



P.O. Box 4310, Whitefish, Montana 59937

Public Comments Processing

Attn: Docket No. FWS-R6-ES-2016-0042

U.S. Fish and Wildlife Service, MS: BPHC

5275 Leesburg Pike

Falls Church, VA 22041-3803.

Submitted via Web

May 5, 2016

Dear USFWS:

This letter of comment concerns Docket No. FWS-R6-ES-2016-0042, “Removing the Grizzly Bear in the Greater Yellowstone Area From the List of Endangered and Threatened Wildlife”

*Headwaters Montana* supports the delisting of the Greater Yellowstone Grizzly Bear population from protection of the ESA so long as robust measures to ensure persistence and expansion of the population are put in place by federal and state regulators prior to delisting taking place.

*Headwaters Montana* thinks that the rules and regulations promulgated in the delisting Rule and in the various state plans do not provide the robust assurance we need to support delisting the Yellowstone population.

While we agree that the GYE population has achieved the technical and legal ‘bar’ of “recovery,” as stipulated in the ESA and GYE recovery plan, we do not think the Grizzly Bear has been recovered as a meta-population. The GYE population remains essentially disjunct from the Northern Continental Divide (NCDE) population, and vast areas of its former range have yet to be repatriated.

Regretfully, we do not think that the Wyoming, Idaho, or Montana management plans provide adequate opportunity for further range expansion at a reasonable pace and scale. *Headwaters Montana* finds unacceptable the proposals of all three states to allow a renewed hunt of Grizzly Bears.<sup>1</sup> The very notion of a ‘discretionary mortality’ is antithetical to further population expansion and contradict four decades of hard-won knowledge that humans and Grizzly Bears can co-exist. In addition, we think the USFWS and the three states’ rules and plans to allow hunting goes against the will of the American people and the citizens of the three states themselves. Does the USFWS have discretion to classify the Grizzly Bear as “non-game?”

---

<sup>1</sup> Hunting is assumed in the calculation of “Total Mortality” (Table 1); hunting continues to be assumed without an assessment of public attitudes in Paragraph 81 FR 13200. The Rule states, “If this proposed rule is made final, grizzly bears will be classified as a game species throughout the GYE DPS boundaries outside National Parks and the Wind River Indian Reservation in the States of Wyoming, Montana, and Idaho.” Paragraph 81 FR 13201. Does the USFWS have discretion to classify the Grizzly Bear as “non-game?”

[A very recent April 2016 poll by the Humane Society of America](#) found that Americans opposed the hunting of Grizzlies by a 3 to 1 margin. The first lesson here is that public attitudes have substantially changed over the last four decades across North America. In the U.S. this is because the Grizzly recovery effort has been a national success story and people are justifiably proud that the Nation has achieved this level of recovery. The second lesson is that the USFWS has not kept up with the American public, and the delisting rule does not reflect the will of the American people in its allowance of a resumed hunt. Furthermore, the USFWS has done nothing that we are aware of to test for public attitudes on the issue of a renewed Grizzly Bear hunt.

*Headwaters Montana* is initiating a Montana state-wide poll of 400 to 600 randomly selected voters to test the hypothesis “Montanans favor a Grizzly Bear hunt.” (The Null Hypothesis would be “Montanans oppose a Grizzly Bear hunt.”) We intend to conduct this poll in June or July 2016. We are firmly confident that the poll will demonstrate very strong disfavor to a resumed hunt of Grizzly Bears. The delisting Rule should reflect this public sentiment.

The delisting Rule must be changed to reflect the contemporary American attitudes and Montanans. This shift in public attitudes towards Grizzly Bears is likely long-term and ‘permanent.’

The Rule states, “...*we do not expect grizzly bear trapping to occur due to public safety considerations and the precedent that there has never been public grizzly bear trapping in the modern era.*” (Paragraph 81 FR 13201. Emphasis added.) This statement implies a high degree of societal concurrence that trapping of Grizzlies was and remains unacceptable. What about hunting of Grizzlies? We assert here that hunting of Grizzlies for trophy has virtually no support in society and is out of place in our current era.

Hunting will impede further recovery across Montana, a goal stated in the Montana management plan of allowing Grizzly Bears where “biologically suitable and socially acceptable.”<sup>2</sup> If there is such a thing as a ‘surplus’ of Grizzlies (conversely, a discretionary mortality) then the pace and scale of expansion in Montana’s management plan would be greatly aided by translocation of bears into those suitable areas.

The Rule states, “*In areas of the GYE grizzly bear DPS outside the DMA boundaries, respective States and Tribes may establish hunting seasons independent of the total mortality limits inside the DMA. Hunting mortality outside the DMA boundary would not threaten the GYE grizzly bear DPS because total mortality limits are in place...*” (Paragraph 81 FR 13204. Emphasis added.)

In other words, the Rule specifies no limitations outside the DMA boundary. We find this determination completely unacceptable on the grounds that (a) it again countenances hunting, (b) the Rule will impede the further expansion and security of a meta-population of Grizzlies, and (c) that this more indiscriminate policy will ‘waste’ Grizzlies to archaic trophy hunting when these so-called surplus bears are far more valuable to society as augmenters of other populations

---

<sup>2</sup> GRIZZLY BEAR Management Plan for Southwestern Montana. 2013. FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT. p. 6

or as part of a bridge population between the GYE, the NCDE, and the Salmon/Selway-Bitterroot recovery area. The USFWS has the authority to prevent this considerable waste of an iconic American species and sentient being.

The Rule states, “(3) *The State of Montana will manage discretionary mortality in the area between the GYE and the NCDE in order to retain the opportunity for natural movements of bears between ecosystems.*” (Paragraph 81 FR 13204.) It does not state that the states of Montana and Idaho will manage a hunt “to retain the opportunity for natural movement” between the GYE and the Bitterroot Ecosystem. Why is the USFWS allowing hunting in this broad geographic area when a hunt would seriously threaten or impede natural repatriation of the Bitterroots? The USFWS has failed to adequately address the effect on natural recovery of the Bitterroot Ecosystem in this delisting Rule.

The Rule goes to great length to define the terms and conditions of a Grizzly Bear hunt, including required legislation that stipulates those conditions (Paragraph 81 FR 13202). The Rule should stipulate “No Hunting” and relieve the USFWS and the various states of the institutional and financial burden of the accompanying rigorous population accounting required to justify a hunt.

The Rule assumes, and does not assess, so far as we could discover, that the states are capable of carrying the burden to maintain demographic monitoring. Almost every professional conservation organization we have talked to on this issue agrees that the state of Montana will be burdened to finance the intense and expensive monitoring required under the Rule and the state’s management plan. Where will funding come from once federal oversight and responsibility is removed?

We recognize that some Grizzly Bears will come into conflict with human beings, in game hunting situations, other backcountry situations, livestock grazing, in residential settings, etc... Existing management protocol for these conflict situations are highly effective and successful and should be the sole place for removing Grizzlies from the population. In fact, these programs and protocols will remain in place to a large degree. “Discretionary mortality” or surplus population is a fabrication made out of the dreams of a very small minority of hunters.

We thank the USFWS for the opportunity to comment on the delisting Rule. We think that a hunt will remove valuable individuals (bears) that, left alive, would continue to augment the population and create sufficient population pressure to cause the population to expand as expressly desired, at least by Montana FWP. Or, alternately, provide a source of Grizzly Bears for translocation and augmentation. A revised Rule should reflect this affirmative conservation approach.

Sincerely,



Dave Hadden, Director

406-270-3184 / [dave\\_hadden@headwatersmontana.org](mailto:dave_hadden@headwatersmontana.org)