C. §31 repealed June 25, 1948.

Lacey Act, Criminal Code Provisions, 18 U.S.C. 42-44. This Act makes it illegal to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken or possessed in violation of any law, treaty or regulation of the United States or in violation of any Indian tribal law; to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law. 18 U.S.C. §§42-43.

Fish and Wildlife Coordination Act, 16 U.S.C. §§661-666c. This Act relates to wildlife as associated with water resource development. This act also authorizes that lands and waters may be acquired by Federal construction agencies for wildlife conservation to mitigate water projects in order to preserve and assure for the public benefit the wildlife potential of the particular water project area.

The Act of Congress September 14, 1950. (Expansion of Grand Teton National Park to include Jackson Hole National Monument) "The national park so established shall, so far as

[4] Federal legislation can be viewed at the Library of Congress web site: http://thomas.loc.gov

consistent with the provisions of this Act, be administered in accordance with the general statutes governing national parks..." 16 U.S.C. § 406d-1

Sikes Act, 16 U.S.C. §670g. The Secretaries of Agriculture and Interior and the State agencies will cooperate under this act to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish and game. These programs shall include, but not be limited to, specific habitat improvements projects and related activities and provide adequate protection for species considered threatened or endangered pursuant to Section 4 of the ESA.

Multiple-Use Sustained-Yield Act, 16 U.S.C. §§528-531. It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed and wildlife and fish purposes. As used in this Act, "Multiple Use" means the management of all the various resources of the National Forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

National Environmental Policy Act, 42 U.S.C. §§ 4321-4331. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment: to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the

United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—
(A) Utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment; (B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations; (C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented

(iii) Alternatives to the proposed action.

(iv) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved.

The Act of Congress August 25, 1972, PL. 94-404 86 §620. Authorization to establish John D. Rockefeller, Jr. Memorial Parkway "... to provide both a symbolic and desirable physical connection between... Yellowstone, and the Grand Teton National Park..." "The Secretary shall administer the parkway as a unit of the national park system in accordance with the

authority contained in the Act of August 25, 1916..." Established by the Secretary of the Interior, September 30, 1977.

Endangered Species Act, 16 U.S.C. § 1533. ESA - Section 4 of the Act gives the criteria for determining a species' status as threatened or endangered. In order to delist a species, it must be shown that the opposite is true. It must be shown that: a) the species' habitat or range is not threatened with destruction, modification or curtailment, b) the species is not being over utilized for commercial, recreational, scientific or educational purposes, c) disease and predation are not significant problems, d) there are adequate regulatory mechanisms in place, and e) there are no significant other natural or manmade factors affecting the continued existence of the species. The Secretary of Interior and States shall effectively monitor recovered species for not less than five years after the species is delisted and no longer protected under the ESA.

Forest and Rangeland Renewable Resources Planning Act, 1974. In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resources Assessment. A strategic plan for all Forest Service activities shall be prepared every five years based on the assessment of renewable natural resources and on all land ownerships every 10 years. It provides direction that land management plans specify guidelines for land management plans, which provide for diversity of plant and animal communities. 16 U.S.C. §1600.

National Forest Management Act (NFMA) of 1976. NFMA provides the legal basis and direction for development of national forest plans. NFMA specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management

(36 CFR 219), adopted in 1979 augmented the diversity policy by requiring management of habitats to maintain viable populations of vertebrates. 15 U.S.C. §1600.

Federal Land Policy and Management Act. Public lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...that will provide food and habitat for fish and wildlife and domestic animals, and that will provide for outdoor recreation and human occupancy and use. 43 U.S.C. §§ 1701-1777.

Fish and Wildlife Improvement Act, 16 U.S.C. § 742(a).

Fish and Wildlife Conservation Act, 16 U.S.C. §§ 2901-2911. Each State should be encouraged to develop, revise and implement, in consultation with appropriate other agencies, a plan for the conservation of fish and wildlife, particularly those species, which are indigenous to the State. The purpose of this act is to provide financial and technical assistance to the States for the development, revision and implementation of conservation plans and programs for nongame fish and wildlife and to conserve and promote conservation of nongame fish and wildlife and their habitats.

The National Parks Omnibus Management Act of 1998 (PL 105-391,112 Stat. 3497). Title I, Section 101 recognizes the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System. Title II, Section 201, National Park System Resource Inventory and Management identifies the need to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park system and to use the information gathered for management purposes. 16 U.S.C. §5901.

Federal Regulations

36 CFR 1.5 (a)(1). Gives National Park Superintendents the authority to establish for all or a portion of a park area a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity in order to protect natural resources or provide for human safety.

36 CFR 1.7(B). National Park Service Superintendents shall publish in writing all designations, closures, permit requirements and other restrictions imposed under discretionary authority.

36 CFR 1.7(B) 1.2 (d). Gives National Park Superintendents the ability to regulate activities conducted by National Parks, or their agents, relative to the management and handling of grizzly bears (*Ursus arctos horribilis*). Specifics are described in Park Annual Bear Management Plans.

36 CFR 2.10 (d). Gives the National Park Superintendents authority to designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage and equipment used to cook or store food must be kept to avoid bear-human conflicts. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

36 CFR 219. Specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. Subsequent regulations for planning land and resource management and requiring management of habitats to maintain viable populations of vertebrates.

36 CFR 219.19. Requires that Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.

A viable population shall be regarded as one, which has the estimated numbers, and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area.

36 CFR 219.26. Specifies that Forest planning shall provide for diversity of plant and animal communities to meet multiple use objectives.

36 CFR 219.27 (a) (6). States that (a) All management prescriptions shall – (6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species.

36 CFR 261.50 (a) and (b). Gives Forest Supervisors the authority to issue orders which close or restrict the use of described areas, or of any forest development road or trail within the area over which he has jurisdiction. This authority is used to close areas to minimize human/bear conflicts and to issue food storage, carcass storage and camping requirements.

36 CFR 261.53 (a) and (e). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) it is prohibited to go into or be upon any area which is closed for the protection of: (a) threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish; or (b) for public health or safety.

36 CFR 261.58 (e) and (s) and (cc). States that when provided for in an order authorized under 36 CFR 261.50 (a) and (b) the following are prohibited. (a) Camping; (s) Possessing, storing, or transporting any bird, fish, or other animal or parts thereof as specified in the order; (cc) Possessing or storing any food or refuse, as specified in the order.

States

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

~~Wyoming State Statutes~~[5]

~~23-1-101(a)(xii). "Trophy game animal" means black bear, grizzly bear, or mountain lion.~~

~~23-1-103. Ownership of wildlife. For the purpose of this act, all wildlife in Wyoming is property of the State. There shall be no private ownership of live animals classified as big or trophy game animals.~~

~~23-1-302(a)(ii). Powers and duties of the commission. To establish zones and areas in which trophy game animals may be taken as game animals with a license or in the same manner as predatory animals without a license, giving proper regard to livestock and game industries in those particular areas.~~

~~23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration. This is a lengthy statute that addresses procedures for filing damage claims.~~

~~23-2-101(e). Fees. This statute requires the commission to maintain a $500,000 balance to be used to compensate landowners for damage done by game animals.~~

~~23-3-102(b). License requirements. Requires a license to take a grizzly bear, except as otherwise provided.~~

[5] ~~Wyoming statues are available from the Wyoming State Law Library at http://courts.state.wy.us/state_law_library.htm.~~

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Comment [G74]: New 2016 language to include- refers to the draft MOA that needs to be approved by commissions.

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~~23-3-102(d). Provides for a minimum of $5,000 and a maximum of $10,000 fine for killing a grizzly bear.~~

~~23-3-103(b). Taking predatory animals and trophy animals. Allows trophy game animals to be taken in areas designated by the Commission by the same means as a predatory animal.~~

~~23-3-106. Interstate game tag required. Regulates the transportation of bears within and across Wyoming State lines.~~

~~23-3-107. Wanton destruction. Prohibits a person from wantonly destroying any grizzly bear.~~

~~23-3-109. Use of dogs. Prohibits the use of dogs to hunt, run, or harass big or trophy game animals except as especially permitted by statute.~~

~~23-3-112. Firearms. Prohibits the use of certain types of firearms to take game animals.~~

~~23-3-115. Taking black bears doing damage. Allows landowner to kill black bears doing damage and requires them to notify the department. Grizzly bears may not be taken.~~

~~23-3-301. Importation and sale prohibited. Prohibits the importation and sale of bears.~~
~~Wyoming Game and Fish Commission Regulations~~

~~Chapter XLIII. Prohibits the taking of any wildlife unless the season is specifically opened by the commission.~~

~~Chapter II. Requires the taking of any grizzly bear to be reported to the department and the U.S. Fish Wildlife Service immediately. Section 7.~~

Chapter III. Prohibits the placement of baits in the current grizzly bear recovery zone. Section 6(a)(v).

Idaho State Statutes[6]

36-103 (a). Wildlife property of State – Preservation – Wildlife Policy. All wildlife, including all wild animals, wild birds, and fish, within the State of Idaho, is hereby declared the property of the State of Idaho. It shall be preserved, protected, perpetuated, and managed. It shall only be captured or taken at such times or places, under such conditions, or by such means, or in such manner, as will preserve, protect, and perpetuate such wildlife, and provide for the citizens of this State and, as by law permitted to others, continuous supplies of such wildlife for hunting, fishing and trapping.

36-103 (b). Commission to Administer Policy. Authority, power and duty of the Fish and Game Commission to administer and carry out the provisions of the Idaho Fish and Game Code. The Commission is not authorized to change the states' wildlife policy but only to administer it.

36-201. Fish and Game Commission authorized to classify wildlife. With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the State of Idaho.

Idaho Fish and Game Commission Regulations

IDAPA 13 G 1.9. Species of Special Concern, Threatened or Endangered Species. Lists the grizzly bear as a Threatened Species. By definition a species likely to be classified as Endangered within the foreseeable future throughout all or a significant portion of its Idaho range.

[6] Idaho statutes are available from http://www3.state.id.us/idstat/TOC/idstTOC.html.

IDAPA 13 G 2.2. No person shall take or possess those species of wildlife classified as Protected non game, Species of Special Concern, or Threatened or Endangered at any time or in any manner, except as provided in Sections 36-106 (e) 5 and 36-1107, Idaho code or by commission regulation.

Comment [t75]: Update to reflect "big game" classification

Montana State Statutes[7]

Section 87-1-301. MCA, Powers of the Commission. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

Requires the Fish, Wildlife and Parks Commission to set policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the State and for the fulfillment of all other responsibilities of the department as provided by law.

Section 87-5-301. MCA Policy toward grizzly bear. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

It is hereby declared the policy of the State of Montana to protect, conserve, and manage grizzly bears as a rare species of Montana wildlife.

Section 87-5-302. MCA Commission regulation on grizzly bear. Statutes, State of Montana, Department of Fish, Wildlife and Parks.

The commission shall have authority to provide open and closed seasons; means of taking; shooting hours; tagging requirements for carcasses, skulls, and hides; possession limits; and requirements for transportation, exportation, and importation of grizzly bears.

[7] Montana statues are available from http://www.lawlibrary.state.mt.us, the State Law Library of Montana.

~~Section 87-2-101. MCA Definitions. Statutes, State of Montana, Department of Fish, Wildlife and Parks.~~

~~By definition under this section bears are classified a game animal in Montana.~~

~~Administrative Rules of Montana~~

~~MCA 12.9.103. Grizzly Bear Policy (1) Whereas, the Montana Fish and Game Commission has management authority for the grizzly bear, a resident wildlife species, and is dedicated to the preservation of grizzly bear populations within the State of Montana; and~~

~~Whereas the secure habitat for the grizzly bear has been greatly reduced as a result of human development and population growth from 1850 through 1950 in the bear's traditional range in all western States; and~~

~~Whereas, a significant portion of the remaining grizzly bear habitat and population is located in Montana and these Montana populations occur in wildlands such as wilderness, primitive areas, de facto wilderness areas, national forests, national parks, Indian reservations, and seasonally, on adjacent private lands.~~

~~Now, therefore, in order to promote the preservation of the grizzly bear in its native habitat, the commission establishes the following policy guidelines for the Montana Department of Fish, Wildlife and Parks action when dealing with grizzly bear.~~

~~(a) Habitat. The department shall work to perpetuate and manage grizzly bear in suitable habitats of this State for the welfare of the bear and the enjoyment of the people of Montana and the nation. In performing this work the department should consider the following:~~

~~(i) the commission has the responsibility for the welfare of the grizzly bear and advocates the protection of the bear's habitat;~~

~~(ii) management of Montana's wildlands, including the grizzly bear habitat, is predominately, but not exclusively, a responsibility of various Federal agencies and private landowners;~~

~~(iii) land use decisions made by these agencies and individuals affect grizzly bear habitat, thus cooperative programs with these agencies and individuals are essential to the management of this species;~~

~~(iv) preservation of wildlands is critical to the protection of this species and the commission advocates wildland preservation in occupied grizzly bear habitat; and~~

~~(v) while some logging may not be detrimental to grizzly bear habitat, each logging sale in areas inhabited by grizzly bear should be carefully reviewed and evaluated.~~

~~(b) Research. It is recognized by the commission that research on the habitat requirements and population characteristics of the grizzly bear is essential for the welfare of the species. Departmental research programs and proposals directed at defining those habitat requirements are encouraged and supported.~~

~~(c) Hunting and recreational use. The commission recognizes its responsibility to consider and provide for recreational opportunities as part of a grizzly bear management program. These opportunities shall include legal hunting, recreational experiences, aesthetics of natural ecosystems, and other uses consistent with the overall welfare of the species.~~

~~(i) the department should consider the variability of values between individuals, groups, organizations, and agencies when management programs for various grizzly bear populations are developed.~~

~~(ii) sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, minimizing depredations against private property within adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.~~

~~(d) Depredations. Contacts between grizzly bear and humans, or property of humans, require delicate handling and consideration. When these contacts reach the stage for definite action, the following actions should be carried out:~~

~~(i) grizzly bear, in the process of threatening or endangering human life, shall be captured or dispatched immediately.~~

~~(ii) where no immediate threat to human life exists, individual bear encounters with humans shall be evaluated on a case-by-case basis and when the attack is abnormal or apparently unprovoked, the individual bear involved shall be captured or dispatched.~~

~~(iii) when the attack is normal (e.g., a female defending her cubs, any bear defending its food, or any bear defending itself) but the situation leads itself to no reasonable possibility of leaving the bear in place, then the bear should be removed.~~

~~(iv) grizzly bear committing depredations that do not directly endanger human life but that are causing property losses shall be evaluated on an individual case basis.~~

~~(v) where removal is determined to be the best resolution to the problem, depredating or nuisance bear shall be trapped, and if determined to be suitable for transplanting, shall be marked and released in suitable habitat previously approved with appropriate land management agencies.~~

~~(vi) reasonable efforts shall be made to inform the public of the transplant program, fully explaining the reasons for the capturing and locations of the release area.~~

~~(vii) upon request by an authorized scientific investigative agency or public zoological institution, a captured bear may be given to that agency or institution, for appropriate non-release research purposes. A reasonable charge may be required to cover costs of handling.~~

~~(e) Depredating grizzly bear that are not suitable for release or research because of old age, acquired behavior, disease, or crippling, shall be killed and sent to the department's research facilities for investigation. The public shall be fully informed when these actions are taken and the reasons for these actions shall be fully explained~~

~~(f) Coordination. The department shall consult with appropriate Federal agencies and comply with applicable Federal rules and regulations in implementation of this policy. (History: Sec.87-1-301MCA, IMP, 87-1-201, 87-1-301 MCA; Eff. 12/31/72; AMD, 1977 MAR p.257, Eff. 8/26/77.)~~

~~Montana Department of Natural Resources and Conservation~~

~~Title 75, Chapter 1, MCA – Montana Environmental Policy Act. Establishes policy of the State of Montana to use all practicable means and measures to create and maintain conditions under which man and nature can coexist in productive harmony.~~

~~Title 76, Chapter 14, MCA – Montana Rangeland Resource Act. Establishes a program of rangeland management whereby the importance of Montana's rangeland with respect to wildlife habitat and the natural beauty of the State is recognized.~~

~~Title 77, Chapter 1, MCA – Administration of State Lands. Directs the State board of land commissioners to manage State lands to support education and for the attainment of other worthy objectives helpful to the well-being of the people of Montana. It further directs the board to manage State lands under the multiple-use management concept to insure: 1) they are utilized in that combination best meeting the needs of the people and the beneficiaries of the trust; and 2) harmonious and coordinated management of the various resources.~~

~~Title 87, Chapter 5, MCA – Nongame and Endangered Species Conservation Act. Establishes Montana policy to manage certain nongame wildlife for human enjoyment and to insure their perpetuation as members of ecosystems. It further declares the policy of the State of Montana to protect, conserve, and manage the grizzly bear as a rare species of Montana wildlife.~~

~~Montana Constitution. Article IX – Environment and Natural Resources. Section 1 – Protection and Improvement. The State and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.~~

Federal Plans and Guidelines

In addition to federal and state laws, the following plans and guidelines provide both direction and guidance for grizzly bear population and/or habitat management.

National Park Service

Comment [t76]: Comment-Compendia (consistent with Ninth Circuit ruling reference?

NPS-77, Natural Resource Management Guidelines, May 16, 1991. Guides National Park managers to perpetuate and prevent from harm (through human actions) wildlife populations as part of the natural ecosystems of parks.

Final Environmental Impact Statement, Grizzly Bear Management Program, Yellowstone National Park, July 1983:

Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, careful and frequent garbage pickup to prevent overflow and overnight accumulations.
The Superintendent authorizes and approves the YNP Grizzly Bear Management Program that outlines the park's Bear Management Area Program. The Bear Management Area Program restricts recreational activity in areas with seasonal concentrations of grizzly bears. The goals of these restrictions include: (1) minimize bear-people interactions that may lead to habituation of bears to people (habituation can result in bears being removed from the population for human safety), (2) prevent human-caused displacement of bears from prime food sources, and (3) decrease the risk of bear-caused human injury in areas with high levels of bear activity.
Outlines Park bear monitoring program.
Outlines Park bear research goals and objectives.
Leaves open the possibility for supplemental feeding of grizzly bears, if deemed necessary.
Identifies as an objective that public awareness of exposing bears to unnatural food sources may lead to human injury, or to the bears' destruction, or both. Requires an active information program be directed at both visitors and employees to inform them of policies and goals of bear management, and the reasons for these. Provides guidelines for the distribution of bear safety warning information through entrance stations, signs, visitor contacts, and literature.

Yellowstone National Park Annual Bear Management Plan: Outlines grizzly bear ecology and management information distributed to park employees and the general public by the Bear Management Office.

Grand Teton National Park Human/Bear Management Plan, 1989:

Identifies sanitation procedures designed to ensure that human foods and attractants are kept secured from bears. Garbage and other unnatural food attractants will be eliminated before control actions are required. The solid waste handling program will encompass use of trash containers of bear-resistant design, and careful and frequent garbage pickup to prevent overflow and overnight accumulations. Containers not of bear-resistant design must be located inside the building served. Large animal carcasses that are near trails, facilities, or roads will be managed in a way to reduce human/bear encounters.

Grizzly bear management follows the *Interagency Grizzly Bear Guidelines* (IGBC 1986).

Management of Situation 1 areas includes area closures and/or activity curtailments to protect the bears.

Follows the procedures outlined in the *Interagency Grizzly Bear Guidelines* (IGBC 1986).

Actions subsequent to capture are coordinated with the U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator.

All incidents involving human-bear interactions are documented on Bear Sighting/Identification reports. All Park employees and visitors are encouraged to complete these forms for all bear sightings.

Outlines Park bear research goals and objectives.

Outlines a program for the dissemination of information of human/bear relationships, the causes of human-bear conflicts, and how visitors, inholders, Park, and concession employees can help alleviate problems through their personal actions and compliance with Park regulations.

U.S. Forest Service

- If a change of status for the Yellowstone grizzly bear population under the ESA takes place, Forest Service Regions 1, 2, and 4 will classify the grizzly bear as a sensitive species[8] in the GYE. Grizzly bears and their habitats will then be managed as sensitive on National Forest System lands in accordance with Forest Service Manual 2670 (specifically 2670.22, 2670.32, and 2676.1-2676.17e). In addition, national forests will continue to follow direction established in existing land management plans until amended or revised. Bridge-Teton National Forest Land and Resource Management Plan with Amendments and Corrections (2015)
- Custer National Forest and Grasslands Land and Resource Management Plan (1987)
- Gallatin Forest Plan 1987 as Amended through November 2014
- 1997 Revised Forest Plan - Targhee National Forest
- Shoshone National Forest Land Management Plan (2015)
- Beaverhead-Deerlodge National Forest Land and Resource Management Plan (2009)

State Plans and Guidelines

[8] 2672.1 - Sensitive Species Management. Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing.

There must be no impacts to sensitive species without an analysis of the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole. It is essential to establish population viability objectives when making decisions that would significantly reduce sensitive species numbers.

2672.11 - Identification of Sensitive Species. Regional Foresters shall identify sensitive species occurring within the Region. They shall examine the following sources as possible candidates for listing as sensitive species:

1. Fish and Wildlife Service or National Marine Fisheries Service candidates for Federal listing (categories 1 and 2) under Federal Register Notice of Review.

2. State lists of endangered, threatened, rare, endemic, unique, or vanishing species, especially those listed as threatened under State law.

3. Other sources as appropriate in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities.

It is the policy of MDNRC to conduct programs and activities in a manner that limits the potential for conflicts between grizzly bears and people and that provides habitat to help achieve and sustain recovery within the GYE. Land uses which can adversely affect grizzly bears or their habitat will be designed and coordinated in a manner that is compatible with grizzly bear behavior and habitat needs, but not to the extent of excluding other uses.

The Forestry Division of the MDNRC has additional policy guidance for management of grizzly bear habitat within the Yellowstone. In 1988, grizzly bear management standards and guidelines were implemented to integrate management of grizzly bear habitat with timber management on State lands within the GYE. Performance standards and guidelines cover long range planning, project planning and design, management of bear-human conflicts, and special management areas. These will be implemented until the Forestry Division develops and adopts other guidance through a programmatic planning effort that will incorporate grizzly bear management objectives.

Additional policy guidance will be developed in the near future. The USFWS and MDNRC have mutually agreed to develop and implement guidelines for integrating grizzly bear habitat protection and MDNRC land management activities. MDNRC will continue to consult with MFWP on specific projects that may adversely affect any species of wildlife in Montana, in an attempt to minimize or avoid adverse impacts to populations or their habitats.

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From:	van Manen, Frank
To:	Brian DeBolt; Cecily Costello; Servheen, Chris; Curtis Hendricks; Dan Bjornlie; Dan Thompson; Dan Tyers; David Gustine; Frank T. van Manen; Jennifer Fortin-Noreus; Katharine Wilmot; Kerry Gunther; Kevin Frey; Mark A Haroldson; Megan Higgs; Pat Hnilicka; Steve Cherry; Wayne Kasworm
Subject:	Comments from IBA on PR and CS
Date:	Wednesday, May 11, 2016 4:43:18 PM
Attachments:	IBA Comments on GYE grizzly bear delisting_Cover Letter.pdf IBA Comments on Grizzly Bear Delisting submitted 10 May 2016.pdf

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All,

I thought it would be helpful to see the comments that were submitted by IBA. They established a review panel of respected scientists. There are several misinterpretations of our data and I would certainly argue with several of their assertions. But, by and large, I do value this as a purely scientific and independent review and it would behoove us to take note of these comments.

I would appreciate any feedback.

Frank



International Association for Bear Research and Management (IBA)

www.bearbiology.com

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

May 10, 2016

To the U.S. Fish and Wildlife Service:

The International Association for Bear Research and Management (IBA) is a professional organization of bear biologists, managers, and conservationists around the world. We have >600 members from 67 countries; 368 of these are from North America. The IBA mission is to promote the conservation and restoration of the world's bears through science-based research, management, and education. To this end we hold regular conferences, publish a thrice-yearly newsletter and the peer-reviewed journal, ***Ursus***, and provide >$80,000 in grants annually for bear research, conservation, and collaboration each year. We maintain a close working relationship with the IUCN Bear Specialist Group. (For more information about IBA go to www.bearbiology.com.)

On occasion, on issues of particular national or international bear conservation significance, we also offer scientific review and comments. Our goal is to help ensure that science and data interpretations underpinning policy decisions and conservation strategies regarding bears are sound and clearly articulated. The Yellowstone grizzly bear population is one of the best studied in the world. The iconic setting in a unique ecosystem and in America's first national park make this population of worldwide conservation significance. In March, 2016, IBA's governing Council voted unanimously to review and submit public comment on the US Fish and Wildlife Service's proposal to remove the grizzly bear population of the Greater Yellowstone Ecosystem (GYE) from the US Endangered Species List, thereby returning management responsibilities to the three states that encompass the GYE. For this purpose, we chose, by vote of Council, a review team of 4 highly qualified scientists from among our members. These scientists were selected for their demonstrated competence, integrity, and expertise in related work. We took great care to choose reviewers who were independent of ties to the Interagency

Grizzly Bear Study Team (IGBST), the Interagency Grizzly Bear Committee (IGBC), and the wildlife management agencies of Montana, Idaho, and Wyoming.

As officers of IBA, and on behalf of IBA's Council, we submit here the attached review authored by this team. In it, they review key scientific methods and findings presented in the USFWS Proposed Rule (Docket Number FWS–R6–ES–2016–0042) and the supporting papers cited therein. This review was approved by IBA Council for submission on our behalf to the US Fish and Wildlife Service.

Key findings in the review are as follows. Evidence is clear that the specifically defined habitat and demographic criteria for population recovery have been met. However, 9 key issues are identified and discussed that have implications for the success of the conservation strategy, should delisting proceed. These issues are relevant whether management of the GYE grizzly bear population remains with the federal government (listed) or is transferred to state agencies (delisted). The specific issues can be summarized under 3 general concerns: a) the magnitude of uncertainty surrounding multiple key factors has not been adequately recognized in the rule or incorporated into the conservation strategy; b) managing the population to a specific target size is difficult at best and entails risk, especially for a population of a size that still qualifies as "Vulnerable" under IUCN Red List criteria; c) plans for managing to a target population size seem counter to the goal of continued population expansion and connectivity.

In addition to the content of the attached review, we offer several additional comments:

1) We commend the USFWS and all associated parties for their steadfast focus, leadership, and enormous effort in working to return the GYE grizzly bear population from critically low to healthy numbers over the past decades. This recovery is a stunning example of what can be achieved in conservation even in the face of fiercely divided public opinions.

2) The growth and expansion of the GYE grizzly bear population was only possible through conservative management. A conservative management approach is still warranted, given the rapid pace of ecological change in the GYE. It is particularly important to guard against Type II errors in data interpretation, when one falsely concludes there is no effect because statistical analyses fail to detect one. As an example, we suggest that it is too soon to conclude that declines in key grizzly bear foods in the GYE have not affected vital rates of grizzly bears, despite the failure to statistically detect such effect in the analyses presented to date. Schwartz et al. (2014) suggested that body fat content of female grizzly bears might be declining coincident with loss of whitebark pine (WBP) from the environment, but the trend was not statistically significant. A second analysis that included additional data (albeit a small amount) again failed to demonstrate such an effect (IGBST 2013). Moreover, no differences were detected in a comparison of seasonal body fat trends in females pre- and post- WBP decline.

These analyses, however, were subject to acknowledged limitations in sample size and distribution, leaving them at risk for Type II errors. Seasonal body mass and composition are highly variable among individuals and are strongly affected by reproductive status (i.e., if a female is accompanied by dependent offspring or not). Yet in the analyses presented, all females were pooled, due to insufficient sample sizes for partitioning data by reproductive status (or age, etc). Pooled data for adult females has characteristically high variance and

samples are subject to bias due to uneven sampling relative to reproductive status; both conditions can make it difficult to discern statistical trends. The fact remains that nearly 20% of females handled during 2008–2013 had season-specific body fat levels low enough to definitively put them at risk for reproductive failure, whereas prior to 2004, no females assessed were so clearly deficient in body fat. Because reproductive parameters often are connected to threshold levels, the reproductive implications for populations showing this great a difference may be considerable.

We encourage efforts to improve the tracking of body mass and body composition relative to environmental conditions and reproductive success in this bear population. We also suggest that future analyses take into account reproductive status, as body mass, composition and their seasonal trends differ markedly between females with cubs of the year and other females, and pooling these data can obscure significant relationships.

3) Aspects of outlined conservation strategies are not consistent regarding continued expansion of the GYE grizzly bear population either to the west, to enable repopulation of the Bitterroot ecosystem, or to the north to re-establish connectivity with the NCDE population.

The attached review notes that GYE grizzly bear population is relatively small and isolated, and by virtue of its size, still carries a "Vulnerable" designation under the IUCN Red List criteria. As such, future strategies that include habitat and population management that encourage connectivity between the GYE and both the NCDE and Bitterroot ecosystems are certainly prudent. According to the 2016 Conservation Strategy (CS), the State of Montana will manage grizzly bears between the GYE and NCDE ecosystems. We have concerns that the Montana State policies (as summarized in the CS) to allow for "discretionary mortality" (i.e., grizzly bear hunting) and to *not expand* "habitat based restrictions and programs" outside the proposed Primary Conservation Area (PCA), may further challenge the ability of grizzly bears to successfully connect between these ecosystems. Attaining connectivity will be particularly difficult when these state policies are combined with the intention to manage the GYE grizzly populations to the targeted 674 individuals. Currently the intervening habitats between these ecosystems are essentially absent of grizzly bears. We therefore encourage more attention be placed on habitat and population management on the lands connecting the GYE, NCDE, and Bitterroot ecosystems to encourage inter-area connectivity.

We realize that legitimate social concerns influence management programs, as was mentioned in the CS relative to Montana's policy. Human safety, of course, has to remain a top priority. We therefore encourage an iterative approach that monitors the expansion of bears between these ecosystems (or the lack thereof), and improves habitat and population management as required to eventually attain inter-area connectivity. IBA members who work extensively with connectivity issues in other jurisdictions suggest that management strategies that minimize human-caused mortality in linkage areas, be it through legal hunting, non-hunt mortalities on backcountry roads, or frontcountry mortalities related to bear attractants, be considered in linkage habitats. It might be beneficial or even necessary to identify areas of especially high quality habitats with important food resources or with linkage movement potential and apply habitat restrictions to those areas, rather than applying blanket restrictions across all habitats.

In conclusion, IBA neither specifically endorses nor opposes delisting of the GYE grizzly bear population. Our role is to provide a review of the science, its interpretation, and the monitoring and proposed management practices that are the foundation of the USFWS delisting proposal. Our concern is the security and sustainability of the Yellowstone ecosystem grizzly bear population. With appropriate measures in place, this goal is theoretically attainable under either federal or state management. Whether or not to delist the Yellowstone grizzly is a decision that must be heavily informed by science. But, it is a policy issue that rests also on other issues of public opinion and core values. Those may include the desirability of sport hunting of grizzly bears, the openness and equitability of the delisting process, desired future condition of the landscape, desired future range of grizzlies, level of comfort with future uncertainty (e.g. climate change, political change, etc), public trust in the political will and ability of multiple state agencies to manage for a shared objective, and issues of Native American tribal sovereignty and inclusion in policy-making. Though informed by science, these issues are not determined by science.

On behalf of the IBA Council and the review team, we emphasize that our comments in this letter and the attached review represent our best professional judgment regarding scientific and management measures that deserve specific attention and effort to ensure the persistence of the GYE grizzly bear population. They also represent our very best intentions in supporting the ongoing work of the capable and dedicated scientists, managers, and policy makers who have worked so hard to secure the future of these bears.

Respectfully yours,



Karen Noyce
IBA President



Michael Proctor
IBA Vice President for the Americas



Andreas Zedrosser
IBA Vice President for Eurasia



International Association for Bear Research and Management (IBA)

www.bearbiology.com

Comments on Proposed Rule and Conservation Strategy Regarding Delisting Yellowstone Grizzly Bears

Prepared for the International Association for Bear Research and Management (IBA)
May 2016

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We were asked by the International Association for Bear Research and Management (IBA) to provide a science-based review of the US Fish and Wildlife Service's proposed rule (Federal Register 81 [48], March 11, 2016) (henceforth 'rule') to delist grizzly bears (*Ursus arctos horribilis*) in the Greater Yellowstone Ecosystem (GYE) as a distinct population segment (DPS) under the U.S. Endangered Species Act, and the Draft 2016 Conservation Strategy (CS) that outlines what would follow after such delisting. The objective of this review is to critically evaluate the science, the interpretation, and the proposed monitoring and management practices as they relate to the security and sustainability of the grizzly bear population in the Yellowstone ecosystem. We recognize that a sustainable grizzly bear population can occur under federal (listed) or state (delisted) management, and our intention is not to endorse or oppose delisting, but rather to ensure decisions are based on sound science. As a group of scientists with considerable experience in bear ecology, nutrition, demography, and management, we respectfully submit these comments as a critical evaluation of the scientific findings upon which the rule and CS are

based. None of us have any direct relationship with the politics, science, or activities related to the delisting, and so we hope that our comments are taken as objective, with the caveat that we may not understand all of the intricacies of the data. We would like to mention, in that regard, that the data are extensive, and so took considerable effort to understand, while much of the writing in the rule and CS is quite verbose, repetitive, and not organized in such a way as to lend to easy interpretation. We thus relied to a large degree on published papers and our own experiences in the field.

For delisting, the USFWS has established habitat-based recovery criteria and 3 demographic recovery criteria. These have been updated and revised multiple times, based on new understanding of this population and ecosystem. The habitat-based recovery criteria have the goal of maintaining or improving habitat conditions at levels that existed in 1998 when conditions allowed the population to expand. These criteria are based on measures of motorized access levels, areas of secure habitat, number of developed sites, and livestock allotments. All of these measures have been met. However, future management will need to involve careful monitoring of continued changes in food resources. This is particularly important in light of the vast uncertainty that surrounds the effects of climate change relative to the distribution and abundance of bear foods as well as the response by bears to the changing landscape. Therefore, while the quantity of developed sites and the amount of secure habitat may remain at levels similar to 1998 it is unlikely that the habitat remains in the same condition as it was in 1998. An example of this change may be best exemplified with whitebark pine (*Pinus albicuaulis*), which not only continues to die due to white pine blister rust fungus (*Cronartium ribicola*) and the mountain pine beetle (*Dendroctonus ponderosae*) epidemics, but is also being successionally replaced by other tree species, particularly subalpine fir (*Abies lasiocarpa*)(Keane and Arno 1993).

The 3 demographic recovery criteria relate to population size, distribution, and stability. Specifically these are: 1) maintain a population size of at least 500 bears and at least 48 females with cubs in the demographic monitoring area (DMA), calculated by the most updated protocol; 2) ensure a broad geographic distribution of reproducing female bears by confirming occupancy of females with young in at least 16 of the 18 bear management units (with no 2 adjacent units unoccupied over a 6-year period); and 3) maintain the population around the 2002-2014 average of 674 bears (95% CI 600 – 757) through control of mortality within specified limits.

We agree that, for more than a decade, all of these habitat and demographic criteria have been met. We commend the enormous effort over the past 40 years that the various US agencies and US citizens have put into recovering grizzly bears in the GYE; yours has been one of the most successful programs for bears world-wide. Having a population increase from perhaps 230-300 bears in the early 1970s to over 700 (2–3% per year) is a substantial achievement and, in comparison to 40 years ago, must seem to local researchers and managers like there are a lot of grizzly bears. In truth, however, ≈700 bears in an isolated region is not a large population. The IUCN rates populations threatened with extinction as vulnerable, endangered, or critically endangered, using explicit criteria related to population size, growth, and degree of isolation. Recently, the IUCN Bear Specialist Group categorized the level of risk for all isolated brown bear populations worldwide (44 populations in North America, Europe, and Asia) using the IUCN Redlist Criteria. The GYE was categorized as Vulnerable (using criteria D1: 250–1000 mature individuals), meaning that it is threatened of becoming endangered; if the population drops to

under 250 mature individuals (533 total population for GYE grizzly bears given present estimated composition), this population would be categorized as endangered by IUCN. Although we trust that the states of Montana, Wyoming, and Idaho, and the Federal agencies that will remain responsible for managing bears and their habitat will continue to do an excellent job of management, we want to stress that the grizzly bears in the GYE still form a small, isolated population, and must continue to be managed with great care.

The Fish and Wildlife Service (Federal Register 70 [221], Sept. 17, 2005) argued convincingly that the grizzly bears in the GYE were a DPS in part because of their discreteness (isolation and genetic differences), but also because they are ecologically and genetically "significant" or have a significant evolutionary legacy. Under the DPS policy, if delisted from the ESA, they should be as if they were their own species or, in this case, the last Yellowstone grizzly bears on earth.

Below we outline issues that pertain to managing such a small and isolated population. We underscore a number of continued risks moving forward that generally fall under the broad issue of uncertainty. We believe that a number of looming uncertainties exist in terms of changing food supplies, methods of population size and trend monitoring, and employing the associated mortality limits. We list these under subheadings of specific issues, and provide some recommendations.

Issue: Uncertain implications of measured declines of important grizzly bear foods

Cutthroat trout (*Onchohynchus clarki*), whitebark pine seeds, elk (*Cervus elaphus*), and army cutworm moths (*Euxoa auxiliaris*) have been identified as high quality forage for grizzly bears in the GYE. Cutthroat trout, whitebark pine, and elk are in decline due to various factors including competition with or predation by other species, disease and insect outbreaks, and/or climate change.

Although high-quality grizzly bear foods have declined, data on bear body condition and diet suggest bears have a flexible diet and have used alternative food sources to meet energetic requirements. Schwartz et al. (2014) and IGBST (2013) found no difference in the body condition of male or female bears during poor vs. good pine seed production years. The IGBC (2013:35) concluded that the decline in whitebark pine seeds "has had no profound negative effects on grizzly bears at the individual or population level." Bears that previously consumed cutthroat trout appear to now eat elk calves (Felicetti et al. 2003, Fortin et al. 2012, Ebinger et al. 2016). During years with poor whitebark pine seed production, bears appear to consume more meat (Felicetti et al. 2003, Schwartz et al. 2014) and false truffles (*Rhizopogon* spp.)(Fortin et al. 2012). van Manen et al. (2016) suggested that the population trend has recently stabilized due to density-dependent processes, including probable intraspecific killing.

Grizzly bears in Yellowstone National Park continue to adjust to changing food resources (Fortin et al. 2012) and available data have limitations in assessing effects. For example, some elk herds that use the GYE have declined as grizzly bear, wolf and human predation increased (IGBST 2013, Fortin et al. 2012). Elk appear to be the primary food replacing declining cutthroat trout (Fortin et al. 2012) and whitebark pine (Schwartz et al. 2014). Schwartz et al. (2014) documented no declines in female body mass but a decline in percent body fat that reached levels known to cause reproductive failure (i.e., <20%; Robbins et al. 2012). With additional years of data, IGBST (2013) found no decline in percent body fat, but

acknowledged important limitations with sample size and seasonal variability of data collection. Also, they did not consider the reproductive state of females in their analysis. Moreover, we observed that their data (IGBST 2013: Fig. 4) show female bears with exceedingly low levels of body fat in fall only since 2008, when loss of whitebark pine has been most severe.

Separating density-independent from density-dependent effects on population growth is acknowledged in the rule as being challenging. van Manen et al. (2016) concluded that the decline in population growth in recent years was associated more with increasing grizzly bear density than whitebark pine decline. This finding, though, cannot discount the potential role of whitebark pine seed production in demographics of grizzly bears in this ecosystem. The direct relationship between whitebark pine production and survival rates of independent bears is well documented (Blanchard and Knight 1995, Mattson 1998, Schwartz et al. 2006). This relationship is driven mainly by increased human-bear conflicts during years of poor whitebark pine production (Schwartz et al. 2006). This effect continues to date (IGBST 2013). It is also possible that social interactions change in complex ways with changing food conditions, with male bears sequestering some key food resources, and putting younger bears (especially dependent offspring) at increased risk (Garshelis and Pelton 1981, Ditmer et al. 2016); this may not be detectable from an analysis of body condition or the type of modelling conducted by van Manen et al. (2016). The challenges of quantifying mechanisms that influenced changes in population growth rate are significant. Based on the cumulative body of literature on nutrition and demography of bears in North America (e.g., Elowe and Dodge 1989, Costello et al. 2003, Obbard and Howe 2008, McLellan 2015), we believe that declining food resources must have played some role in recent reductions in population growth and is an important factor warranting consideration in management and monitoring in the future.

We recommend that the minimum size of core security areas be increased to allow for dietary flexibility required to respond to continually changing food resources. The minimum size of core security areas is typically set as approximately 10-km^2 (1,000 ha), because that size takes into account the size of average daily movement for 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”.

Issue: Uncertain implications of climate change

The impact of climate change on grizzly bears is highly uncertain because bears are opportunistic omnivores with a diverse diet (Roberts et al. 2014). Whitebark pine is a high elevation species currently being negatively affected by climate change. In years of low availability of whitebark pine seeds, bears seek alternate foods usually at lower elevations where they are more likely to encounter humans. Grizzly bear deaths depend on type and frequency of contact between bears and humans (Mattson et al. 1996) and habitats that attract bears to high-risk areas can result in local population sinks (Delibes et al. 2001, Naves et al. 2003, Schwartz et al. 2010). For grizzly bears inhabiting the GYE, survival was lowest in the fall corresponding with the highest incidence of human-bear conflicts (Schwartz et al. 2006). The ability of grizzly bears to adapt to climate change via use of alternative foods can be misleading if those habitats also hold a higher risk of human-caused mortality.

In light of recently observed declines in some food resources and uncertain effects of climate change, we recommend continued monitoring of the relationship between the availability and use of key food resources and the vital rates and body condition of grizzly bears (such monitoring does not appear to be part of the CS). We also recommend a more thorough examination of the uncertainty surrounding the effects of climate change on the loss, redistribution, and potential change in grizzly bear foods (including army cutworm moths) and associated effects on bears attempting to access high quality food sources.

Issue: Limitations of methods for estimating population size and trend

The IGBST developed an index of bear density, based on counts of unique females with cubs of the year (FCOY), to monitor the recovery of the Yellowstone grizzly bear population. The premise was that FCOY were spread out enough that FCOY individuals could be distinguished using a combination of litter size, distance between sightings (and intervening barriers to movements), and days between sightings. The process for doing so was formalized by Knight et al. (1995), and has come to be known as the Knight rule set. (Different rule sets have been proposed for counts of FCOY brown bears in Europe; Ordiz et al. 2007).

Application of the Knight rule set provides an estimate of the minimum number of FCOY per year and estimates of frequencies of sightings of each known FCOY. This is converted to an estimate of total FCOY (i.e., including those not observed) using the Chao2 estimator (Chao 1989, Cherry et al. 2007).

Schwartz et al. (2008) investigated the important assumption that changes in density do not affect the ability to distinguish FCOY. They found that at higher densities, with more overlap among FCOY, it became increasingly difficult to distinguish individuals based on the Knight rule set. Hence, the Chao2 estimator becomes increasingly negatively-biased with increasing density. As such, Chao2 estimates could level off while the population continues to increase, giving 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.

If the Choa2 estimates are increasingly biased low, then mortality limits would also be biased low, allowing for the population to increase. Hence, the bias in the Chao2 is considered to be “conservative”. It is conservative, though, only when the population is indeed increasing. If vital rates or mortalities are mis-estimated, the population could also decline, undetected. Thus, once a density threshold of population density has been exceeded, it is difficult to accurately assess population size and trend using the Chao2 estimator.

An additional important potential limitation of the Chao2 estimator is that it might become even more unreliable with increased mortality of cubs, as has apparently occurred (van Manen et al. 2016). This higher mortality could lead to more confusion in distinguishing FCOY (because litter sizes are changing and because more FCOY have similar litter sizes) and more errors in tabulating sighting frequencies used in the Chao2 estimator.

A series of workshops conducted by the IGBST including a contracted biometrician tried to rectify this problem (IGBST 2012) and concluded that it is not possible to rely on FCOY observations as a trend indicator at the current high densities. Thus, continued reliance of FCOY estimates for trend monitoring and estimation of total population size and composition (through matrix modelling of vital rates) is problematic and has important implications on the ability to accurately set sustainable mortality limits.

Problems with the Chao2 estimator spurred the IGBST to seek an alternative method for monitoring this population (IGBST 2012). The most promising seems to be a mark-resight method that uses observations made during search flights for FCOYs, and checking (after sighting them) for whether they are marked (collared) using a telemetry receiver. An advantage of this method is that unlike the present Chao2, it is unbiased with respect to bear density. Also, data are available back to 1997 (with 2 search flights per year), so provide an indication of trend since then. Unfortunately, these data are rather sparse, so the precision is low (Higgs et al. 2013). That issue could be addressed, though, with larger samples of collared bears and/or more search flights. Whereas the IGBST clearly sees the value in pursuing and enhancing this alternative method (Haroldson and van Manen 2014), the sole reliance on Chao2 for monitoring this population has an associated risk of bias and inaccuracy that is not acknowledged in the Rule or Conservation Strategy (CS).

In sum, the Chao2 estimator is likely no longer the "best available science" for continued monitoring of this population. We agree that this method has served well to demonstrate the strong recovery of this population, but it is likely not the best method for continued monitoring to (a) discern whether the population is truly at K, and (b) to derive limits of allowable mortality. We recommend an eventual conversion to mark–resight methodology, with a management system adaptable enough to accommodate the inevitable changes in population estimates that this will entail.

Issue: Biological and management challenges of maintaining a population at a specified size

A stated goal of the rule is to try to maintain a total population of 674 grizzly bears in the demographic monitoring area (based on the Chao2 estimate of FCOY, extrapolated to the full population using data on vital rates). We believe this is unrealistic for a population in an ecosystem in which food resources vary year to year and for which estimates of population size and trend are inexact (and still being modified — see below). The confidence intervals of Chao2-based population estimates are large. For example, the 2014 Chao2 estimate had a 95%CI that ranged from 588–721 (Haroldson and van Manen 2014), making it quite uncertain whether the true population was above or below the target of 674. Additionally, there are many sources of variation not included in the CIs (IGBST 2012: Table 2.1), so the actual CIs are even larger.

Second, the population may already be above 674. Telemetry data indicated that survival rates have changed, and when these new rates are applied (to convert Chao2 estimates of FCOYs to estimate the total population size), the "updated" estimates are much larger. The updated estimates for the most recent years show a much higher number of males and slightly lower number of females than estimates calculated with the older survival rates (Haroldson and van Manen 2014). This not only begs the question: which is right, but also demonstrates the considerable uncertainty in the monitoring system.

One of the most ironic outcomes is that the "updated" estimates put the population into the highest category of allowable mortality (10% for females, for a population exceeding 747), whereas the non-updated estimates for the same year put the population in the lowest allowable mortality category (<7.6% for females) — that is, although the estimated number of females was *lower* in the updated estimates, the allowable mortality for females was higher because the population had more males, which does not make biological sense.

Setting a goal of maintaining a population at a certain numerical size is not only impractical, but seems counter to other stated conservation strategies of allowing the population to fill all suitable habitat, and even expand to connect to the NCDE and possibly the Bitterroots, the latter of which is a significant and important component of protecting grizzly bears as a species. There seems to be evidence that the population is still expanding geographically, and may still be increasing numerically: vital rates suggest that the current growth rate is 0–2% (based on 2 different assumptions [IGBST 2012]; the true CI is much wider; see Harris et al. 2007, IGBST 2012: Table 2.1). If the population is indeed still increasing, this further challenges the ability to maintain it at its present level: in other words, *is the goal to prevent a further increase even if it is increasing now, or is the goal to maintain the current numbers because the population is believed to be relatively stable?* The rule and CS do not make this distinction clear. We do not believe that either strategy is in the best interest of conserving this population (further discussion below).

Issue: Sustainable mortality rates may be over-estimated

The rule suggests that a total mortality rate (natural mortalities, plus known and unknown human-caused mortalities [HCM]) of 7.6% for independent female bears would maintain a long-term average population of 674 bears (the average population during 2002–2014). This rate was estimated by: 1) field methods and survival rate estimation following Schwartz et al. (2006), 2) reproductive rate estimates based on transition probabilities (ground-based capture in the GYE has led to biased capture with respect to female reproductive states plus short-term monitoring of individuals) described by Schwartz and White (2008), and 3) adjustments in reproductive rates to account for mortality of cubs before they were first observed, following Mace et al. (2012). These complex results were used in a matrix projection model and independent female survival was varied until population growth was stable.

We have two concerns over the use of the 7.6% total female mortality limits (and even higher limits for higher populations). First is the lack of confidence limits on the estimate. 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.

Second are potential problems with how these vital rates were combined into the projection model. We used the data from the IGBST report (2012: Table 4.1) in a projection matrix and obtained the same 7.6% sustainable female mortality rate, provided all females aged 4–30 years maintained an average reproductive rate (0.336). Although the estimation of stable states may have been based on transitions of immature animals and old bears in reproductive senescence, we believe using this static reproductive rate for females of all of these ages (i.e. 4 to 30) may not only add considerable uncertainty, but may

have caused the sustainable mortality to be over-estimated. Schwartz et al. (2006, p. 19) found that during 1983–2001, when the population was below carrying capacity and increasing rapidly, the mean age of first reproduction was 5.8 years (95%CI: 5.6–6.3) and age was an important predictor of reproductive output (Schwartz and White 2008). Prime reproductive age is 10–15 years old, followed by declining reproduction through 25 years of age when reproduction usually stops in these southern grizzly bear populations (Schwartz et al. 2003, Schwartz and White 2008, McLellan 2015).

If average reproduction spans ages 6–26 years (Schwartz et al. 2006), then independent females could only sustain a 5.4% mortality rate. However, the average age of first litter may have increased as the population supposedly approached carrying capacity so this rate may be even lower. For example, if the mean age of first litter increased to 7 years, then the sustainable rate would be only 4.7%. If cub and yearling survival have declined to the extent presented by van Manen et al. (2016, Fig. 3)(i.e., 0.4 and 0.3 instead of the 0.553 and 0.539 used in the IGBST [2012] report), then female survival would have to be 100% through senescence to maintain a stable population.

We recommend a re-consideration of these mortality limits in light of the above concerns combined with known declines (and further projected declines) in survival of dependent young, and probable instability of the age structure caused by institution of a hunt (thus likely violating a key assumption of the matrix modelling upon which the allowable mortality rates are calculated).

Issue: Uncertainty in the estimates of annual mortality

There is considerable uncertainty in the number of bears that die of natural causes and that are killed by people but not reported. In 2013 and 2014, for example, estimated unreported losses formed a significant contribution to the number of deaths in the total mortality. With data from 1983 to 2011, Schwartz et al. (2006) did not document any independent radio-collared females dying of natural causes although 3 died of undetermined causes. Natural deaths are uncommon, but other studies towards the southern edge of the grizzly bear distribution have found natural mortalities of females (Garshelis et al. 2005, Mace et al. 2012, McLellan 2015) and Schwartz et al. (2006) did document 5 cases of males dying of natural causes. Bears do sometimes kill one another, they die in avalanches, rock slides, collapsed dens, and some starve. Recently, some natural deaths of females in the GYE have been documented (van Manen 2016). Without telemetry, most of these deaths go unrecorded and must be estimated using rates of collared bears, which adds another layer of uncertainty.

The total number of human-caused deaths (reported and unreported) was estimated using a Bayesian approach. This method resulted in broad credible intervals that depend on different priors that in turn, depend on how the unexplained and unresolved cases are dealt with (Cherry et al. 2002). For example, depending on which of the 3 priors are chosen for years 1997-1999 (typical years), the 95% posterior probability intervals could vary from 16 to 78 bears killed by people when “possible” cases are included. When possible cases are excluded, the number could vary from 12 to 64. In IGBST annual reports, a point estimate is used and the credible intervals are not shown. Natural deaths are not included in this estimation method (Cherry et al. 2002).

Unknown mortalities are an inherent part of any management system, but we saw little recognition in the rule or CS of the effects of 3 intersecting uncertainties that should be considered in establishing quotas on discretionary killing: (1) the unknown number of bears that died of other causes, (2) the true sustainable mortality rate, given the uncertainty in the vital rates, and (3) the true population size.

Issue: High mortality rates above targeted population size are risky

Allowable female mortality rates of 9% for total populations 675–747 and 10% for populations >747 would not be sustainable, especially with increasing density dependent forces (van Manen et al. 2016). We interpret these high allowable rates as a purposeful attempt to reduce the population to achieve the target of 674 bears if it is found to exceed that number. However, this is never explicitly stated, and the language in the rule and CS seem not to be consistent as to whether the aim is to reduce the population if it exceeds 674.

Given the uncertainties in the estimation of sustainable mortality, uncertainties in estimation of population size and trend, and lack of understanding of the density dependent factors at play as well as effects of changing food conditions (discussed below), we believe it is risky to manage for a purposeful reduction in this population.

Issue: Managing with uncertainty calls for conservatism

An important question that grizzly bear managers must answer is how confident they want to be that the number of bears being killed by people is sustainable. Using "best estimates" for population size, vital rates used in the matrix model, unknown HCM, and natural deaths, as appears to be the case in this proposed rule, would mean that there would be a 50% chance that the mortality limits would be unsustainable. Given the breadth of all confidence limits, there is a reasonable chance that the mortality limits might be far from sustainable and may cause the population to decline. To manage grizzly bear populations more conservatively (preferring to err on the side of an increase rather than a decline), other management agencies do not set mortality limits at "best estimates", but rather nearer the lower confidence limit. For example, British Columbia (BC) has > 20 times as many grizzly bears over an area 16 times as extensive as the GYE, and many BC bears are in rich ecosystems with many fruit species, ungulates, and salmon. BC's bears are also fully connected with bears in Alaska, the Yukon, Alberta, and Northwest Territories. In hunted populations, BC has a total HCM annual limit (recorded including hunting, human-bear conflicts, road or train kills, and estimated unrecorded kills) of 4-6% and only 30% of these can be females. In threatened BC populations, any human-caused mortality is opposed to the population recovery objective so there is no legal hunting. In areas where there is higher uncertainty around population estimates, BC managers typically choose total HCM limits lower than maximums. The limit used in BC, although the population is much larger and more secure, is far more conservative than the 7.6% and 15% for female and male bears suggested in the proposed rule for managing GYE.

We recommend that a more conservative approach to harvesting, analogous to that used in BC, be used in the GYE.

Issue: Population target seems counter to the goal of population expansion and reconnection

Large population size and connection with neighboring populations should be a prime strategy for long-term population persistence of grizzly bears, particularly during a time of unpredictable ecological conditions stemming from climatic change. However, the overall thrust of the rule appears to purposefully limit both population growth and dispersion. The rationale for this decision is not clear, and seems counter to the overall objective of ensuring the persistence of Yellowstone grizzly bears post-delisting. Even without the documented density-dependent decline in cub and yearling survival and reproductive output (van Manen et al. 2016), revised population estimates (Haroldson and van Manen 2014) will result in high and unsustainable mortality rates, which will reduce population size and likely preclude expansion. We believe that continuing to encourage population grown, expansion, and ultimately reoccupying the Bitterroot Ecosystem (BE) and connecting with the Northern Continental Divide Ecosystem (NCDE) should be the long-term goal.

The rule (p 13192) suggests that future connectivity is desirable and will be actively managed for, but tying increasing mortality limits to increasing population size does just the opposite. We suggest a re-examination of the apparent discord between the high, unsustainable mortality limits when the population exceeds the target of 674, versus encouraging the population to expand westward (towards the BE) and northward (towards the NCDE). 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. We acknowledge that such expansion would occur within the constraints of human-bear conflicts (i.e., social carrying capacity), but in the face of a changing biological carrying capacity, it would seem prudent to view the social carrying capacity as also adaptable in the long term.

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From:	Kasworm, Wayne
To:	Fortin-Noreus, Jennifer
Cc:	Sarah Backsen; Justin Shoemaker
Subject:	Fwd: FW: 063311 - Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process
Date:	Wednesday, June 08, 2016 3:39:24 PM
Attachments:	DTS_Control_Slip.pdf 2016-06-07_Rep. Grijalva letter to Director Ashe re_GYE bears.pdf Congressional Letter.docx

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Jennifer,

Do you have time to put together a rough response to this. I agree with Sarah that the congressman is asking for things we already expect to do such as having completed Forest Plan amendments and State management plans, but could we provide step through outline of our approach with these items prior to a delisting decision.

Sarah and Justin - Jennifer and I are leaving Friday to attend a conference in Anchorage. Also I am busy much of tomorrow with a telemetry flight but will get back in the office late in the day. I will be around part of the day Friday to try and review a draft if Jennifer can give us a start.

Wayne

Wayne Kasworm
US Fish and Wildlife Service
385 Fish Hatchery Road
Libby, MT 59923

TEL 406.293.4161 ext 205
FAX 406.293.6338
Wayne_Kasworm@fws.gov

Reports found at:
http://www.fws.gov/mountain-prairie/species/mammals/grizzly/cabinetarchive.html
or
http://www.igbconline.org/index.php/scy-reports

---------- Forwarded message ----------
From: **Backsen, Sarah** <sarah_backsen@fws.gov>
Date: Wed, Jun 8, 2016 at 3:23 PM
Subject: Fwd: FW: 063311 - Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process
To: Wayne Kasworm <Wayne_kasworm@fws.gov>, Justin Shoemaker <justin_shoemaker@fws.gov>

Hi Wayne,

Could you work on drafting a response to this letter from Rep. Grijalva? Justin, could you be the RO lead to help Wayne with this? Seems like what he is requesting is fairly consistent

with what we plan to do, as I understand it? So we should be able to confirm as much in our response, but let me know if we need to discuss further.

We'll probably need something drafted by early next week I think, in order to get it through surname and to the RD's office by the due date of **June 16th.** Also attached is an example Congressional letter put together by our RO "correspondence team" to help with formatting.

Thanks,

Sarah Backsen (Fierce)
Listing Biologist
U.S. Fish and Wildlife Service, Region 6
134 Union Blvd., Lakewood, CO 80228
303-236-4388
sarah_backsen@fws.gov
Please note the name change and new email address!

---------- Forwarded message ----------
From: **Nelson, Marjorie** <marjorie_nelson@fws.gov>
Date: Wed, Jun 8, 2016 at 1:10 PM
Subject: Re: FW: 063311 - Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process
To: Annette Naylon <annette_naylon@fws.gov>
Cc: Michael Thabault <michael_thabault@fws.gov>, Nicole Alt <Nicole_Alt@fws.gov>, Sarah Backsen <sarah_backsen@fws.gov>

Sarah (to determine the RO contact and Wayne as the field lead. Would it also be possible to send Wayne the congressional response template?

thanks,
Marj

Marjorie Nelson
Chief, Division of Ecological Services
Mountain-Prairie Region
U.S. Fish and Wildlife Service
303-236-4258

Check out the SSA Framework - Google site for staff at : https://sites.google.com/a/fws.gov/ssa/

On Wed, Jun 8, 2016 at 7:04 AM, Annette Naylon <annette_naylon@fws.gov> wrote:

> Good morning,
> Please let me know who the lead/POC is. Thanks
>
> 063311 - Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process
>
> Please coordinate response and surname through EA. Due date is 06/16/16 to facilitate routing through the RD's office.

Due: Signed in RDs office by 6-16-16

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Date: 06/08/2016

DCN: 063311	**ES No:**

Orig Office: CCU	**Input Date:** 06/07/2016	**Addressee:** Raul Grijalva
Due Date:	**Signature Level:** RD	

Subject:
Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process

Comments:

Task Codes:

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0 - Prepare Draft Reply          6 - Revise                        12 - Email Draft Reply
1 - Prepare Reply                7 - Obtain Additional Comments    13 - Advance Read
2 - Appropriate Action           8 - Other - See Comments          14 - File
3 - Surname                      9 - Mail/Distribute               15 - For Your Information
4 - Signature                    10 - Finalize                     16 - Surname through DTS
5 - Review/Comment               11 - Simultaneous Surnames        17 - Required ES Review
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Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
CCU	2 - Appropriate Action	06/07/2016		06/07/2016
R6-ARD-ES	1 - Prepare Reply	06/07/2016	06/16/2016	
R6	1 - Prepare Reply	06/07/2016	06/21/2016	06/07/2016

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Committee on Natural Resources
Washington, DC 20515

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DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

June 7, 2016

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Dear Director Ashe,

I would like to congratulate you on the significant progress the U.S. Fish and Wildlife Service (Service) and its partners have made toward protecting and recovering grizzly bears in the Greater Yellowstone Ecosystem (GYE). The tremendous growth of this population of bears is a testament to the effectiveness of the Endangered Species Act (ESA), and the many people who have worked tirelessly to restore the grizzly to this landscape deserve our highest praise.

However, I am concerned that the recent proposal to isolate GYE bears from the rest of the grizzlies in North America and remove it from the list of ESA threatened species does not do enough to ensure that these bears will continue to thrive. Specifically, the proposed rule makes the bold assumption that the states of Wyoming, Montana, and Idaho will put in place grizzly bear management plans containing adequate and enforceable regulatory mechanisms as required by the ESA. While these three states are currently developing their management plans, the contents of the final products are largely unknowable at this point. Further, the U.S. Forest Service has not started the process of amending forest plans in the GYE to incorporate necessary post-delisting conservation measures.

Ensuring that federal land managers and state wildlife officials have in place plans that will conserve grizzly bear habitat, allow for connectivity of GYE bears with other populations, and limit mortality to sustainable levels is critical to conservation success after ESA protections are removed. This is especially important given the scientific uncertainty surrounding the availability of forage for GYE grizzlies, and how climate change could cause them to range farther in search of food, increasing the likelihood of interactions with humans. For these reasons, I respectfully ask that you commit to not issuing a final rule on GYE grizzlies until after the state and Forest

Service have finalized their plans, the Service has allowed for additional public comment on the utility of these plans as part of a post-delisting conservation strategy, and Service scientists have deemed the plans adequate and enforceable as required by law. Rushing to finalize the rule without addressing these concerns will likely result in the Service losing yet another lawsuit – an outcome that no one wants.

Thank you for your attention to this matter. If you have any questions, please have your staff contact Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to your response.

Sincerely,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/~~/DCN 062598~~

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

It's always "The Honorable"

CONGRESSIONAL LETTER

All Congressional letters must be routed through External Affairs.

If the incoming is addressed to someone other than the person signing the response, you should explain this in the opening paragraph.

The Honorable Scott Tipton
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

D~~D~~ear Representative Tipton:

Thank you for your letter of March 14, 2016, concerning a programmatic biological opinion (PBO) for the White River basin under the Upper Colorado River Endangered Fish Recovery Program (Recovery Program). Director Ashe requested that I respond to your inquiry. Specifically, your letter encouraged the U.S. Fish and Wildlife Service (Service) to initiate and complete a PBO for the White River in the most expeditious manner possible.

The Recovery Program is working to recover endangered fish in the Upper Colorado River Basin while water and hydropower resources are managed within state and federal laws and tribal rights to meet the needs of people in growing western communities. PBOs are proven tools to provide localized, drainage-specific application of the Recovery Program's goal to recover the endangered fish while water use and development continue. PBOs expedite compliance with the Endangered Species Act for water users, federal agencies, and the Service. The Service has strongly committed to developing a PBO for the White River. The process begins with the development of a White River Management Plan (WRMP), which will:

1. Recognize historical water development and some amount of future water depletion that the Recovery Program can cover from an Endangered Species Act perspective.
2. Identify specific Recovery Program actions (e.g. finalization of endangered fish flow recommendations for the White River) that will offset the effects of those depletions.

The WRMP requires hydrologic modeling to determine how the flow needs of the endangered fish and some level of future water development compare to the current range of flows in the White River. Hydrologic modeling will be conducted by the Colorado Water Conservation Board

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(CWCB), but has been deferred while CWCB developed Colorado's Water Plan. With the completion of the Water Plan, the Service believesCWCB has indicated that the the development of a White River Management Plan,WRMP and the and PBO should be completed by are scheduled for the summer of 20187.

The WRMP dManagement Plan Development will be is a stakeholder driven; process and we look forward to open engagement throughout that process. With completion of the WRMP in 2017, the Service believes the PBO will be completed in 2018, as that plan is developed.

Thank you for this opportunity to communicate our proposed process, schedule, and commitment to develop a PBO for the White River. I hope this letter fully addresses your concerns. If you need further information, please contact me at (303) 236-7920 or Michael Thabault, the Assistant Regional Director for Ecological Services in the Mountain-Prairie Region, at (303) 236-4210.

Sincerely,

Regional Director

Any letters for RD signature that are addressed to a State Director, Senator, Tribal or member of Congress should include the above contact information in the last paragraph.

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Label: "YES Grizzly Bear Delisting"

Created by:jodi_bush@fws.gov

Total Messages in label:387 (122 conversations)

Created: 06-13-2017 at 16:16 PM

Conversation Contents

Documents for YES Committee Members

Attachments:

/38. Documents for YES Committee Members/1.1 YES CS Steering Committee Mtg 4-28-2016.docx
/38. Documents for YES Committee Members/1.2 SC Themes list updated 7-29-16.docx
/38. Documents for YES Committee Members/1.3 YES CS Steering Committee Mtg 7-6-2016 (1).docx
/38. Documents for YES Committee Members/1.4 YES CS Steering Committee Mtg 6-24-2016 updated.docx
/38. Documents for YES Committee Members/1.5 YES CS Steering Committee Mtg 7-12-2016 (1).docx
/38. Documents for YES Committee Members/2.1 image003.png
/38. Documents for YES Committee Members/2.2 image004.png
/38. Documents for YES Committee Members/2.3 image005.png
/38. Documents for YES Committee Members/2.4 image006.png
/38. Documents for YES Committee Members/2.5 image007.jpg
/38. Documents for YES Committee Members/2.6 YES CS Steering Committee Mtg 4-28-2016.docx
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/38. Documents for YES Committee Members/2.10 YES CS Steering Committee Mtg 7-12-2016 (1).docx
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/38. Documents for YES Committee Members/4.1 YES CS Steering Committee Mtg 4-28-2016.docx
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/38. Documents for YES Committee Members/5.3 image006.png
/38. Documents for YES Committee Members/5.4 image004.png

/38. Documents for YES Committee Members/5.5 image003.png

Brian Nesvik <brian.nesvik@wyo.gov>

From:	Brian Nesvik <brian.nesvik@wyo.gov>
Sent:	Fri Jul 29 2016 10:47:28 GMT-0600 (MDT)
To:	"Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Subject:	Documents for YES Committee Members
Attachments:	YES CS Steering Committee Mtg 4-28-2016.docx SC Themes list updated 7-29-16.docx YES CS Steering Committee Mtg 7-6-2016 (1).docx YES CS Steering Committee Mtg 6-24-2016 updated.docx YES CS Steering Committee Mtg 7-12-2016 (1).docx

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Chief, Wildlife Division
Wyoming Game and Fish Department
307.777.4579

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Act and may be disclosed to third parties.

"Erickson, Mary C -FS" <mcerickson@fs.fed.us>

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To:	"Alexander, Joseph G -FS" <jgalexander@fs.fed.us>, "Ben Snyder, Wind River Tribal F&G" <fishandgame@wyo.com>, "Brian Nesvik, WY G&F" <brian.nesvik@wyo.gov>, "Cornie Hudson, BLM MT" <chudson@blm.gov>, "Dan Wenk, YNP" <Dan_Wenk@nps.gov>, "David Vela, GT NP" <david_vela@nps.gov>, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, "Erickson, Mary C -FS" <mcerickson@fs.fed.us>, "Frank van Manen, USGS IGBST" <fvanmanen@usgs.gov>, "Glossa, Melany I -FS" <mglossa@fs.fed.us>, "Gregg Losinski, ID F&G" <gregg.losinski@idfg.idaho.gov>, "Jeff Gould, ID F&G" <jeff.gould@idfg.idaho.gov>, Jennifer Fortin-Noreus , Jennifer <jennifer.fortin-noreus@mso.umt.edu>, "Jim Hart, MACO" <madco@madison.mt.gov>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, "Kerry Gunther, YNP" <kerry_gunther@nps.gov>, "Leander Watson, Shoshone-Bannock" <lwatson@sbtribes.com>, "Lee Miller- ID, Fremont County Commissioner" <lmiller@co.fremont.id.us>, "Loren Grosskopf, WY CCA-Park Co." <lgrosskopf@parkcounty.us>, "Mark Sattelberg, USFWS-WY" <mark_sattelberg@fws.gov>, "Matt Hogan, FWS" <matt_hogan@fws.gov>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, "Rupert, Susan -FS" <srupert@fs.fed.us>, "Sam Sheppard, MT FWP" <SSheppard@mt.gov>, Sandi Fisher <sandi_fisher@fws.gov>, "Smelser, Garth -FS" <gsmelser@fs.fed.us>, Sue Consolo-Murphy <sue_consolo-murphy@nps.gov>, "Tom Rice, MACO" <trice@beaverheadcounty.org>, "Tyers, Daniel - FS" <dtyers@fs.fed.us>, "wayne_kasworm@fws.gov" <wayne_kasworm@fws.gov>
Subject:	FW: Documents for YES Committee Members
Attachments:	image003.png image004.png image005.png image006.png image007.jpg YES CS Steering Committee Mtg 4-28-2016.docx SC Themes list updated 7-29-16.docx YES CS Steering Committee Mtg 7-6-2016 (1).docx YES CS Steering Committee Mtg 6-24-2016 updated.docx YES CS Steering Committee Mtg 7-12-2016 (1).docx

CGNFLogoColor-small

Prework materials for tomorrow's meeting.

Mary C Erickson
Forest Supervisor

Forest Service
Custer Gallatin National Forest

Forest Service Shield

p: 406-587-6949
f: 406-587-6758
mcerickson@fs.fed.us
10 East Babcock
Bozeman, MT 59715
www.fs.fed.us

Caring for the land and serving people

From: Brian Nesvik [mailto:brian.nesvik@wyo.gov]
Sent: Friday, July 29, 2016 10:47 AM
To: Erickson, Mary C -FS <mcerickson@fs.fed.us>
Cc: Dan_Wenk@nps.gov; Delissa Minnick, BLM WY <dminnick@blm.gov>; Loren Grosskopf <lgrosskopf@parkcounty.us>; O'Connor, Patricia -FS <poconnor@fs.fed.us>; Jodi_Bush@fws.gov; little bear watson <lwatson@sbtribes.com>
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Jodi Bush <jodi_bush@fws.gov>

From:	Jodi Bush <jodi_bush@fws.gov>
Sent:	Mon Aug 01 2016 15:18:43 GMT-0600 (MDT)
To:	Jodi and David Grimmett <(b) (6) >
Subject:	Fwd: Documents for YES Committee Members
Attachments:	image007.jpg image003.png image004.png image005.png image006.png YES CS Steering Committee Mtg 4-28-2016.docx SC Themes list updated 7-29-16.docx YES CS Steering Committee Mtg 7-6-2016 (1).docx YES CS Steering Committee Mtg 6-24-2016 updated.docx YES CS Steering Committee Mtg 7-12-2016 (1).docx

Sent from my iPhone

Begin forwarded message:

From: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Date: August 1, 2016 at 11:35:38 AM MDT
To: "Alexander, Joseph G -FS" <jgalexander@fs.fed.us>, "Ben Snyder, Wind River Tribal F&G" <fishandgame@wyo.com>, "Brian Nesvik, WY G&F" <brian.nesvik@wyo.gov>, "Cornie Hudson, BLM MT" <chudson@blm.gov>, "Dan Wenk, YNP" <Dan_Wenk@nps.gov>, "David Vela, GT NP" <david_vela@nps.gov>, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, "Erickson, Mary C -FS" <mcerickson@fs.fed.us>, "Frank van Manen, USGS IGBST" <fvanmanen@usgs.gov>, "Glossa, Melany I -FS" <mglossa@fs.fed.us>, "Gregg Losinski, ID F&G" <gregg.losinski@idfg.idaho.gov>, "Jeff Gould, ID F&G" <jeff.gould@idfg.idaho.gov>, Jennifer Fortin-Noreus <Fortin-Noreus>, Jennifer <jennifer.fortin-noreus@mso.umt.edu>, "Jim Hart, MACO" <madco@madison.mt.gov>, "Jodi_Bush@fws.gov" <Jodi_Bush@fws.gov>, "Kerry Gunther, YNP" <kerry_gunther@nps.gov>, "Leander Watson, Shoshone-Bannock" <lwatson@sbtribes.com>, "Lee Miller- ID, Fremont County Commissioner" <lmiller@co.fremont.id.us>, "Loren Grosskopf, WY CCA-Park Co." <lgrosskopf@parkcounty.us>, "Mark Sattelberg, USFWS-WY" <mark_sattelberg@fws.gov>, "Matt Hogan, FWS" <matt_hogan@fws.gov>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, "Rupert, Susan -FS" <srupert@fs.fed.us>, "Sam Sheppard, MT FWP" <SSheppard@mt.gov>, Sandi Fisher <sandi_fisher@fws.gov>, "Smelser, Garth -FS" <gsmelser@fs.fed.us>, "Sue Consolo-Murphy" <sue_consolo-murphy@nps.gov>, "Tom Rice, MACO" <trice@beaverheadcounty.org>, "Tyers, Daniel - FS" <dtyers@fs.fed.us>, "wayne_kasworm@fws.gov" <wayne_kasworm@fws.gov>
Cc: "Barndt, Scott A -FS" <sbarndt@fs.fed.us>, "Benson, Chad W -FS" <cwbenson@fs.fed.us>, "Bode, Pam -FS" <pbode@fs.fed.us>, "Canfield, Jodie E -FS" <jecanfield@fs.fed.us>, "Castro, Jose V -FS" <jcastro@fs.fed.us>, "Cecily Costello, MT FWP" <cecostello@mt.gov>, "Daley, Marna -FS" <mdaley@fs.fed.us>,

"Darnell, Jane D -FS" <jdarnell@fs.fed.us>, "Dave Gustine, NPS" <dave_gustine@nps.gov>, "Dawe, Christine -FS" <cdawe@fs.fed.us>, "Deb Frauson, NPS" <deb_frauson@nps.gov>, "Dixon, Bev -FS" <bdixon@fs.fed.us>, "Fletcher, Tammy -FS" <tammyfletcher@fs.fed.us>, "Griebel, Randall L -FS" <rgriebel@fs.fed.us>, "Jackson, Scott -FS" <sjackson03@fs.fed.us>, "Johnston, Eric - FS" <ejohnston@fs.fed.us>, "Kate Wilmot, NPS" <katharine_wilmot@nps.gov>, "kmcdonald@mt.gov" <kmcdonald@mt.gov>, "Kevin Schneider, NPS" <kevin_schneider@nps.gov>, "Mark Haroldson, USGS" <mharoldson@usgs.gov>, "Marten, Leanne - FS" <lmarten@fs.fed.us>, "Schmid, David -FS" <dschmid@fs.fed.us>
Subject: FW: Documents for YES Committee Members

Prework materials for tomorrow's meeting.

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Forest Supervisor

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p: 406-587-6949
f: 406-587-6758
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Caring for the land and serving people

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Jodi Bush <jodi_bush@fws.gov>

From:	Jodi Bush <jodi_bush@fws.gov>
Sent:	Mon Aug 01 2016 15:22:00 GMT-0600 (MDT)
To:	Jodi and David Grimmett (b) (6) [redacted] >
Subject:	Fwd: Documents for YES Committee Members
Attachments:	YES CS Steering Committee Mtg 4-28-2016.docx SC Themes list updated 7-29-16.docx YES CS Steering Committee Mtg 7-6-2016 (1).docx YES CS Steering Committee Mtg 6-24-2016 updated.docx YES CS Steering Committee Mtg 7-12-2016 (1).docx

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From: Brian Nesvik <brian.nesvik@wyo.gov>

Date: July 29, 2016 at 10:47:28 AM MDT
To: "Erickson, Mary C -FS" <mcerickson@fs.fed.us>
Cc: <Dan_Wenk@nps.gov>, "Delissa Minnick, BLM WY" <dminnick@blm.gov>, Loren Grosskopf <lgrosskopf@parkcounty.us>, "O'Connor, Patricia -FS" <poconnor@fs.fed.us>, "Bush, Jodi" <jodi_bush@fws.gov>, little bear watson <lwatson@sbtribes.com>
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"Bush, Jodi" <jodi_bush@fws.gov>

From:	"Bush, Jodi" <jodi_bush@fws.gov>
Sent:	Tue Aug 02 2016 10:39:26 GMT-0600 (MDT)
To:	"Erickson, Mary C -FS" <mcerickson@fs.fed.us>
	"Alexander, Joseph G -FS" <jgalexander@fs.fed.us>, "Ben Snyder, Wind River Tribal F&G" <fishandgame@wyo.com>, "Brian Nesvik, WY G&F" <brian.nesvik@wyo.gov>, "Cornie Hudson, BLM MT" <chudson@blm.gov>, "Dan Wenk, YNP"

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Subject:	Re: FW: Documents for YES Committee Members
Attachments:	image005.png image007.jpg image006.png image004.png image003.png

Changes to EXISTING developed sites on public lands OR NEW SITES are acceptable as long as these changes OR NEW DEVELOPMENTS: 1) do not increase the number of overnight USE sites and/or result increased overnight human presence at EXISTING OR NEW sites; 2) are for the purpose of visitor safety, environmental protection, or enhanced visitor services such as outhouses, picnic sites, parking areas, or interpretative displays; and 3) that appropriate sanitation and human/bear conflict minimization efforts are associated with any such changes or enhancements.

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1

Helena, MT 59601
(406) 449-5225, ext.205

On Mon, Aug 1, 2016 at 11:35 AM, Erickson, Mary C -FS <mcerickson@fs.fed.us> wrote:

CGNFLogoColor-small

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Forest Service Shield

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Forest Supervisor

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From: Servheen, Chris
To: Dan Carney
Cc: wayne_kasworm@fws.gov; Fortin-Noreus, Jennifer
Subject: Re: Blackfeet Position on Delisting
Date: Monday, September 19, 2016 3:21:08 PM

Nicely done, Dan. Well stated.
Chris.

> On Sep 19, 2016, at 2:05 PM, Dan Carney <(b) (6) > wrote:
>
> Wayne,
>
> You probably don't know all the effort that has gone into getting the Blackfeet Tribal Business Council to adopt a position on delisting. They have been getting a LOT of pressure from members of GOAL including the Blackfeet Confederacy members in Canada. On Friday they passed the attached position paper in which they state the Blackfeet Tribe does not oppose delisting. A bit short of supporting delisting and some sovereignty finger pointing, but what the hey, better than most other tribes.
>
> Chris,
> I copied you on this just because I know at some level you must be still interested and I hope relieved that its someone else's worry.
>
> Dan
> <Blackfeet Delisting Position.pdf>

From: Servheen, Chris
To: Fortin-Noreus, Jennifer
Subject: FW: Blackfeet Position on Delisting
Date: Tuesday, September 20, 2016 12:12:25 PM
Attachments: Blackfeet Delisting Position.pdf

From: Dan Carney <(b) (6) [redacted]>
Date: Monday, September 19, 2016 at 2:05 PM
To: Wayne Kasworm <Wayne_Kasworm@fws.gov>, Chris Servheen <grizz@umontana.edu>
Subject: Blackfeet Position on Delisting

Wayne,

You probably don't know all the effort that has gone into getting the Blackfeet Tribal Business Council to adopt a position on delisting. They have been getting a LOT of pressure from members of GOAL including the Blackfeet Confederacy members in Canada. On Friday they passed the attached position paper in which they state the Blackfeet Tribe does not oppose delisting. A bit short of supporting delisting and some sovereignty finger pointing, but what the hey, better than most other tribes.

Chris,
I copied you on this just because I know at some level you must be still interested and I hope relieved that its someone else's worry.

Dan

STATEMENT OF THE
BLACKFEET NATION
REGARDING THE PROPOSED DELISTING
OF THE GRIZZLY BEAR FROM THE ENDANGERED SPECIES ACT

We, the Amskapi Piikani People of the Blackfeet Nation have lived with the Grizzly Bear from the beginning of time. We recognize the cultural reverence of the Grizzly bear to our People and to all members of the *Siksikaisitapi (*Blackfoot Confederacy*)* Prior to the enactment of the Endangered Species Act by the United States government and the subsequent listing of the Grizzly Bear as a protected and endangered species pursuant to that Act, we exercised our inherent sovereign authority to regulate all wildlife within our territorial borders.

To the extent that the Endangered Species Act usurped our authority to regulate all game species within our territory, it is an infringement on our inherent sovereignty and right of self-government.

Delisting the grizzly bear or any other plant, animal or bird restores to the Blackfeet Nation our sovereign power to resume regulation of all game within our territory.

We do not support hunting the grizzly bear whether by our own People or by non-Natives for sport or for a fee. However, we reserve the right to regulate the grizzly bear within our territory.

Today, the area of the United States known as the Northern Continental Divide Ecosystem, which includes the current Blackfeet Reservation , Glacier National Park and the Badger-Two Medicine unit of the Lewis and Clark National forest has the highest population of grizzly bears in the continental United States.

This increased population has resulted in conflicts between the Grizzly bear and the Ampskai Piikani People and has endangered our People and our communities within our territory.

For the reasons set forth herein, we, the Blackfeet Tribal Business Council, as guardians of the Blackfeet Nation and all our People, do not oppose the delisting of the grizzly bear from the Endangered Species Act. Such delisting restores to the Blackfeet Nation our inherent sovereign right to regulate all game species within our territory.

From:	Willey, Seth
To:	Jennifer Fortin-Noreus; Wayne Kasworm; Jodi Bush; Rebecca Shoemaker; Alexandra Kasdin
Subject:	Fwd: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
Date:	Monday, October 03, 2016 3:38:48 PM
Attachments:	Incoming Grijalva.pdf DTS_Control_Slip.pdf previous letter_20160622_Response letter to Rep. Grijalva.pdf Response v.1.docx

---

I took a stab at responding to this DTS. Comments welcome.

Seth

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Annette Naylon** <annette_naylon@fws.gov>
Date: Wed, Sep 28, 2016 at 1:39 PM
Subject: FW: 064200 - Specific Questions Regarding ESA & Grizzly Bears
To: Michael Thabault <michael_thabault@fws.gov>, Nicole Alt <nicole_alt@fws.gov>, Marjorie Nelson <marjorie_nelson@fws.gov>
Cc: Seth Willey <seth_willey@fws.gov>

Please let me know who else to forward to and who the POC is. Thanks!

Please work with EA to draft reply for signature - RD will upload draft response

Due : 10-12-16

ROB BISHOP, UT
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JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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WM. LACY CLAY, MO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

RL6
Prepare draft (O)
D Sign
Due 10/19

September 27, 2016

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Subj: Specific Questions Regarding ESA + Grizzly Bears

Dear Director Ashe,

I appreciate the response of July 6 from your regional office director to my letter regarding concerns over the U.S. Fish and Wildlife Service (Service) proposal to remove Endangered Species Act (ESA) protections for grizzly bears in the Greater Yellowstone Ecosystem (GYE). I also appreciate your decision to reopen the public comment period on the proposed delisting rule for consideration of the peer review and documents pertaining to the states of Idaho, Montana, and Wyoming's plans to allow sport hunting for grizzly bears immediately upon delisting. However, significant uncertainty remains about whether or not GYE grizzly bears will be managed responsibly in a post-delisting environment because the Service has not made public proposed revisions to the draft GYE Grizzly Bear Conservation Strategy (Conservation Strategy).

As you know, the Conservation Strategy is the critical document that will guide management of GYE grizzlies should the delisting proposal become final. Therefore, it is imperative that it includes clear and enforceable commitments by federal and state agencies to ensure that the progress made to this point on grizzly bear recovery is not lost. It is my understanding from talking to numerous stakeholders that the Conservation Strategy has undergone significant revision since the final draft was released earlier this year, warranting additional review of the document by the public before it becomes final. I also understand that the views of the National Park Service, which manages approximately 40 percent of the Primary Conservation Area for grizzly bears and has played a pivotal role in the recovery of grizzly bears in the GYE, have not been adequately considered.

I recently received a letter from NPS in response to a series of questions I asked Yellowstone National Park Superintendent Dan Wenk about GYE grizzly bears. I have enclosed a copy of that letter for your consideration. Among other things, NPS raised significant concerns with the Service's specification of a minimum population size of 500 grizzly bears, the lack of strong standards to ensure connectivity of GYE grizzly bears with other populations, and the

uncertainty of how a sharp increase in human-caused mortality through hunting would impact the population. These concerns are echoed in the peer review of the proposed rule, with reviewers writing that the issue of management to facilitate connectivity with other grizzly populations "is not adequately addressed," that "overharvest and a potential subsequent lag in management response could drive bear numbers below the desired minimum populations size," and that "there is no scientific basis for the lower limit of 500 bears," a level that represents a 17 percent reduction from the Service's most conservative estimate for the current population.[1] Finally, NPS expresses legitimate concerns about the impacts of allowing hunting within the John D. Rockefeller, Jr. Memorial Parkway and other areas adjacent to Yellowstone and Grand Teton National Parks on the visitor experience, the regional economy, and the core population of bears living within the parks.

For these reasons, I request the following:

1. Before finalizing a delisting rule for GYE grizzly bears, release and allow public comment on a revised final draft Conservation Strategy, including final state management plans.

2. Require that the Conservation Strategy and state management plans contain clear and enforceable measures to ensure the GYE grizzly population remains stable or increases and allow for connectivity to other populations, and that the conservation strategy adequately addresses the potential impacts of climate change and secures grizzly bear habitat on federal lands.

3. Ensure that the National Park Service retains its authority to manage the John D. Rockefeller, Jr. Memorial Parkway as a National Park Service Unit, including by prohibiting the hunting of grizzly bears, and prohibit the hunting of grizzly bears on lands adjacent to the Parks and within the Primary Conservation Area.

Without these conditions being met, it seems unlikely that grizzly bear recovery will be a lasting success, and therefore I will not be able to support delisting. Thank you for your attention to this matter. If you have any questions, please have your staff contact Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to your response.

Sincerely,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

Cc: The Honorable Sally Jewell, Secretary of the Interior
The Honorable Jonathan Jarvis, Director, National Park Service

[1] *Scientific Peer Review for Greater Yellowstone Grizzly Bears.* Amec, Foster, Wheeler – Houston, TX. June 9, 2016. Available online: https://www.fws.gov/mountain-prairie/es/07142016_GrizzlyBearPeerReview.pdf

United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

IN REPLY REFER TO:

September 14, 2016

The Honorable Raúl M. Grijalva
United States House of Representatives
Committee on Natural Resources
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your recent letter requesting answers to questions regarding the proposed delisting of grizzly bears in the Greater Yellowstone Ecosystem (GYE) and potential effects inside and outside Yellowstone National Park. I am responding on behalf of the Intermountain Region of the National Park Service, which encompasses the parks in the affected area. Our responses to these questions follow:

Does the National Park Service (NPS) believe that hunting within the Primary Conservation Area (PCA) is consistent with the habitat security goals of the Conservation Strategy?

The PCA encompasses Yellowstone National Park, part of Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway, national forests and other ownerships. It is intended to provide secure habitat for grizzly bears where access-related disturbances are limited. If, after delisting, the states of Idaho, Montana, and Wyoming decide to hunt grizzly bears within the portion of the PCA outside national parks, the NPS has requested they focus the majority of these harvests away from park boundaries and in areas where human-bear conflicts are prevalent. Without such commitments, hunting could be concentrated within the PCA and near park unit boundaries, which could have significant impacts to bear viewing, regional economics, dispersal, and genetic connectivity.

Does the NPS support the potential removal of more than 200 – or one out of every four – bears from the Demographic Monitoring Area (DMA)?

The NPS does not support the removal of 200 grizzly bears from the DMA. Demographic recovery criterion 1 of the Draft Grizzly Bear Recovery Plan Supplement: Revised Demographic Criteria (USFWS 2016) and the proposed delisting rule specify a minimum population size of 500 grizzly bears within the DMA for genetic health. This is not a population goal or target. Rather, demographic recovery criterion 3 identifies a population objective based on the 2002-2014 Chao 2-modeled average of 674 bears (95% confidence interval = 600-757 bears). Furthermore, in Table 1 the proposed delisting rule indicates "if population size is estimated as fewer than or equal to 600 in any year, no discretionary mortality will occur unless

necessary for human safety." The NPS has conveyed to the U.S. Fish and Wildlife Service that these different population thresholds are confusing and could be interpreted differently by various stakeholders.

Does it concern the NPS that bears in national parks would effectively be providing the source population of bears for the states' discretionary mortality allocation?

Human-caused mortality within the PCA likely will increase after the delisting of grizzly bears if and when the states decide to implement hunting on national forest lands, private lands, and elsewhere outside NPS-managed lands. Without commitments to conservative restrictions on hunting and focusing hunting away from park boundaries, the role of the PCA in providing secure habitat and reducing human-caused mortalities to grizzly bears likely will be substantially diminished. Such commitments would help lessen the adverse effects of habitat loss from private developments in the PCA, dampen the effects of high and unpredictable human-caused mortality on multiple use and private lands (i.e., provide a refuge effect), offset the effects of unreported, harvest-related, wounding loss on the grizzly bear population, and limit potential source-sink dynamics from inside to outside the parks.

How would mortality rates of 9-10 percent for independent females and 20-22 percent for independent males impact the ability to maintain a recovered population?

Survival rates of adult grizzly bears are high without human-caused deaths, while reproductive rates are quite low. Any harvest of bears above conservative harvest levels could intentionally or inadvertently contribute to reduced population growth due to increased adult mortality and disruption of social organization, which could result in fewer young animals added to the population in the future.

The states maintain the proposed harvest levels combined with rigorous monitoring and timely adaptive management adjustments should result in sustainable harvests and the maintenance of a viable population of grizzly bears. Current estimates of grizzly bear vital rates suggest an adult female mortality rate of 7.6 percent or less would result in a stable to increasing population, whereas mortality rates of 9 to 10 percent would cause a population decline. Mortality rates of 20 to 22 percent for adult males may potentially disrupt the social structure of the population, possibly lowering cub production. We have recommended monitoring and research to evaluate the extent of unintended harvest of females with cubs, wounding loss, whether hunting is being sustained by dispersal of bears from national parks (i.e., source-sink dynamics), and any effects of modest to liberal harvests on the demographics and numbers of bears living within the PCA.

How would these mortality rates impact the ability of bears to expand outside of the PCA and achieve connectivity with other grizzly bear populations within the Northern Continental Divide Ecosystem?

The extent to which hunting in the PCA would inhibit connectivity to the Northern Continental Divide Ecosystem would depend on the extent and location of future hunter harvest. If grizzly bears are harvested at rates near the upper end of the proposed mortality limits, and that harvest is concentrated within the linkage zones connecting to the Northern Continental Divide

Ecosystem, then connectivity could be inhibited. The state of Montana has indicated that they will manage discretionary mortality in these areas to retain the opportunity for natural movements of bears between ecosystems, but no details have been provided as to how this would be assured. Some stakeholders would like to see a more detailed plan for connectivity within these linkage zones in the delisting rule, conservation strategy, state management plans, and/or the three-state memorandum of agreement.

How important is wildlife viewing – and grizzly bear viewing in particular – to Yellowstone visitors and surrounding communities?

Grizzly bears are one of the premier wildlife attractions for visitors to the Yellowstone/Grand Teton area, which contributes to the public's enjoyment and sense of pride in our conservation heritage. Tourism has a large and increasing influence on the regional economy, with more and more entrepreneurs, residents, and visitors seeing the environment and wildlife as valuable resources for recreation and viewing. There were more than 4.1 million visits to Yellowstone National Park during 2015, which contributed an estimated $493 million to nearby communities, supported about 7,730 jobs, and had a collective benefit of about $638 million to the area's economy. Over 90% of visitors indicated the park was the primary reason for visiting the area.

Visitation to Yellowstone and Grand Teton National Parks for wildlife viewing and other recreational activities is expected to continue to increase in the future. Ninety-nine percent of visitors to Yellowstone National Park expect to see a bear, and 67% did during a recent trip. This illustrates the strong desire and expectation of park visitors to see bears while they are in national parks.

How would bear hunting immediately outside Yellowstone impact opportunities for bear viewing within the park?

Many grizzly bears in Grand Teton and Yellowstone National Parks have necessarily habituated to the presence of millions of non-threatening visitors each year, for the many decades since bears were last hunted. This may make them more susceptible to future hunting when they leave the parks. Bear viewing could be impacted by the harvest of bears that frequent roadsides, bear avoidance of people following encounters with hunters, or other factors. Thus, the NPS has recommended to the U.S. Fish and Wildlife Service and the surrounding states that any future harvests be conducted in a way that (1) respects the mission of the NPS, (2) protects regional economic benefits and the enjoyment of bear watching, (3) reduces the risks associated with wounded bears entering the parks, and (4) limits the likelihood that well-known or transboundary bears will be harvested.

The NPS respects that hunting regulations are firmly in the purview of the states. However, the NPS is concerned that a delisting decision without commitments to conservative harvest restrictions in the portion of the PCA outside the national parks could result in a serious setback for grizzly bear management. The harvest of bears in such as manner as may impact bear-viewing opportunities in the parks will create great pressure to revisit this delisting decision and likely make future delistings of other iconic species more difficult. Thus, the NPS would like to lessen the risk of a bears being harvested near park boundaries. Elements of such a strategy

could include (1) no hunting of bears in the John D. Rockefeller, Jr. Memorial Parkway, (2) focusing the majority of harvests away from park boundaries and in areas where human-bear conflicts are more prevalent, and (3) imposing strict limits on female harvest in areas near park boundaries.

How vulnerable are so-called "celebrity bears" within Yellowstone and Grand Teton National Parks to hunting outside the park?

A grizzly bears' vulnerability to hunting when leaving the refuge of a national park likely would depend, in part, on the proportion of time it spent outside the national park and the distance it traveled from the park's boundary. Concentrating hunting in areas that have frequent human-bear conflicts could reduce the chances of bears that frequent the parks being harvested because most concentrations of conflicts occur in areas away from park unit boundaries. Conflicts sometimes occur in park gateway communities, which could expose those bears to some risk of harvest. However, if these bears are causing conflicts in gateway communities, they would likely be removed in management actions by state agencies regardless.

Is grizzly bear hunting along the Parkway consistent with the mission of NPS? Would hunting along the Parkway be supported by visitors to these parks?

The enabling legislation for the John D. Rockefeller, Jr. Memorial Parkway allows hunting at the discretion of the Wyoming Game and Fish Commission. However, due to the popularity and documented regional economic benefits of non-consumptive use of grizzly bears for viewing and photography, the NPS has requested that the delisting rule, conservation strategy, state management plans, and other related documents identify the John D. Rockefeller, Jr. Memorial Parkway as one of the three national park units in the Greater Yellowstone Ecosystem where grizzly bear hunting will not be permitted. Many visitors and stakeholders that prioritize photography, recreation, and wildlife watching strongly support this request.

Thank you for the opportunity to provide comments.

Sincerely,

Sue E. Masica

Sue E. Masica
Regional Director

FISH AND WILDLIFE SERVICE
DOCUMENT TRACKING CONTROL SLIP

FWS Form 3-2180
Attach to front of folder

Date: 09/28/2016

DCN: 064200	**ES No:**

Orig Office: CCU	**Input Date:** 09/28/2016	**Addressee:** Raul Grijalva
Due Date: 10/19/2016	**Signature Level:** D	

Subject:
Specific Questions Regarding ESA & Grizzly Bears

Comments:

Task Codes:

```
0 - Prepare Draft Reply          6 - Revise                        12 - Email Draft Reply
1 - Prepare Reply                7 - Obtain Additional Comments    13 - Advance Read
2 - Appropriate Action           8 - Other - See Comments          14 - File
3 - Surname                      9 - Mail/Distribute               15 - For Your Information
4 - Signature                    10 - Finalize                     16 - Surname through DTS
5 - Review/Comment               11 - Simultaneous Surnames        17 - Required ES Review
```

Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
CCU	2 - Appropriate Action	09/28/2016		09/28/2016
R6-ARD-ES	1 - Prepare Reply	09/28/2016	10/12/2016	
R6-ARD-EA	15 - For Your Information	09/28/2016	10/12/2016	
R6-EX	2 - Appropriate Action	09/28/2016	10/14/2016	
R6	0 - Prepare Draft Response	09/28/2016	10/19/2016	09/28/2016

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

JUN 22 2016

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of June 7, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Director Ashe requested that I respond to your inquiry. Specifically, your letter encouraged the U.S. Fish and Wildlife Service (Service) not to publish a final rule to delist the GYE grizzly bear until federal land managers and state wildlife officials have plans in place that exhibit adequate regulatory mechanisms to conserve grizzly bear habitat, allow for connectivity between the GYE and other populations, and limit mortality to sustainable levels.

As stated in the proposed rule to delist the GYE population of grizzly bears, all the state and federal agencies party to the draft 2016 Conservation Strategy for the Grizzly Bear in the GYE will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final delisting rule. Furthermore, revised state plans will be finalized prior to a final determination on the proposed rule. We intend to fully evaluate all aspects of the plans, including whether they effectively provide for the conservation of grizzly bears and their habitat, prior to a final determination on the proposed delisting rule. Sustainable mortality limits are addressed in the proposed rule and are part of the requirements for the states to adopt in their management plans and regulations prior to the Service issuing a final rule. Grizzly bears outside of the GYE area delineated in the proposed rule, including areas that provide potential connectivity to other populations, would remain listed should we finalize the delisting of the GYE population. In addition, affected National Forests and National Parks have incorporated, or will incorporate before a final rule is issued, the habitat standards and criteria into their Forest Plans and National Park management plans and/or Superintendent's Compendia via appropriate amendment processes so that they are legally applied to these public lands within the GYE.

Thank you for this opportunity to communicate our proposed process and commitment to the delisting of the GYE grizzly bear. I hope this letter fully addresses your concerns. If you need further information, please contact me at (303) 236-7920 or Michael Thabault, the Assistant Regional Director for Ecological Services in the Mountain-Prairie Region, at (303) 236-4210.

Sincerely,

Regional Director

ECOLOGICAL SERVICES		
#	NAME /TITLE/ OFFICE	LTR*
1	Backsen, Sarah	F
	Bergstrom, Pat	F
	Boroja, Maria	F
	Burgess, Angela	F
	Burgess, Kevin	F
	DeBerry, Drue	F
	Hansen, Craig	F
	Juliusson, Lara	F
	Konishi, Kathy	F
	Laye, Doug	F
	Lickfett, Todd	F
	Orton-Palmer, Amelia	F
	Shoemaker, Justin	F
	Skorupa, Joe	F
	Wiechman, Lief	F
	Willey, Seth	F
		F
		F
		F
2	Nelson, Marjorie / Chief – ESA	F
	Matt Kales	F
1, 6	Naylon, Jill/Secretary / ARD-ES TRINA	F
	Alt, Nicole/ Deputy ARD-ES	F / G
3	Thabault, Mike / ARD-ES	F / G
5	Regional Director / Deputy RD	F / G
4	External Affairs AMM	F
	Budget Administration	F
	Fisheries	F
	Law Enforcement	F
	Migratory Birds / State Programs	F
	Refuges	F
	Ecological Services	H

* **F** -- surname **G** -- signature **H** -- return to originating office

FROM: Jill Naylon **DATE:**

SURNAME		
TITLE	NAME	DATE
AUTHOR / RO LEAD	[illegible]	6-13-16
TYPIST		
SECRETARY / ARD - ES		
BRANCH CHIEF, CLASSIFICATION AND RECOVERY		
BRANCH CHIEF, LANDSCAPE CONSERVATION AND RESTORATION		
BRANCH CHIEF, DECISION SUPPORT		
DIVISION CHIEF, ECOLOGICAL SERVICES	MW	6/17/16
DEPUTY ARD – ECOLOGICAL SERVICES		
ARD – ECOLOGICAL SERVICES	[illegible]	
ARD – EXTERNAL AFFAIRS	ANM	6/21/16
ARD – FISHERIES		
ARD – LAW ENFORCEMENT		
ARD – MIGRATORY BIRDS		
ARD – NATL WILDLIFE REFUGE SYSTEM		
SECRETARY / REGIONAL DIRECTOR	DR	6/19/16
DEPUTY REGIONAL DIRECTOR		
REGIONAL DIRECTOR Acting	SWA	6/20/16

Chief of Staff SWilley 6/21/16 ed.

Note to Reviewer

DCN: 063311.

This letter is in response to a letter from Representative Raul Grijalva on the GYE grizzly bear delisting proposal. Jennifer Fortin-Noreus and Wayne Kasworm helped develop this response. Due date is 6/21/16 for RD signature. The letter states what was stated in the proposed rule as it would be premature to offer any subsequent comment

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of June 7, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Director Ashe requested that I respond to your inquiry. Specifically, your letter encouraged the U.S. Fish and Wildlife Service (Service) not to publish a final rule to delist the GYE grizzly bear until federal land managers and state wildlife officials have plans in place that exhibit adequate regulatory mechanisms to conserve grizzly bear habitat, allow for connectivity between the GYE and other populations, and limit mortality to sustainable levels.

As stated in the proposed rule to delist the GYE population of grizzly bears, a~~A~~ll the state and federal agencies party to the draft 2016 Conservation Strategy for the Grizzly Bear in the GYE will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final delisting rule. Furthermore, ~~if the state plans change from those available for comment appended to the draft 2016 Conservation Strategy, these~~ revised state plans will be ~~available for public comment and~~ finalized prior to a final determination on the proposed rule. ~~All the state and federal agencies party to the draft 2016 Conservation Strategy will need to sign a memorandum of understanding agreeing to implement the revised 2016 Conservation Strategy prior to a final rule.~~ We intend to fully evaluate all aspects of the plans, including whether they effectively provide for the conservation of grizzly bears and their habitat, prior to a final determination on the proposed delisting rule. Sustainable mortality limits are addressed in the proposed rule and are part of the requirements for the states to adopt in their management plans and regulations prior to the Service issuing a final rule. Grizzly bears outside of the GYE area delineated in the proposed rule, including areas that provide potential connectivity to other populations, would remain listed should we finalize the delisting of the GYE population. In addition, affected National Forests and National Parks have incorporated, or will incorporate before a final rule is issued, the habitat standards and criteria into their Forest Plans and National Park management plans and/or Superintendent's Compendia via appropriate amendment processes so that they are legally applied to these public lands within the GYE.

Thank you for this opportunity to communicate our proposed process and commitment to the delisting of the GYE grizzly bear. I hope this letter fully addresses your concerns. If you need further information, please contact me at (303) 236-7920 or Michael Thabault, the Assistant Regional Director for Ecological Services in the Mountain-Prairie Region, at (303) 236-4210.

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JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA, AZ
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JARED POLIS, CO
WM. LACY CLAY, MO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

June 7, 2016

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife
Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Dear Director Ashe,

I would like to congratulate you on the significant progress the U.S. Fish and Wildlife Service (Service) and its partners have made toward protecting and recovering grizzly bears in the Greater Yellowstone Ecosystem (GYE). The tremendous growth of this population of bears is a testament to the effectiveness of the Endangered Species Act (ESA), and the many people who have worked tirelessly to restore the grizzly to this landscape deserve our highest praise.

However, I am concerned that the recent proposal to isolate GYE bears from the rest of the grizzlies in North America and remove it from the list of ESA threatened species does not do enough to ensure that these bears will continue to thrive. Specifically, the proposed rule makes the bold assumption that the states of Wyoming, Montana, and Idaho will put in place grizzly bear management plans containing adequate and enforceable regulatory mechanisms as required by the ESA. While these three states are currently developing their management plans, the contents of the final products are largely unknowable at this point. Further, the U.S. Forest Service has not started the process of amending forest plans in the GYE to incorporate necessary post-delisting conservation measures.

Ensuring that federal land managers and state wildlife officials have in place plans that will conserve grizzly bear habitat, allow for connectivity of GYE bears with other populations, and limit mortality to sustainable levels is critical to conservation success after ESA protections are removed. This is especially important given the scientific uncertainty surrounding the availability of forage for GYE grizzlies, and how climate change could cause them to range farther in search of food, increasing the likelihood of interactions with humans. For these reasons, I respectfully ask that you commit to not issuing a final rule on GYE grizzlies until after the state and Forest

Service have finalized their plans, the Service has allowed for additional public comment on the utility of these plans as part of a post-delisting conservation strategy, and Service scientists have deemed the plans adequate and enforceable as required by law. Rushing to finalize the rule without addressing these concerns will likely result in the Service losing yet another lawsuit – an outcome that no one wants.

Thank you for your attention to this matter. If you have any questions, please have your staff contact Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to your response.

Sincerely,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

FISH AND WILDLIFE SERVICE
DOCUMENT TRACKING CONTROL SLIP

FWS Form 3-2180
Attach to front of folder

Date: 06/08/2016

DCN: 063311	**ES No:**

Orig Office: CCU	**Input Date:** 06/07/2016	**Addressee:** Raul Grijalva
Due Date:	**Signature Level:** RD	

Subject:
Concerns about certain decisions regarding the GYE Bears vs other grizzlies in the listing/delisting process

Comments:

Task Codes:

0 - Prepare Draft Reply
1 - Prepare Reply
2 - Appropriate Action
3 - Surname
4 - Signature
5 - Review/Comment
6 - Revise
7 - Obtain Additional Comments
8 - Other - See Comments
9 - Mail/Distribute
10 - Finalize
11 - Simultaneous Surnames
12 - Email Draft Reply
13 - Advance Read
14 - File
15 - For Your Information
16 - Surname through DTS
17 - Required ES Review

Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
CCU	2 - Appropriate Action	06/07/2016		06/07/2016
R6-ARD-ES	1 - Prepare Reply	06/07/2016	06/16/2016	
R6	1 - Prepare Reply	06/07/2016	06/21/2016	06/07/2016

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/RO-ES
DCN: 064200

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

The Honorable Raúl M. Grijalva
Committee on Natural Resources
House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Grijalva:

Thank you for your letter of September 27, 2016, concerning the proposed rule to delist grizzly bears in the Greater Yellowstone Ecosystem (GYE). Specifically, your letter expressed concern about the Conservation Strategy, population targets, connectivity, and hunting. We share your concern for the conservation of the Yellowstone grizzly bear population and delisting will only occur if I am completely satisfied that we have robust commitments that this success can be maintained in the long-term.

Recovery of the Yellowstone grizzly bear population is a remarkable conservation success story and further validation of the success of the Endangered Species Act. The Yellowstone grizzly bear population has rebounded from as few as 136 bears in 1975 to more than 700 today and more than doubled their range since listing. This population now occupies more than 22,500 square miles of the ecosystem. This success would not have been possible without the tireless efforts countless partners including Federal, State, and Tribal agencies, conservation groups, and private citizens, including ranchers, sportsmen, and outfitters.

Recognizing that the population has basically stabilized at or near long-term carrying capacity (with modest growth in recent years), our management partners have agreed to maintain the total population size near the average population estimate for the period of stability achieved during 2002-2014 (i.e., 674 bears as measured by the model-averaged Chao2 with a 95% confidence interval of 600 to 757 bears). This will be accomplished by reducing discretionary mortality to modest, sustainable levels (<7.6%) should the model-averaged Chao2 fall below 674 bears and prohibiting discretionary mortality (except as necessary for human safety) in the unlikely event that the population ever falls below 600 bears. Montana, Idaho, and Wyoming have now all formally adopted these regulatory commitments.

As a result, last month we reopened the comment period on our proposed delisting. In total, we have offered two public comment periods totaling 90-days over the last seven months including March 11, 2016 to May 10, 2016, and September 7, 2016 to October 7, 2016. The most pertinent documents guiding management after delisting have now all been provided to the public for comment including the draft

Conservation Strategy, Federal land management regulatory documents and State discretionary mortality regulatory documents. Additional changes to the Conservation Strategy being considered are either minor or responsive to the public comments. Therefore, we do not believe an additional public comment period on the final draft Conservation Strategy is necessary.

Your letter also raised concerns related to the geography of harvest. Specifically, you asked that the John D. Rockefeller, Jr. Memorial Parkway retain its authority to prohibit hunting as a National Park Service Unit. You also indicated hunting should be prohibited on lands adjacent to the National Parks and within the Primary Conservation Area. Nothing in this rule would alter, or in any way affect, the jurisdiction or authority of the State of Wyoming, Tribal governments, the National Park Service, the U.S. Fish and Wildlife Service, or any other entity with respect to the regulation of hunting. Whatever jurisdiction or authority to authorize, prohibit, or regulate hunting existed in such areas prior to this final rule is unchanged by the promulgation of this rule (except, of course, that this rule removes the protections of the Act).

In short, it is beyond our authority to negotiate further on this point unless it rises to the level of being a threat to viability of the population. In our view, the current suit of discretionary mortality regulations will maintain the Yellowstone grizzly bear's recovered status. That said, the National Park Service and the States have a long history of cooperatively managing harvest for other species in a way that provides for the needs of all parties. We expect this partnership and successful management of harvest will continue.

Finally, your letter expressed concern about connectivity to other grizzly bear populations. We agree that connectivity to other grizzly bear populations to the north is desirable. Such connectivity has been and remains a focus of the Service and our partners. Our proposed delisting would have limited impact on connectivity as nearly all of the intervening habitat where dispersal would occur would remain fully protected by the ESA.

Thank you for your interest in this iconic species and the conservation success story it represents. I hope this letter addresses your concerns. If you need further information, please do not hesitate to contact me at the above letterhead.

Sincerely,

Director

1/20/2015

INFORMATION MEMORANDUM FOR THE R6 RD/DRD

FROM: External Affairs / R1 & R6 Tribal Programs

SUBJECT: Yellowstone Grizzly Bear Delisting and Tribal Opposition

I. SUMMARY

In April 2014, the Grizzly Bear Recovery Program sent out letters offering G2G consultation to the four Native American Tribes having treaty interests in the proposed Yellowstone grizzly bear delisting area. In November 2014, 26 tribes contended the federal government failed to consult the all Tribal nations, which have an ancestral connection to Yellowstone. Their dissatisfaction was broadly spread in the media *(links are located at the end of the report).*

II. DISCUSSION

None of the four Tribes that received the original letter had responded to the G2G offer. When the Service delisted the bears in 2007, for two years until 2009, no Tribal opposition was documented or expressed.

According to the Guardians of Our Ancestors' Legacy Tribal Coalition (GOAL), Tribes throughout the region have increasingly spoken out against delisting the species. GOAL has stepped to the forefront as the organized group of Tribes leading the opposition effort. Tribal members are very sensitive to the species and cite deep spiritual and cultural connections to the bears as well as disgust at the idea of state-managed trophy hunts.

III. OPTIONS FORWARD

These options were drafted with input from Region 1. Although numerous Tribes are in opposition to the effort, most of the opposition is coming from the Northern Cheyenne Tribe with some from the Shoshone-Bannock Tribes of Idaho.

1. Plan to meet in person for consultation with specific Tribes within their regional context, including Wind River, Flathead, Blackfeet and perhaps ShoBans, together in a central location (such as the Great Sioux Nation in South Dakota).

2. Work with the states of Wyoming and Montana to have them address the issue of hunting on reservations (killing most of the bears and also eliminating bears from the areas around the reservations). This directly impacts Wind River, Flathead and Blackfeet Tribes.

3. Begin direct contact at the informative (subject matter expert) level to hold conversations with the large organizations that wrote declarations expressing joint oppositions to include: Guardians of Our Ancestors' Legacy Tribal Coalition, Fort Hall Business Council, Montana Wyoming Tribal Leaders Council and all Tribes comprising Great Sioux Nation.

4. Given the response, the regions believe a webinar may be inadequate at this time. The program should make telephone contact with the Tribes directly followed up with email confirmation of what was said and/or agreed to.

5. R6 and R1 strongly recommend an additional in-person presentation and conversation. This could be a topic or agenda item at the upcoming Tribal roundtable and could help make up for the lack of earlier consultation.

6. A letter outlining the facts along with a couple of conversation options (informal discussions, G2G, presentations) and perhaps an apology could be drafted (with RD signature) and sent out to the 26 Tribal entities that are upset with the process.

7. Lastly, there is always the option of doing a webinar that talks about the species and presents factual information while opening up a question and answer session at the end.

PREPARED BY: R6 and R1 **DATE:** 1/20/15

MEDIA REPORTS:

- http://indiancountrytodaymedianetwork.com/2014/12/09/shoshone-bannock-tribes-oppose-delisting-yellowstone-grizzly-158187

- http://missoulanews.bigskypress.com/IndyBlog/archives/2014/12/17/tribal-coalition-speaks-out-against-yellowstone-grizzly-delisting

- http://trib.com/news/state-and-regional/govt-and-politics/wyoming-montana-tribal-leaders-oppose-grizzly-delisting/article_64e047b2-7bde-599f-ae6c-6ebd64b1a7b1.html

Meeting Outcomes with DRD on 1/27/2015

Matt Hogan, Marla Trollan, Steve Torbit

We will move forward with recommend options 1/2/3/6

The attachment is what Marla Trollan and Steve Torbit took into Matt Hogan's office yesterday. The email that is attached is the one that spurred this meeting. I'm not sure if Mike T was told about the meeting but he did receive a copy of the attached email. Below are her directions to me. She said that these are the DRD's directions to her.

- We are to get a letter out to all 26 tribes listed in the press articles and the organizations involved, to include: GOAL, Great Plains Tribal Chairman's Association, & the Montana and Wyoming Tribal Leaders Council. We need to share this with R1 for contacting their Tribes that are involved.
- The letter needs to stress the point that nothing has been proposed and we are in the discussion stage. All Tribes will have an opportunity for formal consultation before a proposal is moved forwarded.
- ES is to conduct 3 in person consultation meetings.
- Refer to the consultation meetings broadly in our first letter, *not with direct dates or locations,* outside of the Great Plains, Northern Rocky Mountains and Idaho (that one needs coordinated with R1). It will also be discussed at the Regional Tribal Roundtable on March 19th in Denver at RMA.
- We are to follow-up with a second letter to all the Tribes and NGOs around until mid-to-late February. That date was determined by a meeting with FWS/Director Ashe and the states that a delisting would effect. I believe that meeting is happening in early February. That meeting does not involve Tribes.
- ES (you and maybe Mike T?) & possibly Steve Torbit (if needed) would attend/host the consultations *(maybe Seth W. would be able to help in this area).*
- I asked Marla who would schedule the locations, times and coordinate the consultation meetings. She said that would be you and Steve Torbit (*since he told Matt H. he is reaching out to the NGOs*).
- All cost for the meeting spaces would be the responsibility of ES.

Please let me know what questions we are going to need answered before moving forward and at what other levels in ES we may need to involve. Thank you and I apologize for calling you on this without you getting a heads up.

From:	Powell, Tyson
To:	Ann Navaro; Matthew McKeown; Dana Jacobsen; Michael Thabault; Seth Willey; Fortin-Noreus, Jennifer; Alexandra Kasdin
Subject:	Fwd: Montana grizzly hunt rules challenged in court
Date:	Monday, August 15, 2016 8:58:43 AM

FYI.

---------- Forwarded message ----------
From: **Barry Roth** <bnroth@verizon.net>
Date: Sat, Aug 13, 2016 at 6:20 AM
Subject: Montana grizzly hunt rules challenged in court
To: tyson.powell@sol.doi.gov

Montana grizzly hunt rules challenged in court
http://billingsgazette.com/news/state-and-regional/montana/article_8144dac7-6053-5fd0-8fe9-1f52cd6a52df.html

Sent from my iPhone

--
Tyson Powell
Office of the Regional Solicitor
Rocky Mountain Region
U.S. Department of Interior
755 Parfet Street, Suite 151
Lakewood, CO 80215
New telephone number: 303-445-0629

From: Servheen, Chris
To: Fortin-Noreus, Jennifer
Subject: my summery of things as they are
Date: Thursday, June 04, 2015 2:50:08 PM
Attachments: Comments on the state response.docx

Jenn,

Here is that summary I told you about.

c

Comments on the state response dated May 8, 2015:

1. The state's population goal set at 683 (95% CI 607-757) must be measured with the Chao2 method. This cannot be the goal using the mark-resight method, which shows 1229 bears in 2007. Mixing monitoring results for management is not possible.
2. We have already let the states reduce the population post-delisting by letting them go to the 2007 number using Chao2 – from 757 to 683.
3. A 7.6% independent female mortality level below 683 will never allow the population to increase above that number, so it continually declines. That is why below 683 the mort limit must be <7.6%.
4. MOUs signed by state directors are not in any way regulatory of anything. They can be changed at will since such an MOU only involves the regulated.
5. Tribes do not have to negotiate with states.
6. There is no mention of how populations would be monitored or of the IGBST. No mention of use of ISBST data or how regulation will take place. The courts will want more specifics as follows: 9th circuit (grizzly): "more specific management responses, tied to more specific triggering criteria, are required." "the promise of adaptive management is not a sufficient answer to scientific uncertainty". The statement about MOUs and adaptive management is meaningless without specific criteria enforceable by management responses and these enforceable management responses cannot end at 5 years.
7. Connectivity is an accepted conservation effort for all species. What we are asking for is management efforts to facilitate connectivity, not demonstrated connectivity. The USFS is doing a lot to facilitate connectivity in these areas like implementing food storage regulations on public lands. The state refuses to do anything for connectivity thereby nullifying the USFS efforts. This is a huge deal for the NGOs and will be a litigation point if not included. What we are asking the state to do will cost them nothing since there are few if any bears in these areas most of the time to hunt anyway. This is MAJOR issue. The objection to doing this is driven by extreme ideology.
8. Triggers must be regulatory and objective and measurable. Molloy (grizzly): "[A biology and Monitoring Review] does not serve as a regulatory mechanism because…the Service and other agencies are not required to take any concrete response to protect grizzlies if monitoring shows population or habitat declines." 9th circuit (grizzly): "…more specific management responses, tied to more specific triggering criteria, are required." "the promise of adaptive management is not a sufficient answer to scientific uncertainty."
9. We took the states recommended mortality limits on a sliding scale to keep the population at the 2007 level and accepted them completely. We added triggers and connectivity to make this biologically and legally defensible. They did not even recognize what we did to appease them and instead asked for more.

10. 5-year limit on standards. This is the most egregious departure from the approach we have used to build post-delisting management plans (Conservation Strategies). There has never been anything discussed in the 14+ years of meetings among all agencies that any standards would disappear after 5 years post-delisting. Everyone has always agreed that the CS demographic and habitat management standards are to be in place in perpetuity post-delisting. These standards can be amended as necessary as long as such amendments are based on the best available science and the amendments are subject to public comment, but they are never to just disappear.
11. Note that if we somehow decide to allow the demographic standards to disappear after 5 years for the states, they also disappear for the tribes as well and we have lots of bears on 2 reservations in the NCDE. This will compound uncertainty and make such a decision even more indefensible.
12. The Service does not have the power to decide that the demographic standards in the CS will go away after 5 years because this is an interagency document signed by all state and federal and Tribal agencies and binding them to implement it. The demographic standards are not a state-FWS pact independent of the other agencies (even though some seem to think they are). Any idea to change the standards and make them disappear after 5 years would require reopening the entire Yellowstone and NCDE CS documents (the NCDE draft went out for comment in 2013). This would take years to rewrite these if it was to succeed, which I strongly doubt. A "5 year disappear" clause for demographic criteria would destabilize the foundation of the documents and be a significant departure requiring reopening the process and the public comment process. This would significantly weaken the CS and the proposed rule.
13. This idea that demographic standards disappear after 5 years and that concerns about policy changes from the states or legislatures disappear after 5 years is from one radical state administrator who has not been involved in any of this process. He has essentially hijacked the entire process at the 11th hour making delisting impossible and we are letting him do it.
14. When we completed the 2007 CS and rule we did not have RO and WO involvement in these documents. Instead we were backed up on what we did in my office and we got it done. Now we have been on hold for almost 10 months because the states appealed to the RO and WO and, instead of saying what we are doing is the way we need to get the delisting accomplished, the states were given uncertainty about what we (at the field level) were doing. This uncertainty from the RO and WO has allowed the states to depart from science and hijack the process and get us to the very edge of biological and legal defensibility where we are now.
15. It is useful to review where we are:
    a. As an interagency team (just as we did in 2007), we developed by mid-2014 a scientifically sound approach to delisting using the new data on whitebark pine and incorporated state concerns about the need to increase management flexibility by reducing the area where

we counted mortality by half (almost 48,000 sq km) and stabilized the population management approach. This approach was ready for a proposed rule to come out in the fall of 2014.

b. Certain state administrators went to the RO and WO and wanted to reduce the population post-delisting. They were given the impression that it might be possible, so movement forward on a proposed rule was stalled and has been stalled for almost 10 months.
c. At a meeting in February 2015, the state administrators were presented with multiple scientific indicators by USGS that the population has been essentially stable since the early 2000s and that a less biased population estimator showed the population was now about 1200 bears and was at that same level in 2007 and before. The state response was to deny these scientific facts. They thought the population was increasing and they preferred to use the Chao2 estimate of 757 bears in 2014.
d. The Service overruled NPS concerns about mortalities and allocated the percentage of the mortalities for NPS area populations to the states for state management.
e. In April 2015, the states proposed a management system to reduce the population to the 2007 Chao2-based number of 683 with a sliding scale of mortality levels to maintain this 2007 level of population. On April 17, 2015, the Service accepted everything the states proposed and added management triggers showing responses should there be departure from the state proposal. These additions by the Service were necessary to make the state proposal biologically and legally defensible.
f. The state response dated May 8, 2015 to the Service document making the state approach defendable in a delisting proposal was to remove every item the Service added to make the state approach defensible.
g. Not one of the many state biologists I have talked to in these 3 states supports this approach. This is an administrator-produced approach
h. If we want to produce a biologically and legally defensible delisting proposal and actually delist the Yellowstone grizzly bear, we cannot go any farther than we went with our acceptance of the state proposal on April 17, 2015. If we remove any of the items we added like triggers and connectivity management in intervening habitats, or (most damaging) make the demographic criteria disappear after 5 years, we will not be able to biologically and legally defend it and we will be not be able to delist.
i. Proposing something we cannot biologically and legally defend risks the future of the recovered grizzly populations we have worked for 34 years to recover, gravely hurts the credibility of the Service, erodes local public support for grizzly bears, and will damage the ESA.
j. I believe we will have broad local public support for the proposal we put forth on April 17, 2015. The local publics will see this as meeting

their needs for management flexibility while maintaining a health population in the demographic monitoring area. Local people are particularly interested in actually achieving delisting and this proposal has a real chance to succeed. Proposing an approach that has little chance of delisting success to meet the desires of a few state administrators will erode local public support for the grizzly bear and the ESA.

k. The Service is the lead on the conservation of listed species. For 34 years we have led the recovery effort and the result is the recovered populations we have today in the Yellowstone and the NCDE. We have to defend any delisting proposal biologically and legally. The states do not. We should be taking the lead is what is necessary to delist the grizzly and not be in a reactive mode to certain state administrators.

l. To put this last 10 months of drifting along on a delisting approach in perspective, if we would have had a similar approach over the last 34 years of the recovery effort whereby necessary recovery actions and tasks could be appealed to the RO and WO by the states or other agencies with resulting suspension or manipulation of these necessary recovery actions, we would never have achieved recovery. What got us to recovery was sufficient depth of political support for the tough decisions that had to be made. We (the Service) made tough decisions and held to these with support within the Service leadership and we achieved recovery.

m. To move forward we need to send our April 17 outline back to the states and tell them this is what will be necessary to delist with a biologically and legally defendable proposal. We should note that this approach:
    i. Accepts the sliding scale of mortality the states proposed to manage the population.
    ii. Increases management flexibility in many ways to allow the states to manage bear-human conflicts.
    iii. Accepts the state desire to manage the population down to the Chao2 population estimate of 683 bears when the Yellowstone bears were delisted in 2007.
    iv. Allows for increased discretionary take.
    v. Has a good likelihood of succeeding in delisting the Yellowstone population.

Label: "YES Grizzly Bear Delisting"

Created by:jodi_bush@fws.gov

Total Messages in label:386 (122 conversations)

Created: 06-13-2017 at 16:06 PM

Conversation Contents

Information regarding GYE Grizzly Bears

"Trever,Kathleen" <kathleen.trever@idfg.idaho.gov>

From:	"Trever,Kathleen" <kathleen.trever@idfg.idaho.gov>
Sent:	Wed Aug 10 2016 17:58:10 GMT-0600 (MDT)
To:	"tyson.powell@sol.doi.gov" <tyson.powell@sol.doi.gov>
Subject:	Information regarding GYE Grizzly Bears

Tyson—

Here are few items, fyi. I have cc'd FWS staff that have asked IDFG for documents related to the Commission action.

1. On August 8, 2016, the Idaho Fish and Game Commission accepted Montana's edits to the MOA and adopted a proclamation related to the limit of take of GYE grizzly bear. The links are below.

   https://idfg.idaho.gov/sites/default/files/grizzly-bear-proclamation-8-8-2016.pdf

   https://idfg.idaho.gov/sites/default/files/grizzly-bear-tri-state-moa-8-8-2016.pdf

2. IDFG provides the following feedback to draft language circulating regarding Idaho's regulatory authorities. Notes are in italics and are intended for agency reference only and are not intended for inclusion in publication. Additions are in underline; deletions are in ~~strikeout~~.

   Idaho. ~~IDF&G.~~ *(Idaho Department of Fish and Game and the Idaho Fish and Game Commission are separate entities; the Commission is authorized to adopt proclamations, rules, and orders that are enforced by IDFG)* Idaho's Fish and Game Commission issued a proclamation relating to the limit of the take of grizzly bears in the GYE on August 8, 2016. Idaho Code Section 36-105 ~~gives the~~ authorizes the Idaho Fish and Game Commission ~~the authority~~ to use proclamations, which "have full force and effect as law," as a means of "setting any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals." ~~(Idaho Code Section 36-105).~~ *(deleted redundancy to code reference at start of sentence)* Since grizzly bears are classified as game animals in ~~IDAPA~~ Idaho Administrative Code *(use consistent references to either IDAPA or Idaho Administrative Code)* 13.01.06.100.01e, the Idaho Fish and Game Commission may use a proclamation to establish binding ~~rules~~ limits ~~ing~~ on the take ~~hunting~~ of grizzly bears (Idaho Administrative Code 13.01.06.100.01e).

3. Administrative Process related to the Take of Wildlife

IDFG provides the following brief summary of existing mechanisms for regulating the take of wildlife in Idaho. For wildlife classified as game animals, Idaho law (Idaho Code Section 36-104(b)(2)) authorizes the Idaho Fish and Game Commission to open seasons for public take of wildlife, where it finds a season will not endanger the species of game, and the Commission may impose limits on the numbers, sex, size and species, along with identifying allowable methods of take. The Commission may choose to limit a season to a certain number of hunters through a controlled hunt (Idaho Code Section 36-104(b)(5)). Both the Commission and IDFG Director have authority to close seasons when established limits are reached or in emergency situations (Idaho Code Sections 36-104(b)(3) and 36-106(6)).

Under Idaho Code Section 36-105(3), the Commission has authority to set seasons or limits for the take of wildlife by proclamation. Under Idaho Code 36-105(2), Commission proclamations, as well as Commission rules and orders, have the full force and effect as law. A proclamation identifies the time and place allowed for take of wildlife, along with any limits on numbers, sex, size and species the Commission may find appropriate. The

Commission typically reviews and sets seasons on an annual or biennial basis with public input, but may review them more frequently as conditions warrants.

The Commission also conducts rulemaking under the Idaho Administrative Procedure Act to establish administrative rules for classification of wildlife, allowances and restrictions for methods of take of wildlife, licensing requirements for take of wildlife, and other administrative aspects of wildlife take. To be responsive to biological factors, the proclamation process for setting seasons and limits involves fewer procedural requirements than rulemaking under the Idaho Administrative Procedure Act. For example, the big game season proclamation and administrative rule summary for 2015-2016 is available at: https://idfg.idaho.gov/sites/default/files/seasons-rules-big-game_2015-2016.pdf.

The Commission and IDFG agreed to evaluate take of grizzly bear on an annual basis under a Memorandum of Agreement with their counterparts in Montana and Wyoming. The Commission is not proposing to open a season for grizzly bear at this time, and the Commission would only make such a decision after delisting.

The Commission adopted a proclamation on August 8, 2016 related to the limit of take of GYE grizzly bear to provide clarity as to its existing authorities and season closure process for GYE grizzly bear management, consistent with its Memorandum of Agreement with Montana and Wyoming.

Kathleen E. Trever
Deputy Attorney General
Office: (208) 287-2710

The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you have received this information in error. Also, please delete this email after replying to the sender.

"Bush, Jodi" <jodi_bush@fws.gov>

From:	"Bush, Jodi" <jodi_bush@fws.gov>
Sent:	Thu Aug 11 2016 08:28:17 GMT-0600 (MDT)
To:	Alexandra Kasdin <alexandra_kasdin@fws.gov>
CC:	Seth Willey <seth_willey@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>
Subject:	Fwd: Information regarding GYE Grizzly Bears

Alex. Can we get these language changes (#2) into the FR as it moves? I know they are late. Thanks. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

---------- Forwarded message ----------
From: **Trever,Kathleen** <kathleen.trever@idfg.idaho.gov>
Date: Wed, Aug 10, 2016 at 5:58 PM
Subject: Information regarding GYE Grizzly Bears
To: "tyson.powell@sol.doi.gov" <tyson.powell@sol.doi.gov>

Cc: "seth_willey@fws.gov" <seth_willey@fws.gov>, "jodi_bush@fws.gov" <jodi_bush@fws.gov>

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Kathleen E. Trever
Deputy Attorney General
Office: (208) 287-2710

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"Kasdin, Alexandra" <alexandra_kasdin@fws.gov>

From:	"Kasdin, Alexandra" <alexandra_kasdin@fws.gov>
Sent:	Thu Aug 11 2016 08:35:15 GMT-0600 (MDT)
To:	Maricela Constantino <Maricela_Constantino@fws.gov>
CC:	Seth Willey <seth_willey@fws.gov>, Jodi Bush <Jodi_Bush@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>
Subject:	Fwd: Information regarding GYE Grizzly Bears

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Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

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From: **Bush, Jodi** <jodi_bush@fws.gov>

Date: Thu, Aug 11, 2016 at 8:28 AM
Subject: Fwd: Information regarding GYE Grizzly Bears
To: Alexandra Kasdin <alexandra_kasdin@fws.gov>
Cc: Seth Willey <seth_willey@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>

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Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

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"Kasdin, Alexandra" <alexandra_kasdin@fws.gov>

From:	"Kasdin, Alexandra" <alexandra_kasdin@fws.gov>
Sent:	Thu Aug 11 2016 08:36:03 GMT-0600 (MDT)
To:	"Bush, Jodi" <jodi_bush@fws.gov>
CC:	Seth Willey <seth_willey@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>
Subject:	Re: Information regarding GYE Grizzly Bears

Hi Jodi,

Thanks for sharing these! The FR has already cleared the RO surnaming process and it is working its way through HQ. I emailed Maricela to see if she can make these changes.

Alex

Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
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"Constantino, Maricela" <maricela_constantino@fws.gov>

From:	"Constantino, Maricela" <maricela_constantino@fws.gov>
Sent:	Thu Aug 11 2016 08:38:29 GMT-0600 (MDT)
To:	"Kasdin, Alexandra" <alexandra_kasdin@fws.gov>

CC:	Seth Willey <seth_willey@fws.gov>, Jodi Bush <Jodi_Bush@fws.gov>, Jennifer Fortin-Noreus <jennifer_fortin-noreus@fws.gov>, Tyson Powell <tyson.powell@sol.doi.gov>
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Endangered Species Biologist
Branch of Recovery and State Grants
Ecological Services - Headquarters Office
U.S. Fish and Wildlife Service

maricela_constantino@fws.gov
571/969-9804

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To:	Constantino, Maricela
Cc:	Seth Willey; Jodi Bush; Jennifer Fortin-Noreus; Tyson Powell
Subject:	Re: Information regarding GYE Grizzly Bears
Date:	Thursday, August 11, 2016 8:39:14 AM

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Alex Kasdin
Princeton University SINSI Fellow
Ecological Services, Mountain-Prairie Regional Office
134 Union Boulevard
Lakewood, CO 80228
Phone: (303) 236-4217

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Subject: Information regarding GYE Grizzly Bears
To: "tyson.powell@sol.doi.gov" <tyson.powell@sol.doi.gov>
Cc: "seth_willey@fws.gov" <seth_willey@fws.gov>, "jodi_bush@fws.gov" <jodi_bush@fws.gov>

Tyson—

Here are few items, fyi. I have cc'd FWS staff that have asked IDFG for documents related to the Commission action.

1. On August 8, 2016, the Idaho Fish and Game Commission accepted Montana's edits to the MOA and adopted a proclamation related to the limit of take of GYE grizzly bear. The links are below.

https://idfg.idaho.gov/sites/default/files/grizzly-bear-proclamation-8-8-2016.pdf

https://idfg.idaho.gov/sites/default/files/grizzly-bear-tri-state-moa-8-8-2016.pdf

2. IDFG provides the following feedback to draft language circulating regarding Idaho's regulatory authorities. Notes are in italics and are intended for agency reference only and are not intended for inclusion in publication. Additions are in underline; deletions are in ~~strikeout~~.

> Idaho. ~~IDF&G.~~ *(Idaho Department of Fish and Game and the Idaho Fish and Game Commission are separate entities; the Commission is authorized to adopt proclamations, rules, and orders that are enforced by IDFG)* Idaho's Fish and Game Commission issued a proclamation relating to the limit of the take of grizzly bears in the GYE on August 8, 2016. Idaho Code Section 36-105 ~~gives the~~ authorizes the Idaho Fish and Game Commission ~~the authority~~ to use proclamations, which "have full force and effect as law," as a means of "setting any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals." ~~(Idaho Code Section 36-105).~~ *(deleted redundancy to code reference at start of sentence)* Since grizzly bears are classified as game animals in ~~IDAPA~~ Idaho Administrative Code *(use consistent references to either IDAPA or Idaho Administrative Code)* 13.01.06.100.01e, the Idaho Fish and Game Commission may use a proclamation to establish binding ~~rules~~ limits ~~ing~~ on the take ~~hunting~~ of grizzly bears (Idaho Administrative Code 13.01.06.100.01e).

3. Administrative Process related to the Take of Wildlife

IDFG provides the following brief summary of existing mechanisms for regulating the take of wildlife in Idaho. For wildlife classified as game animals, Idaho law (Idaho Code Section 36-104(b)(2)) authorizes the Idaho Fish and Game Commission to open seasons for public take of wildlife, where it finds a season will not endanger the species of game, and the Commission may impose limits on the numbers, sex, size and species, along with identifying allowable methods of take. The Commission may choose to limit a season to a certain number of hunters through a controlled hunt (Idaho Code Section 36-104(b)(5)). Both the Commission and IDFG Director have authority to close seasons when established limits are reached or in emergency situations (Idaho Code Sections 36-104(b)(3) and 36-106(6)).

Under Idaho Code Section 36-105(3), the Commission has authority to set seasons or limits for the take of wildlife by proclamation. Under Idaho Code 36-105(2), Commission proclamations, as well as Commission rules and orders, have the full force and effect as law. A proclamation identifies the time and place allowed for take of wildlife, along with any limits on numbers, sex, size and species the Commission may find appropriate. The Commission typically reviews and sets seasons on an annual or biennial basis with public

input, but may review them more frequently as conditions warrants.

The Commission also conducts rulemaking under the Idaho Administrative Procedure Act to establish administrative rules for classification of wildlife, allowances and restrictions for methods of take of wildlife, licensing requirements for take of wildlife, and other administrative aspects of wildlife take. To be responsive to biological factors, the proclamation process for setting seasons and limits involves fewer procedural requirements than rulemaking under the Idaho Administrative Procedure Act. For example, the big game season proclamation and administrative rule summary for 2015-2016 is available at: https://idfg.idaho.gov/sites/default/files/seasons-rules-big-game_2015-2016.pdf.

The Commission and IDFG agreed to evaluate take of grizzly bear on an annual basis under a Memorandum of Agreement with their counterparts in Montana and Wyoming. The Commission is not proposing to open a season for grizzly bear at this time, and the Commission would only make such a decision after delisting.

The Commission adopted a proclamation on August 8, 2016 related to the limit of take of GYE grizzly bear to provide clarity as to its existing authorities and season closure process for GYE grizzly bear management, consistent with its Memorandum of Agreement with Montana and Wyoming.

Kathleen E. Trever

Deputy Attorney General

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From: Willey, Seth
To: Matt Hogan; Jodi Bush; Thabault, Michael; Jennifer Fortin-Noreus; Kasdin, Alexandra
Subject: grizz - 9th circuit quote on relisting
Date: Monday, November 07, 2016 8:06:48 AM
Attachments: Ninth Cir. Grizzly.Opinion.pdf

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pg 26 of the 2011, 9th circuit grizz delisting opinion (attached).

"First of all, we reject out of hand any suggestion that the future possibility of relisting a species can operate as a reasonable justification for delisting. Whatever comfort may be taken in relisting as a safety net, it is no answer to conclude that a species is not threatened simply because it can be relisted if it is threatened."

****
Seth L. Willey
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****

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors,

and

STATE OF WYOMING,
Intervenor-Defendant-Appellant.

No. 09-36100

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS; STATE OF WYOMING,
Defendant-Intervenors,

and

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION,
Defendant-Intervenors-Appellants.

No. 10-35043

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,

Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,

Defendants-Appellants,

and

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS; STATE OF WYOMING,

Defendant-Intervenors.

No. 10-35052

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,

v.

CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,

SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION; STATE OF WYOMING,
Defendant-Intervenors,

and

STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors-Appellants.

No. 10-35053

D.C. No. 9:07-cv-00134-DWM

GREATER YELLOWSTONE COALITION, INC.,
Plaintiff-Appellee,
v.
CHRISTOPHER SERVHEEN, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator; H. DALE HALL, U.S. Fish and Wildlife Service Director; KEN SALAZAR, Secretary of the Interior; U.S. FISH AND WILDLIFE SERVICE,
Defendants,
SAFARI CLUB INTERNATIONAL; SAFARI CLUB INTERNATIONAL FOUNDATION; STATE OF WYOMING; STATE OF MONTANA; MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,
Defendant-Intervenors,
and
NATIONAL WILDLIFE FEDERATION; IDAHO WILDLIFE FEDERATION; MONTANA WILDLIFE FEDERATION; WYOMING WILDLIFE FEDERATION,
Defendant-Intervenors-Appellants.

No. 10-35054
D.C. No. 9:07-cv-00134-DWM
OPINION

Appeals from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Argued and Submitted
March 7, 2011—Portland, Oregon

Filed November 22, 2011

Before: Sidney R. Thomas, Susan P. Graber, and
Richard C. Tallman, Circuit Judges.

Opinion by Judge Tallman;
Partial Concurrence and Partial Dissent by Judge Thomas

COUNSEL

Allen M. Brabender (argued), Coby Howell, U.S. Department of Justice, Washington, DC, for defendants-appellants U.S. Fish and Wildlife Service, et al.

Robert N. Lane, William A. Schenk, Special Assistants to the Attorney General, Helena, Montana, for defendant-intervenor-appellant the State of Montana and Montana Department of Fish, Wildlife, and Parks.

Jay A. Jerde, Deputy Attorney General, Cheyenne, Wyoming, for defendant-intervenor-appellant the State of Wyoming.

Thomas France (argued), National Wildlife Federation, Missoula, Montana; David K.W. Wilson, Jr., Reynolds, Motl, and Sherwood, Helena, Montana, for defendant-intervenor-appellant National Wildlife Federation.

Douglas S. Burdin, Anna M. Seidman, Safari Club International, Washington, DC, for defendant-intervenor-appellant Safari Club International.

Douglas L. Honnold (argued), Timothy J. Preso, Jenny K. Harbine, Earthjustice, Bozeman, Montana; Jack R. Tuholske, Tuholske Law Office PC, Missoula, Montana, for plaintiff-appellee Greater Yellowstone Coalition.

Andrew E. Wetzler, Natural Resources Defense Council, Chicago, Illinois, for amicus curiae Natural Resources Defense Council, Inc.

Robert H. Aland, Winnetka, Illinois, pro se amicus curiae.

OPINION

TALLMAN, Circuit Judge:

This case involves one of the American West's most iconic wild animals in one of its most iconic landscapes. The grizzly bear (*Ursus arctos horribilis*)—so named for the gray-tipped hairs that give it a "grizzled" appearance—is both revered and feared as a symbol of wildness, independence, and massive strength. But while grizzlies may inspire some sense of human vulnerability, history has shown that it is the bears who have often been the more vulnerable ones. During the nineteenth and early twentieth centuries, widespread hunting, trapping, poisoning, and habitat destruction associated with American expansion decimated the grizzly population in the West and relegated the bears to increasingly remote and rugged terrain. Since then, their survival has depended both on their own ability to adapt to their surroundings and on human ability to adapt to their presence. These seemingly irreconcilable tensions have come to a head before us in this appeal.

The Yellowstone region of northwestern Wyoming, southern Montana, and northeastern Idaho is home to a grizzly population, two popular national parks—Yellowstone and Grand Teton—and a network of rural communities built on indus-

tries such as natural resource extraction, ranching, agriculture, and tourism. As such, it has served as a kind of living laboratory for the coexistence of people and grizzlies in close proximity. For much of the twentieth century, Yellowstone National Park's open-pit garbage dumps provided a reliable food source for the bears as well as a convenient bear-viewing opportunity for tourists. After the dumps were closed in the early 1970s due to concerns about encouraging the bears' attraction to human foods, however, grizzly mortality rates skyrocketed. By 1975 the grizzly population decline at Yellowstone and elsewhere prompted the U.S. Fish and Wildlife Service (the "Service") to list the grizzly as "threatened" in the lower 48 states under the Endangered Species Act (ESA).

Since then, the Yellowstone grizzly population has rebounded, as scientists, conservationists and land managers have made unprecedented efforts to study the bear and to change those human attitudes and behaviors that unnecessarily threaten it. These efforts, spearheaded by the Service's Grizzly Bear Recovery Coordinator Dr. Christopher Servheen, culminated in the "Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area" (the "Strategy"), an impressive inter-agency, multi-state cooperative blueprint for long-term protection and management of a sustainable grizzly population. Interagency Conservation Strategy Team, *Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area* (Mar. 2007) *available at* http://www.fws.gov/mountain-prairie/species/mammals/grizzly/Final_Conservation_Strategy.pdf. Shortly after the Strategy's finalization, the Service removed the Yellowstone grizzly from the threatened species list.

The Service's delisting decision, the subject of this appeal, raises a host of scientific, political, and philosophical questions regarding the complex relationship between grizzlies and people in the Yellowstone region. We emphasize at the outset that those are not the questions that we grapple with here. We, as judges, do not purport to resolve scientific

uncertainties or ascertain policy preferences. We address only those issues we are expressly called upon to decide pertaining to the legality of the Service's delisting decision: first, whether the Service rationally supported its conclusion that a projected decline in whitebark pine, a key food source for the bears, does not threaten the Yellowstone grizzly population; and second, whether the Service rationally supported its conclusion that adequate regulatory mechanisms are in place to maintain a recovered Yellowstone grizzly population without the ESA's staunch protections.

As to the first issue, we affirm the district court's ruling that the Service failed to articulate a rational connection between the data in the record and its determination that whitebark pine declines were not a threat to the Yellowstone grizzly, given the lack of data indicating grizzly population stability in the face of such declines, and the substantial data indicating a direct correlation between whitebark pine seed availability and grizzly survival and reproduction. As to the second issue, we reverse the district court and hold that the Service's determination regarding the adequacy of existing regulatory mechanisms was reasonable.

I

Grizzly bears once thrived in a variety of habitats across the western coterminous United States, from the West Coast and Southwest to the Great Plains and Texas. By the time of ESA listing in 1975, however, the grizzly population in the lower 48 states was confined to a few fragments amounting to less than 2% of its formerly contiguous historic range, and its numbers had dwindled from about 50,000 in 1800 to less than 1,000 today. The Yellowstone area grizzly population—unique because it is entirely isolated from larger populations in Canada—was estimated to number between 136 and 312 bears at the time of listing.

As required by the ESA, a Grizzly Bear Recovery Plan was developed by the Service and issued in 1982. The Recovery

Plan aimed to foster viable, self-sustaining grizzly populations in areas known to have been occupied by grizzlies within the preceding ten years, including the Greater Yellowstone Area (GYA) as well as the Northern Continental Divide Ecosystem area of northern Montana, the North Cascades area of northern Washington, and the Selkirk and Cabinet-Yaak areas of northern Idaho, northwestern Montana, and northeastern Washington. Because the Plan's ultimate goal was the delisting of the grizzly, demographic recovery criteria were established in each identified area.

When the Service revised the Recovery Plan in 1993, it delineated a "Recovery Zone" for each region, defined as "an area large enough and of sufficient habitat quality to support a recovered bear population within which habitat and population would be monitored." The revised Plan also included updated demographic recovery criteria and mandated the development of a "conservation strategy" for each grizzly population to guide long-term management after delisting. Habitat-based recovery criteria were appended to the Plan following a successful legal challenge to its adequacy under the ESA. *See Fund for Animals v. Babbitt*, 903 F. Supp. 96 (D.D.C. 1995). The Plan's demographic- and habitat-based recovery criteria continued to be refined during the 1990s and 2000s.

The Plan has been widely regarded as a success and a model for grizzly recovery plans elsewhere. Scientists estimate that the GYA's grizzly population increased at an average rate of 4.2% to 7.6% per year between 1983 and 2002 and expanded its range by 48% between the 1970s and 2000. By 2006, the Service had determined that the Plan's demographic- and habitat-based recovery criteria were being met. Total grizzly population in the GYA was estimated at more than 500 bears, and scientists concluded that grizzlies were approaching Yellowstone National Park's carrying capacity.

Pursuant to the Recovery Plan, the Strategy was developed in order to "guid[e] management and monitoring of the Yellowstone grizzly bear population and its habitat upon recovery and delisting." Its stated purpose was to:

> describe and summarize the coordinated efforts to manage the grizzly bear population and its habitat to ensure continued conservation in the GYA[;] . . . specify the population, habitat, and nuisance bear standards to maintain a recovered grizzly bear population for the foreseeable future; document the regulatory mechanisms and legal authorities, policies, management, and monitoring programs that exist to maintain the recovered grizzly bear population; and document the commitment of the participating agencies.

After undergoing notice and comment, as well as scientific peer review, the Strategy was finalized in March 2007. Eight federal and state entities signed a Memorandum of Understanding agreeing to implement it: the Service; the U.S. Forest Service (the "Forest Service"); the National Park Service (the "Park Service"); the U.S. Geological Survey (USGS); the Bureau of Land Management; the Montana Department of Fish, Wildlife, and Parks; the Wyoming Game and Fish Department; and the Idaho Department of Fish and Game. In addition, the Strategy formally incorporated as appendices the grizzly bear management plans of Montana, Wyoming, and Idaho, each of which was developed in conjunction with the Strategy.

The Strategy redesignated the Yellowstone Recovery Zone as the "Primary Conservation Area" (PCA). The PCA is a 9,210-square-mile area within the GYA, divided into 18 "Bear Management Units," encompassing Yellowstone National Park and surrounding public and some private land. The PCA, which is 98% managed by the Park Service and the Forest Service, includes approximately 51% of all suitable

habitat for the grizzly population in the entire GYA and an estimated 84% to 90% of the GYA's population of female grizzlies with cubs. According to the Strategy, "[t]he PCA will be a secure area for grizzly bears, with population and habitat conditions that have allowed the grizzly bear population to achieve recovery and expand outside the PCA." Outside the PCA, the bears "will be allowed to expand into biologically suitable and socially acceptable areas." These are areas "that are not managed solely for bears but in which their needs are considered along with other uses." According to the Service, the suitable grizzly habitat outside the PCA is roughly 84% federally owned, 6% tribally owned, 1.6% state owned, and 9.5% privately owned.

The Strategy's key mechanisms for maintaining a recovered Yellowstone grizzly population are its population and habitat standards, which are based on the recovery criteria originally set forth in the Recovery Plan. Its population standards are (1) a total population of more than 500 bears; (2) at least 16 of 18 Bear Management Units occupied by at least one female with cubs over a six-year period, with no two adjacent Bear Management Units unoccupied; and (3) annual mortality limits of 9% of adult females (not exceeded in two consecutive years), 15% of adult males (not exceeded in three consecutive years), and 9% of cubs under two years old (not exceeded in three consecutive years). *Final Conservation Strategy*, *supra* at 27.

The Strategy's habitat standards apply only inside the PCA. They are designed to maintain habitat conditions as they existed in 1998, because those conditions were found to have adequately supported a growing bear population throughout the 1990s. The percentage of "secure habitat," defined as contiguous area of at least 10 acres that is more than 500 meters from a motorized access route or helicopter flightline, must be maintained at or above 1998 levels. The number and capacity of developed sites (including campgrounds, visitor services facilities, and resource development operations) and grazing

allotments must be maintained at or below 1998 levels. The Strategy also requires monitoring of vegetation, food availability, and human activities compared to a 1998 baseline.

As for lands outside the PCA, the Strategy notes that the state bear management plans of Wyoming, Montana, and Idaho "recommend and encourage land management agencies to maintain or improve habitats that are important to grizzly bears and to monitor habitat conditions." It also indicates that on national forest land outside the PCA the Forest Service will assess projects that potentially affect the grizzly against the Strategy's habitat standards.

In addition to population and habitat standards, the Strategy establishes protocols for the management of "bear/human conflicts," defined as "incidents in which bears injure people, damage property, kill or injure livestock, damage beehives, obtain anthropogenic foods, or damage or obtain garden and orchard fruits and vegetables." Such conflicts, which ranged in number from 24 to 165 per year in the GYA between 1992 and 2001, are harmful to bears as well as humans because bears involved in serious or repeated conflicts may be killed, captured, or relocated. In the case of conflicts inside the PCA, the Strategy emphasizes the removal of the human cause of the conflict rather than the removal or relocation of the bear. In general, a bear may be removed from the population only if it is involved in repeated conflicts or displays "unnatural aggression," defined as aggression toward humans that is not provoked or defensive. Outside the PCA, conflicts are to be handled in accordance with state management plans, and "more consideration will be given to existing human uses." All bear removals in the GYA, both inside and outside the PCA, must be consistent with the Strategy's mortality limits. To minimize conflicts, the Strategy calls for a coordinated information and education campaign that "facilitates changing inappropriate human behaviors and helps people learn to coexist with bears."

Implementation of the Strategy is to be overseen by the Yellowstone Grizzly Coordinating Committee (the "Committee"), consisting of representatives from each of the Strategy's signatories. Scientific research and monitoring data collection will be conducted by the Interagency Grizzly Bear Study Team (the "Study Team"), a USGS-led team of scientists that has studied the Yellowstone grizzly since 1973. Based on periodic reports from the Study Team, the Committee will evaluate the status of the grizzly population. Any deviations from the Strategy's standards will trigger a six-month investigation by the Study Team known as a "Biology and Monitoring Review," which may result in recommendations for changes to the Strategy or, in the case of a serious threat to the grizzly population, a petition for relisting under the ESA.

Based on the attainment of the Recovery Plan's demographic- and habitat-based recovery criteria and the finalization of the Strategy as a long-term conservation plan, the Service proposed the removal of the Yellowstone grizzly from the ESA's threatened species list. After notice and comment, the Service published its "Final Rule Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife" (the "Rule") in March 2007. 72 Fed. Reg. 14,866-01 (Mar. 29, 2007). The delisting determination applied only to the Yellowstone grizzly population, which was designated as a "distinct population segment" of North American grizzly in the same Rule. *Id.*

On November 13, 2007, the Greater Yellowstone Coalition (GYC), a non-profit conservation organization based in Bozeman, Montana, filed a lawsuit in the United States District Court for the District of Montana challenging the Service's Rule as arbitrary, capricious, and unlawful under the ESA. GYC claimed that (1) there were not adequate regulatory mechanisms in place to protect the grizzly; (2) the Service failed to consider the grizzly's historic range, rather than its current range, when it assessed whether the grizzly was

threatened by habitat loss; (3) the Service failed to adequately consider the impacts of global warming and mountain pine beetle infestation on the vitality of the region's whitebark pine trees; and (4) the Yellowstone grizzly population is too small to be delisted because it lacks sufficient genetic diversity to be self-sustaining. The States of Wyoming and Montana intervened as defendants, as did the National Wildlife Federation, a non-profit wildlife conservation organization, and Safari Club International, a non-profit hunters' rights and wildlife conservation organization.

On September 21, 2009, the district court granted summary judgment to GYC on its first and third claims, holding that the Service had failed to rationally support its conclusions that adequate regulatory mechanisms were in place to protect the grizzly and that declines in whitebark pine did not threaten the grizzly.[1] Based on these rulings, the district court vacated and remanded the Rule. The Service appeals.

II

We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's grant of summary judgment. *Suever v. Connell*, 579 F.3d 1047, 1055 (9th Cir. 2009). Our review of an agency's compliance with the ESA is governed by the Administrative Procedure Act (APA). *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 901 (9th Cir. 2002). Under the APA, we hold unlawful and set aside only those agency actions found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Under this deferential standard, our job is not to substitute our judgment for that of the agency, but "is simply to ensure that the agency considered the relevant factors and articulated a rational connection between the facts found and the choices made." *Nw. Ecosystem Alliance v. U.S. Fish &*

[1]The district court granted summary judgment to the Service on the other two claims, which are not at issue in this appeal.

Wildlife Serv., 475 F.3d 1136, 1140 (9th Cir. 2007) (internal quotation marks omitted); *see Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983) ("[A]n agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.").

III

[1] The ESA, enacted in 1973, directs the Secretary of the Interior to maintain a list of all "threatened" and "endangered" species. 16 U.S.C. § 1533(c)(1). An endangered species is one that is "in danger of extinction throughout all or a significant portion of its range." *Id.* § 1532(6). A threatened species is one that is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." *Id.* § 1532(20). A species must be listed if it is determined to be endangered or threatened because of any one or a combination of the following factors:

> (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
>
> (B) overutilization for commercial, recreational, scientific, or educational purposes;
>
> (C) disease or predation;
>
> (D) the inadequacy of existing regulatory mechanisms; or
>
> (E) other natural or manmade factors affecting its continued existence.

Id. § 1533(a)(1); 50 C.F.R. § 424.11(c). Listed species receive near-absolute legal protection against "taking," which includes harassment, harm, hunting, killing, and significant habitat modification or degradation. 16 U.S.C. §§ 1532(19), 1538(a)(1)(B); 50 C.F.R. § 17.3. A major goal of the ESA's protections is recovery of threatened and endangered species such that they can be removed from the list. 16 U.S.C. § 1533(f)(1); 50 C.F.R. § 424.11(d)(2). Delisting requires a determination that none of the above five factors threatens or endangers the species. 50 C.F.R. § 424.11(d). Both listing and delisting determinations must be made "solely on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such determination." *Id.* § 424.11(b).

The Secretary of the Interior has delegated to the Service the authority to administer the ESA. *Id.* § 402.01(b). In this appeal, GYC challenges the Service's determinations in its delisting Rule that the Yellowstone grizzly bear is not threatened by (1) whitebark pine declines under § 1533(a)(1)(E) ("Factor E"); or (2) inadequate existing regulatory mechanisms under § 1533(a)(1)(D) ("Factor D"). We consider both issues.

A

In the Rule's analysis of Factor E, "other natural or man-made factors affecting [the grizzly's] continued existence," the Service concluded that "any changes in whitebark pine production . . . are not likely to impact the [Yellowstone grizzly] to the point where [it] is likely to become endangered within the foreseeable future throughout all or a significant portion of its range." 72 Fed. Reg. at 14,929. The district court ruled that the Service failed to articulate a rational connection between the science it relied upon and its conclusion.

Based on our review of the Rule and the record before the agency at the time it was published,[2] we agree.

[2] On the basis of the information the Service presents in the Rule, it cannot reasonably be denied that whitebark pine loss presents at least a potential threat to the Yellowstone grizzly population. First, whitebark pine seeds are identified as one of four food sources "important to grizzly bear survival and reproductive success" in the GYA, along with winter-killed ungulates (hoofed mammals), spawning cutthroat trout, and army cutworm moths. 72 Fed. Reg. at 14,867. The pine seeds "serve as an important fall food due to their high fat content and abundance as a pre-hibernation food," and the bears consume them "extensively" and even "predominantly" when they are available. *Id.* at 14,867, 14,868. This food source permits the bears to efficiently add weight and store fat before they hibernate for the winter.

[3] Second, the Service acknowledges "concern[ ] that there will be future changes in whitebark pine abundance" because of stresses on the trees from mountain pine beetles and white pine blister rust, both of which may be exacerbated by climate change. *Id.* at 14,929. According to the Rule, "[d]uring the last 2 to 4 years, there has been an epidemic of mountain pine beetles in whitebark pine in the GYA" and aerial survey data have indicated that approximately 16% of the GYA's whitebark pine has experienced "some level of mortality" as a result. *Id.* at 14,928. In addition, the Rule notes that blister rust "also contributes to whitebark pine declines" and reports a study estimating that "roughly 25 percent of all

[2]Of course, we cannot and do not consider any reports or studies that have been compiled since the Rule was published in March of 2007. Under the APA, we may consider only the record that was before the agency at the time the challenged decision was made. *See* 5 U.S.C. § 706; *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 420 (1971), *overruled on other grounds by Califano v. Sanders*, 430 U.S. 99, 105 (1977).

whitebark pine trees in the GYA are currently infected to some level." *Id.* at 14,928-29.

As to climate change, the Rule refers to "a general consensus among the world's best scientists that climate change is occurring" and points out that "[t]he magnitude of warming in the northern Rocky Mountains has been particularly great." *Id.* at 14,927. According to the Rule, "[t]he most substantial way in which changing climate conditions may affect whitebark pine is through outbreaks of native mountain pine beetles that might not continue to be regulated by extremely cold winters, and an increased prevalence of white pine blister rust." *Id.* at 14,929. Thus, "a changing climate may shift the overall distribution of whitebark pine north and higher in elevation, resulting in local extinction and reduced overall distribution in the GYA." *Id.* While the Service does not anticipate that whitebark pine will disappear entirely from the GYA in the foreseeable future, *id.*, one of the studies upon which it relies concludes that "as long as climate warming continues, whitebark pine as a species and ecosystem is at high risk for loss over much of its geographic distribution," including the Yellowstone area. Jesse A. Logan, *Climate Change Induced Invasions by Native and Exotic Pests*, USFS Rocky Mountain Research Station (2006).

Finally, of critical importance here, the Rule repeatedly acknowledges a "well-documented association" between reduced whitebark pine seed abundance and increased grizzly mortality. 72 Fed. Reg. at 14,899; *see, e.g.*, *id.* at 14,933 (noting that whitebark pine "has been linked to grizzly bear survival and reproduction"); *id.* at 14,868 ("During poor whitebark pine years, grizzly bear/human conflicts are more frequent, resulting in higher numbers of human-caused grizzly bear mortalities due to defense of life or property and management removals of nuisance bears."); *id.* at 14,929 (noting that "studies suggest a decrease in whitebark pine can change both grizzly bear spatial distribution and the number of bear/human conflicts"). In short, when whitebark pine seeds

are scarce, grizzlies range more widely in search of food, and contacts between bears and humans increase substantially. Numerous scientific studies and reports cited in the Rule document this connection.[3] The Rule also reports that pine seed unavailability can result in reduced female reproductive success. *Id.* at 14,932.

[4] Based on the evidence of a relationship between reduced whitebark pine seed availability, increased grizzly mortality, and reduced grizzly reproduction, it is logical to conclude that an overall decline in the region's whitebark pine population would have a negative effect on its grizzly bear population. The Service advances several rationales in the Rule to support its conclusion that food shortages caused by whitebark pine declines are nonetheless "not a threat" to the Yellowstone grizzly. *Id.* at 14,932. Below, we explain why we find all of them lacking.

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[3]*See* Laura A. Felicetti et al., *Use of Sulfur and Nitrogen Stable Isotopes to Determine the Importance of Whitebark Pine Nuts to Yellowstone Grizzly Bears*, 81 Canadian J. Zoology 763, 763 (2003) ("Grizzly bear survival in the Greater Yellowstone Ecosystem is strongly linked to variation in pine-nut availability."); David J. Mattson et al., *Yellowstone Grizzly Bear Mortality, Human Habituation, and Whitebark Pine Seed Crops*, 56 J. Wildlife Mgmt. 432, 436 (1992) (in years of low whitebark pine seed use by bears, 1.9 times as many human-caused bear deaths occurred); David J. Mattson et al., *Food Habits of Yellowstone Grizzly Bears, 1977-1987*, 69 Canadian J. Zoology 1619, 1627 (1991) ("[D]uring years when pine seed production is low, grizzly bears come into greater contact with humans and more bears are killed."); Charles C. Schwartz et al., *Grizzly Bear*, in Wild Mammals of North America 556, 569 (G.A. Feldhammer et al. eds., 2003) ("[M]ost [bear/human] conflicts occur during years when important natural foods fail."); John L. Weaver et al., *Resilience and Conservation of Large Carnivores in the Rocky Mountains*, 10 Conservation Biology 964, 971 (1996) ("During years of poor production of berries and pine seeds, bears respond by substituting lower quality foods. . . . In the face of a shortfall in nutritious foods, bears move widely in search of food, which may bring them into contact with humans. This substantially increases the risk of direct human-caused mortality.").

First, the Service points out that grizzlies "are notoriously resourceful omnivores that will make behavioral adaptations regarding food acquisition." *Id.* at 14,932. While this uncontroversial assertion is adequately supported by science, it fails to address the heart of the threat that whitebark pine loss poses to the bears: increased proximity to humans when bears *do* adapt to seed shortages by seeking substitute foods. As the Rule itself recognizes just a few paragraphs later, "[t]he potential threat from decreases in whitebark pine cone production is not one of starvation, but one of larger home range size and movements," which "may result in increased conflicts with humans and increased mortality, as well as lower reproductive success the following year as females produce smaller litters." *Id.* That the bears are likely to seek alternate foods in the face of whitebark pine decline is a part of the problem, not an answer to it.

Second, the Service suggests that, even if there is a link between whitebark pine seed unavailability and *individual* mortality, there is no indication that the grizzly *population* will be negatively affected by seed shortages, because it has increased over the past three decades despite the fact that whitebark pine cone production has "varied dramatically" from year to year. *Id.* As explained by the Rule, "[b]ecause of the life history strategy of whitebark pine, which naturally exhibits extreme annual variability in cone production, grizzly bears have always had to cope with a high degree of uncertainty regarding this food resource." *Id.* The problem with this rationale is that the study on which the Service relied to demonstrate long-term grizzly population growth included data only until 2002, *before* the "epidemic of mountain pine beetles" began to kill the region's whitebark pines. *Id.* at 14,871, 14,928. It is not rational for the Service to rely on grizzly population trend data from a time of natural pine seed *variability* in order to predict the effect on the grizzly population of an overall whitebark pine tree *decline*.[4]

[4]Two other studies warrant mention here. First, the Rule cites to "Schwartz *et al.* 2006b" to support its assertion that the Yellowstone griz-

Another rationale presented in the Rule for why whitebark pine loss does not threaten the Yellowstone grizzly population is that a different grizzly population in the Northern Continental Divide Ecosystem in northern Montana "has continued to increase and thrive since the 1980s despite severe declines in whitebark pine communities in the last 50 years." *Id.* at 14,932. However, the force of this comparison is undercut by the fact that, in the very same Rule, the Service designates the Yellowstone grizzly as a "distinct population segment" of North American grizzly, based in part on its unique dependence on whitebark pine rather than, for example, berry-producing shrubs, which are relatively uncommon in the

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zly population "has continued to increase and expand" as whitebark pine seed production has varied. *Id.* at 14,932. But that study, entitled "Distribution of grizzly bears in the Greater Yellowstone Ecosystem in 2004," is about changing population distribution, not changing population size. *See* Charles C. Schwartz et al., *Distribution of grizzly bears in the Greater Yellowstone Ecosystem in 2004*, 17 Ursus 63 (2006). In fact, it specifically cautions that the bear distribution map it presents "is not a reflection of bear density within this area." *Id.* The Service does not explain how a wider population distribution is indicative of a population increase, especially given that the Rule explicitly states that "home range expansion" as bears range more widely in search of food represents a potential threat from low whitebark seed production. *See* 72 Fed. Reg. at 14,932.

Second, the federal defendants' reply brief points to a modeling study suggesting that poor whitebark pine seed years lead only to a decline in the rate of grizzly population *growth*, and not a decline in overall population. *See* Charles C. Schwartz et al., *Impacts of Spatial and Environmental Heterogeneity on Grizzly Bear Demographics in the Greater Yellowstone Ecosystem*, in Demographics of the Yellowstone Grizzly 57 (Schwartz et al., eds., 2006). Putting aside the fact that poor whitebark pine seed years are not necessarily analogous to overall loss of whitebark pine trees, this study is nowhere mentioned or cited in the Rule's discussion of Factor E. "It is well-established that an agency's action must be upheld, if at all, on the basis articulated by the agency itself," not post-hoc rationalizations. *State Farm*, 463 U.S. at 50. If the Service relied on this study in making its determination, it did not adequately connect the dots in the Rule such that its "path may reasonably be discerned." *Id.* at 43 (internal quotation marks omitted).

GYA compared to other regions. *Id.* at 14,878. Indeed, the record before us includes a 2007 fact sheet authored by Recovery Coordinator Servheen noting that the difference in the range of foods eaten by the bears in these two regions "makes direct comparisons of the impacts of the loss of [whitebark pine] uncertain."

We recognize that the Service is the best judge of how comparable these two regions might ultimately be. However, we think it irrational for the Service to determine on the one hand that the Yellowstone grizzly population is sufficiently distinct to warrant independent delisting consideration, and then on the other base its delisting determination on observations pertaining entirely to a different population. We therefore conclude that this comparison is insufficient to support the Service's determination that whitebark pine declines do not threaten the Yellowstone grizzly.

The Service also claims that even if projected whitebark pine losses occur, there will still be adequate habitat in the Yellowstone region to support a recovered grizzly population. Specifically, the Rule notes that whitebark pine is expected to persist in high-elevation areas such as the eastern half of the PCA and 1,138 square miles of protected habitat in the Wind River Mountains. *Id.* at 14,929. According to the Rule, these "reserve" areas provide suitable grizzly habitat and "increase[ ] the resiliency of the Yellowstone [grizzly population] to future changes in whitebark pine availability." *Id.* at 14,929, 14,930. But heavy reliance on some subset of the habitat within the PCA, or on habitat outside the PCA, to mitigate the impact of widespread whitebark pine decline is simply not rational given that the Service has defined the entire 9,210-square-mile PCA as the area "*necessary* to support the recovered grizzly population." *Id.* at 14,914 (emphasis added). Having determined what is "necessary," the Service cannot reasonably rely on something less to be enough.

The Service's ultimate (and understandable) conclusion is that it simply does not yet know what impact whitebark pine

declines may have on the Yellowstone grizzly. As the Rule acknowledges, "the specific amount of decline in whitebark pine distribution and the rate of this decline are difficult to predict with certainty. The specific response of grizzly bears to declines in whitebark cone production is even more uncertain." *Id.* at 14,929. We recognize that scientific uncertainty generally calls for deference to agency expertise. *See Lands Council v. McNair*, 537 F.3d 981, 993 (9th Cir. 2008) (en banc) ("We are to be most deferential when the agency is making predictions, within its area of special expertise, at the frontiers of science." (internal quotation marks and brackets omitted)).

But we nonetheless have a responsibility to ensure that an agency's decision is not arbitrary. *See id.* It is not enough for the Service to simply invoke "scientific uncertainty" to justify its action. As the Supreme Court has explained, "[r]ecognizing that policymaking in a complex society must account for uncertainty . . . does not imply that it is sufficient for an agency to merely recite the terms 'substantial uncertainty' as a justification for its actions." *State Farm*, 463 U.S. at 52. The Service must rationally explain why the uncertainty regarding the impact of whitebark pine loss on the grizzly counsels in favor of delisting now, rather than, for example, more study. *See id.* Otherwise, we might as well be deferring to a coin flip.

The Service relies heavily on "adaptive management" to justify its decision to delist the grizzly despite the scientific uncertainty.[5] According to the Rule, the Study Team and other

[5]The Service has defined "adaptive management" as "a structured process for learning by doing" and "a method for examining alternative strategies for meeting measurable biological goals and objectives, and then, if necessary, adjusting future conservation management actions according to what is learned." Notice of Availability of a Final Addendum to the Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, 65 Fed. Reg. 35,242-01, 35,252 (June 1, 2000). Commentators

scientists "will continue to monitor the abundance and distribution of major grizzly bear foods such that any decline in the grizzly bear population as a result of these declines is detected in a sufficient time and addressed through adaptive management actions by the Coordinating Committee." 72 Fed. Reg. at 14,933. The Service explains that any biologically significant decline in an important food such as whitebark pine would be reflected in changes in mortality rates of independent females, litter size, and cub survival. If food declines occur and the Study Team "concludes these are related to significant increases in known and probable bear mortalities, and that such increases could threaten the grizzly population, the Study Team would recommend appropriate management responses to the Coordinating Committee, or submission of a relisting petition." *Id.*

[5] First of all, we reject out of hand any suggestion that the future possibility of relisting a species can operate as a reasonable justification for delisting. Whatever comfort may be taken in relisting as a safety net, it is no answer to conclude that a species is not threatened simply because it can be relisted if it is threatened. But there is no explanation of what the other "management responses" referred to might be, or why they would be reasonably likely to mitigate population declines caused by whitebark loss.[6] For adaptive management

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have noted that, while adaptive management has become the dominant agency response to scientific uncertainty, it can be difficult to evaluate against the substantive requirements of environmental laws such as the ESA. *See* J.B. Ruhl & Robert L. Fischman, *Adaptive Management in the Courts*, 95 Minn. L. Rev. 424, 472 (2010).

[6]Elsewhere in the Rule, the Service discusses "short-term" management responses to "poor whitebark pine production years," including:

> immediate limitation on all discretionary mortalities; enhanced outreach and education to minimize bear/human conflicts and the availability of attractants in bear habitat that might promote such conflicts; notice to residents and users of bear habitat about the

of a potential threat to suffice as a basis for a delisting determination, we believe that more specific management responses, tied to more specific triggering criteria, are required. *See, e.g.*, *Natural Res. Def. Council v. Kempthorne*, 506 F. Supp. 2d 322, 341 (E.D. Cal. 2007) (rejecting an adaptive management plan under the ESA when it did not include "defined action criteria"). Just as it is not enough simply to invoke "scientific uncertainty" to justify an agency action, it is not enough to invoke "adaptive management" as an answer to scientific uncertainty.

The Strategy establishes an intensive management and monitoring framework but, unfortunately, it was not developed to be responsive to whitebark pine declines. In fact, it does not even specifically discuss them. The Strategy grew out of the successful management regime that was developed during the 1980s, 1990s, and early 2000s, and it may be entirely reasonable to conclude that it adequately addresses potential threats that were apparent during that time, such as natural resource extraction, tourism, and annual variation in whitebark pine seed production. However, widespread whitebark pine loss, which did not begin until approximately 2002, was simply not one of those threats. Because the Strategy was

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> possible increased foraging of bears in peripheral habitats; detailed monitoring of food habit shifts and possible changes in home range size and locations . . . ; limitation of human activities in new or expanded feeding areas . . . ; and requests for a status review and/or immediate emergency relisting.

72 Fed. Reg. at 14,891. The only proposed responses to an overall loss of whitebark pine are replanting and recruitment of whitebark pine and enhancement of habitat outside the PCA where healthy whitebark pine may be available. As to the first, the Service provides no explanation as to why replanted whitebark pine is not subject to the same landscape-wide threats as existing whitebark pine, such as pine mountain beetle infestation. Moreover, there necessarily is a time lag before newly planted trees mature. As to the second, as previously explained, reliance on habitat outside the PCA contradicts the Service's own definition of the PCA as the area necessary to support a recovered grizzly population.

not developed to address whitebark pine declines, its effectiveness as a response is speculative.

The Yellowstone grizzly has been the focus of a laudable, decades-long cooperative research effort—one that we hope continues. It may be that scientists will compile data demonstrating grizzly population stability in the face of whitebark pine declines. Such information, however, simply is not in the record before us. The lack of any data showing a population decline due to whitebark pine loss is not enough. *See Tucson Herpetological Soc'y v. Salazar*, 566 F.3d 870, 879 (9th Cir. 2009) ("If the science on population . . . trends is undeveloped and unclear, the Secretary cannot reasonably infer that the absence of evidence of population decline equates to evidence of persistence."). The Rule presents no data indicating that whitebark pine declines will not threaten the Yellowstone grizzly population, and considerable data—demonstrating a relationship between pine seed shortages, increased bear mortality, and decreased female reproductive success—pointing in the opposite direction. *See State Farm*, 463 U.S. at 57 (rejecting agency rationale when "every indication in the record points the other way" (internal quotation marks omitted)).

[6] Perhaps the Service's delisting process, based on two decades of grizzly population growth, was well underway before the whitebark pine loss problem appeared on the radar and could be studied. But now that this threat has emerged, the Service cannot take a full-speed ahead, damn-the-torpedoes approach to delisting—especially given the ESA's "policy of institutionalized caution." *Ariz. Cattle Growers' Ass'n v. Salazar*, 606 F.3d 1160, 1167 (9th Cir. 2010) (internal quotation marks omitted), *cert. denied*, 131 S. Ct. 1471 (2011). The Rule did not articulate a rational connection between the data before it and its conclusion that whitebark pine declines were not likely to threaten the Yellowstone grizzly bear. Therefore, we affirm the decision of the district court on this ground.

B

The ESA's five-factor listing and delisting framework also requires the Service to determine whether a species is threatened because of "the inadequacy of existing regulatory mechanisms." 16 U.S.C. § 1533(a)(1)(D). The Service concluded that adequate regulatory mechanisms were in place to maintain a recovered Yellowstone grizzly population after delisting. 72 Fed. Reg. at 14,923. The district court held that the Service relied on too many measures that were not legally binding and failed to explain adequately how the legally binding measures would protect the grizzlies. Because we find adequate support in the Rule for the Service's conclusion, we reverse the district court on this ground.

The parties dispute whether the Strategy or associated state plans are themselves appropriately considered "regulatory mechanisms." We have previously held that the Service could consider protective measures in a multi-agency, multi-state conservation agreement in its assessment of delisting Factor A, "the present or threatened destruction, modification, or curtailment of [a species'] habitat or range." 16 U.S.C. § 1533(a)(1)(A); *see Tucson Herpetological Soc'y*, 566 F.3d at 879. Although this holding suggests that measures implemented pursuant to such agreements are not a legal nullity, we have never squarely considered whether a conservation agreement qualifies as a "regulatory mechanism" under Factor D. District courts have held that voluntary, unenforceable measures in conservation plans are not "regulatory mechanisms." *See Or. Natural Res. Council v. Daley*, 6 F. Supp. 2d 1139, 1153-56 (D. Or. 1998).

[7] But we need not decide whether the Strategy itself, as a whole, constitutes a "regulatory mechanism." Even assuming that the Service's consideration of the Strategy's voluntary or unenforceable components was error, its consideration of components of the Strategy that have been made legally binding adequately supports its Factor D determination. *See*

Tucson Herpetological Soc'y, 566 F.3d at 880 (proceeding to assess agency's delisting determination after setting aside those portions of the determination found to be erroneous).

Most importantly, the Service has pointed to the incorporation of certain of the Strategy's standards into the National Park Superintendents' Compendia and National Forest Plans (NFPs). For example, the Rule explains that the Park Service "has incorporated the habitat, population, monitoring, and nuisance bear standards described in the Strategy into their Superintendent's Compendium for each affected National Park." 72 Fed. Reg. at 14,924. Judge Thomas's contention that "there is not a single federal or state law or regulation that provides the means for enforcing the Strategy's morality standards," *see Dissent* at 20360, ignores the import of this fact. A Park Superintendent's Compendium "operat[es] as a summary of the rulemaking implemented under the discretionary authority of the Park Superintendent" in a particular National Park, and consists of regulations which augment the generally applicable Park Service regulations published in Title 36 of the Code of Federal Regulations. *Mausolf v. Babbitt*, 125 F.3d 661, 664 n.4 (8th Cir. 1997); *see* 36 C.F.R. §§ 1.5(a), 1.7(b). Therefore, the incorporation of the Strategy's population standards into the Yellowstone and Grand Teton National Park Superintendent's Compendia gives these standards—which include mortality limits, *see Final Conservation Strategy*, *supra*, at 173-74, 178-81-federal regulatory force, and the Park Service must adhere to them. *See Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003) (noting that federal agencies must follow their own rules).

The situation is similar on National Forest lands, because the Strategy's habitat standards will be incorporated into legally enforceable National Forest Plans for all national forest land within the PCA upon delisting. 72 Fed. Reg. at 14,923. Management of national forest lands "must be consistent with the governing forest plan." *See Greater Yellowstone Coal. v. Lewis*, 628 F.3d 1143, 1149 (9th Cir. 2010) (citing 16

U.S.C. § 1604(i)). *See, e.g., Greater Yellowstone Coal.*, 628 F.3d at 1149-50 (legal challenge against the Forest Service for failure to comply with an NFP).

That the Forest and Park Services are legally bound to uphold key Strategy standards within the PCA is highly significant because these agencies collectively own and manage 98% of the land there. 72 Fed. Reg. at 14,874. And as the Rule indicates, the PCA has been shown to support the vast majority of the Yellowstone grizzly population. *Id.* Furthermore, even beyond the boundaries of the PCA, binding regulatory mechanisms protect a significant portion of the suitable grizzly habitat. In particular, the Rule explains that

> roughly 30 percent of all suitable habitat outside of the PCA is within a designated Wilderness Area . . . . The Wilderness Act of 1964 does not allow road construction, new livestock allotments, or new oil, gas, and mining developments within designated Wilderness areas; therefore, about 6,799 sq km (2,625 sq mi) will remain secure habitat . . . . This secure suitable habitat is biologically significant to the Yellowstone [grizzly] because it will allow population expansion into these areas that are minimally impacted by humans.

Id. at 14,924.

The Rule also cites to a wide range of other rules, regulations, and laws, both state and federal, which could facilitate the protection of the grizzly bear and the implementation of the Strategy.[7] The breadth of these measures is a tribute to the

[7]Judge Thomas faults the Service for citing to state laws that "allow the killing of bears." *Dissent* at 20363. We simply point out that these laws "allow the killing of bears" only under state regulation—such as with hunting licenses that are subject to annual limits—and thus enable the state to exercise some control over grizzly mortality. Therefore, we think it entirely appropriate that the Service considered them in its discussion of laws that facilitate the implementation of the Strategy.

comprehensive multi-jurisdictional cooperative effort between federal and state agencies, as well as private interest groups. The multi-state commitment to implement the Strategy represents a substantial wildlife conservation planning achievement —and one that, we have no doubt, ultimately improves the lot of the Yellowstone grizzly bear. For purposes of the Factor D determination, however, we need not, and do not, consider those measures, some or all of which may not be binding, because we hold that the clearly binding regulatory mechanisms discussed above suffice.

[8] The National Forest Plans and National Park Compendia make legally binding the Strategy's standards on 98% of the critical PCA and are buffered by the legal protections afforded by the Wilderness Act on a significant portion of grizzly habitat outside the PCA. In light of these measures, we believe the Service could reasonably conclude that adequate regulatory mechanisms exist to protect the Yellowstone grizzly bear. Importantly, we recognize that delisting cannot require the imposition of legal protections commensurate with those provided by the ESA itself. After all, the ESA expressly aims for species recovery to the point where its own measures are "no longer necessary," 16 U.S.C. § 1532(3), thus contemplating that something less can be enough to maintain a recovered species. It is therefore reasonable to conceive of "adequate" regulatory mechanisms as offering a recovered species something less than the stalwart protections of the ESA, but considerably more than no special protection at all. We believe that the Service could rationally conclude that the regulatory framework described in the Rule is sufficient to sustain a recovered Yellowstone grizzly bear population. On this issue, we reverse the district court.

IV

We affirm the district court's grant of summary judgment in favor of Greater Yellowstone Coalition on the issue of whether the Service rationally supported its determination that

potential whitebark pine declines did not threaten the Yellowstone grizzly bear. This is sufficient to affirm the district court's judgment vacating the Rule. However, we reverse the district court's grant of summary judgment in favor of Greater Yellowstone Coalition as to the Service's determination that existing regulatory mechanisms are adequate to protect a recovered Yellowstone grizzly population, and we direct the district court to enter summary judgment in favor of the governmental Appellants on that issue. We remand to the district court for further proceedings consistent with this Opinion.

Costs are awarded to Plaintiff-Appellee.

AFFIRMED in part; REVERSED AND REMANDED in part

THOMAS, Circuit Judge, concurring in part and dissenting in part:

I agree with the majority that the U.S. Fish and Wildlife Service (the "Service") did not, in its delisting rule,[1] articulate a rational connection between the record data and its determination that whitebark pine declines were not likely to threaten the Yellowstone grizzly bear. Unlike the majority, I would hold that the agency also erred in concluding the Yellowstone grizzly is not threatened by "the inadequacy of regulatory mechanisms." 16 U.S.C. § 1533(a)(1)(D) ("Factor D").[2]

[1]Final Rule Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife. 72 Fed. Reg. 14,866 (Mar. 29, 2007) ("Rule").

[2]The whitebark pine holding suffices to affirm the district court's judgment vacating the Rule. *Greater Yellowstone Coal., Inc. v. Servheen*, 672 F. Supp. 2d 1105 (D. Mont. 2009). Therefore, it is unnecessary to assess the Service's Factor D analysis. However, because the majority has opined on the issue, I will as well.

Therefore, I would affirm the district court's decision in its entirety.

I

The Service did not fulfill its regulatory responsibility in determining that existing regulatory mechanisms were sufficient to protect the Yellowstone grizzly. Not only did the Service rely on voluntary, rather than "regulatory," measures, but it did not explain adequately how existing regulatory mechanisms actually prevent grizzly bear mortality. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *Pac. Coast Fed'n of Fishermen's Ass'ns v. U.S. Bureau of Reclamation*, 426 F.3d 1082, 1091 (9th Cir. 2005).

A

In response to dramatic grizzly bear population declines, the Service listed the grizzly as "threatened" under the Endangered Species Act in 1975. Since that time, the Service has repeatedly recognized the need for binding conservation measures that safeguard grizzlies from the threats which led to their decline. Amendment Listing the Grizzly Bear of the 48 Conterminous States as a Threatened Species, 40 Fed. Reg. 31,734, 31,734 (July 23, 1975); 72 Fed. Reg. at 14,922.

In the Greater Yellowstone Area, where grizzly populations were in jeopardy, the need for binding conservation measures and mortality controls has remained paramount. *See* 72 Fed. Reg. at 14,868, 14,871, 14,922. As the Service explained in its brief:

> Because the lack of adequate mortality and habitat standards contributed to the grizzly bears decline and ultimate listing, the Service and its State and federal partners spent over a decade developing the Conservation Strategy, which, among its other protections,

> imposes *strict mortality limits* and many *legally enforceable habitat standards* on its state and federal signatories.

(Emphasis added.)

In its Factor D determination, however, the Service relied on a number of voluntary, rather than "regulatory," measures. Chief among these is the "Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area" ("Strategy"),[3] upon which the Service tells us it "largely based" its analysis.[4] Indeed, the Service lauds the Strategy's "strict mortality limits" as one of its "key tenets." But under the Rule, compliance with the Strategy is purely voluntary. *See* 72 Fed. Reg. at 14,904 ("[T]he Strategy cannot legally compel any of the signatories to implement management policies or obligate funding."). There is not a single federal or state law or regulation that provides a means for enforcing the Strategy's mortality standards.[5] *Id.* at 14,922-26. Rather, if the grizzly population becomes threatened, the agency is to review the situation and call a committee meeting.[6] And that only occurs if the mortal-

[3]Interagency Conservation Strategy Team, *Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area* (Mar. 2007) *available at* http://www.fws.gov/mountain-prairie/species/mammals/grizzly/yellowstone.htm.

[4]Because the Service offered the Strategy as a primary basis for its Factor D determination, "we cannot readily say" that this error "clearly had no bearing on the Secretary's ultimate decision" to delist. *Tucson Herpetological Soc'y v. Salazar*, 566 F.3d 870, 880 (9th Cir. 2009).

[5]The Service claims the incorporation of the Strategy's standards into National Forest Plans and National Park Superintendent's Compendia afford the Strategy the force of law. But the National Forest Plans only incorporate the Strategy's habitat standards and contain no mechanism to enforce mortality limits.

[6]More specifically, when a deviation from the Strategy's mortality standards occurs, it triggers a non-binding "Biological and Monitoring Review," to be completed and made public within six months of initiation. 72 Fed. Reg. at 14,925. Then, the "multi-agency Yellowstone Grizzly

ity limits are exceeded for at least two years. 72 Fed. Reg. at 14,925.

The Service's reliance on voluntary action is contrary to law. The phrase "regulatory mechanism" plainly does not encompass voluntary, unenforceable measures such as the Strategy and many of its components. *Or. Natural Res. Council v. Daley*, 6 F. Supp. 2d 1139, 1155 (D. Or. 1998) (interpreting 16 U.S.C. § 1533(a)(1)(D) to mean that "the [agency] must base its decision on current, enforceable measures"). The Service therefore erred by considering the Strategy's voluntary and unenforceable components in its Factor D determination. Good intentions are not rules of law. Unenforceable aspirational goals are not regulatory mechanisms. Promises to monitor, review, and convene committees do not satisfy the statutory requirement. *See Norton v. So. Utah Wilderness Alliance*, 542 U.S. 55, 72 (2004) (noting that monitoring is not a legally binding commitment under the APA). Thus, the Rule must be vacated for non-compliance with 16 U.S.C. § 1533(a)(1)(D). *See State Farm*, 463 U.S. at 43 ("[A]n agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider . . . .").

B

The Service's analysis of existing laws and regulations is also flawed. Notably, the Rule does not explain how these measures prevent excessive grizzly bear mortality. Given the Service's view that mortality control is "a key part of any successful management effort," 72 Fed. Reg. at 14,871; *see also*

Coordinating Committee" responds to the Review, and "if the desired population and habitat standards specified in the Strategy cannot be met . . . the Coordinating Committee will petition [the Service] for relisting." *Id.* However, as the majority also recognizes, the "suggestion" of a future relisting does not "operate as a reasonable justification for delisting."

Strategy, *supra* note 3, at 31, its failure to account for regulatory mechanisms addressing mortality renders the Rule arbitrary and capricious. *See State Farm*, 463 U.S. at 43 ("[A]n agency rule would be arbitrary and capricious if the agency has . . . entirely failed to consider an important aspect of the problem.").

Citing to the Strategy, the Rule refers to 40 "Federal laws, rules, guidelines, strategies, and reports and 33 State laws, statutes, and regulations" applicable to management of the Yellowstone grizzly population. 72 Fed. Reg. at 14,922-23. The list sounds impressive, but the Rule is silent as to how these measures actually protect the grizzly. In fact, the vast majority of the cited laws and regulations predate the original listing and thus failed to protect the grizzly 35 years ago. The Service does not explain why these old laws now offer sufficient protection, despite the fact that the Service is required to consider the same factors in delisting as when listing. 16 U.S.C. § 1533(a)(1); 50 C.F.R. § 424.11(d).

Moreover, most of the listed laws and regulations do not specifically relate to grizzly protection; rather, they involve generic environmental and resource management. For example, one does not often think of a federal act establishing a highway between national parks as a statute aimed at protecting the grizzly, and yet this law is among those cited by the Strategy.[7] So is the Sikes Act of 1960, which provides for cooperative resource management on military reservations.[8]

---

[7] *See* Appendix J *in* Strategy, *supra* note 3, at 157 (referencing Act to Establish John D. Rockefeller, Jr., Memorial Parkway, Pub. L. No. 92-404, 86 Stat. 619, 619 (1972)).

[8] *Id.* (referencing Sikes Act of 1960, 16 U.S.C. § 670a). The other federal statutes cited in the Strategy are similarly tangential or generic: Yellowstone National Park Act of 1872, ch. 24, § 1, 17 Stat. 32, 32-33 (1872); National Park Service Organic Act of 1916, 16 U.S.C. § 1; Lacey Act of 1900, 16 U.S.C. § 701; Fish & Wildlife Coordination Act of 1934, 16 U.S.C. §§ 551-664; Grand Teton National Park Expansion Act of 1950, 16

The listed state laws and regulations provide no more comfort. These provisions do not require the states to control grizzly mortality in accordance with the Strategy, and they only apply outside of the Primary Conservation Area. Further, the cited state laws do not necessarily protect the grizzly. Indeed, most of the statutes cited are laws that allow the killing of bears. For example, Wyoming statutes define a grizzly bear as a "[t]rophy game animal," Wyo. Stat. Ann. § 23-1-101(a)(xii)(A), and require a hunting license, *id.* at § 23-3-102(b). The Wyoming Grizzly Bear Management Plan allows regulated hunting of grizzlies. It also flatly states that it will not allow grizzlies to reoccupy certain mountain ranges, and that it will enforce that policy through sport hunting and removal.[9] Idaho's Grizzly Bear Management Plan similarly recognizes the grizzly as a "game animal" and further acknowledges that a large portion of potential grizzly habitat is beyond the reach of state law because it is located on the Shoshone-Bannock reservation, which is governed by tribal law.[10] The Tribe has not spoken on how it intends to proceed.[11]

U.S.C. § 406d-1; Multiple-Use Sustained-Yield Act of 1960, Pub. L. No. 86-517, 74 Stat. 215 (codified as amended in scattered sections of 26 U.S.C.); National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370; Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1536; Forest and Rangeland Renewable Resources Planning Act of 1974, Pub. L. 93-378, 88 Stat. 476 (codified as amended in scattered sections of 16 U.S.C.); National Forest Management Act of 1976, Pub. L. No. 94-588, 90 Stat. 2949 (codified as amended in scattered sections of 16 U.S.C.); Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701-1787; Fish & Wildlife Improvement Act of 1978, 16 U.S.C. § 742; and Fish and Wildlife Conservation Act of 1980, 16 U.S.C. §§ 2901-2911.

[9]Wyoming Game and Fish Department, *Wyoming Grizzly Bear Management Plan* 15 (Feb. 2002, as amended, July, 2005).

[10]Idaho's Yellowstone Grizzly Bear Delisting Advisory Team, *State of Idaho Yellowstone Grizzly Bear Management Plan* 18 (Mar. 2002).

[11]The Idaho Management Plan states: "The hunting of grizzly bears by members of the Shoshone-Bannock Tribes is a traditional and cultural issue, which will be determined by the Governing Body of the Shoshone-Bannock Tribal Council after delisting of the grizzly bear is finalized." *Id.*

The Montana plan also allows regulated hunting of grizzlies and states that "[r]egulated harvest will be a part of Montana's long-term conservation plan.[12]

Neither the Rule nor the Strategy adequately explains how these 70-odd federal and state laws and regulations will affect the Yellowstone grizzly. The only reference is contained in Appendix J to the Strategy,[13] where a simple grid lists each federal and state provision and an "X" beside the provisions that purport to address Factor D. There is no explanation or rationale provided. It is difficult to imagine a less illuminating document.

Merely compiling a list of potentially applicable statutes and regulations is not sufficient; the agency must explain why these laws and regulations constitute adequate regulatory mechanisms for grizzly protection. In short, the Service has not met its obligation to "articulate a satisfactory explanation" for its determination that adequate regulatory mechanisms exist to protect the Yellowstone grizzly. *State Farm*, 463 U.S. at 43; *Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 623 F.3d 633, 648 (9th Cir. 2010) (noting that this circuit has "insisted that agencies support and explain their conclusions with evidence and reasoned analysis").

C

In sum, the district court correctly determined that the Rule did not comply with 16 U.S.C. § 1533(a)(1)(D). As a matter of law, unenforceable, voluntary promises do not constitute "regulatory mechanisms." Mere citation to potentially applicable statutes and regulations without analysis does not fulfill the Service's obligation to explain how they act as adequate

[12]Montana Department of Fish, Wildlife & Parks, *Grizzly Bear Management Plan for Southwestern Montana 2002-2012* 56 (Oct. 2002).

[13]Appendix J is entitled "The Relationship Between the Five Factors in Section 4(a)(1) of the ESA and the Existing Laws and Authorities."

regulatory mechanisms for protection of the grizzly. Neither the Rule nor the Strategy provide a legally enforceable method by which the Service can impose its mortality limits. The district court was right to reject the Service's Factor D analysis.

II

I do not question, much less criticize, the enormous effort that the Service, the states, and interest groups have made to study and manage the Yellowstone grizzly. However, our task is not to assess those endeavors from a policy viewpoint; it is to apply the law as Congress has directed. In doing so, I reach the same conclusions as the district court. To the extent my colleagues hold otherwise, I respectfully dissent.

From:	Alexander, Joseph G -FS
To:	"dminnick@blm.gov"; Gould,Jeff; Fortin-Noreus, Jennifer; "lgrosskopf@parkcounty.us"; "pj_white@nps.gov"; Tyers, Daniel - FS; "kerry_gunther@nps.gov"
Cc:	Alexander, Joseph G -FS
Subject:	Tomorrow"s Call
Date:	Monday, June 27, 2016 9:37:33 AM
Attachments:	image002.png image003.png Chapter 4Management and Monitoring of Grizzly Bear June 27 2016 Version.docx

---

Here is the updated document with a few edits I made this morning on page four. I left the track changes on so we can discuss. We also have to address the comments made by the steering committee and they are as follows:

The Steering Committee's decision is provided below by theme.

Theme #1-NPS Managers included in the discussions and decision making process.....allocation of harvest—*Elevated to Steering Committee for discussion*

Theme #2-Update Chapter on Conflict—*Proceed with your recommendation*

Theme #3-Connectivity/Linkage/Genetic Management— *Elevated to Steering Committee for discussion*

Theme #4-USFS concerns related to the safety and moving bears—*Proceed with your recommendation*

Theme #5-Food storage, consistency of orders and linkage to NCDE- *Prepare to discuss with Steering Committee to provide additional clarification regarding this recommendation.*

Theme #6-Coordination and consultation re: moving bears.....- *Proceed with your recommendation*

Theme #7-USDA sheep station—*Concur with your recommendation to leave as is in C.S.*

Theme #8-Limit on bear relocations to other ecosystems—*Proceed with your recommendation*

Again, the call in number for tomorrow June 28th from 9-11 is [redacted] and the passcode is [redacted]#

Thanks, Joe

Joseph Alexander
Forest Supervisor

Forest Service
Shoshone National Forest, Supervisor's Office

phone: 307-578-5187
fax: 307-578-5112
jgalexander@fs.fed.us

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Caring for the land and serving people

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From:	Loren Grosskopf
To:	Alexander, Joseph G -FS; "dminnick@blm.gov"; Gould,Jeff; Fortin-Noreus, Jennifer; "pj_white@nps.gov"; Tyers, Daniel - FS; "kerry_gunther@nps.gov"
Cc:	Loren Grosskopf
Subject:	RE: Tomorrow"s Call
Date:	Monday, June 27, 2016 1:19:14 PM
Attachments:	image002.png image003.png

---

suggestions for chapter 4 edits:

*page 2, second line after state: adding "tribal"

*page 3, management authorities:7th line employing one or more of the "four" strategies: I only count 2-removal and relocation--what are the other 2?

*page 3, management authorities- last line: should we add "tribal" after state management plans?

*page 6-7: should the discussion be elevated to steering committee with regard to JDRP management--indicates the NPS will implement removal/relocations--has the State already agreed to that?

sorry-will probably miss the majority of the conference call tomorrow am

Loren Grosskopf, Park County Commissioner

From: Alexander, Joseph G -FS <jgalexander@fs fed.us>
Sent: Monday, June 27, 2016 9:37 AM
To: 'dminnick@blm.gov'; Gould,Jeff; 'jennifer.fortin-noreus@mso.umt.edu'; Loren Grosskopf; 'pj_white@nps.gov'; Tyers, Daniel - FS; 'kerry_gunther@nps.gov'
Cc: Alexander, Joseph G -FS
Subject: Tomorrow's Call

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Thanks, Joe

[USDA USFS]

Joseph Alexander
Forest Supervisor

Forest Service
Shoshone National Forest, Supervisor's Office

phone: 307-578-5187
fax: 307-578-5112
jgalexander@fs fed.us<mailto:jgalexander@fs.fed.us>

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www.fs fed.us<http://www fs fed.us/>
[Twitter]<https://twitter.com/forestservice>[Facebook]<http://facebook.com/USDA>

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From:	Gould,Jeff
To:	"Alexander, Joseph G -FS"; "dminnick@blm.gov"; Fortin-Noreus, Jennifer; "lgrosskopf@parkcounty.us"; "pj_white@nps.gov"; Tyers, Daniel - FS; "kerry_gunther@nps.gov"
Subject:	RE: Tomorrow"s Call
Date:	Tuesday, June 28, 2016 8:40:48 AM
Attachments:	image002.png image003.png Chapter 4Management and Monitoring of Grizzly Bear June 27 2016 Version (2jg).docx

A couple of edits to discuss on pages 4-5.

From: Alexander, Joseph G -FS [mailto:jgalexander@fs.fed.us]
Sent: Monday, June 27, 2016 9:37 AM
To: 'dminnick@blm.gov'; Gould,Jeff; 'jennifer.fortin-noreus@mso.umt.edu'; 'lgrosskopf@parkcounty.us'; 'pj_white@nps.gov'; Tyers, Daniel - FS; 'kerry_gunther@nps.gov'
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Again, the call in number for tomorrow June 28th from 9-11 is (b) (5) commercial privilege and the passcode is (b) (5) commercial privilege#

Thanks, Joe

Joseph Alexander
Forest Supervisor
Forest Service
Shoshone National Forest, Supervisor's Office
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From: Bush, Jodi
To: Michael Thabault
Cc: Matt Hogan; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:27:12 AM

---

unfortunately I have dentist appointment at 10am. If that's the only time that works I'll see if Jen can relay what the discussion is to me. JB

Jodi L. Bush
Office Supervisor
Montana State Ecological Services Office
585 Shepard Way, Suite 1
Helena, MT 59601
(406) 449-5225, ext.205

On Thu, Sep 29, 2016 at 6:47 PM, Michael Thabault <michael_thabault@fws.gov> wrote:

> Use [redacted]. Passcode [redacted]#
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> Mountain Prairie Region
>
> On Sep 29, 2016, at 6:32 PM, Matt Hogan <matt_hogan@fws.gov> wrote:
>
>> Only real words of wisdom is lets avert s repeat of the James Walks Along incident and give them time to present if they want without taking over the meeting. If we need to talk further, how about 10 am?
>>
>> On Sep 29, 2016, at 6:30 PM, Michael Thabault <michael_thabault@fws.gov> wrote:
>>
>>> Ok I am on leave To I will send a call in call in number. Got a time?
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>>> Assistant Regional Director
>>> Ecological Services
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>>>> I'm back and we can talk tomorrow.
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<michael_thabault@fws.gov> wrote:

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> >
> > http://nativenewsonline.net/currents/tribes-make-history-signing-grizzly-treaty-alberta-greater-yellowstone-sept-30-oct-2/
> >
> > FYI. From the release.

The Department of the Interior needs to institute a moratorium on the delisting of the Yellowstone grizzly bear until proper consultation is addressed with each affected tribal nation respectively, so we can get better solutions for the future of the grizzly bear and for our people," says Shoshone-Bannock

Any words of wisdom? They are likely to be there at the meeting on Monday. JB

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Helena, MT 59601
(406) 449-5225, ext.205

From: Michael Thabault
To: Bush, Jodi
Cc: Matt Hogan; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:47:29 AM

What time does meeting start Mon.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 30, 2016, at 8:27 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

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>
> Jodi L. Bush
> Office Supervisor
> Montana State Ecological Services Office
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> (406) 449-5225, ext.205
>
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>
> Use (b) (5) commercial privilege Passcode (b) (5) commercial privilege #
>
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> Mountain Prairie Region
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Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 29, 2016, at 6:27 PM, Matt Hogan <matt_hogan@fws.gov> wrote:

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> > Assistant Regional Director
> > Ecological Services
> > Mountain Prairie Region
> >
> > On Sep 29, 2016, at 4:49 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:
> >
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> > >
> > > *Apparently a consortium of tribes are signing a treaty opposing delisting at Jackson Lake Lodge on Sunday, before*

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http://nativenewsonline.net/currents/tribes-make-history-signing-grizzly-treaty-alberta-greater-yellowstone-sept-30-oct-2/

FYI. From the release.

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Helena, MT 59601
(406) 449-5225, ext.205

From: Michael Thabault
To: Matt Hogan
Cc: Jodi Bush; Jennifer Fortin-Noreus
Subject: Re: Grizz Treaty signing
Date: Friday, September 30, 2016 8:56:41 AM

I have a 9 with DOJ and then pretty much need do the stuff I took leave today to do. Matt can you just talk to Jodi sometime today?

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

On Sep 30, 2016, at 8:47 AM, Matt Hogan <Matt_Hogan@fws.gov> wrote:

> I'm pretty flexible as I was supposed to be on AL but am in the office and have a pretty open schedule.
>
> **From:** Bush, Jodi [mailto:jodi_bush@fws.gov]
> **Sent:** Friday, September 30, 2016 8:27 AM
> **To:** Michael Thabault
> **Cc:** Matt Hogan; Jennifer Fortin-Noreus
> **Subject:** Re: Grizz Treaty signing
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Montana State
Ecological Services
Office
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Suite 1
Helena, MT 59601
(406) 449-5225,
ext.205

First Name	Last Name	Chairperson	Tribe	Address	City	State	ZIP
Rusty	Stafne	Chairman	Assiniboine and Sioux Tribes of Ft. Peck	P.O. Box 1027	Poplar	Montana	59255
Harry	Barnes	Chairman	Blackfeet Nation	P.O. Box 850	Browning	Montana	59417
Kevin	Keckler	Chairman	Cheyenne River Sioux	P.O. Box 590	Eagle Butte	South Dakot	57625
Richard	Morsette	Chairman	Chippewa-Cree of Rocky Boys	P.O. Box 544	Box Elder	Montana	59521
Vernon	Finley	Chairman	Confederated Salish and Kootenai Tribes	P.O. Box 278	Pablo	Montana	59855
Darrin	Old Coyote	Chairman	Crow	P.O. Box 159	Crow Agency	Montana	59022
Rozanne	Sazue	Chairwoman	Crow Creek Sioux	P.O. Box 50	Fort Thompson	South Dakot	57339
Darwin	St. Clair, Jr	Chairman	Eastern Shoshone	P.O. Box 538	Fort Washakie	Wyoming	82514
Anthony	Reider	President	Flandreau Santee Sioux	P.O. Box 283	Flandreau	South Dakot	57028
Mark	Azure	President	Gros Ventre and Assiniboine Tribes of Ft. Belknap	656 Agency Main St.	Harlem	Montana	59526
Michael	Jandreau	Chairman	Lower Brule Sioux	P. O. Box 187	Lower Brule	South Dakot	57548
Dean	Goggles	Chairman	Northern Arapaho	P.O. Box 396	Fort Washakie	Wyoming	82514
Llevando	Fisher	President	Northern Cheyenne	P.O. Box 128	Lame Deer	Montana	59043
Bryan	Brewer	President	Oglala Sioux	P.O. Box 2070	Pine Ridge	South Dakot	57770
Clifford	Wolfe, Jr.	Chairman	Omaha Tribe	P.O. Box 368	Macy	Nebraska	68039
Rebecca	White	Chairwoman	Ponca Tribe of Nebraska	P.O. Box 288	Niobrara	Nebraska	68760
Cyril	Scott	President	Rosebud Sioux	P.O. Box 430	Rosebud	South Dakot	57570
Roger	Trudell	Chairman	Santee Sioux Nation of Nebraska	425 Frazier Ave. N. Sui	Niobrara	Nebraska	68760
Bruce	Renville	Chairman	Sisseton-Wahpeton Oyate	P.O. Box 509	Agency Village	South Dakot	57262

First Name	Last Name	Chairperson	Tribe	Address	City	State	ZIP
Myra	Pearson	Chairwoman	Spirit Lake Sioux Tribe	P.O. Box 359	Fort Totten	North Dakot	58335
Dave	Archambault II	Chairman	Standing Rock Sioux	P.O. Box D	Fort Yates	North Dakot	58538
Mark	Fox	Chairman	Three Affiliated Tribes	404 Frontage Rd.	New Town	North Dakot	58763
Richard	McCloud	Chairman	Turtle Mountain Chippewa	P.O. Box 900	Belcourt	North Dakot	58316
John	Blackhawk	Chairman	Winnebago Tribe of Nebraska	P.O. Box 687	Winnebago	Nebraska	68071
Robert	Flying Hawk	Chairman	Yankton Sioux	P.O. Box 1153	Wagner	South Dakot	57380
Nathan	Small	Chairman	Shoshone-Bannock Tribes	P.O. Box 306	Fort Hall	Idaho	83203
Amber	Toppah	Lady Chairman	Kiowa Tribe of Oklahoma	100 Kiowa	Way Carnegie	Oklahoma	73015
Lindsey W	Manning	Chairman	Shoshone-Paiute Tribes	P.O. Box 219	Owyhee	Nevada	89832

Organizational Name	Address	City	State	ZIP
Native America Fish and Wildlife Society	80 Garden Center, Ste. 152	Broomfield	Colorado	80020
Great Plains Tribal Chairman's Association	1926 Stirling Street	Rapid City	South Dakota	57707
Montana Wyoming Tribal Leader's Council	711 Central Avenue, Suite 220	Billings	Montana	59102

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/EA
ESO-00060617

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 17 2015

Guardians of our Ancestral Legacy (GOAL) Tribal Coalition
Mr. R. Bear Stands Last
Box 30,000 #360
Jackson, Wyoming 83002

Dear Mr. Bear Stands Last:

Thank you for your January 16, 2015, letter to Secretary Jewell concerning the grizzly bear (*Ursus arctos horribilis*) and the Fish and Wildlife Service's (Service) relationship with sovereign Tribes with ancestral connections to the Greater Yellowstone Ecosystem. We appreciate your concerns and fully understand our obligation to consult with Federally Recognized Native American Tribes on a government-to-government basis.

In accordance with Secretarial Order 3206 (Order), we consult with Native American Tribes when actions taken under authority of the Endangered Species Act (ESA) may affect their lands, tribal trust resources, or the exercise of Native American tribal rights as defined in the Order. We agree that Tribal governments should have the opportunity for meaningful engagement with the Service on the status of all wildlife species of concern to them.

Importantly, no decision has been made on the status of Yellowstone grizzly bears. Before any decisions are reached on the status of the Yellowstone grizzly bears, we will be sure Tribes are offered the opportunity to participate in consultations with the Service concerning this issue.

Thank you for your interest in the grizzly bear in the Yellowstone ecosystem. If you would like to discuss Tribal relationships further, please contact Ivy Allen, Tribal Liaison by email at ivy_allen@fws.gov or by phone at 303-236-4575. If you have questions about the grizzly bear or its status, please contact and Chris Servheen, Grizzly Bear Recovery Coordinator at 406-243-4903.

Sincerely,

Deputy Regional Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/EA
ESO-00060852

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 17 2015

Montana Wyoming Tribal Leader's Council
711 Central Avenue, Suite 220
Billings, Montana 59102

Dear Tribal Partner:

Based on your organization's concerns, please accept this letter as our advance notice of intent to review the endangered species status of the grizzly bear (*Ursus arctos horribilis*) in the Greater Yellowstone Area. While the Interagency Grizzly Bear Committee's Yellowstone Ecosystem Subcommittee has recommended delisting this population, at this, time no delisting actions or proposals have been moved forward. If desired, we would gladly engage in a discussion on the grizzly bear's status.

We recognize each Tribe's inherent powers to make and enforce laws and to manage and control their natural resources. It is our goal to support this authority. We also wish to improve our relationship with your organization. We want to hear your concerns and keep an open line of communication during this process. As an organization, you will also the opportunity for formal comments during the federal register process if any proposal is moved forward.

We are proposing to host three consultation meetings in broad areas were Tribes have expressed interest in this issue. We would like to offer three meetings in late winter or early spring. Ideally, the three meetings would occur within the Great Plains, Northern Rocky Mountains, and Idaho geographical areas. In addition, during the March 19, 2015, Mountain-Prairie Region Tribal Leadership Roundtable we will spend some time discussing this topic.

We are requesting location and venue suggestions for the three consultation meetings. If your organization is interested in coordinating a consultation meeting in conjunction with an organizational meeting, please reach out to the contacts listed below. We are asking for this information no later than **March 6**, as we plan to announce all three consultation meetings with details about locations and times by **March 18.**

At your request, the Service is available to talk with your organization to share information we have about this species and the status review process. We will also discuss how Tribal information, comments, and expertise can be incorporated into the process.

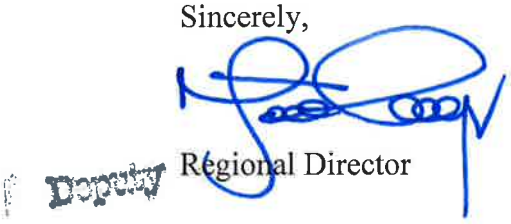
At your request, the Service is available to talk with your organization to share information we have about this species and the status review process. We will also discuss how Tribal information, comments, and expertise can be incorporated into the process.

To ensure Tribal information regarding Yellowstone grizzly bears may be incorporated into our review, we request that the Tribes participate in the consultation meetings or submit any comments and information by **March 31, 2015**. Please send those responses electronically to chris_servheen@fws.gov or by mail to:

Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University Hall, Room 309
University Of Montana
Missoula, Montana 59812

If you would like provide recommendations or ideas for the consultation meetings, please contact Ivy Allen, Tribal Liaison, by email at ivy_allen@fws.gov or by phone at 303-236-4575. If you have questions about the species or the comment process, please contact Chris Servheen, Grizzly Bear Recovery Coordinator, at 406-243-4903.

Sincerely,



Deputy Regional Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/EA
ESO-00060852

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 17 2015

Native American Fish and Wildlife Society
80 Garden Center, Suite 152
Broomfield, Colorado 80020

Dear Tribal Partner:

Based on your organization's relationship with Tribal Fish, Wildlife, and Game officials, we would like to let you know a number of tribes have expressed concern over the U.S. Fish and Wildlife Service's advance notice of intent to review the endangered species status of the grizzly bear (*Ursus arctos horribilis*) in the Greater Yellowstone Area. While the Interagency Grizzly Bear Committee's Yellowstone Ecosystem Subcommittee has recommended delisting this population, at this time, no delisting actions or proposals have been moved forward.

We recognize each Tribe's inherent powers to make and enforce laws and to manage and control their natural resources. It is our goal to support this authority. We also wish to improve our relationship with your organization. We want to hear your concerns and keep an open line of communication during this process. As an organization, you will also the opportunity for formal comments during the federal register process if any proposal is moved forward.

We are proposing to host three consultation meetings in broad areas were Tribes have expressed interest in this issue. We would like to offer three meetings in late winter or early spring. Ideally, the three meetings would occur within the Great Plains, Northern Rocky Mountains, and Idaho geographical areas. In addition, during the March 19, 2015, Mountain-Prairie Region Tribal Leadership Roundtable we will spend some time discussing this topic.

We are requesting location and venue suggestions for the three consultation meetings. If your organization is interested in coordinating a consultation meeting in conjunction with an organizational meeting, please reach out to the contacts listed below. We are asking for this information no later than **March 6**, as we plan to announce all three consultation meetings with details about locations and times by **March 18.**

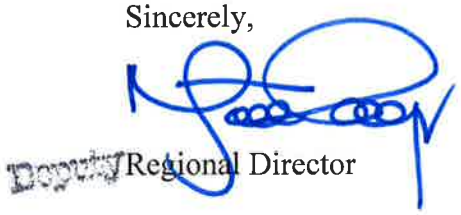
At your request, the Service is available to talk with your organization to share information we have about this species and the status review process. We will also discuss how Tribal information, comments, and expertise can be incorporated into the process.

To ensure Tribal information regarding Yellowstone grizzly bears may be incorporated into our review, we request that the Tribes participate in the consultation meetings or submit any comments and information by **March 31, 2015**. Please send those responses electronically to chris_servheen@fws.gov or by mail to:

Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University Hall, Room 309
University Of Montana
Missoula, Montana 59812

If you would like provide recommendations or ideas for the consultation meetings, please contact Ivy Allen, Tribal Liaison, by email at ivy_allen@fws.gov or by phone at 303-236-4575. If you have questions about the species or the comment process, please contact Chris Servheen, Grizzly Bear Recovery Coordinator, at 406-243-4903.

Sincerely,



Deputy Regional Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/EA

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

«Chairperson» «First_Name» «Last_Name»
«Tribe»
«Address»
«City», «State» «ZIP»

Dear «Chairperson» «Last_Name»:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as our advance notice of intent to review the endangered species status of the grizzly bear (*Ursus arctos horribilis*) in the Greater Yellowstone Area. While the Interagency Grizzly Bear Committee's Yellowstone Ecosystem Subcommittee has recommended delisting this population, at this time, no delisting actions or proposals have been moved forward. We will gladly engage in government-to-government consultation prior to any actions on the grizzly bear's status.

In accordance with Secretarial Order 3206 (Order), we consult with Indian tribes when actions taken under authority of the Endangered Species Act (ESA) may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights as defined in the Order. We recognize your inherent powers to make and enforce laws and to manage and control your natural resources. It is our goal to support this authority and maintain good working relationships with all Native American Tribes.

We propose to host four meetings in areas where Tribes have expressed interest in this issue. Specifically, we would like to offer three consultation meetings in late winter or early spring. Ideally, the three consultation meetings would occur within the Great Plains, the Northern Rocky Mountains, and the Idaho geographical areas. We are requesting location and venue suggestions for the three consultation meetings. We would be happy to coordinate a date and location that can meet these consultation needs. An informational meeting on this will be held on March 19, 2015, at the Denver Mountain-Prairie Region Tribal Leadership Roundtable.

At your request, the Service is available to meet with you and learn how your Tribe may be affected by a possible change in status and share information we have about this species and the status review process. We will also discuss how Tribal information, comments, and expertise can be incorporated into the process.

To ensure that your tribal information regarding Yellowstone grizzly bears may be incorporated into our review, we request that you submit any information by **March 31, 2015**. Please send your response electronically to chris_servheen@fws.gov or by mail to:

Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University Hall, Room 309
University Of Montana
Missoula, Montana 59812

If you would like to provide recommendations for the meetings or schedule a government-to-government consultation, please contact Ivy Allen, Tribal Liaison, by email at ivy_allen@fws.gov or by phone at 303-236-4575. If you have questions about the species or the comment process, please contact Chris Servheen, Grizzly Bear Recovery Coordinator, at 406-243-4903.

Sincerely,

Regional Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES

MAILING ADDRESS:
P.O. BOX 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Dear Chairperson:

We would like to take this opportunity to let you know that the U.S. Fish and Wildlife Service (Service) is in the early stages of considering the listing status of the Yellowstone grizzly bear population under the Endangered Species Act (ESA).

While we recently reached out to tribes in close proximity to the Greater Yellowstone Ecosystem (GYE), we did not initially appreciate the breadth of historical, cultural, and spiritual connection that some tribes outside that geographic area have with the grizzly bear and the GYE.

As a result, the Service is redoubling its efforts to engage interested tribes in government-to-government consultation regarding potential actions we may take concerning the status of Yellowstone grizzly bears under the ESA.

As you know, the grizzly bear came under the protection of the ESA in the lower 48 states in 1975 when it was listed as a threatened species. Recovery efforts began in 1981, and since that time, the Yellowstone grizzly bear population has nearly tripled in number and currently occupies approximately twice the geographic area that it did at the time of listing. The scientific data, population surveys, and on-the-ground monitoring show us that Yellowstone grizzly bears are now a healthy, self-sustaining population that has almost completely occupied the suitable habitat available for them in the GYE.

The objective of the ESA is to recover listed species to the point that they no longer need ESA protection. We do not have a formal proposal to delist the species at this time. However, if the science demonstrates that the present threatened status of the Yellowstone grizzly bear population warrants delisting, this action would only impact this species in the Yellowstone area. All other grizzly bear populations would remain listed under the ESA.

If delisting is proposed, our overall goal at the Service would be to work to ensure that the Yellowstone grizzly bear population is sustainably managed so that it never again becomes necessary to be managed under the ESA.

As our valued tribal partner, we would appreciate knowing the level of interest your tribe has in government-to-government consultation on this matter. If you are interested in formal consultation, we would like to know where and when you would like that to occur, whether you would be willing to meet individually or jointly with other interested tribes, and if you have any formal tribal resolutions related to the Yellowstone grizzly bear population.

To request consultation on this matter, please send a letter to:

Matt Hogan, Deputy Regional Director
U.S. Fish and Wildlife Service, Mountain-Prairie Region
134 Union Boulevard
Lakewood, Colorado 80228

Matt Hogan, Deputy Regional Director will also be calling you in the next few weeks to discuss the consultation process and to ask about your interest in formally consulting with us about the status of the Yellowstone grizzly bear population. If you are interested, he will work with you to arrange a time and location for these consultations.

Sincerely,

Regional Director

First Name	Last Name	Chairperson	Tribe	Phone Number	Notes
Manuel	Heart	Chairman	Ute Mountain Ute	970-565-3751	Not GOAL Tribe. Did receive letter offering consultation in June
Clement	Frost	Chairman	Southern Ute Indian Tribe	970-563-0100	Not GOAL Tribe. Did receive letter offering consultation in June
Lester	Randall	Chairman	Kickapoo Tribe	785-486-2131 *223	Not GOAL Tribe. Did receive letter offering consultation in June
Liana	Onnen	Chairperson	Prairie Band of Potawatomi of Kansas	785-966-4000	Not GOAL Tribe. Did receive letter offering consultation in June
Timothy	Rhodd	Chairman	Iowa Tribe of Kansas and Nebraska	785-595-3347	Not GOAL Tribe. Did receive letter offering consultation in June
Brigette	Robidoux	Chairperson	Sac and Fox Nation of Missouri, Kansas and Nebraska	785-742-0053	Not GOAL Tribe. Did receive letter offering consultation in June
AT Rusty	Stafne	Chairman	Assiniboine and Sioux Tribes of Ft. Peck	406-768-2300	Spoke to the Chairman on 7/6/15. OK with delisting as long as they are managed responsibly and not hunted to exctinction. Supportive of FWS efforts on other species. OK with no consulation.
Harry	Barnes	Chairman	Blackfeet Nation	406-338-3513	Left message on voicemail on 7/6/15 @ 2:30 PM; sent email to him with attached letter on 7/14/15 @ 10:09 AM. Received message mailbox full at 10:10 AM on 7/14.
Ken	Blatt St. Marks	Chairman	Chippewa-Cree of Rocky Boys	406-395-5705	Left message on his voicemial on 7/14/15 @ 9:45 am
Darrin	Old Coyote	Chairman	Crow	406-638-7301	Called on 7/6/15. Phone picked up after 4 rings with 2 quick beeps but no opportunity to leave message and no outgoing message. Same on 7/14/15. Sent email on 7/14 @ 10:15 AM
Mark L.	Azure	President	Gros Ventre and Assiniboine Tribes of Ft. Belknap	406-353-2205	Not a big deal for them but supporting other tribes that this is important to. Said they are not well informed on this issue. Meeting Aug 13-14 for Rocky Mt Tribal Leaders Council
Llevando	Fisher	President	Northern Cheyenne Nation	406-477-6284	Spoke to Pres. Fisher on 7/6/15. Opposed to delisting. Interested in consulation. Maybe thru MT-WY Tribal Council. OK with Chris S to meet .
Vernon	Finley	Chairman	Confederated Salish and Kootenai Tribes	406-675-2700	Left message on his voicemial on 7/14/15 @ 9:50 am
Dave	Archambault II	Chairman	Standing Rock Sioux	701-854-8500, 8536, 7201	Left message on his voicemail on 7/9/15 @ 9:50 AM. Sent email on 7/14/15 at 10:25 AM
Mark	Fox	Chairman	Three Affiliated Tribes	701-627-4781	Left message with Twila on 7/8/15 @ 10:58 AM. Sent email on 7/14/15 @ 10:29 AM
Henry	LaDue	Chairman	Trenton Indian Service Area, Board of Directors	701-572-8316	Not GOAL Tribe. Did receive letter offering consultation in June
Richard	McCloud	Chairman	Turtle Mountain Band of Chippewa	701-477-2600	Left message on voicemail on 7/8/15 @ 10:59 AM. Sent email on 7/14/15 @ 10:32 AM
Myra	Pearson	Chairwoman	Spirit Lake Tribe	701-766-4221	Left voicmail message on general mailbox on 7/8/15 @11:01 AM. Sent email on 7/14/15 @ 10:34 AM
Vernon	Miller	Chairman	Omaha Tribe	402-837-5391	Left voicemail on 7/8/15 on general mailbox @ 11:48 AM. Sent emial on 7/14/15 @ 10:41 AM
Darla	LaPointe	Chairperson	Winnebago Tribe of Nebraska	402-878-2272	Left voicemial on Lisa Chamberlain's VM on 7/9/15 at 10:10 AM. Sent email on 7/14/15 @ 11:29 AM
Larry	Wright, Jr.	Chairman	Ponca Tribe of Nebraska	(402) 857-3391 (office), 402-540-7122 (cell)	Left message on his cell phone voicemal on 7/9/15 @10:18 AM. Sent email on 7/14/15 @ 11:37 AM.
Roger	Trudell	Chairman	Santee Sioux Nation of Nebraska	402-857-2772, 2302	Called 7/9 @ 10:22 am Office closed for company picnic.....call back on Monday 7/13/15
Harold	Frazier	Chairman	Cheyenne River Sioux	605-964-4155	Left message with Sidney on 7/9/15 @ 10:24 AM. MH EMAIL TO USE: haroldcfrazier@yahoo.com IA 7-15-2015
Roxanne	Sazue (Sa-zoo)	Chairwoman	Crow Creek Sioux	605-245-2221	Left message with Darla on 7/9/15 @ 10:28 AM. MH EMAIL TO USE: roz_lock_2001@hotmail.com IA 7-15-2015
Kevin	Wright	Vice-Chairman	Lower Brule Sioux	605-473-5561	Left message on his voicemail on 7/9/15 @ 10:30 AM. Sent emial on 7/14/15 @ 11:44 AM. Email bounced back. MH Tribe in large legal/federal audit most contact is shutdown and government is on hold. IA 7-15-2015
Robert	Flying Hawk	Chairman	Yankton Sioux	605-384-3641	Left message on his voicemail on 7/9/15 @ 10:31 AM. Sent email on 7/14/15 at 11:53 AM
Anthony	Reider	President	Flandreau Santee Sioux	605-997-3891	Left message on Laura's voicemail on 7/9/15 @ 10:34 AM. Sent email on 7/14/15 @ 11:56 AM
John	Yellow Bird Steele	President	Oglala Sioux	605-867-5821	Left message on Cis BigCrows voicemail on 7.9.15 @ 10:39 AM. Sent email on 7/14/15 @ 12:02 PM
William	Kindle	President	Rosebud Sioux	605-747-2381	Return call from Cindy....suggested emailing information. Emailed on 7/14/15 @ 12:05 PM
Bruce	Renville	Chairman	Sisseton-Wahpeton Oyate	605-698-3911	Left message on Tribal Chairman's Receptionist (no name given) voicemail on 7/9/15 @ 10:44 AM. Sent email on 7/14/15 @ 11:59 AM
Corrina	Bow	Chairwoman	Paiute Indian Tribe of Utah	435-586-1112	Not GOAL Tribe. Did receive letter offering consultation in June
Madeline	Greymountain	Chairman	Confederated Tribes of the Goshute Reservation	435-234-1138	Not GOAL Tribe. Did receive letter offering consultation in June
Lori	Bear	Chairwoman	Skull Valley Band of Goshute Indians	435-882-4532	Not GOAL Tribe. Did receive letter offering consultation in June
Gordon	Howell	Chairman	Uintah and Ouray Tribes	435-722-5141	Not GOAL Tribe. Did receive letter offering consultation in June
Darwin	St. Clair Jr.	Chairman	Eastern Shoshone	307-332-3532	Left message with receptionist (Jo?) on 7/6/15 @ 1:40 PM; left another message with young receptionist on 7/14/15 @ 9:55 AM. Sent email on 7/14 @ 12:40 PM
Dean	Goggles	Chairman	Northern Arapaho	307-332-6120	Left message with Receptionist (Jennifer) on 7/6/15 @ 2:00 PM. Sent email on 7/14 @ 12:43 PM

Non-federally recognized Tribe, which has contacted us

Jason	Walker	Chairman	Northwestern Band of Shoshoni Nation of Utah	208-478-5712	Spoke to Chairman. Did sign on. Emailed him letter. Would like to be kept in loop on opportunities to learn more on this issue.
Gerald	Gray	Chairman	Little Shell Tribe of Chippewa of Montana	406-315-2400	Updated number. Left voicemail message with tribe. Tribe does not have email or website - only Facebook with no message ability. NOT A FEDERALLY RECOGNIZED TRIBE - IA 7-15-2015

Other Tribal Councils within Region 6 included in packet handed out at 5/18/15 RDT Meeting

Ivan	Posey	Board Chairman	Montana & Wyoming Tribal Leaders Council	406-252-2550	Called Council offices on 7/14/15....they did not have any contact info nor way to leave message. Ivy trying to locate contact info.

John	Yellow Bird-Steel	Chairman	Great Plains Tribal Chairman's Association	605-721-6168	Have left him message at the Ogala Sioux offices where he is chair and also sent him email.

Tribes headquarterd outside Region 6, which are either members of GOAL, or who have contacted us

Blaine J.	Edmo	Chairman	Shoshone-Bannock	208-478-3807	Left voicemail on general mailbox on 7/14/15 @ 3:29 PM
Geoffrey M.	Standing Bear	Principal Chief	Osage Nation	918-287-5555	Left voicemail on Cheryl Decker's voicemail on 7/14/15 @ 3:32 PM Called admin offices. Sent me to Pat Gwyne as person who handles these issues.
Bill John	Baker	Principal Chief	Cherokee Nation	918-453-5000	Left him a voicemial on 7/14/15 @ 3:37 PM
Amber	Toppah	Lady Chairman	Kiowa Tribe of Oklahoma	580-654-2300 ext. 344	Left voicemial on general mailbox on 7/14/15 @ 3:46 PM
Misty	Nuttle	President	Pawnee Nation of Oklahoma	918-762-3621	Left message with Cynthia on 7/14/15 @ 3:55 PM
Lindsey	Manning	Chairman	Shoshone-Paiute Tribes of the Duck Valley Indian Reservation	208-759-3100	Left voicemail message on the Chairman's voicemail on 7/14/15 @ 3:52 PM
Ben	Shelly	President	Navajo Nation	(928) 871-6000	Ben Shelly no longer president. New president is Russell Begaye. Needs new letter MH (Jill has been notified)-. EMAIL TO USE: president.benshelly@navajo-nsn.gov
Bill	Anoatubby	Governor	Chickasaw Nation	580-436-2603	Left voicemail on general mailbox on 7/14/15 @ 4:11 PM

Legend			
	Pending		
	Spoke to Chair		
	Message left and email sent		
	Missing Information		Provided Updated Infoirmation
	Not GOAL Tribe but R6 tribe. Received letter offering consultation in June		

September 2, 2015

INFORMATION MEMORANDUM FOR THE REGIONAL DIRECTOR

FROM: Tribal Liaison, External Affairs, Region 6,

CC: Assistant Regional Director for External Affairs & Ecological Services

SUBJECT: Service Interactions with Tribes about Their Concerns Regarding a Delisting of the Yellowstone Grizzly Bear

I. BACKGROUND

In April of 2014, the Grizzly Bear Recovery Program sent out letters offering Government-to-Government (G2G) consultation to the 4 Native American Tribes having treaty interests in the proposed Yellowstone grizzly bear delisting area. In November of 2014, a group of 26 tribes contended the federal government failed to consult the all Tribal nations which have an ancestral connection to Yellowstone. Their dissatisfaction was broadly spread in the media and through the Guardians of Our Ancestors Legacy (GOAL).

II. ACTIONS TAKEN *(See attached PDF file: Actions Taken)*

The Service took action at that time to offer consultation in multiple formats.

- February 17, 2015 the Service sent letters offering consultation to the 26 Tribes listed as opposed under GOAL and to other Tribal groups.
- March 19, 2015 Tribal leaders and wildlife managers attending the R6 Regional Roundtable discussed the grizzly bear concerns.
- Steve Torbit spoke to Tribal wildlife managers about grizzly bears during the April 6-9, 2015 Great Plains Regional Native American Fish and Wildlife Society Meeting.
- June 15, 2015 the Region sent out a second round of letters to Tribes offering another opportunity to consult.
- July 6-15, 2015 Deputy Regional Director, Matt Hogan placed phone calls, emails or otherwise made contact with all Tribes on the GOAL opposition list and some additional Tribes to personally talk to Tribes about concerns and consultation.

III. RESPONSES RECEIVED *(See attached PDF file: Responses Received)*

Tribes throughout the regions have increasingly spoken out against delisting the species. Tribal members are very sensitive to the species and cite deep spiritual and cultural connections to the bears as well as disgust at the idea of state-managed trophy hunts.

- Spirit Lake Tribe; December 17, 2014
- Guardians of Our Ancestors Legacy (GOAL); January 16, 2015

- Tribal Resolutions/letters from 15 Tribes opposing a delisting arrive my mail at Regional Director's Office; January 20, 2015
- Tribal Leaders Council; February 27, 2015
- Guardians of Our Ancestors Legacy (GOAL); March 2, 2015

IV. CONSULTATIONS REQUESTED *(See attached PDF file: G2G Requested)*

I directly received 3 requests for formal consultations and the programs received additional requests.

- Cheryl Belcourt; Montana Wyoming Tribal Leaders Council, February 23, and March 9 2015
- Yufna Soldier Wolf; Tribal Historic Preservation Officer; Northern Arapaho Tribe; March 02, 2015
- Rich Janssen; Department Head, Natural Resources Department; Confederated Salish and Kootenai Tribes; February 26, 2015

V. CONSULTATIONS CONDUCTED *(See attached PDF file: G2G Conducted)*

Christopher Servheen, Grizzly Bear Recovery Coordinator for Region 6, conducted 6 government-to-government consultations.

- Confederated Salish and Kootenai Tribes; June 10, 2015
- Blackfeet Nation; Wildlife Committee; June 18, 2015
- Northern Cheyenne Tribal Council; July 20, 2015
- Northern Arapahoe Tribal Council; July 21, 2015
- Eastern Shoshone Tribal Council; July 21, 2015
- Shoshone Bannock Tribal Council; July 30, 2015

VI. CONCERNED PARTIES

Below is a listing of the Tribes with official resolutions, declarations and opposition to delisting of the grizzly bear. This information is from the GOAL website or by resolution/letters received or communicated to the regional office.

TRIBAL ORGANIZATIONS

Montana Wyoming Tribal Leader's Council
Great Plains Tribal Chairman's Association

TRIBES

Santee Sioux Nation
Blackfeet
Confederated Salish & Kootenai Tribes
Northern Arapaho
Three Affiliated Tribes of North Dakota
Omaha Tribe
Ponca Tribe of Nebraska
Winnebago Tribe

Fort Peck
Fort Belknap
Little Shell *(Not a federal recognized tribe so we don't send a letter offering consultation).*
Chippewa and Cree
Cheyenne River Sioux Tribe
Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe
Lower Brule Sioux Tribe
Oglala Sioux Tribe
Rosebud Sioux Tribe
Sisseton Wahpeton Oyate
Standing Rock Sioux Tribe
Yankton Sioux Tribe
Crow
Northern Cheyenne
Kiowa
Spirit Lake Tribe
Turtle Mountain Band of Chippewa
Shoshone Bannock Tribes
Eastern Shoshone Tribe

From: Willey, Seth
To: Jennifer Fortin-Noreus
Subject: Fwd: GYE Grizzly Bear Tribal Letter
Date: Thursday, September 01, 2016 3:52:51 PM
Attachments: Yellowstone Grizzly-Tribal Letter_SURNAME.docx

For your information and for the record...

****
Seth L. Willey
Branch Chief for Classification and Recovery
Mountain-Prairie Region, USFWS
Seth_Willey@fws.gov
303-236-4257
****

---------- Forwarded message ----------
From: **Ivy Allen** <ivy_allen@fws.gov>
Date: Thu, Sep 1, 2016 at 11:04 AM
Subject: GYE Grizzly Bear Tribal Letter
To: Barbara Behan <barbara_behan@fws.gov>, Charisa Morris <charisa_morris@fws.gov>, Charles Traxler <charles_traxler@fws.gov>, Crystal Leonetti <crystal_leonetti@fws.gov>, DJ Monette <dj_monette@fws.gov>, Damion Ciotti <damion_ciotti@fws.gov>, Garrett Peterson <garrett_peterson@fws.gov>, Ivy Allen <ivy.allen79@gmail.com>, Jason Holm <jason_holm@fws.gov>, Joe Early <joe_early@fws.gov>, John Nystedt <john_nystedt@fws.gov>, Nathan Dexter <nathan_dexter@fws.gov>, Nick Palaia <nick_palaia@fws.gov>, Richard Zane <richard_zane@fws.gov>, Scott Aikin <scott_aikin@fws.gov>, Steve Klein <steve_klein@fws.gov>, Tom MacKenzie <tom_mackenzie@fws.gov>, douglas_krofta@fws.gov, trevor_super@fws.gov, Ivy Allen <ivy_allen@fws.gov>, Marjorie Nelson <marjorie_nelson@fws.gov>, Sarah Hall <sarah_hall@fws.gov>, Seth Willey <seth_willey@fws.gov>, Brian Hires <brian_hires@fws.gov>, Robert Mansheim <robert_mansheim@fws.gov>, Brent Lawrence <brent_lawrence@fws.gov>, Dennis Mackey <dennis_mackey@fws.gov>, Denise Sanchez <denise_sanchez@fws.gov>, Leith Edgar <leith_edgar@fws.gov>, Maricela Constantino <maricela_constantino@fws.gov>, Jodi Bush <jodi_bush@fws.gov>, Serena Baker <serena_baker@fws.gov>, Anna Munoz <anna_munoz@fws.gov>

Hello NALs,

Below is the list of tribes that will receive the attached letter via hard copy and email on September 6, 2016 (rollout day). et will send this out from here but feel free to share with other Tribes or send me Tribes to add to the list. Thanks. Ivy.

Floyd	Azure	Chairman	Assiniboine and Sioux Tribes of Ft. Peck	P.O. Box 1027	Poplar	MT	59255
Harry	Barnes	Chairman	Blackfeet Nation	P.O. Box 850	Browning	MT	59417
Bill John	Baker	Principal Chief	Cherokee Nation	P.O. Box 948	Tahlequah	OK	74465
Harold	Frazier	Chairman	Cheyenne River Sioux	P.O. Box 590	Eagle Butte	SD	57625
Bill	Anoatubby	Governor	Chickasaw Nation	P.O. Box 1548	Ada	OK	74821
Kenny	Blatt	Chairman	Chippewa-Cree of Rocky Boys	P.O. Box 544	Box Elder	MT	59521
Vernon	Finley	Chairman	Confederated Salish and Kootenai Tribes	P.O. Box 278	Pablo	MT	59855
Madeline	Greymountain	Chairman	Confederated Tribes of the Goshute Reservation	P.O. Box 6104	Ibapah	UT	84034
Darrin	Old Coyote	Chairman	Crow	P.O. Box 159	Crow Agency	MT	59022
Roxanne	Sazue	Chairwoman	Crow Creek Sioux	P. O. Box 50	Fort Thompson	SD	57339
Darwin	St. Clair Jr.	Chairman	Eastern Shoshone Tribe	P.O. Box 538	Fort Washakie	WY	82514
Anthony	Reider	President	Flandreau Santee Sioux	P.O. Box 283	Flandreau	SD	57028
John	Yellow Bird-Steel	Chairman	Great Plains Tribal Chairman's Association	P.O. Box 988	Rapid City	SD	57701
Mark L.	Azure	President	Gros Ventre and Assiniboine Tribes of Ft. Belknap	656 Agency Main St.	Harlem	MT	59526
Timothy	Rhodd	Chairman	Iowa Tribe of Kansas and Nebraska	3345 Thrasher Rd.	White Cloud	KS	66094
Lester	Randall	Chairman	Kickapoo Tribe	1107 Gold Finch Road	Horton	KS	66439
Amber	Toppah	Lady Chairman	Kiowa Tribe of Oklahoma	P.O. Box 369	Carnegie	OK	73015
Gerald	Gray	Chairman	Little Shell Tribe of Chippewa of Montana	P.O. Box 1384	Great Falls	MT	59404
Kevin	Wright	Vice-Chairman	Lower Brule Sioux	187 Oyate Circle	Lower Brule	SD	57548
Ivan	Posey	Board Chairman	Montana & Wyoming Tribal Leaders Council	175 N. 27th St., Ste. 1003	Billings	MT	59101
Ben	Shelly	President	Navajo Nation	P.O. Box 7440	Window Rock	AZ	86515
Dean	Goggles	Chairman	Northern Arapaho	P.O. Box 396	Fort Washakie	WY	82514

Llevando	Fisher	President	Northern Cheyenne Nation	P.O. Box 128	Lame Deer	MT	59043
Jason	Walker	Chairman	Northwestern Band of Shoshoni Nation of Utah	707 North Main St.	Brigham City	UT	84302
John	Yellow Bird Steele	President	Oglala Sioux	P.O. Box 2070	Pine Ridge	SD	57770
Vernon	Miller	Chairman	Omaha Tribe	P.O. Box 368	Macy	NE	68039
Geoffrey M.	Standing Bear	Principal Chief	Osage Nation	627 Grandview Ave.	Pawhuska	OK	74056
Corrina	Bow	Chairwoman	Paiute Indian Tribe of Utah	440 N. Paiute Drive	Cedar City	UT	84720-2613
Misty	Nuttle	President	Pawnee Nation of Oklahoma	P.O. Box 470	Pawnee	OK	74058
Larry	Wright, Jr.	Chairman	Ponca Tribe of Nebraska	P.O. Box 288	Niobrara	NE	68760
Liana	Onnen	Chairperson	Prairie Band of Potawatomi of Kansas	16281 Q Road	Mayetta	KS	66509
William	Kindle	President	Rosebud Sioux	P.O. Box 430	Rosebud	SD	57570
Brigette	Robidoux	Chairperson	Sac and Fox Nation of Missouri, Kansas and Nebraska	305 N. Main St.	Reserve	KS	66434
Roger	Trudell	Chairman	Santee Sioux Nation of Nebraska	108 Spirit Lake Ave., West	Niobrara	NE	68760
Terry	Rambler	Chairman	San Carlos Apache Tribe	P.O. Box 0	San Carlos	AZ	85550
Blaine J.	Edmo	Chairman	Shoshone-Bannock	P.O. Box 306	Ft. Hall	ID	83203
Lindsey	Manning	Chairman	Shoshone-Paiute Tribes of the Duck Valley Indian Reservation	P.O. Box 219	Owyhee	NV	89832
Dave	Flute	Chairman	Sisseton-Wahpeton Oyate	P.O. Box 509	Agency Village	SD	57262
Candace	Bear	Chairwoman	Skull Valley Band of Goshute Indians	P.O. Box 448	Grantsville	UT	84029
Clement	Frost	Chairman	Southern Ute Indian Tribe	P.O. Box 737	Ignacio	CO	81137
Myra	Pearson	Chairwoman	Spirit Lake Tribe	P.O. Box 359	Fort Totten	ND	58335
Dave	Archambault II	Chairman	Standing Rock Sioux	P.O. Box D	Fort Yates	ND	58538
Mark	Fox	Chairman	Three Affiliated Tribes	404 Frontage Rd.	New Town	ND	58763
Henry	LaDue	Chairman	Trenton Indian Service Area, Board of Directors	331 4th Ave. E.	Trenton	ND	58853
Richard	McCloud	Chairman	Turtle Mountain Band of Chippewa	P.O. Box 900	Belcourt	ND	58316
Shawn	Chapoose	Chairman	Uintah and Ouray Tribes	P.O. Box 190	Ft. Duchesne	UT	84026
Manuel	Heart	Chairman	Ute Mountain Ute	P.O. Box 248	Towaoc	CO	81334
Darla	LaPointe	Chairperson	Winnebago Tribe of Nebraska	P.O. Box 687	Winnebago	NE	68071
Robert	Flying Hawk	Chairman	Yankton Sioux	P.O. Box 1153	Wagner	SD	57380
Charles	Weasel Head	Chief	Kainaiwa, Blood Tribe	Box 60	Standoff	Canada	T0L 1Y0
Stan	Grier	Chief	Piikani Nation	P.O. Box 70	Brocket	Canada	T0K 0H0
Lee Wayne	Lomayestewa	Village Leader	Hopi Nation, Shungopavi Bear Clan	P.O Box 226	Second Mesa	AZ	86043
Val	Panteah, Sr.	Governor	Pueblo of Zuni	P.O. Box 339	Zuni	NM	87327

September 2, 2015

INFORMATION MEMORANDUM FOR THE REGIONAL DIRECTOR

FROM: Tribal Liaison, External Affairs, Region 6,

CC: Assistant Regional Director for External Affairs & Ecological Services

SUBJECT: Service Interactions with Tribes about Their Concerns Regarding a Delisting of the Yellowstone Grizzly Bear

I. BACKGROUND

In April of 2014, the Grizzly Bear Recovery Program sent out letters offering Government-to-Government (G2G) consultation to the 4 Native American Tribes having treaty interests in the proposed Yellowstone grizzly bear delisting area. In November of 2014, a group of 26 tribes contended the federal government failed to consult the all Tribal nations which have an ancestral connection to Yellowstone. Their dissatisfaction was broadly spread in the media and through the Guardians of Our Ancestors Legacy (GOAL).

II. ACTIONS TAKEN *(See attached PDF file: Actions Taken)*

The Service took action at that time to offer consultation in multiple formats.

- February 17, 2015 the Service sent letters offering consultation to the 26 Tribes listed as opposed under GOAL and to other Tribal groups.
- March 19, 2015 Tribal leaders and wildlife managers attending the R6 Regional Roundtable discussed the grizzly bear concerns.
- Steve Torbit spoke to Tribal wildlife managers about grizzly bears during the April 6-9, 2015 Great Plains Regional Native American Fish and Wildlife Society Meeting.
- June 15, 2015 the Region sent out a second round of letters to Tribes offering another opportunity to consult.
- July 6-15, 2015 Deputy Regional Director, Matt Hogan placed phone calls, emails or otherwise made contact with all Tribes on the GOAL opposition list and some additional Tribes to personally talk to Tribes about concerns and consultation.

III. RESPONSES RECEIVED *(See attached PDF file: Responses Received)*

Tribes throughout the regions have increasingly spoken out against delisting the species. Tribal members are very sensitive to the species and cite deep spiritual and cultural connections to the bears as well as disgust at the idea of state-managed trophy hunts.

- Spirit Lake Tribe; December 17, 2014
- Guardians of Our Ancestors Legacy (GOAL); January 16, 2015

- Tribal Resolutions/letters from 15 Tribes opposing a delisting arrive my mail at Regional Director's Office; January 20, 2015
- Tribal Leaders Council; February 27, 2015
- Guardians of Our Ancestors Legacy (GOAL); March 2, 2015

IV. CONSULTATIONS REQUESTED *(See attached PDF file: G2G Requested)*

I directly received 3 requests for formal consultations and the programs received additional requests.

- Cheryl Belcourt; Montana Wyoming Tribal Leaders Council, February 23, and March 9 2015
- Yufna Soldier Wolf; Tribal Historic Preservation Officer; Northern Arapaho Tribe; March 02, 2015
- Rich Janssen; Department Head, Natural Resources Department; Confederated Salish and Kootenai Tribes; February 26, 2015

V. CONSULTATIONS CONDUCTED *(See attached PDF file: G2G Conducted)*

Christopher Servheen, Grizzly Bear Recovery Coordinator for Region 6, conducted 6 government-to-government consultations.

- Confederated Salish and Kootenai Tribes; June 10, 2015
- Blackfeet Nation; Wildlife Committee; June 18, 2015
- Northern Cheyenne Tribal Council; July 20, 2015
- Northern Arapahoe Tribal Council; July 21, 2015
- Eastern Shoshone Tribal Council; July 21, 2015
- Shoshone Bannock Tribal Council; July 30, 2015

VI. CONCERNED PARTIES

Below is a listing of the Tribes with official resolutions, declarations and opposition to delisting of the grizzly bear. This information is from the GOAL website or by resolution/letters received or communicated to the regional office.

TRIBAL ORGANIZATIONS

Montana Wyoming Tribal Leader's Council
Great Plains Tribal Chairman's Association

TRIBES

Santee Sioux Nation
Blackfeet
Confederated Salish & Kootenai Tribes
Northern Arapaho
Three Affiliated Tribes of North Dakota
Omaha Tribe
Ponca Tribe of Nebraska
Winnebago Tribe

Fort Peck
Fort Belknap
Little Shell *(Not a federal recognized tribe so we don't send a letter offering consultation).*
Chippewa and Cree
Cheyenne River Sioux Tribe
Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe
Lower Brule Sioux Tribe
Oglala Sioux Tribe
Rosebud Sioux Tribe
Sisseton Wahpeton Oyate
Standing Rock Sioux Tribe
Yankton Sioux Tribe
Crow
Northern Cheyenne
Kiowa
Spirit Lake Tribe
Turtle Mountain Band of Chippewa
Shoshone Bannock Tribes
Eastern Shoshone Tribe

From: Servheen, Chris
To: Michael Thabault
Cc: Matt Hogan; Gary Frazer; Stephen Torbit
Subject: Tribal consultation summary
Date: Wednesday, June 10, 2015 2:24:54 PM
Attachments: June 10 consultation with CS&KT tribes.docx

Mike,
Attached is my summary of my consultation yesterday with the Confederated Salish and Kootenai Tribe about Yellowstone grizzly delisting. Since this is such a high profile issue, I am copying extra folks. The consultations with this tribe went well. An interesting issue was raised when they asked if Tribal members would be able to hunt grizzly bears in Montana if they choose to do do. They currently participate in a bison hunt each year when bison leave YNP and move into Montana.

The Tribal wildlife biologist described the GOAL group and the fact that the GOAL group was claiming that "all tribes in MT and WY were opposed to delisting". The CS&KT Council did not know who GOAL was nor do they support such a statement. They treated this as a monitor issue and did not seem to concerned about it one way or the other.

All in all, the discussions went well. Full disclosure: I did my Ph.D. dissertation work on grizzly bears on the Flathead Reservation and this work was financially supported by the CS&KT Council and the BIA.
Chris

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

June 10, 2015

Summary of Consultations with Confederated Salish and Kootenai Tribes (CS&KT) concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the CS&KT Tribal Council on the afternoon of June 9 at their request after working with Dale Becker to make these arrangements. I was introduced by their tribal wildlife manager Dale Becker and Tribal natural resources chief Tom McDonald as the Service representative consulting with them under nation-to-nation consultation. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How were tribal cultural and religious beliefs considered in this process?** I told them this was one of the purposes of this consultation – to obtain such input. Dale Becker noted that the CS&KT Cultural Committee was invited to today's consultation but they we not present. Dale said he would discuss this with them in the future if they requested more information.
2. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
3. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out.
4. **How would tribal members be allowed to hunt grizzlies in the Yellowstone ecosystem if they wanted to as part of their cultural heritage like they now hunt bison when they leave YNP?** This remains to be worked out. (Note: CS&KT members along with several other tribal members hunt bison in Montana every March/April when some bison have left YNP. They do so as part of their cultural heritage.)
5. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
6. **Please explain the video being circulated that shows a Cheyenne elder being treated disrespectfully at an agency meeting when he tried to make a comment.** I explained the details of the situation (below) and this explanation was appreciated by the Council with a positive reaction:
   The Yellowstone Ecosystem Subcommittee meeting was held in Cody, WY April 30 – May 1. One of the presentations at the meeting was "Grizzly Bear

Management on Tribal Lands: Collaborations between WGFD, USFWS, and IGBST" presented by Dan Thompson of WYGF and Pat Hnilicka of the FWS Tribal Assistance office in Lander, WY. This presentation was about the long-term cooperation between Tribal, state, and FWS biologists on a wide range of issues including grizzly bears. The agenda for the meeting is attached. This presentation had nothing to do with the position of the tribes on delisting.

After this presentation, a Tribal member, Mr. James Walks Along, Director Tribal Historic Preservation Office, Northern Cheyenne Tribe walked up to the front of the room and took the microphone from the meeting chair, Brian Nesvik of WYGF and started to make a statement. Brian asked Mr. Walks Along to make his statement at the end of the meeting when public comment was taken. As is customary, no public comment is taken during formal presentations. Instead there is a formal public comment period at the end of each day of the meeting. Mr. Walks Along refused to give up the microphone and to end this disruption the power to the microphone was turned off. Mr. Walks Along then was assured he would be able to comment during the public comment period and he sat down.

At the end of the day, public comment was taken and Mr. Walks Along read a resolution against delisting and requested that FWS consult with the tribes on the status of the Yellowstone grizzly bear. His time to make these comments was not limited and he completed his statement. Immediately after he gave his statement during the public comment period, he approached me and introduced himself and we shook hands. He gave me a folder containing several tribal resolutions against delisting. Mr. Walks Along volunteered to me that "he should have not done that (the disruption) during the meeting" and expressed regret about his disruption. I asked him the best way for us (FWS) to obtain the views of his tribe on this issue. He said to call or email him and he would arrange a meeting with the Tribal Council so we could consult with them. I told him we were eager to hear the concerns of the tribes and would be in touch with him. I told him I would be happy to come and listen to their concerns. He expressed that this was good and he looked forward to it. He was friendly and we had a cordial conversation as he wrote down his contact information so I could reach him. I phoned him later and have a consultation scheduled with the Northern Cheyenne Tribe in Lame Deer in July.

At the end of the discussion I told the CS&KT Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

From: Servheen, Chris
To: Michael Thabault
Subject: Tribal consultations
Date: Monday, June 22, 2015 6:11:06 AM
Attachments: June 18 consultation with Blackfeet tribe.docx
June 9 consultation with CS&KT tribes.docx

Mike,
I have consolation meetings with the Northern Cheyenne on July 16 in Lame Deer, MT, both the Arapahoes and Shoshones on the Wind River reservation on July 21 (Pat Hnilika can go with me to those) and have a consultation meeting with the Shoshone Bannock Tribes on July 29 from 10 AM to noon in Fort Hall, ID. David Kampworth will go with me to that one.

The positions of these tribes differ as follows:
Northern Cheyenne - oppose
Shoshones - oppose
Arapahos - support (even though Norman Willow said differently in the YES meeting). Pat Hnilika continues to hear from the Arapahos in council that they support delisting.
Shoshone Bannock - oppose

Attached is my summary of my consultation on June 9 with the Confederated Salish and Kootenai Tribe (CS&KT) about Yellowstone grizzly delisting. The consultations with this tribe went well. An interesting issue was raised when they asked if Tribal members would be able to hunt grizzly bears in Montana if they choose to do do. They currently participate in a bison hunt each year when bison leave YNP and move into Montana.
The CS&KT Tribal wildlife biologist described the GOAL group and the fact that the GOAL group was claiming that "all tribes in MT and WY were opposed to delisting". The CS&KT Council did not know who GOAL was nor do they support such a statement. They treated this as a minor issue and did not seem to concerned about it one way or the other. The CS&KT support delisting.

I met with the Blackfeet Nation wildlife committee of the Tribal Council on June 18 and a summary of that meeting is also attached.

I have arranged 4 consultation meetings with Tribes in July. I am perfectly happy if someone else from the Service would like to attend these meetings in my place because of the personal attacks that have been made against me. There are several upcoming meetings with Tribes who have made resolutions against delisting in cooperation with the GOAL group. These upcoming meetings with these Tribes are likely to be more contentious that the completed meetings with the CS&KT and the Blackfeet Nation, both of whom are in the NCDE and have not made any resolutions against delisting.

Chris

Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
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http://www.cfc.umt.edu/GrizzlyBearRecovery/
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"Try to learn something about everything and everything about something." - Thomas Huxley.

June 18, 2015

Summary of Consultations with Blackfeet Nation wildlife committee of the Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Blackfeet Nation wildlife committee of the Tribal Council on June 18 at their request after working with the tribal wildlife biologist, Dan Carney, to make these arrangements. Dan Carney introduced me. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
2. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out. This hunting would be managed by the Tribe on Tribal lands.
3. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
4. **How many grizzly bears were on the Blackfeet Reservation?** Dan Carney answered that in the spring there were between 2-300 grizzly bears on the reservation and that many of these bears returned to Glacier Park and Forest Service lands in the summer and fall.

Dan Carney explained to the Blackfeet Council wildlife committee members about the GOAL group and the claims by this GOAL group that the Blackfeet Nation opposes Yellowstone grizzly delisting and that "all tribes in MT and WY were opposed to delisting". The Blackfeet Council members did not know who GOAL was. The tribal attorney said he would call the GOAL group and ask them on what basis they were making such a statement and he would then get back to Council members on the answer. The Blackfeet Nation wildlife committee of the Tribal Council was supportive of the concept of delisting. Once their attorney got an answer from GOAL, they would consider this issue with the entire Council.

At the end of the discussion I told the members of the wildlife committee of the Tribal Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

June 10, 2015

Summary of Consultations with Confederated Salish and Kootenai Tribes (CS&KT) concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the CS&KT Tribal Council on the afternoon of June 9 at their request after working with Dale Becker to make these arrangements. I was introduced by their tribal wildlife manager Dale Becker and Tribal natural resources chief Tom McDonald as the Service representative consulting with them under nation-to-nation consultation. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

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At the end of the discussion I told the CS&KT Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

From: Servheen, Chris
To: Jordan, George
Cc: Bush, Jodi; Terence Thibeault
Subject: Re: Coverage at Meeting in Lamedeer MT
Date: Thursday, July 23, 2015 4:25:10 PM
Attachments: July 20 consultation with Northern Cheyenne tribes.docx

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Terry and George,
Here is my summary of the consultation with the Northern Cheyenne on Monday. Thanks for taking the time to attend and for being there.
Chris

On Fri, Jul 17, 2015 at 9:41 AM, Jordan, George <george_jordan@fws.gov> wrote:

> Sounds good Chris. We'll see you there.
>
> ::
> George Jordan
> Project Leader
> U. S. Fish and Wildlife Service
> Montana Fish and Wildlife Conservation Office
> 2900 4th Avenue North, Room 301
> Billings, MT 59101
> (406)247-7365
> (406)247-7357 fax
> ::
>
> On Fri, Jul 17, 2015 at 9:34 AM, Servheen, Chris <chris_servheen@fws.gov> wrote:
>
> > George and Terry,
> > The meeting will be at 9 AM on Monday July 20 at what was described to me as "the capitol building" in Lame Deer. I was told that I can't miss this building as it has a copper dome. I will be out front of this building at about 8:45 in my blue chevy trailblazer with GSA plates and will look for you guys.
> > Chris
> >
> > On Fri, Jul 17, 2015 at 9:25 AM, Jordan, George <george_jordan@fws.gov> wrote:
> >
> > > Hi Jodi,
> > >
> > > As of right now, I can make this work. Terry Thibeault, FWS Resident Agent in Charge, is also interested in sitting in and will be joining me.
> > >
> > > Chris,
> > >
> > > Please provide us the details, (i.e. where, when, etc.)
> > >
> > > Thanks.
> > > George

:::
George Jordan
Project Leader
U. S. Fish and Wildlife Service
Montana Fish and Wildlife Conservation Office
2900 4th Avenue North, Room 301
Billings, MT 59101
(406)247-7365
(406)247-7357 fax
:::

On Thu, Jul 16, 2015 at 11:59 AM, Bush, Jodi <jodi_bush@fws.gov> wrote:

> Hey George. I left you a phone message but thought I'd send an email too. Can you give me a call today if you have a minute?
>
> Chris Servheen is going to be in Lamedeer on Monday, June 20 at 9am to talk to the Northern Cheyenne about the GB Conservation Strategy. Its a gov to gov meeting. He wants someone to just sit there as another representative of the Service -for support. There is no need to do anything or be prepared to talk.
>
> Chris asked that I attend but its a huge travel commitment given the short notice (just heard about this in last hour).
>
> Do you think you could sit in the meeting with Chris for me? Because of your role in providing technical assistance to Tribal governments we thought you would be the ideal choice.
>
> Thanks for your help. JB
>
> Jodi L. Bush
> Field Supervisor
> Montana Ecological Services Office
> 585 Shepard Way, Suite 1
> Helena, MT 59601
> (406) 449-5225, ext.205

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana

> Missoula, Montana 59812
> 406-243-4903
> fax 406-329-3212
> http://www.cfc.umt.edu/GrizzlyBearRecovery/
> http://www.fws.gov/whitenosesyndrome/
>
> "Try to learn something about everything and everything about something." - Thomas Huxley.

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July 20, 2015

Summary of Consultations with Northern Cheyenne Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Cheyenne Tribal Council on the morning of July 20 after contacting James Walks Along and asking him to set up a consultation between the Tribal authorities and FWS. James is the tribal cultural liaison and we met at the Yellowstone Ecosystem subcommittee meeting in Cody in May. Terry Thibeault from LE and George Jordon the MT ES liaison for tribal activities joined me but did not speak to the Council other than to introduce themselves.

I asked James to set up a formal government-to-government consultation with the Council to get their input on the idea of delisting Yellowstone grizzly bears, but it soon became clear that this is not what the Council was expecting. James introduced the issue of delisting Yellowstone bears. He started that the Tribe has passed a formal resolution against delisting and that there were Tribal elders opposed to the idea. He spoke of his treatment at the Yellowstone Ecosystem subcommittee meeting (I have summarized this previously). James introduced a Tribal Elder (whose name I did not catch) who spoke of the importance of grizzly bears to the Tribe and how bears were sacred animals. I was then asked to come up to the Council table and speak to the Council. I summarized the ESA recovery process and the specifics of grizzly bears and how the population was 3x what it was and we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the formal process to get to delisting should it be decided to proceed to propose this.

This discussion with the Northern Cheyenne Council was different than the meetings with the CS & K Tribes and the Blackfeet in that the Northern Cheyenne Council did not ask any questions about bears, or the status of bears, or what delisting would mean to the bears or to them. The main issues are summarized below:

Concerns raised by the Council (in bold):

1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
3. **They were concerned about the treatment of James Walks Along at the Yellowstone ecosystem subcommittee and asked me to apologize to him and to them about this treatment. They asked me if I was running this meeting and was responsible for his treatment.** I was not running this meeting and told them so. I told them what happened was an unfortunate misunderstanding about the meeting protocol. I apologized to James and to the Council for the resulting treatment of James at the meeting and for this unfortunate misunderstanding . **James and Council thanked me for this apology.**
4. **They said that a new meeting should be arranged with the Council president so they could prepare for G to G consultation and asked me to write the Council president a letter ask for this.** I told them I would do this and James and I spoke about it after the meeting. James said he would talk to the council about this and get back to me about how it should be arranged.
5. **They were very pointed in telling me that tribal consultation was not like public comment and that G to G consultation was "very different" than public involvement. This point about them being treated in a special manner was a key issue for them.**

In summary, the meeting was very different from previous tribal meetings with tribes that have grizzlies on their reservations. The tribes I have spoken with who had grizzlies on their reservations asked about bear management issues and how delisting related to management. The Northern Cheyenne do not have grizzlies on their reservation. Their concerns were about process, respect for Tribal people at meetings (relating to James Walks Along and the Yellowstone ecosystem subcommittee), respect for Tribal opinions and input through the G to G consolation process, and having someone to consult with who was a decision maker so that there was perceived equality between the Council and the US government during this G to G consultation. This issue of equality was an important issue to them. The said that historically, tribes had been disrespected by the US government and this had to change. They asked no questions about bears or about the impact of delisting on bears. They expressed no concerns about hunting or state management plans or anything about bears. They did not even mention hunting. The Council did not say anything about GOAL. James Walks Along did say that there were many other tribes opposed to delisting but he did not mention GOAL either.

We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

From: Servheen, Chris
To: Michael Thabault
Cc: Pat Hnilicka
Subject: Reports on Tribal consultations
Date: Thursday, July 23, 2015 6:15:29 PM
Attachments: July 20 consultation with Northern Cheyenne tribes.docx
July 21 consultation with Arapahoe tribe.docx
July 21 consultation with Eastern Shoshone tribe.docx

Mike,
Here are my reports on 3 Tribal consultations this past week. As you can see, there will have to be another consultation with the Northern Cheyenne.

Pat Hnilicka is on leave until next week and he may have some additional observations when he returns. Pat was very helpful in setting up and introducing the 2 meetings on the Wind River Reservation Terry and George joined me in Lame Deer and it was excellent to have several Service representatives present.

Chris

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July 20, 2015

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Concerns raised by the Council (in bold):

1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
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We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

July 21, 2015

Summary of Consultations with Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested in the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They said people had approached them from GOAL (apparently in November of 2014), but they did not join with the GOAL coalition or agree with what these people said.**
4. **The Council said they were not opposed to delisting, but there was somewhat of a split in the Council since one member (Norman Willow) stated that his personal opinion was that he was opposed to delisting. Norman had attended the YES meeting in May in Cody and made a statement against delisting during that meeting. Normal Willow did not give any reasons that he was opposed to delisting. The other members deferred to Norman's personal opinion but this did not change the position of the Council.**

In summary, the consultation was very productive. They did not take a position against delisting and were generally positive about grizzly bears expanding onto the reservation. I thanked them for their time. The consultation lasted about 30 minutes.

July 21, 2015

Summary of Consultations with Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

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From:	Servheen, Chris
To:	Thabault, Michael
Subject:	Re: Reports on Tribal consultations
Date:	Sunday, July 26, 2015 3:56:07 PM
Attachments:	July 21 consultation with Eastern Shoshone tribe v2.docx

Mike,
Sorry for the file mixup error. Here is the actual Eastern Shoshone consultation summary.
Chris

On Fri, Jul 24, 2015 at 9:56 AM, Thabault, Michael <michael_thabault@fws.gov> wrote:

> Chris while they have different names the last two seem to be the same doc.
>
> Michael Thabault
> Assistant Regional Director
> Ecological Services
> U.S. Fish and Wildlife Service
> Mountain Prairie Region
> 303-236-4210
> michael_thabault@fws.gov
>
> On Thu, Jul 23, 2015 at 2:22 PM, Servheen, Chris <chris_servheen@fws.gov> wrote:
>
> > Mike,
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> >
> > Chris
> >
> > --
> > Christopher Servheen, Ph.D.
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July 21, 2015

Summary of Consultations with Eastern Shoshone Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Eastern Shoshone Tribal Council on the afternoon of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Tribal Fish and Game Department, also accompanied us.

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3. **They spoke of what they had been told by Louisa Wilcox and another woman from GOAL (apparently in November of 2014). They said this group told them the state would be hunting grizzlies on the reservation if the bear was delisted. They said they knew this was not true. The were apparently shown a video of a bear hunt in Alaska by the GOAL people to inflame tension about trophy hunting. The Council members called GOAL a "radical" group and stated that they did not agree with some of the things this group says. They stated that this group misrepresented them and they misquoted the Tribal Chairman. They said they had declined to provide further comments to GOAL against delisting and against the Service when requested.**

4. **The Council said they were opposed to trophy hunting of bears and noted the difference between subsistence hunting for consumption and trophy hunting for sport and a trophy. This was a deeply held belief and they expressed this belief with conviction and eloquence.**
5. **That said that their concern with delisting was basically related to trophy hunting. They expressed concern with the "need" to hunt bears after delisting. They understood and accepted the need to sometimes remove (kill) bears that were in conflict with people or livestock. They did not see the need to hunt bears if they were not in conflict, particularly by those who would not eat the bear.**
6. **They said that the term delisting was being confused with trophy hunting and perhaps the term needed better understanding. They said that their opposition to delisting was really opposition to trophy hunting of bears and if delisting did not involve hunting of bears they would not be opposed to it.**

In summary, the consultation was very productive and valuable. The Council spoke with conviction and eloquence about their concerns about grizzly bear hunting and trophy hunting. They liked having grizzly bears on the reservation and being a part of the research and monitoring system for Yellowstone ecosystem grizzly bears. I thanked them for their time. The consultation lasted about 90 minutes.

From: Servheen, Chris
To: Fortin-Noreus, Jennifer
Subject: tribal meeting summaries
Date: Monday, July 27, 2015 11:36:31 AM
Attachments: July 21 consultation with Eastern Shoshone tribe v2.docx
July 20 consultation with Northern Cheyenne tribes.docx
July 21 consultation with Arapahoe tribe.docx

FYI

July 21, 2015

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Chris Servheen

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1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
3. **They were concerned about the treatment of James Walks Along at the Yellowstone ecosystem subcommittee and asked me to apologize to him and to them about this treatment. They asked me if I was running this meeting and was responsible for his treatment.** I was not running this meeting and told them so. I told them what happened was an unfortunate misunderstanding about the meeting protocol. I apologized to James and to the Council for the resulting treatment of James at the meeting and for this unfortunate misunderstanding . **James and Council thanked me for this apology.**
4. **They said that a new meeting should be arranged with the Council president so they could prepare for G to G consultation and asked me to write the Council president a letter ask for this.** I told them I would do this and James and I spoke about it after the meeting. James said he would talk to the council about this and get back to me about how it should be arranged.
5. **They were very pointed in telling me that tribal consultation was not like public comment and that G to G consultation was "very different" than public involvement. This point about them being treated in a special manner was a key issue for them.**

In summary, the meeting was very different from previous tribal meetings with tribes that have grizzlies on their reservations. The tribes I have spoken with who had grizzlies on their reservations asked about bear management issues and how delisting related to management. The Northern Cheyenne do not have grizzlies on their reservation. Their concerns were about process, respect for Tribal people at meetings (relating to James Walks Along and the Yellowstone ecosystem subcommittee), respect for Tribal opinions and input through the G to G consolation process, and having someone to consult with who was a decision maker so that there was perceived equality between the Council and the US government during this G to G consultation. This issue of equality was an important issue to them. The said that historically, tribes had been disrespected by the US government and this had to change. They asked no questions about bears or about the impact of delisting on bears. They expressed no concerns about hunting or state management plans or anything about bears. They did not even mention hunting. The Council did not say anything about GOAL. James Walks Along did say that there were many other tribes opposed to delisting but he did not mention GOAL either.

We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

July 21, 2015

Summary of Consultations with Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested in the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They said people had approached them from GOAL (apparently in November of 2014), but they did not join with the GOAL coalition or agree with what these people said.**
4. **The Council said they were not opposed to delisting, but there was somewhat of a split in the Council since one member (Norman Willow) stated that his personal opinion was that he was opposed to delisting. Norman had attended the YES meeting in May in Cody and made a statement against delisting during that meeting. Normal Willow did not give any reasons that he was opposed to delisting. The other members deferred to Norman's personal opinion but this did not change the position of the Council.**

In summary, the consultation was very productive. They did not take a position against delisting and were generally positive about grizzly bears expanding onto the reservation. I thanked them for their time. The consultation lasted about 30 minutes.

From: Servheen, Chris
To: Carrier, Michael
Subject: Re: FW: FW: consulatation
Date: Monday, July 27, 2015 1:31:31 PM
Attachments: July 21 consultation with Eastern Shoshone tribe v2.docx

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Mike,
Here is my summary of the consultation I had with the Eastern Shoshone Tribe last week. They refer to the Shoshone in Ft. Hall as their western brethren so we may see similar ideas there. I will plan to be in front of the tribal administration building by 9:30 on Wednesday morning. I will be driving a blue Chevy Trailblazer with GSA plates.
See you then,
Chris

On Wed, Jul 15, 2015 at 12:01 PM, Carrier, Michael <michael_carrier@fws.gov> wrote:

> Excellent Chris. Thanks for clarifying. See you then.
> Mike
>
> On Wed, Jul 15, 2015 at 11:01 AM, Servheen, Chris <chris_servheen@fws.gov> wrote:
>
> > Mike,
> > Below you can see my correspondence with the Tribal authorities and that the meeting is indeed on July 29 from 10 AM to noon in Ft. Hall.
> > Chris
> >
> > ---------- Forwarded message ----------
> > From: **Claudeo Broncho** <cbroncho@sbtribes.com>
> > Date: Fri, Jun 19, 2015 at 9:58 AM
> > Subject: FW: FW: consulatation
> > To: "chris_servheen@fws.gov" <chris_servheen@fws.gov>, Leander Watson <lwatson@sbtribes.com>, Chad Colter <ccolter@sbtribes.com>, Dan Stone <dstone@sbtribes.com>, Hunter Osborne <hosborne@sbtribes.com>
> > Cc: Billie Appenay <bappenay@sbtribes.com>, Challis Baldwin <cbaldwin@sbtribes.com>, Candice Broncho <cibroncho@sbtribes.com>, Jacee Furniss <jfurniss@sbtribes.com>, Relda Wolfchild <rledmo2@sbtribes.com>, Connie Gonzalez <cgonzalez@sbtribes.com>, starlight samantha <sstarlight@sbtribes.com>
> >
> > Chris, meeting with Fort Hall Business Council is July 29, 2015, 10:00 to 12:00 pm. Thanks Claudeo
> >
> > ---
> >
> > **From:** Claudeo Broncho
> > **Sent:** Friday, June 19, 2015 8:10 AM
> > **To:** Billie Appenay; Blaine Edmo; Leander Watson; Chad Colter

Cc: Candice Broncho; Claudeo Broncho (cbroncho@sbtribes.com)
Subject: FW: FW: consulatation

Billie, this is another request for a meeting with FHBC from the US Fish &Wildlife Service on the Grizzly Bear. The other meeting with Tobin Roop is with the National Park Service (Yellowstone Bison EIS). Two Federal agencies. Thanks Claudeo

From: Servheen, Chris [mailto:chris_servheen@fws.gov]
Sent: Friday, June 19, 2015 7:57 AM
To: Claudeo Broncho
Subject: Re: FW: consulatation

Hi Claudeo,

Thanks for your note about consultation with the business council. I am available July 28, 29, or 30. Do any of those dates work, and if not, can you tell me some dates that we can consider?

Many thanks and I look for forward to working with you.

Chris

On Wed, Jun 17, 2015 at 9:45 AM, Claudeo Broncho <cbroncho@sbtribes.com> wrote:

Chris, I talked to Leander Watson on setting up a G2G meeting with the Fort Hall Business Council at Fort Hall, Idaho on the Grizzly Bear. Thanks Claudeo M. Broncho, Fish and Wildlife Policy Representative for the Shoshone-Bannock Tribes

---

From: Leander Watson
Sent: Wednesday, June 17, 2015 9:25 AM
To: Claudeo Broncho
Subject: FW: consulatation

From: Servheen, Chris [mailto:chris_servheen@fws.gov]

Sent: Monday, May 18, 2015 12:43 PM
To: Leander Watson
Subject: consulatation

Hi Leander,

It was good to visit with you in Cody a few weeks ago. As we discussed, I would be happy to come to consult with your Tribal leadership on the status of Yellowstone grizzly bears if there is interest in such a discussion. What is the best way to start the process of such a consultation? Are there some dates that would work for the Tribal leaders? Please let me know how we can start these consultations and who I should speak to about this.

Thank you.

Sincerely,

Chris

--

Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator

Polar Bear Recovery Team

U.S. Fish and Wildlife Service

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http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

--

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Michael Carrier, State Supervisor
Idaho Office, U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, Idaho 83709
(208) 685-6953
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July 21, 2015

Summary of Consultations with Eastern Shoshone Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Eastern Shoshone Tribal Council on the afternoon of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested about the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They spoke of what they had been told by Louisa Wilcox and another woman from GOAL (apparently in November of 2014). They said this group told them the state would be hunting grizzlies on the reservation if the bear was delisted. They said they knew this was not true. The were apparently shown a video of a bear hunt in Alaska by the GOAL people to inflame tension about trophy hunting. The Council members called GOAL a "radical" group and stated that they did not agree with some of the things this group says. They stated that this group misrepresented them and they misquoted the Tribal Chairman. They said they had declined to provide further comments to GOAL against delisting and against the Service when requested.**

4. **The Council said they were opposed to trophy hunting of bears and noted the difference between subsistence hunting for consumption and trophy hunting for sport and a trophy. This was a deeply held belief and they expressed this belief with conviction and eloquence.**
5. **That said that their concern with delisting was basically related to trophy hunting. They expressed concern with the "need" to hunt bears after delisting. They understood and accepted the need to sometimes remove (kill) bears that were in conflict with people or livestock. They did not see the need to hunt bears if they were not in conflict, particularly by those who would not eat the bear.**
6. **They said that the term delisting was being confused with trophy hunting and perhaps the term needed better understanding. They said that their opposition to delisting was really opposition to trophy hunting of bears and if delisting did not involve hunting of bears they would not be opposed to it.**

In summary, the consultation was very productive and valuable. The Council spoke with conviction and eloquence about their concerns about grizzly bear hunting and trophy hunting. They liked having grizzly bears on the reservation and being a part of the research and monitoring system for Yellowstone ecosystem grizzly bears. I thanked them for their time. The consultation lasted about 90 minutes.

From: Servheen, Chris
To: Carrier, Michael
Subject: Re: Shoshone Bannock: July 29, 2015
Date: Thursday, July 30, 2015 9:39:05 AM

Thanks, Mike for attending and for these excellent notes. It was great to meet you. I will draft my summary today using your notes and my memory, and send it to you for edits and review before moving it up the ladder.

Thanks for those nice words about the consultation. It has been a while since anyone said such nice things like that. Much appreciated!
Chris

On Thu, Jul 30, 2015 at 9:33 AM, Carrier, Michael <michael_carrier@fws.gov> wrote:

> ---------- Forwarded message ----------
> From: **Michael Carrier** <michael_carrier@fws.gov>
> Date: Wed, Jul 29, 2015 at 11:22 AM
> Subject: Shoshone Bannock: July 29, 2015
> To: Michael Carrier <Michael_Carrier@fws.gov>
>
> Shoshone Bannock: July 29, 2015
> Chris
> Summarized listing history, current range and status with explanation of Yellowstone population.
> Explained parameters associated with delisting including the determination that adequate measures are in place post delisting. Also explained status of determination to list or not list and how long the process takes.
>
> Chair: Blaine Edmo
> Got a call from someone in FWS in Colorado asking as early questions as today. Tribe remains opposed to delisting and feels that the decision is being influenced by IDFGs desire to promote trophy hunting. Also concerned about exurban population growth in the region and negative impacts on wildlife.
> Doesn't think tribe will support any effort to delist grizzly bears. Prefers instead that we establish large protective buffers for wildlife.
>
> Devon Boyer:
> Never heard that there are too many grizzly bears. Has always heard the opposite. Bears are considered a brother to the. Tribes and has spiritual significance. Questioned if ESA considers spiritual values and what gain there would be if hunting was allowed. Does not see any sensible reason for removing protections. Referred to tribe's letter recently sent opposing delisting. Also favors establishment of a development buffer around the Yellowstone population.

Mitzi Sabori:
Has FWS met with other tribes like the Blackfeet. Not meeting with tribes outside the Yellowstone population range.
Chris talked about the Wy and Mt tribes he has met with. Chairman clarified that those tribes were not originally from there. The Sho-Ban were.

Claudio Branco:
Agrees with council members and discussed Sho-Bans history in the Yellowstone area. Also stressed the cultural significance of all bears and concern that hunting would threaten the status of Grizzlies. Sho-Ban's heritage tied to the. Snake River from Yellowstone to the Columbia. Stressed tribe's belief that bears are like humans and should not be killed.

Donna Bollinger:
Echoed other's views and doesn't understand why we would delist. Chris explained the purpose of the act being to get to delisting and the need for adequate assurances of continued viability and that any hunting would be strictly controlled to prevent decline toward imperiled status.

Chair:
Again stated that the problem is human development in bear habitat.

Claudio:
Asked why the decision to delist is being handled in a piecemeal fashion and treating Glacier bears from Yellowstone bears.
Chris explained how the current populations are not connected but the Service's work to create connectivity.

Devon:
Described the interactions of humans and bears in Alaska and how they generally get along ok. Asked about status of reintroduction in other areas. Chris explained the proposal to establish bears in the Bitterroot-Selway which has not been funded. Devon asked how the number of bears to be hunted would be determined and if translocation could be an alternative to hunting.

Chair:
Getting impression that FWS is determined to delist and promote hunting. Talked about elk hunting on the refuge and how tribes were denied opportunity to participate.

Leander:
Concerned that after delisting, the state will assert its control and do whatever it wants and over harvest bears. Chris explained that the Service would require and acceptable state management plan and if the plan was not followed the Service could emergency re-list.

Devon:
Doesn't understand why the other proposals to re-establish bears were not funded. Chris offered that the Bitterroot proposal was made in the Clinton Admin but decision to not fund was made by Bush Admin.

Audience:
Asked how bears are monitored and counted. Chris explained.

Claudio:
Asked about current timeline for Service to delist. Suggested that tribe be kept informed throughout the process. Sho-Ban still has treaty rights and wants to exercise those rights relative to this process and to be fully aware of everything that's occurring.

Devon:
Summarized. Tribe opposes delisting. Favors managing bears in alternative ways such as funding the Bitterroot project.

Chairman:
Agrees with Devon. Thanked us for coming.

Michael Carrier
Supervisor, U.S. Fish and Wildlife Service
Idaho Office

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Michael Carrier, State Supervisor
Idaho Office, U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, Idaho 83709
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From: Servheen, Chris
To: Michael Carrier
Subject: summary of the consultation
Date: Thursday, July 30, 2015 1:01:18 PM
Attachments: July 29 consultation with Shoshone Bannock Tribe.docx

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Mike,
Thanks to your excellent notes, here is the summary of the consultation. Please edit as necessary and send it back. I will then incorporate your comments and send you and others the final.
Chris

--
Christopher Servheen, Ph.D.
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July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and they FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **The expressed distrust of the state of Idaho and that upon delisting the state would do whatever they wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **The asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

From: Carrier, Michael
To: Servheen, Chris
Subject: Re: summary of the consultation
Date: Thursday, July 30, 2015 1:59:06 PM
Attachments: July 29 consultation with Shoshone Bannock Tribe.docx

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Chris,
Just a few minor edits.
Mike

On Thu, Jul 30, 2015 at 1:00 PM, Servheen, Chris <chris_servheen@fws.gov> wrote:

> Mike,
> Thanks to your excellent notes, here is the summary of the consultation. Please edit as necessary and send it back. I will then incorporate your comments and send you and others the final.
> Chris
>
> --
> Christopher Servheen, Ph.D.
> Grizzly Bear Recovery Coordinator
> Region 6 White Nose Syndrome Coordinator
> Polar Bear Recovery Team
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Idaho Office, U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Suite 368
Boise, Idaho 83709
(208) 685-6953
(503) 551-6340 (cell)

From: Servheen, Chris
To: Michael Thabault
Cc: Michael Carrier; Theresa Rabot
Subject: Summary of consultation with the Shoshone Bannock Tribe
Date: Thursday, July 30, 2015 2:11:34 PM
Attachments: July 29 consultation with Shoshone Bannock Tribe final.docx

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Mike and Terry,
Here is the summary of the last Tribal consultation that I have scheduled. It was great to have Mike Carrier there for this consultation.
Chris

--
Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
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July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

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6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **They expressed distrust of the state of Idaho and that upon delisting the state would do whatever it wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **They asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**
15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

From:	Servheen, Chris
To:	Ryan Moehring
Cc:	Michael Thabault; Will Meeks; Matt Hogan/R6/FWS/DOI
Subject:	Re: Yellowstone Grizz Sitdown w/ Shoshone Bannock Tribal Council
Date:	Monday, August 03, 2015 7:22:57 AM
Attachments:	July 29 consultation with Shoshone Bannock Tribe final.docx

Ryan,
Here is the summary of the consultation. Nothing urgent for you to do here.
Chris

On Fri, Jul 31, 2015 at 6:25 PM, Ryan Moehring <ryan_moehring@fws.gov> wrote:

> Hi Mike/Chris,
>
> I understand that you had an opportunity to meet with the Shoshone Bannock Tribal Council this week. Did anything of significance come out of that meeting that we should be aware of? Are there any taskings that resulted from the meeting with which we can provide assistance?
>
> Thanks,
>
> -Ryan
>
> Ryan Moehring
>
> Public Affairs Specialist (ND, SD, WY, MT)
>
> Mountain-Prairie Region
> U.S. Fish and Wildlife Service
>
> 303-236-0345
>
> Ryan_Moehring@fws.gov
>
> Facebook | Twitter | Flickr | YouTube

--
Christopher Servheen, Ph.D.

Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
University Hall 309
University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They expressed their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The Council agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The Council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **They expressed distrust of the state of Idaho and that upon delisting the state would do whatever it wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **They asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**
15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

From: Servheen, Chris
To: Ivy Allen
Cc: Will Meeks
Subject: Re: FW: Tribal communication and Grizzly
Date: Wednesday, September 02, 2015 1:25:20 PM
Attachments: July 21 consultation with Northern Arapahoe tribe v2.docx
July 21 consultation with Eastern Shoshone tribe v2.docx
July 29 consultation with Shoshone Bannock Tribe final.docx
July 20 consultation with Northern Cheyenne tribes.docx
June 9 consultation with CS&KT tribes.docx
June 18 consultation with Blackfeet tribe.docx

Ivy and Will. I have conducted 6 consultations with tribes, 5 of which were government to government as agreed to by the tribes involved, My summaries of each of these consultations are attached. I have added all of these summaries to the DOI database on interactions with tribes.
Chris

On Wed, Sep 2, 2015 at 12:59 PM, Ivy Allen <ivy_allen@fws.gov> wrote:

> HI Chris,
>
> Attached is the Word document I prepared for the R6 grizzly communication in relation to G2G actions and the database entry (I'm assuming that is part of why Matt is wanting it, but we need it for that anyways). I plan to upload this into the "event" database as a result of the "invite" that you entered to consult. I will wait until we all have a final version to submit though. If you need to send it through Mike after you review and edit it, feel free to do so. Thank you!
>
> *Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | 303-236-4575*
>
> ---
>
> **From:** Will Meeks [mailto:Will_Meeks@fws.gov]
> **Sent:** Tuesday, September 01, 2015 4:16 PM
> **To:** Ivy Allen
> **Cc:** Megan Nagel
> **Subject:** Tribal communication and Grizzly
>
> Ivy,
>
> Matt H asked me if you could put together some information for him re: Grizzly Bear and Tribal Communication in the region. It should include a list of letters and communication we have made to the tribes re: Grizzly Bear. Matt also believes that there is already some stuff input to the

database (from Chris Servheen) that is pertinent. Can you please start compiling a list and we can provide a draft to be sure we are on track with Matt's request.

Thanks.

Will Meeks

U.S. Fish and Wildlife Service, Region 6

Acting ARD External Affairs (through September 2015)

303-236-4510 (w)

720-541-0310 (c)

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Christopher Servheen, Ph.D.
Grizzly Bear Recovery Coordinator
Region 6 White Nose Syndrome Coordinator
Polar Bear Recovery Team
U.S. Fish and Wildlife Service
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University of Montana
Missoula, Montana 59812
406-243-4903
fax 406-329-3212
http://www.cfc.umt.edu/GrizzlyBearRecovery/
http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

July 21, 2015

Summary of Consultations with Northern Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested in the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They said people had approached them from GOAL (apparently in November of 2014), but they did not join with the GOAL coalition or agree with what these people said.**
4. **They stated that there was not agreement among council-members on whether grizzlies should be delisted. One member stated he was opposed to delisting on cultural matters, but was not specific as to what that entailed. He simply didn't want bears killed, though he did mention that he knew that bears would need to be removed when in conflict with people. The other two council-members thought that grizzly bear management should be allowed on the Reservation (implied as supporting delisting), but that the Council did not have an official**

stance on supporting or opposing delisting. This would come at a later date.

5. **The Council was unaware that GOAL was using their Tribe's logo and listing them as supporting GOAL's efforts.**

In summary, the consultation was very productive. They did not take a position for or against delisting and were generally positive about grizzly bears expanding onto the reservation. I thanked them for their time. The consultation lasted about 30 minutes.

July 21, 2015

Summary of Consultations with Eastern Shoshone Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Eastern Shoshone Business Council on the afternoon of July 21. Pat Hnilicka of the FWS's Fish and Wildlife Conservation Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Tribal Fish and Game Department, also accompanied us. Council-members present were Darwin St. Clair (Chair), Clint Wagon (Vice Chair), Jodie McAdams and Nick Harris.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation and shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested about the current status of grizzly bears on the Wind River Reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They spoke of what they had been told by Louisa Wilcox and another woman from GOAL (apparently in November of 2014). They said this group told them the state would be hunting grizzlies on the reservation if the bear was delisted. They said they knew this was not true. The were apparently shown a video of a bear hunt in Alaska by the GOAL people to inflame tension about trophy hunting. The Council members called GOAL a "radical" group and stated that they did not agree with some of the things this group says. They stated that this group**

misrepresented them and they misquoted the Tribal Chairman. They said they had declined to provide further comments to GOAL against delisting and against the Service when requested.

4. **The Council said they were opposed to trophy hunting of bears and noted the difference between subsistence hunting for consumption and trophy hunting for sport and a trophy. This was a deeply held belief and they expressed this belief with conviction and eloquence.**
5. **They said that their concern with delisting was basically related to trophy hunting. They expressed concern with the "need" to hunt bears after delisting. They understood and accepted the need to sometimes remove (kill) bears that were in conflict with people or livestock. They did not see the need to hunt bears if they were not in conflict, particularly by those who would not eat the bear.**
6. **They said that the term delisting was being confused with trophy hunting and perhaps the term needed to be better understood. They said that their opposition to delisting was really opposition to trophy hunting and if delisting did not involve hunting of bears they would not be opposed to it.**
7. **The Council was concerned that their opposition to delisting might result in a loss of FWS's efforts at monitoring grizzly bears on the Reservation (i.e. radio-collaring, aerial surveys, etc.). They were assured that this would not be the case and monitoring efforts would continue regardless of their stance.**

In summary, the consultation was very productive and valuable. The Council spoke with conviction and eloquence about their concerns about grizzly bear hunting and trophy hunting. They liked having grizzly bears on the reservation and being a part of the research and monitoring system for Yellowstone ecosystem grizzly bears. I thanked them for their time. The consultation lasted about 90 minutes.

July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They expressed their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The Council agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The Council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **They expressed distrust of the state of Idaho and that upon delisting the state would do whatever it wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **They asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**
15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

July 20, 2015

Summary of Consultations with Northern Cheyenne Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Cheyenne Tribal Council on the morning of July 20 after contacting James Walks Along and asking him to set up a consultation between the Tribal authorities and FWS. James is the tribal cultural liaison and we met at the Yellowstone Ecosystem subcommittee meeting in Cody in May. Terry Thibeault from LE and George Jordon the MT ES liaison for tribal activities joined me but did not speak to the Council other than to introduce themselves.

I asked James to set up a formal government-to-government consultation with the Council to get their input on the idea of delisting Yellowstone grizzly bears, but it soon became clear that this is not what the Council was expecting. James introduced the issue of delisting Yellowstone bears. He started that the Tribe has passed a formal resolution against delisting and that there were Tribal elders opposed to the idea. He spoke of his treatment at the Yellowstone Ecosystem subcommittee meeting (I have summarized this previously). James introduced a Tribal Elder (whose name I did not catch) who spoke of the importance of grizzly bears to the Tribe and how bears were sacred animals. I was then asked to come up to the Council table and speak to the Council. I summarized the ESA recovery process and the specifics of grizzly bears and how the population was 3x what it was and we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the formal process to get to delisting should it be decided to proceed to propose this.

This discussion with the Northern Cheyenne Council was different than the meetings with the CS & K Tribes and the Blackfeet in that the Northern Cheyenne Council did not ask any questions about bears, or the status of bears, or what delisting would mean to the bears or to them. The main issues are summarized below:

Concerns raised by the Council (in bold):

1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
3. **They were concerned about the treatment of James Walks Along at the Yellowstone ecosystem subcommittee and asked me to apologize to him and to them about this treatment. They asked me if I was running this meeting and was responsible for his treatment.** I was not running this meeting and told them so. I told them what happened was an unfortunate misunderstanding about the meeting protocol. I apologized to James and to the Council for the resulting treatment of James at the meeting and for this unfortunate misunderstanding . **James and Council thanked me for this apology.**
4. **They said that a new meeting should be arranged with the Council president so they could prepare for G to G consultation and asked me to write the Council president a letter ask for this.** I told them I would do this and James and I spoke about it after the meeting. James said he would talk to the council about this and get back to me about how it should be arranged.
5. **They were very pointed in telling me that tribal consultation was not like public comment and that G to G consultation was "very different" than public involvement. This point about them being treated in a special manner was a key issue for them.**

In summary, the meeting was very different from previous tribal meetings with tribes that have grizzlies on their reservations. The tribes I have spoken with who had grizzlies on their reservations asked about bear management issues and how delisting related to management. The Northern Cheyenne do not have grizzlies on their reservation. Their concerns were about process, respect for Tribal people at meetings (relating to James Walks Along and the Yellowstone ecosystem subcommittee), respect for Tribal opinions and input through the G to G consolation process, and having someone to consult with who was a decision maker so that there was perceived equality between the Council and the US government during this G to G consultation. This issue of equality was an important issue to them. The said that historically, tribes had been disrespected by the US government and this had to change. They asked no questions about bears or about the impact of delisting on bears. They expressed no concerns about hunting or state management plans or anything about bears. They did not even mention hunting. The Council did not say anything about GOAL. James Walks Along did say that there were many other tribes opposed to delisting but he did not mention GOAL either.

We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

June 10, 2015

Summary of Consultations with Confederated Salish and Kootenai Tribes (CS&KT) concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the CS&KT Tribal Council on the afternoon of June 9 at their request after working with Dale Becker to make these arrangements. I was introduced by their tribal wildlife manager Dale Becker and Tribal natural resources chief Tom McDonald as the Service representative consulting with them under nation-to-nation consultation. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How were tribal cultural and religious beliefs considered in this process?** I told them this was one of the purposes of this consultation – to obtain such input. Dale Becker noted that the CS&KT Cultural Committee was invited to today's consultation but they we not present. Dale said he would discuss this with them in the future if they requested more information.
2. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
3. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out.
4. **How would tribal members be allowed to hunt grizzlies in the Yellowstone ecosystem if they wanted to as part of their cultural heritage like they now hunt bison when they leave YNP?** This remains to be worked out. (Note: CS&KT members along with several other tribal members hunt bison in Montana every March/April when some bison have left YNP. They do so as part of their cultural heritage.)
5. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
6. **Please explain the video being circulated that shows a Cheyenne elder being treated disrespectfully at an agency meeting when he tried to make a comment.** I explained the details of the situation (below) and this explanation was appreciated by the Council with a positive reaction:
   The Yellowstone Ecosystem Subcommittee meeting was held in Cody, WY April 30 – May 1. One of the presentations at the meeting was "Grizzly Bear

Management on Tribal Lands: Collaborations between WGFD, USFWS, and IGBST" presented by Dan Thompson of WYGF and Pat Hnilicka of the FWS Tribal Assistance office in Lander, WY. This presentation was about the long-term cooperation between Tribal, state, and FWS biologists on a wide range of issues including grizzly bears. The agenda for the meeting is attached. This presentation had nothing to do with the position of the tribes on delisting.

After this presentation, a Tribal member, Mr. James Walks Along, Director Tribal Historic Preservation Office, Northern Cheyenne Tribe walked up to the front of the room and took the microphone from the meeting chair, Brian Nesvik of WYGF and started to make a statement. Brian asked Mr. Walks Along to make his statement at the end of the meeting when public comment was taken. As is customary, no public comment is taken during formal presentations. Instead there is a formal public comment period at the end of each day of the meeting. Mr. Walks Along refused to give up the microphone and to end this disruption the power to the microphone was turned off. Mr. Walks Along then was assured he would be able to comment during the public comment period and he sat down.

At the end of the day, public comment was taken and Mr. Walks Along read a resolution against delisting and requested that FWS consult with the tribes on the status of the Yellowstone grizzly bear. His time to make these comments was not limited and he completed his statement. Immediately after he gave his statement during the public comment period, he approached me and introduced himself and we shook hands. He gave me a folder containing several tribal resolutions against delisting. Mr. Walks Along volunteered to me that "he should have not done that (the disruption) during the meeting" and expressed regret about his disruption. I asked him the best way for us (FWS) to obtain the views of his tribe on this issue. He said to call or email him and he would arrange a meeting with the Tribal Council so we could consult with them. I told him we were eager to hear the concerns of the tribes and would be in touch with him. I told him I would be happy to come and listen to their concerns. He expressed that this was good and he looked forward to it. He was friendly and we had a cordial conversation as he wrote down his contact information so I could reach him. I phoned him later and have a consultation scheduled with the Northern Cheyenne Tribe in Lame Deer in July.

At the end of the discussion I told the CS&KT Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

June 18, 2015

Summary of Consultations with Blackfeet Nation wildlife committee of the Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Blackfeet Nation wildlife committee of the Tribal Council on June 18 at their request after working with the tribal wildlife biologist, Dan Carney, to make these arrangements. Dan Carney introduced me. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
2. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out. This hunting would be managed by the Tribe on Tribal lands.
3. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
4. **How many grizzly bears were on the Blackfeet Reservation?** Dan Carney answered that in the spring there were between 2-300 grizzly bears on the reservation and that many of these bears returned to Glacier Park and Forest Service lands in the summer and fall.

Dan Carney explained to the Blackfeet Council wildlife committee members about the GOAL group and the claims by this GOAL group that the Blackfeet Nation opposes Yellowstone grizzly delisting and that "all tribes in MT and WY were opposed to delisting". The Blackfeet Council members did not know who GOAL was. The tribal attorney said he would call the GOAL group and ask them on what basis they were making such a statement and he would then get back to Council members on the answer. The Blackfeet Nation wildlife committee of the Tribal Council was supportive of the concept of delisting. Once their attorney got an answer from GOAL, they would consider this issue with the entire Council.

At the end of the discussion I told the members of the wildlife committee of the Tribal Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

June 10, 2015

Summary of Consultations with Confederated Salish and Kootenai Tribes (CS&KT) concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the CS&KT Tribal Council on the afternoon of June 9 at their request after working with Dale Becker to make these arrangements. I was introduced by their tribal wildlife manager Dale Becker and Tribal natural resources chief Tom McDonald as the Service representative consulting with them under nation-to-nation consultation. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How were tribal cultural and religious beliefs considered in this process?** I told them this was one of the purposes of this consultation – to obtain such input. Dale Becker noted that the CS&KT Cultural Committee was invited to today's consultation but they we not present. Dale said he would discuss this with them in the future if they requested more information.
2. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
3. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out.
4. **How would tribal members be allowed to hunt grizzlies in the Yellowstone ecosystem if they wanted to as part of their cultural heritage like they now hunt bison when they leave YNP?** This remains to be worked out. (Note: CS&KT members along with several other tribal members hunt bison in Montana every March/April when some bison have left YNP. They do so as part of their cultural heritage.)
5. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
6. **Please explain the video being circulated that shows a Cheyenne elder being treated disrespectfully at an agency meeting when he tried to make a comment.** I explained the details of the situation (below) and this explanation was appreciated by the Council with a positive reaction:
   The Yellowstone Ecosystem Subcommittee meeting was held in Cody, WY April 30 – May 1. One of the presentations at the meeting was "Grizzly Bear

Management on Tribal Lands: Collaborations between WGFD, USFWS, and IGBST" presented by Dan Thompson of WYGF and Pat Hnilicka of the FWS Tribal Assistance office in Lander, WY. This presentation was about the long-term cooperation between Tribal, state, and FWS biologists on a wide range of issues including grizzly bears. The agenda for the meeting is attached. This presentation had nothing to do with the position of the tribes on delisting.

After this presentation, a Tribal member, Mr. James Walks Along, Director Tribal Historic Preservation Office, Northern Cheyenne Tribe walked up to the front of the room and took the microphone from the meeting chair, Brian Nesvik of WYGF and started to make a statement. Brian asked Mr. Walks Along to make his statement at the end of the meeting when public comment was taken. As is customary, no public comment is taken during formal presentations. Instead there is a formal public comment period at the end of each day of the meeting. Mr. Walks Along refused to give up the microphone and to end this disruption the power to the microphone was turned off. Mr. Walks Along then was assured he would be able to comment during the public comment period and he sat down.

At the end of the day, public comment was taken and Mr. Walks Along read a resolution against delisting and requested that FWS consult with the tribes on the status of the Yellowstone grizzly bear. His time to make these comments was not limited and he completed his statement. Immediately after he gave his statement during the public comment period, he approached me and introduced himself and we shook hands. He gave me a folder containing several tribal resolutions against delisting. Mr. Walks Along volunteered to me that "he should have not done that (the disruption) during the meeting" and expressed regret about his disruption. I asked him the best way for us (FWS) to obtain the views of his tribe on this issue. He said to call or email him and he would arrange a meeting with the Tribal Council so we could consult with them. I told him we were eager to hear the concerns of the tribes and would be in touch with him. I told him I would be happy to come and listen to their concerns. He expressed that this was good and he looked forward to it. He was friendly and we had a cordial conversation as he wrote down his contact information so I could reach him. I phoned him later and have a consultation scheduled with the Northern Cheyenne Tribe in Lame Deer in July.

At the end of the discussion I told the CS&KT Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

June 18, 2015

Summary of Consultations with Blackfeet Nation wildlife committee of the Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Blackfeet Nation wildlife committee of the Tribal Council on June 18 at their request after working with the tribal wildlife biologist, Dan Carney, to make these arrangements. Dan Carney introduced me. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
2. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out. This hunting would be managed by the Tribe on Tribal lands.
3. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
4. **How many grizzly bears were on the Blackfeet Reservation?** Dan Carney answered that in the spring there were between 2-300 grizzly bears on the reservation and that many of these bears returned to Glacier Park and Forest Service lands in the summer and fall.

Dan Carney explained to the Blackfeet Council wildlife committee members about the GOAL group and the claims by this GOAL group that the Blackfeet Nation opposes Yellowstone grizzly delisting and that "all tribes in MT and WY were opposed to delisting". The Blackfeet Council members did not know who GOAL was. The tribal attorney said he would call the GOAL group and ask them on what basis they were making such a statement and he would then get back to Council members on the answer. The Blackfeet Nation wildlife committee of the Tribal Council was supportive of the concept of delisting. Once their attorney got an answer from GOAL, they would consider this issue with the entire Council.

At the end of the discussion I told the members of the wildlife committee of the Tribal Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

July 20, 2015

Summary of Consultations with Northern Cheyenne Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Cheyenne Tribal Council on the morning of July 20 after contacting James Walks Along and asking him to set up a consultation between the Tribal authorities and FWS. James is the tribal cultural liaison and we met at the Yellowstone Ecosystem subcommittee meeting in Cody in May. Terry Thibeault from LE and George Jordon the MT ES liaison for tribal activities joined me but did not speak to the Council other than to introduce themselves.

I asked James to set up a formal government-to-government consultation with the Council to get their input on the idea of delisting Yellowstone grizzly bears, but it soon became clear that this is not what the Council was expecting. James introduced the issue of delisting Yellowstone bears. He started that the Tribe has passed a formal resolution against delisting and that there were Tribal elders opposed to the idea. He spoke of his treatment at the Yellowstone Ecosystem subcommittee meeting (I have summarized this previously). James introduced a Tribal Elder (whose name I did not catch) who spoke of the importance of grizzly bears to the Tribe and how bears were sacred animals. I was then asked to come up to the Council table and speak to the Council. I summarized the ESA recovery process and the specifics of grizzly bears and how the population was 3x what it was and we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the formal process to get to delisting should it be decided to proceed to propose this.

This discussion with the Northern Cheyenne Council was different than the meetings with the CS & K Tribes and the Blackfeet in that the Northern Cheyenne Council did not ask any questions about bears, or the status of bears, or what delisting would mean to the bears or to them. The main issues are summarized below:

Concerns raised by the Council (in bold):

1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
3. **They were concerned about the treatment of James Walks Along at the Yellowstone ecosystem subcommittee and asked me to apologize to him and to them about this treatment. They asked me if I was running this meeting and was responsible for his treatment.** I was not running this meeting and told them so. I told them what happened was an unfortunate misunderstanding about the meeting protocol. I apologized to James and to the Council for the resulting treatment of James at the meeting and for this unfortunate misunderstanding . **James and Council thanked me for this apology.**
4. **They said that a new meeting should be arranged with the Council president so they could prepare for G to G consultation and asked me to write the Council president a letter ask for this.** I told them I would do this and James and I spoke about it after the meeting. James said he would talk to the council about this and get back to me about how it should be arranged.
5. **They were very pointed in telling me that tribal consultation was not like public comment and that G to G consultation was "very different" than public involvement. This point about them being treated in a special manner was a key issue for them.**

In summary, the meeting was very different from previous tribal meetings with tribes that have grizzlies on their reservations. The tribes I have spoken with who had grizzlies on their reservations asked about bear management issues and how delisting related to management. The Northern Cheyenne do not have grizzlies on their reservation. Their concerns were about process, respect for Tribal people at meetings (relating to James Walks Along and the Yellowstone ecosystem subcommittee), respect for Tribal opinions and input through the G to G consolation process, and having someone to consult with who was a decision maker so that there was perceived equality between the Council and the US government during this G to G consultation. This issue of equality was an important issue to them. The said that historically, tribes had been disrespected by the US government and this had to change. They asked no questions about bears or about the impact of delisting on bears. They expressed no concerns about hunting or state management plans or anything about bears. They did not even mention hunting. The Council did not say anything about GOAL. James Walks Along did say that there were many other tribes opposed to delisting but he did not mention GOAL either.

We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

July 21, 2015

Summary of Consultations with Northern Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested in the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They said people had approached them from GOAL (apparently in November of 2014), but they did not join with the GOAL coalition or agree with what these people said.**
4. **They stated that there was not agreement among council-members on whether grizzlies should be delisted. One member stated he was opposed to delisting on cultural matters, but was not specific as to what that entailed. He simply didn't want bears killed, though he did mention that he knew that bears would need to be removed when in conflict with people. The other two council-members thought that grizzly bear management should be allowed on the Reservation (implied as supporting delisting), but that the Council did not have an official**

stance on supporting or opposing delisting. This would come at a later date.

5. **The Council was unaware that GOAL was using their Tribe's logo and listing them as supporting GOAL's efforts.**

In summary, the consultation was very productive. They did not take a position for or against delisting and were generally positive about grizzly bears expanding onto the reservation. I thanked them for their time. The consultation lasted about 30 minutes.

July 21, 2015

Summary of Consultations with Eastern Shoshone Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Eastern Shoshone Business Council on the afternoon of July 21. Pat Hnilicka of the FWS's Fish and Wildlife Conservation Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Tribal Fish and Game Department, also accompanied us. Council-members present were Darwin St. Clair (Chair), Clint Wagon (Vice Chair), Jodie McAdams and Nick Harris.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation and shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested about the current status of grizzly bears on the Wind River Reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They spoke of what they had been told by Louisa Wilcox and another woman from GOAL (apparently in November of 2014). They said this group told them the state would be hunting grizzlies on the reservation if the bear was delisted. They said they knew this was not true. The were apparently shown a video of a bear hunt in Alaska by the GOAL people to inflame tension about trophy hunting. The Council members called GOAL a "radical" group and stated that they did not agree with some of the things this group says. They stated that this group**

misrepresented them and they misquoted the Tribal Chairman. They said they had declined to provide further comments to GOAL against delisting and against the Service when requested.

4. **The Council said they were opposed to trophy hunting of bears and noted the difference between subsistence hunting for consumption and trophy hunting for sport and a trophy. This was a deeply held belief and they expressed this belief with conviction and eloquence.**
5. **They said that their concern with delisting was basically related to trophy hunting. They expressed concern with the "need" to hunt bears after delisting. They understood and accepted the need to sometimes remove (kill) bears that were in conflict with people or livestock. They did not see the need to hunt bears if they were not in conflict, particularly by those who would not eat the bear.**
6. **They said that the term delisting was being confused with trophy hunting and perhaps the term needed to be better understood. They said that their opposition to delisting was really opposition to trophy hunting and if delisting did not involve hunting of bears they would not be opposed to it.**
7. **The Council was concerned that their opposition to delisting might result in a loss of FWS's efforts at monitoring grizzly bears on the Reservation (i.e. radio-collaring, aerial surveys, etc.). They were assured that this would not be the case and monitoring efforts would continue regardless of their stance.**

In summary, the consultation was very productive and valuable. The Council spoke with conviction and eloquence about their concerns about grizzly bear hunting and trophy hunting. They liked having grizzly bears on the reservation and being a part of the research and monitoring system for Yellowstone ecosystem grizzly bears. I thanked them for their time. The consultation lasted about 90 minutes.

July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They expressed their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The Council agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The Council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **They expressed distrust of the state of Idaho and that upon delisting the state would do whatever it wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **They asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**
15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

From: Servheen, Chris
To: Ryan Moehring
Cc: Ivy Allen; serena_baker@fws.gov; Will Meeks
Subject: Re: Yellowstone Grizzly Media Inquiry (Tight Turnaround)
Date: Tuesday, October 27, 2015 11:21:01 AM
Attachments: July 21 consultation with Northern Arapahoe tribe v2.docx
July 21 consultation with Eastern Shoshone tribe v2.docx
July 20 consultation with Northern Cheyenne tribes (2).docx
July 29 consultation with Shoshone Bannock Tribe final (2).docx
June 9 consultation with CS&KT tribes.docx
June 18 consultation with Blackfeet tribe.docx

Here are my consultation summaries of the face-to-face meetings to date. You can extract appropriate information from these for the reporter. All were G to G consultations except the Northern Cheyenne who wanted to meet with higher level officials. I do NOT suggest sending summaries to a reporter.
Chris

On Tue, Oct 27, 2015 at 10:53 AM, <chris_servheen@fws.gov> wrote:

> I can list the tribes I consulted with and the locations, but I am in meeting until 12:30 or so. Ivy and others have written summaries that I prepared after each one. These data are in these write ups.
> Chris
>
> Sent from my iPhone
>
> On Oct 27, 2015, at 10:04 AM, Ryan Moehring <ryan_moehring@fws.gov> wrote:
>
> > Ivy and Serena,
> >
> > I have an urgent inquiry from a reporter who writes for Take Part. He wants to know how many times we have reached out to Tribes to offer consultation around the proposed delisting of Yellowstone grizzlies, who those Tribes are, how many have taken us up on that offer, as well as copies of the letters we have sent.
> >
> > Will and I discussed this inquiry this morning, and he would like for you two to please work together to produce, by 2 p.m. Mountain today, a timeline of events outlining what was sent to whom and when and, with whom we consulted and when, and copies of/links to that correspondence. The reporter's deadline is COB today, hence the urgency.
> >
> > Example:

12/1/14: Letter signed by Matt Hogan sent to XXX tribes, offering consultation. Copy of letter here: xxxx.

12/3/15: Consultation held with XXXX tribes by Chris Servheen. Consultation took place at these locations: xxxx.

2/15/15: Letter signed by Matt Hogan sent to same tribes as 12/1/14 letter, plus xxxx tribes (because we learned they also have historical, cultural, etc. interest in grizz).

2/15/15-6/15/15: Matt Hogan calls all tribes who received the 2/15/15 letter, personally offering consultation.

Etc…

Please give me a call if anything in the above note is unclear, and thanks for your help on short notice.

Thanks,

-Ryan

Ryan Moehring

Public Affairs Specialist (ND, SD, WY, MT)

Mountain-Prairie Region
U.S. Fish and Wildlife Service

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Christopher Servheen, Ph.D.
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http://www.fws.gov/whitenosesyndrome/

"Try to learn something about everything and everything about something." - Thomas Huxley.

July 21, 2015

Summary of Consultations with Northern Arapahoe Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Arapahoe Tribal Council on the morning of July 21. Pat Hnilicka of the FWS Tribal Liaison Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Wind River Reservation Tribal Fish and Game Department, also accompanied us.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested in the current status of grizzly bears on the reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They said people had approached them from GOAL (apparently in November of 2014), but they did not join with the GOAL coalition or agree with what these people said.**
4. **They stated that there was not agreement among council-members on whether grizzlies should be delisted. One member stated he was opposed to delisting on cultural matters, but was not specific as to what that entailed. He simply didn't want bears killed, though he did mention that he knew that bears would need to be removed when in conflict with people. The other two council-members thought that grizzly bear management should be allowed on the Reservation (implied as supporting delisting), but that the Council did not have an official**

stance on supporting or opposing delisting. This would come at a later date.

5. **The Council was unaware that GOAL was using their Tribe's logo and listing them as supporting GOAL's efforts.**

In summary, the consultation was very productive. They did not take a position for or against delisting and were generally positive about grizzly bears expanding onto the reservation. I thanked them for their time. The consultation lasted about 30 minutes.

July 21, 2015

Summary of Consultations with Eastern Shoshone Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Eastern Shoshone Business Council on the afternoon of July 21. Pat Hnilicka of the FWS's Fish and Wildlife Conservation Office in Lander arranged the meeting as government-to-government consultation. Pat accompanied me to the meeting and was very helpful in the entire process. Ben Snyder, the acting director of the Tribal Fish and Game Department, also accompanied us. Council-members present were Darwin St. Clair (Chair), Clint Wagon (Vice Chair), Jodie McAdams and Nick Harris.

Pat introduced me to the Council and said that I was there to speak to the issue of delisting Yellowstone bears. He also outlined the need for government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to get to delisting should it be decided to proceed to propose this.

The discussion was very useful and candid. They asked questions about grizzly bears on the reservation and shared their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **They agreed to and accepted that this was a government-to-government consultation.**
2. **They were very interested about the current status of grizzly bears on the Wind River Reservation. Pat and Ben explained what the status was with increasing numbers of bears in the Owl Creek and Wind River Ranges.**
3. **They spoke of what they had been told by Louisa Wilcox and another woman from GOAL (apparently in November of 2014). They said this group told them the state would be hunting grizzlies on the reservation if the bear was delisted. They said they knew this was not true. The were apparently shown a video of a bear hunt in Alaska by the GOAL people to inflame tension about trophy hunting. The Council members called GOAL a "radical" group and stated that they did not agree with some of the things this group says. They stated that this group**

misrepresented them and they misquoted the Tribal Chairman. They said they had declined to provide further comments to GOAL against delisting and against the Service when requested.

4. **The Council said they were opposed to trophy hunting of bears and noted the difference between subsistence hunting for consumption and trophy hunting for sport and a trophy. This was a deeply held belief and they expressed this belief with conviction and eloquence.**
5. **They said that their concern with delisting was basically related to trophy hunting. They expressed concern with the "need" to hunt bears after delisting. They understood and accepted the need to sometimes remove (kill) bears that were in conflict with people or livestock. They did not see the need to hunt bears if they were not in conflict, particularly by those who would not eat the bear.**
6. **They said that the term delisting was being confused with trophy hunting and perhaps the term needed to be better understood. They said that their opposition to delisting was really opposition to trophy hunting and if delisting did not involve hunting of bears they would not be opposed to it.**
7. **The Council was concerned that their opposition to delisting might result in a loss of FWS's efforts at monitoring grizzly bears on the Reservation (i.e. radio-collaring, aerial surveys, etc.). They were assured that this would not be the case and monitoring efforts would continue regardless of their stance.**

In summary, the consultation was very productive and valuable. The Council spoke with conviction and eloquence about their concerns about grizzly bear hunting and trophy hunting. They liked having grizzly bears on the reservation and being a part of the research and monitoring system for Yellowstone ecosystem grizzly bears. I thanked them for their time. The consultation lasted about 90 minutes.

July 20, 2015

Summary of Consultations with Northern Cheyenne Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Northern Cheyenne Tribal Council on the morning of July 20 after contacting James Walks Along and asking him to set up a consultation between the Tribal authorities and FWS. James is the tribal cultural liaison and we met at the Yellowstone Ecosystem subcommittee meeting in Cody in May. Terry Thibeault from LE and George Jordon the MT ES liaison for tribal activities joined me but did not speak to the Council other than to introduce themselves.

I asked James to set up a formal government-to-government consultation with the Council to get their input on the idea of delisting Yellowstone grizzly bears, but it soon became clear that this is not what the Council was expecting. James introduced the issue of delisting Yellowstone bears. He started that the Tribe has passed a formal resolution against delisting and that there were Tribal elders opposed to the idea. He spoke of his treatment at the Yellowstone Ecosystem subcommittee meeting (I have summarized this previously). James introduced a Tribal Elder (whose name I did not catch) who spoke of the importance of grizzly bears to the Tribe and how bears were sacred animals. I was then asked to come up to the Council table and speak to the Council. I summarized the ESA recovery process and the specifics of grizzly bears and how the population was 3x what it was and we were considering changing the status of the species and wanted to know the perspective of the tribe about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the formal process to get to delisting should it be decided to proceed to propose this.

This discussion with the Northern Cheyenne Council was different than the meetings with the CS & K Tribes and the Blackfeet in that the Northern Cheyenne Council did not ask any questions about bears, or the status of bears, or what delisting would mean to the bears or to them. The main issues are summarized below:

Concerns raised by the Council (in bold):

1. **They were very concerned about process and proper government-to-government (G to G) consultation. They wanted to know if I was there for G to G consultation and if so, this required a different format than a Council meeting. They said G to G consultation would require setting up a new meeting since they did not have "all the information" on this issue yet.**

2. **They asked if I was the "decision-maker" on this issue.** I told them that I could make recommendations to those who were the decision makers based on what they told me about their concerns. **They asked if Sally Jewell was the decision maker.** I told them ultimately yes, but the FWS director was the decision maker for the Service.
3. **They were concerned about the treatment of James Walks Along at the Yellowstone ecosystem subcommittee and asked me to apologize to him and to them about this treatment. They asked me if I was running this meeting and was responsible for his treatment.** I was not running this meeting and told them so. I told them what happened was an unfortunate misunderstanding about the meeting protocol. I apologized to James and to the Council for the resulting treatment of James at the meeting and for this unfortunate misunderstanding . **James and Council thanked me for this apology.**
4. **They said that a new meeting should be arranged with the Council president so they could prepare for G to G consultation and asked me to write the Council president a letter ask for this.** I told them I would do this and James and I spoke about it after the meeting. James said he would talk to the council about this and get back to me about how it should be arranged.
5. **They were very pointed in telling me that tribal consultation was not like public comment and that G to G consultation was "very different" than public involvement. This point about them being treated in a special manner was a key issue for them.**

In summary, the meeting was very different from previous tribal meetings with tribes that have grizzlies on their reservations. The tribes I have spoken with who had grizzlies on their reservations asked about bear management issues and how delisting related to management. The Northern Cheyenne do not have grizzlies on their reservation. Their concerns were about process, respect for Tribal people at meetings (relating to James Walks Along and the Yellowstone ecosystem subcommittee), respect for Tribal opinions and input through the G to G consolation process, and having someone to consult with who was a decision maker so that there was perceived equality between the Council and the US government during this G to G consultation. This issue of equality was an important issue to them. The said that historically, tribes had been disrespected by the US government and this had to change. They asked no questions about bears or about the impact of delisting on bears. They expressed no concerns about hunting or state management plans or anything about bears. They did not even mention hunting. The Council did not say anything about GOAL. James Walks Along did say that there were many other tribes opposed to delisting but he did not mention GOAL either.

We need to contact the Tribal Council president and request a formal government-to-government consolation. It would be valuable if high-level Service people attended the next meeting.

July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They expressed their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The Council agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The Council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
10. **They asked about reintroducing bears into other areas as an alternative to hunting these bears. They asked about the Bitterroot reintroduction and why this was not done.** I explained the existing ROD to reintroduce grizzly bears to the Bitterroot and that this was not implemented because it was not funded.
11. **They asked about how the number of bears to be hunted would be determined.** I explained that careful mortality management to maintain a stable and healthy population would be in place if the bear was to be delisted.
12. **They expressed distrust of the state of Idaho and that upon delisting the state would do whatever it wanted and would remove bears from areas based on politics. They compared wolf management under the state (which they referred to negatively) to what would happen if bears were delisted.**
13. **They asked about the current timeline for a decision. They noted that they have treaty rights in the Yellowstone ecosystem and that they wanted to exercise their treaty rights in relation to this delisting issue.** I said any decision was months away and perhaps much longer and that the ultimate decision was the Director's decision.
14. **The Council members summarized by saying they were opposed to delisting and trophy hunting of bears. They preferred alternatives to deal with bears instead of hunting such as using these bears to reintroduce them into other areas.**
15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

June 10, 2015

Summary of Consultations with Confederated Salish and Kootenai Tribes (CS&KT) concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the CS&KT Tribal Council on the afternoon of June 9 at their request after working with Dale Becker to make these arrangements. I was introduced by their tribal wildlife manager Dale Becker and Tribal natural resources chief Tom McDonald as the Service representative consulting with them under nation-to-nation consultation. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How were tribal cultural and religious beliefs considered in this process?** I told them this was one of the purposes of this consultation – to obtain such input. Dale Becker noted that the CS&KT Cultural Committee was invited to today's consultation but they we not present. Dale said he would discuss this with them in the future if they requested more information.
2. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
3. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out.
4. **How would tribal members be allowed to hunt grizzlies in the Yellowstone ecosystem if they wanted to as part of their cultural heritage like they now hunt bison when they leave YNP?** This remains to be worked out. (Note: CS&KT members along with several other tribal members hunt bison in Montana every March/April when some bison have left YNP. They do so as part of their cultural heritage.)
5. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
6. **Please explain the video being circulated that shows a Cheyenne elder being treated disrespectfully at an agency meeting when he tried to make a comment.** I explained the details of the situation (below) and this explanation was appreciated by the Council with a positive reaction:
   The Yellowstone Ecosystem Subcommittee meeting was held in Cody, WY April 30 – May 1. One of the presentations at the meeting was "Grizzly Bear

Management on Tribal Lands: Collaborations between WGFD, USFWS, and IGBST" presented by Dan Thompson of WYGF and Pat Hnilicka of the FWS Tribal Assistance office in Lander, WY. This presentation was about the long-term cooperation between Tribal, state, and FWS biologists on a wide range of issues including grizzly bears. The agenda for the meeting is attached. This presentation had nothing to do with the position of the tribes on delisting.

After this presentation, a Tribal member, Mr. James Walks Along, Director Tribal Historic Preservation Office, Northern Cheyenne Tribe walked up to the front of the room and took the microphone from the meeting chair, Brian Nesvik of WYGF and started to make a statement. Brian asked Mr. Walks Along to make his statement at the end of the meeting when public comment was taken. As is customary, no public comment is taken during formal presentations. Instead there is a formal public comment period at the end of each day of the meeting. Mr. Walks Along refused to give up the microphone and to end this disruption the power to the microphone was turned off. Mr. Walks Along then was assured he would be able to comment during the public comment period and he sat down.

At the end of the day, public comment was taken and Mr. Walks Along read a resolution against delisting and requested that FWS consult with the tribes on the status of the Yellowstone grizzly bear. His time to make these comments was not limited and he completed his statement. Immediately after he gave his statement during the public comment period, he approached me and introduced himself and we shook hands. He gave me a folder containing several tribal resolutions against delisting. Mr. Walks Along volunteered to me that "he should have not done that (the disruption) during the meeting" and expressed regret about his disruption. I asked him the best way for us (FWS) to obtain the views of his tribe on this issue. He said to call or email him and he would arrange a meeting with the Tribal Council so we could consult with them. I told him we were eager to hear the concerns of the tribes and would be in touch with him. I told him I would be happy to come and listen to their concerns. He expressed that this was good and he looked forward to it. He was friendly and we had a cordial conversation as he wrote down his contact information so I could reach him. I phoned him later and have a consultation scheduled with the Northern Cheyenne Tribe in Lame Deer in July.

At the end of the discussion I told the CS&KT Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

June 18, 2015

Summary of Consultations with Blackfeet Nation wildlife committee of the Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Blackfeet Nation wildlife committee of the Tribal Council on June 18 at their request after working with the tribal wildlife biologist, Dan Carney, to make these arrangements. Dan Carney introduced me. I summarized the status of Yellowstone bears, the recovery effort, and the objective of the ESA to get listed species to the point at which protection under that Act is no longer required. I also summarized the interagency effort and the conservation strategy and its purpose.

Questions from the Council (in bold):

1. **How does this process relate to the NCDE where the Flathead reservation is located?** We would be moving toward a similar process in the NCDE sometime in the future if certain details can be worked out.
2. **Would hunting be allowed?** Yes, as long as total mortalities were within the mortality limits needed to stabilize the population. They did not object to hunting but wanted to know how it would be carried out. This hunting would be managed by the Tribe on Tribal lands.
3. **Would there be increased management flexibility after delisting to manage conflicts with bears?** Yes. There would be strict annual mortality limits to maintain a stable population and if there were any "left" after all other sources of mortality, these could be used for increased management flexibility or for hunting.
4. **How many grizzly bears were on the Blackfeet Reservation?** Dan Carney answered that in the spring there were between 2-300 grizzly bears on the reservation and that many of these bears returned to Glacier Park and Forest Service lands in the summer and fall.

Dan Carney explained to the Blackfeet Council wildlife committee members about the GOAL group and the claims by this GOAL group that the Blackfeet Nation opposes Yellowstone grizzly delisting and that "all tribes in MT and WY were opposed to delisting". The Blackfeet Council members did not know who GOAL was. The tribal attorney said he would call the GOAL group and ask them on what basis they were making such a statement and he would then get back to Council members on the answer. The Blackfeet Nation wildlife committee of the Tribal Council was supportive of the concept of delisting. Once their attorney got an answer from GOAL, they would consider this issue with the entire Council.

At the end of the discussion I told the members of the wildlife committee of the Tribal Council that I would be happy to come back and further consult with them on this issue if they desired. They thanked me and were very cordial and appreciative.

July 30, 2015

Summary of Consultations with Shoshone Bannock Tribal Council concerning Yellowstone grizzly bear delisting

Chris Servheen

I met with the Shoshone Bannock Tribal Council on the morning of July 29. Mike Carrier, the Idaho State Supervisor, joined me for the consultation and took detailed notes.

I introduced Mike and myself to the Council and said that we were there to speak about delisting Yellowstone bears and that we were interested in listening to the views of the Council about this delisting issue. I also confirmed that we wished this to be a government-to-government consultation and asked if this was agreeable to the Council. They said that this was agreeable and that this would be a government-to-government consultation. I briefly summarized the ESA recovery process and the status of Yellowstone grizzly bears, and how the population was 3x what it was when we started. I said we were considering changing the status of the species and wanted to know the perspective of the Council about this. I stressed that no decision had been made to propose delisting as yet. I explained that the objective of the ESA is to get listed species to the point at which protection under that Act is no longer required and that delisting was not a threat to the grizzly in any way. I also explained the process to delist should it be decided to propose this.

The discussion was very useful and candid. They expressed their views about delisting. The main issues that arose are summarized below:

Concerns raised by the Council (in bold):

1. **The Council agreed to and accepted that this was a government-to-government consultation.**
2. **The Council chair said that he had previously received a phone call from a FWS person in Denver** (I assume this was Matt Hogan) **who asked him about delisting. He said he understood that the Shoshone Bannock Tribe was not in the Denver FWS region and wondered why he received this call.**
3. **The Council chair said the tribe is opposed to delisting and has written a letter detailing that opposition. He said he feels that FWS is being influenced by IDFG and IDFG's desire to implement trophy hunting of grizzly bears. He said the tribe is also concerned about continued development on private lands and the negative impacts on grizzly bears. He said an alternative to delisting would be to establish buffer areas for sensitive wildlife around areas like Yellowstone.**
4. **The Council said they were not aware that there were "too many" grizzly bears that required population reductions by hunting.**

5. **The Council noted that grizzly bears had spiritual significance to the Tribe and sport hunting was incompatible with the Tribe's spiritual view of bears.**
6. **The Council wanted to know if we had met with other Tribal councils and what their views were.** I noted the meetings with the other 5 tribal councils before this meeting, and that some councils were opposed to delisting or neutral as the case with the Arapahoe, CS & KT, and the Blackfeet.
7. **The Council noted their long-time connection to the Yellowstone ecosystem and to grizzly bears and that they used this country long before white people arrived.**
8. **The Council members and some audience members noted the similarity of bears to humans. They stated that they believe that "trophy hunters" should not be able to pay to kill bears.**
9. **The Council asked why we were considering delisting by area instead of all the areas where bears were.** I explained that separate populations could be delisted separately and the FWS was working to facilitate connections between all populations.
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15. **The Council requested that the FWS communicate regularly with the Tribe on any new developments regarding this issue.**

The consultation was very productive and valuable. The Council spoke with one voice about their spiritual connection to bears and their opposition to trophy

hunting of bears. Mike and I thanked them for their time. The consultation lasted about 90 minutes.

From: Ivy Allen
To: Marla Trollan; Stephen Torbit
Cc: Chris Servheen
Subject: Grizzly Bear Tribes
Date: Wednesday, January 28, 2015 3:44:51 PM
Attachments: .msg
Grizzy Bear Actions Tribes 1-28-15.docx

Marla,

I have spoken with Chris on your directions from yesterday. I have added your directions into the end of the attached Word file. Chris is contacting Mike T for further guidance, since the work would be done by ES and the actions are directed at ES. After talking with Chris and reviewing the attached email, which spurred the meeting with Matt, we believe there is a need to get a copy of the letter that went to the DOI solicitors office. It is pertinent to us and our actions as we reach out to the Tribes to offer consultation to the appropriate folks involved and in addressing their concerns. I know you prefer to send any emails that go to DOI or HQ. We do need a copy of the letter referenced in the attached email.

See the attached email quote:

> Jody <jody.cummings@sol.doi.gov> wrote:
> Thanks.
>
> AS-IA received the attached letter recently. Not sure if you got a copy as well. Maybe you, Sarah Harris and I could find a time to briefly discuss this week.
>
> From: **Maya Peters** <MayaP@swo-nsn.gov>
> Date: Wed, Dec 10, 2014 at 12:28 PM
> Subject: Yellowstone Grizzly Bear Protection Letter
> To: "kevin.washburn@bia.gov" <kevin.washburn@bia.gov>
> Cc: Tribal Chairman <Chairman@swo-nsn.gov>
>
> Dear Assistant Secretary Washburn,
>
> I have attached a letter from the Sisseton Wahpeton Oyate concerning the proposed delisting of the Yellowstone grizzly bear from the Endangered Species Act protections by the US Fish and Wildlife Service. Your attention to this matter is greatly appreciated.
>
> Thank you,
>
> Maya Peters-Kwon, Executive Assistant
> Sisseton-Wahpeton Oyate
> Office of the Tribal Chairman

From: Ivy Allen
To: jody.cummings@sol.doi.gov
Cc: Chris Servheen
Subject: Grizzly Bear Tribes
Date: Friday, January 30, 2015 12:58:56 PM
Attachments: (b) (5) attc [redacted]

Good afternoon Jody,

(b) (5) attorney client [redacted]

Thank you,

Ivy Allen | Tribal Communication Specialist | U.S. Fish and Wildlife Service | Mountain-Prairie Region | 134 Union Blvd., Lakewood, CO 80228 | Ivy_Allen@fws.gov | O. 303-236-4575

From: Ivy Allen [mailto:ivy_allen@fws.gov]
Sent: Wednesday, January 28, 2015 3:45 PM
To: Marla Trollan; Stephen Torbit (Stephen_Torbit@fws.gov)
Cc: Chris Servheen
Subject: Grizzly Bear Tribes

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> Thanks.
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> AS-IA received the attached letter recently. Not sure if you got a copy as well. Maybe you, Sarah Harris and I could find a time to briefly discuss this week.

From: **Maya Peters** <MayaP@swo-nsn.gov>
Date: Wed, Dec 10, 2014 at 12:28 PM
Subject: Yellowstone Grizzly Bear Protection Letter
To: "kevin.washburn@bia.gov" <kevin.washburn@bia.gov>
Cc: Tribal Chairman <Chairman@swo-nsn.gov>

Dear Assistant Secretary Washburn,

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Thank you,

Maya Peters-Kwon, Executive Assistant
Sisseton-Wahpeton Oyate
Office of the Tribal Chairman