

We appreciate the U.S. Fish and Wildlife Service's ("FWS," "the Service") willingness to enter into negotiations with us to develop measures that will ensure the future conservation of the grizzly bear in the lower 48 states. We were glad to learn that there are several areas where we and the Service are largely in agreement. We ask that FWS provide us with the opportunity to review the specific language that will define how these areas of agreement, enumerated below, will be addressed by the Service in advance of the release of a proposed delisting rule:

1. FWS's commitment to assisting states with funding for 5 years;
2. FWS's assurance that the Interagency Grizzly Bear Study Team ("IGBST") and the Interagency Grizzly Bear Committee ("IGBC") and its Subcommittees will remain viable;
3. FWS's commitment to grizzly bear recovery beyond the Greater Yellowstone Ecosystem ("GYE");
4. FWS's commitment to including enforceable status review triggers in the delisting rule, specifically when any one of the following occurs:
 - a. Failure to meet one or more of the population standards, habitat standards, or monitoring protocols and commitments outlined in the Conservation Strategy and associated state plans;
 - b. Monitoring demonstrates evidence of a negative population trajectory;
 - c. A change in state law, policy or management would potentially increase the threat to the grizzly bear population;
5. FWS's assurance regarding expanded food storage orders;
6. FWS's assurance that it will not rely on human-assisted translocation to facilitate gene flow to the grizzly bear population.

FWS indicated that many of these issues would be addressed in a revised Conservation Strategy. Given these representations by the agency, it may be useful for FWS to provide us with a copy of, or relevant excerpts from, the revised Conservation Strategy to facilitate our discussions so that we can assess whether our concerns have been adequately addressed.

We would also like to take this opportunity to again present, with some modifications, the issues we raised to which the Service declined to commit. We would like to continue the discussion concerning the details of both the above points of agreement and the following remaining issues.

(1) POST-DELISTING MONITORING

We proposed, and continue to propose, a **28-year monitoring period**, which correlates to four grizzly bear generations (if generation time is estimated at 7 years, a conservative estimate).¹ Such a time period is reasonable insofar as it is grounded in biology and will enable the agency to detect any population trends, taking into account lag effects².

FWS expressed concern over extending the monitoring period beyond the 5-year statutory minimum because of limited funding. We would like to clarify that we are not asking FWS itself to do the biological monitoring for 28 years, which indeed would be resource-intensive. As the agency pointed out, the Conservation Strategy provides that the IGBST, under the supervision of the Yellowstone Grizzly Coordinating Committee (“YGCC”), will conduct such biological monitoring in perpetuity. Interagency Conservation Strategy Team, Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area (March 2007), at 9. Rather, we are asking that FWS maintain its **oversight role** for 28 years, such that status reviews can be triggered should the IGBST’s monitoring indicate that the GYE grizzly bear population is in trouble. More specifically, we propose that FWS review the data that has been collected by the IGBST at **7-year intervals** to ensure the grizzly bear population is being maintained at sustainable levels. Such oversight and limited analysis should impose a minimum financial burden on FWS but would allow the agency to ensure the continued health of the GYE grizzly bear population.

(2) CONNECTIVITY

We provided FWS with four requests related to connectivity: (1) that demonstrated lack of connectivity trigger a status review; (2) that linkage zones be included within the Demographic Monitoring Area (“DMA”); (3) that habitat standards be expanded to linkage zones; and (4) that FWS not rely on human-assisted translocation to promote the genetic health of the GYE grizzly bear population. FWS generally did not agree to these requests (though the agency suggested it would not have to translocate bears to promote genetic health of the GYE grizzly bear population), but did offer to ask the affected states to consider **banning hunting in linkage zones**. We support such a ban. At the same time, we continue to believe that our four requests are both reasonable and necessary to assure the long-term conservation of the GYE grizzly bear.

We believe it is especially critical that **linkage zones be included within the DMA**. FWS has recognized the importance of protecting linkage zones to grizzly bear conservation. See, e.g., Draft NCDE Grizzly Bear Conservation Strategy (Apr. 2013), at ii, iv, 4, 6, 19, 37 n.2,

¹ E.g., Miller & Waits state that a generation time is approximately 10 years. Craig R. Miller & Lisette P. Waits, The History of Effective Population Size and Genetic Diversity in the Yellowstone Grizzly (*Ursus arctos*): Implications for Conservation, 100 Proc. Nat’l Acad. Sci. 4334, 4338 (2003).

² E.g., Harris et al. state that it would take 5 years to detect a yearly decline of 5%. Richard B. Harris, Gary C. White, Charles C. Schwartz, and Mark A. Haroldson, Population Growth of Yellowstone Grizzly Bears: Uncertainty and Future Monitoring, *Ursus*, 18(2):168-178. 2007.

41, 85-87 (discussing demographic connectivity areas). Including linkage zones within the DMA will help ensure that bears receive the protections they need as they move between populations. Protecting linkage zones in this manner will also help incentivize the implementation of conflict reduction measures in such corridors. Further, defining linkage zones and including them within the DMA will provide states with clear boundaries for FWS's suggested no-hunting zones, and prevent state wildlife agencies from having to revisit the issue of no-hunting areas on a yearly basis. We are willing to work with FWS and the states (specifically Montana, where most linkage zones are sited) to support a DMA designation for linkage zones.

In our discussion on connectivity, FWS discussed its intention to monitor grizzly bear movement within linkage zones. We support FWS's commitment to this monitoring. However, monitoring by camera traps alone is insufficient. A more **robust monitoring scheme for linkage zones** must be developed and implemented. If linkage zones are included within the DMA, a clearly defined and established monitoring protocol would be built in. In addition to providing information on grizzly bear mortalities, a robust monitoring protocol would also help determine whether connectivity among grizzly bear populations is being achieved.

Finally, we wish to emphasize the importance of gene flow via natural connectivity for the long-term health of the GYE grizzly bear population. The introduction of new genetic material into the long-isolated GYE grizzly bear population is a critical component of species recovery and persistence. In this regard, we reiterate our support for establishing natural connectivity among and between the GYE and other regional grizzly bear populations to form a functional metapopulation. We also reiterate our strong opposition to reliance on human-assisted translocation to meet genetic connectivity goals for a delisted GYE grizzly bear population. While such translocation may inject new genetic material into the population, the need to engage in such translocation defies the notion that this population is truly recovered under the ESA. FWS should state that **if human-assisted translocation is required, such translocation would indicate that sufficient threats remain to the GYE grizzly bear that a status review must be initiated.**

(3) GRIZZLY HABITAT PROVISIONS

To ensure adequate habitat protections for grizzly bears, we requested four things. First, we asked that food storage orders be expanded to cover all six National Forests and all BLM lands in the Conservation Management Area. We appreciate FWS's concurrence that such **food storage orders are appropriate.**

Second, we asked that the **DMA boundary be adaptable.** FWS agreed that DMA boundaries should be revisited "if circumstances warrant." We would like more specificity on what such "circumstances" will be and how a boundary review will proceed. We also request that, in addition to any reviews conducted under the "circumstances" inquiry above, FWS review the DMA boundary every 7 years as part of its post-delisting monitoring review.

Third, we asked that **habitat standards apply on all federal lands within the DMA.** FWS has stated that federal lands outside the Primary Conservation Area ("PCA") but within the

DMA already have adequate protections, but our own analysis demonstrates that significant habitat areas outside the PCA but within the DMA appear to lack basic measures such as maximum road-density standards. We believe it would be helpful to involve U.S. Forest Service officials in the next round of discussions to ensure that adequate protections relevant to grizzly bear security (e.g., road density) exist on federal lands (1) falling outside the PCA but within the DMA; (2) falling outside the DMA but within occupied grizzly bear habitat; and (3) falling within linkage zones.

Fourth, we asked that monitoring protocols for habitat indicators be updated because of the loss of key food sources. While FWS asserted that the IGBST has adequate biological monitoring in place, the agency did not address the issue of habitat indicators. Biological and demographic monitoring alone are insufficient to ensure continued recovery; we would like to see a **commitment to habitat-based monitoring incorporating appropriate indicators of habitat quality**.

(4) RESOLUTION OF THE DPS ISSUE

We are encouraged that FWS recognizes the potential problems that would arise with respect to the remainder of the original 1978 grizzly bear listing if a Yellowstone DPS was designated and delisted. We also recognize the challenge of completing a full reclassification in the same timeframe as completion of the Yellowstone DPS proposal. At the same time, we believe that it is important for the Service to **address this issue concurrently with the Yellowstone delisting proposal** in a way that outlines the Service's commitment to recovery of grizzly bears in the lower 48 states and is transparent to all stakeholders across the range of the grizzly bear.

One option (and there may be other similar choices) would be to publish an Advance Notice of Proposed Rulemaking concurrently with the Yellowstone DPS proposal, that explains why the Service will need to address the remainder of the grizzly bear listed unit, sets forth a timeline for initiation and completion of such action (ideally with a proposal for the NCDE delisting), and solicits public comment on possible ways under which the grizzly bear could be reclassified.

Conclusion

Again, we appreciate FWS's willingness to engage in a continuing dialogue regarding the future of the grizzly bear in the lower 48 states. We remain hopeful these negotiations will lead to a delisting rule and revised Conservation Strategy that satisfy all parties to the discussion and, most importantly, will ensure the continued recovery and persistence of this magnificent species.