



P.O. Box 4310, Whitefish, Montana 59937

Montana Fish and Game Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

Sent to: fwpcomm@mt.gov

May 25, 2016

Dear Montana F&G Commissioners:

This letter concerns the proposed Greater Yellowstone Ecosystem grizzly bear hunting regulation framework.

Headwaters Montana works to protect water, wildlife, and traditional, quiet recreational opportunities from the northern Crown of the Continent region to the Idaho border, as well as Montana interest in southeast British Columbia. We were instrumental in proposing and achieving the North Fork Watershed Protection Act of 2014. Our membership base exceeds 2,000 individuals.

Headwaters Montana opposes the proposed hunt of Grizzly Bears in the Greater Yellowstone, or anywhere in Montana, as presently framed and being defined. We think the FWP's proposed a hunt is contrary to notions of 'fair chase,' would serve a very narrow, special interest in Montana, goes against public opinion and wishes, is contrary to common sense and good science, would fail to achieve specific management goals, and will impede the goal of achieving greater repatriation and recovery of Grizzlies in areas where the bear is biologically suited and socially accepted.

1. The Proposed Grizzly Bear Hunt Represents an Environmentally and Socially Significant Decision and the State Should Prepare an EIS that Provides the Montana Public With the Opportunity to Fully Engage in a Decision Concerning a Grizzly Bear Hunt.

The 2013 state Management Plan for Grizzly Bears states,

"FWP did not deem it necessary to conduct formal scoping [i.e. renewed MEPA] for development of this revision of the 2002 EIS. Public scoping in essence is a continual part of grizzly bear management as managers must address new and ever changing environments, biological states, and social tolerance in routine decision making." (Final Plan, page 5.)

We think that following an 11-year period between the 2002 EIS and the 2013 decision an entirely new scoping and EIS process should have been initiated. Not doing so was expedient for FWP, and essentially disenfranchised the Montana public from participating in meaningful engagement in broadly important government decision making.

The 2013 Final Plan states,

Headwaters Montana engages citizens of the Crown of the Continent in the region's critical conservation issues: water and wildlife conservation, and climate change.

“FWP’s current approach of management and that implemented since publication of the 2002 EIS has been sufficient to maintain grizzly populations while also maintaining social tolerance for grizzlies.” (Final Plan, Page 28.)

The Final Plan justifies the limited review based solely on internally weighed ‘sufficiency’ of ongoing management, not on the basis of the public’s constitutional right to participate in government decision making process. The 2013 EIS lists just two alternatives. Neither explicitly poses hunting or non-hunting of Grizzly Bears in the two very short versions of alternatives. FWP thus disguises the hunting issue as a mere ‘management tool,’ rather than as the significant social issue and decision it represents.

The decision to allow a hunt of Grizzly Bears, and the Framework being considered by the F&G Commission, represents *anything but* an “routine” decision concerning the management of a wildlife species. The Commission is considering whether and under what conditions to allow a hunt of a currently ESA-listed species of wildlife, a species whose recovery the American people paid for with an investment exceeding \$150 million.¹ FWP has not put forward any alternative other than ones that include a hunt of Grizzlies, either in the 2002 EIS process, the final management plan, or under the current consideration of the proposed Framework.

In the 2013 Plan the FWPs provided agency opinion and no scientific basis for a hunt. It states,

“Hunting of large carnivores may play a role in addressing human safety issues and hunting should be considered as a tool in wildlife management programs. Properly conducted hunting programs can impact the behavior of the hunted population, selecting against those animals less wary of humans and/or animals that are comfortable in the vicinity of human activities. This can result in a more wary population over time. Responsible management hunting can help promote tolerance and acceptance of potentially dangerous animals by those directly impacted by the presence of grizzly bears. While the avoidance behaviors of hunted animals may be unfamiliar to some people, the long history of hunting has shown these behaviors are real. These avoidance behaviors include fleeing, hiding, using more secluded habitats or being more active when people are less active, all of which can promote better acceptance and tolerance of grizzly bears. However, the restrictive allowable mortality limits would allow for only a very limited amount of hunting to occur within the GYA. Hunting should not be expected to have a considerable or immediately noticeable impact on grizzly bear behavior.” (Final Plan, page 51.)

FWP provides not a single citation to justify a hunt in this paragraph that stands as the only argument in the Plan to address “Hunting To Address Human Safety Concerns.” The paragraph even contradicts itself in the end by stating that Grizzly Bear behavior would not immediately change. The questions arise, when will bear behavior change as a result of hunting, and where is the scientific evidence that it will?

¹ The \$150 million estimate was obtained from the Grizzly Bear Recovery Coordinator in personal communications. This amount does not include many millions spent by agencies and the NGO community for habitat conservation that benefit Grizzlies and other wildlife.

The Final Plan's section titled "Hunting of Grizzly Bears" (page 59) lays out a list of reasons to rationalize a hunt without scientific corroboration. *Headwaters Montana* takes issue with the assumptions and biases associated with many of these assertions.

A sample of rationales follows.

- *Hunting "Confers additional recognition to [Grizzlies] as a valuable wildlife species" (More than status as a listed species?)*
- *"Regulated harvest of game animals is one of the major tools that assures the maintenance of predator and prey populations." (With so few Grizzlies proposed for 'harvest,' how exactly will this tool function to have any effect at all? Is FWP now concerned about ground squirrel/Grizzly interactions? Elk/Grizzly?)*
- *"The Interagency Grizzly Bear Committee (IGBC) supports the use of regulated hunting." (This body of agency personnel and biologists are now the final authority of the need for a hunt on Grizzlies?)*
- *"Regulated hunting as a management tool for grizzly bears has a long successful history in Montana and was conducted until 1991." (Leading right up to the forced cessation of hunting because hunting of Grizzlies was counter-productive to recovery.)*
- *"...the removal of unwary bears promotes the long-term survival and social tolerance of the grizzly population." (FWP already employs a very effective, targeted, and highly respected conflict-bear management program. Hunting by comparison is a blunt instrument.)*
- *"Wildlife populations sometimes produce surplus animals that can be removed without dampening growth of the population." (We disagree that a surplus of Grizzlies exists in the GYE or between recovery areas². What constitutes 'surplus' when the stated goal of the Plan is continued population expansion?)*
- *"The removal of adult males in relatively remote areas through hunting will not negatively impact the overall population." (The least studied aspect of Grizzly Bears is their social structure. What role do male bears play in the Grizzly Bear population? Very little is known and much is assumed. Will the human killing of male bears lead to male bears killing more non-related cubs? FWP cannot validate this statement by evidence as little empirical knowledge exists.)*
- *"Hunting activity provides revenue from license sales and excise taxes on equipment to support wildlife management and the enforcement of wildlife management regulations." (Grizzly hunting license sales will not cover the cost of Grizzly Bear management post-delisting, or even the cost of the hunt itself. The cost of Grizzly Bear management post-delisting will likely be born by all Montanans, as has the cost of recovery - by all Americans.)*

² See <https://conservationbytes.com/2014/01/28/were-sorry-but-50500-is-still-too-few/> for a good assessment of the idea that a population of 500 individuals is sufficient to sustain a population over many generations.

- *“FWP considered eliminating hunting as a part of its grizzly bear management program. However, in FWP’s judgment, this approach would eliminate a key local and national constituent group with demonstrated commitment to the species and its habitat.”* (The Final Plan does not reveal at all the nature or content of that ‘consideration.’ Even a “check list” EA under MEPA requires a discussion of such an alternative. In the final analysis, FWP chose hunting to favor a small minority of the public while failing to investigate, quantify, or assess the concerns or contributions of a likely majority of Montanans opposed to hunting.)

With respect to the “Greater Yellowstone Ecosystem Grizzly Bear Hunting Regulation Framework,” it provides only one page as a basis for a significant decision that effects a important species of wildlife admired by Montanans. The Frameworks states under “Alternatives and Analysis” the following two sentences,

“The mortality limits established for the DMA are the result of many years of intense research. The proposed hunting season framework was assembled by FWP staff closely involved with grizzly bears in the DMA.”

Two sentences do not adequately address the Commissions’ responsibility to seriously consider a full range of alternatives and real analysis of that range .

- 2. Grizzly Bear Science and Thinking Has Grown Considerably Since the 1993 Recovery Plan.** The official Grizzly Bear Recovery Plan was released in 1993. Now, 23 years later, the USFWS and Montana essentially argue that the standards and goals of that document ‘make sense’ and remain valid in 2016. Over the intervening 2-plus decades, concepts of Grizzly Bear population science, meta-population function and requirements, connectivity issues, conflict management, climate change stressors, and the very value of Grizzly Bears to the Montana identity and economy have shifted and expanded. After 40 years, Montanans have moved from thinking of the Grizzly Bear as a vermin and game species, to thinking of “living with Grizzlies,” as well as the [State Animal \(1983\)](#), and a state treasure, its presence setting Montana apart. The FWP proposal is not up to date.
- 3. DMA Too Small and Relationship to NCDE and Bitterroot Ecosystems Not Adequately Defined.** Recovery of the Grizzly in the GYE has been - overall - a great success. We think its fair to say that most people wish to see the success continue. A key issue and goal of FWP stated in the Plan is continued population expansion. Yet FWS and FWP continue to operate under a proscribed Demographic Monitoring Area (DMA) that appears to maintain a large gap between the GYE and NCDE, and demonstrates no connection to the Bitterroot.

The Plan states,

“Management of non-conflict grizzly bears in areas between the NCDE management area and the DMA of the GYA (Figure 7) will be compatible with maintaining some grizzly occupancy.” (Final Plan, page 49)

The vagueness of this statement leaves much to individual interpretation. We request that FWS and FWP enlarge the DMA of both recovery areas, and define a DMA for the Bitterroot. Enlarging and defining the DMAs will allow managers to better track and limit mortality that may otherwise compromise connectivity to these ecosystems. FWP should

also establish enforceable standards for Grizzly Bear recovery between Yellowstone and the Salmon-Selway and the NCDE in order to provide assurance and enforceable conditions upon resource agencies.

- 4. Discretionary Mortality As Proposed Not Appropriate.** Wildlife management theory states that wildlife populations lose members through disease, natural mortality, illegal kills, mistaken identity kills, management mortality, other vectors, and discretionary mortality. The discretionary segment of the population (the hunted segment) must be carefully assessed so that hunting mortality does not lead to excess mortality over any extended period of time. In the case of the proposed Grizzly Bear hunt, the discretionary mortality is determined based on population monitoring and the consideration of other mortality factors within a limited geography (the DMA). However, the Framework does not address or make a cogent argument that the Yellowstone Grizzly can sustain discretionary mortality and still achieve other management objectives.

FWP and FWS must thoroughly explain how hunting any ‘surplus’ - as proposed under a model of ‘fair chase’ - will allow for the recovery of Grizzly Bears in the Selway-Bitterroot Ecosystem, for example, or enhance or provide certainty for connecting the GYE to the NCDE.

- 5. Fallacy of “Fair Chase.”** The Final Plan speaks of “depredation hunts” not being acceptable. FWP makes the argument that “fair chase” is preferred to depredation hunts.

While the idea of “fair chase” remains a valid concept for hunters in the pursuit of deer or elk, a closer analysis of hunting Grizzly Bears demonstrates that ‘fairness’ has nothing to do with the hunt. The Bear has its 5 senses, its large body, and a set of claws. The hunter has what? A 4x4 truck and even an airplane to get him/her to the hunt scene from hundreds if not thousands of miles away. Comfortable clothing. Ample food and water. And a high powered rifle with a multi-power scope that will enable him/her to kill the Grizzly at a very great distance, and likely without being noticed by the Grizzly. There’s nothing fair about this match up.

Grizzlies don't ‘chase’ well. They are, for most of their lives, grazers and vegetarians. They demonstrate complex social interactions and are highly adaptable and intelligent. The hunter who shoots a Grizzly as a trophy may do so thinking he/she is bagging a ‘top predator,’ when in reality he/she is harvesting a self-delusion. Grizzly Bear management needs to take a step up into our current era that is assaulted from all sides by human beings “managing” natural resources and the climate to the breaking point.

An example of the appropriate contemporary and enlightened management is currently practiced by FWP with its highly successful and respected Grizzly Bear conflict resolution program that included the incidental removal of bears that come in conflict with people. This approach was more or less forced on FWP as a result of the Grizzly’s listed as a Threatened Species in 1975. Funding for Bear Management Specialists has often been problematic, illustrating continued resistance to a new way of managing this magnificent animal. A “fair chase” hunt represents a solid step backwards in management. Sometimes labeled “problem bears,” they are usually individual Grizzlies that have come into conflict with human values because the human being didn’t care to prevent or avoid a problem situation. Like so much

in wildlife management, the real challenge is managing people. This includes setting societal boundaries on acceptable behavior concern how and under what circumstances wildlife is managed - or killed.

a solid, and socially acceptable alternative to a “fair chase” hunt,” FWP can and should consider a ‘bear management hunt’ as an adjunct program to its current bear conflict program. Bears identified for removal from the population by the existing program and protocols could be made available for a highly regulated - and appreciated - hunt. FWP exhibits a very narrow and biased view of this type of hunt. *Headwaters Montana* challenges FWP to discuss and develop a plan to implement a management hunting program in the place of the proposed hunting Framework. This kind of hunt would have greater ethical and rational basis as well serve important, and well-defined management objectives.

- 6. Grizzly Management Costs Not Revealed or Addressed.** *Headwaters Montana* is aware of a widespread concern over long-term funding of Grizzly Bear management once the GYE and other populations are removed from federal protection. The Final Plan speaks of bridge funding by FWS, and the application of Pittman Robertson dollars, as well as other potential sources. As stated in the Plan, “*The grizzly bear is a species of national interest.*” (page 70) The Grizzly is more than an animal of national interest. The nation’s taxpayers recovered this iconic bear. The application of hunter-derived dollars demonstrates bias and favoritism towards bear trophy hunters. Not all hunters are trophy hunters. Not even all trophy hunters would want to hunt and kill a Grizzly.

Clearly, hunting license sales will not make a dent in Grizzly Bear management expenses. *Headwaters Montana* thinks funding sources for state controlled Grizzly Bear management should be broadened and ‘democratized’ to reflect Montanans’ interest in this species. The hunting Framework should clarify hunting income and general funding obligations and funding sources. If FWP intends to seek a general appropriation to support a bear hunt, then the Framework should acknowledge this.

Thank you for the opportunity to comment.

Sincerely,



Dave Hadden, Director
406-270-3184 / dave_hadden@headwatersmontana.org