



July 20, 2020

Grizzly Bear Advisory Council
Montana Fish, Wildlife and Parks
1420 E. 6th Avenue
Helena, MT 59620

Dear Members of the Grizzly Bear Advisory Council:

Thank you for the opportunity to comment on the Grizzly Bear Advisory Council's ("Council") Draft Recommendations. We submit these comments on behalf of more than 2,600 active Sierra Club members in Montana and 3.7 million members and supporters across the country who care deeply about ensuring the full recovery of grizzly bears in Montana and beyond.

As you know, Sierra Club and other conservation organizations have asked for a formal public comment period and corresponding widespread notice to the public of such comment period, that will allow for additional public input following the July 21-22 final Council meeting. We believe it is critical for the public to have the opportunity to weigh in on the Council's Final Recommendations before they are presented to the Governor. Therefore, we may send additional comments after the July 21-22 meeting if significant changes are made from the current July 17 draft available to the public, but are sending these comments now so that the Council can consider them prior to the July meeting.

As the Council is well aware, Montana plays a pivotal role in the conservation and recovery of grizzly bears throughout the lower 48 states. Four of the six recovery areas established by the U.S. Fish and Wildlife Service are wholly or partially in Montana. It's up to Montana to ensure that isolated populations in the Yellowstone, Cabinet-Yaak and Northern Continental Divide regions connect with each other. Montana also can and should play a key role in ensuring that grizzly bears return to the Bitterroot recovery area and, once established, connect to existing populations in the state. Montana's role has become even more important in recent days in recovery of grizzly bears in the lower 48, as a result of the Trump Administration's decision to halt efforts to help grizzly bears become re-established in the vast North Cascades recovery area.

We recognize the important responsibility that the Council has borne over the last several months to develop recommendations on grizzly bear management in Montana, particularly

during a challenging time for the state and country. We thank you for your efforts and the significant amount of time and emotional energy that each of you has brought to this issue.

We have organized our comments below according to the topics in the Council's "Consolidated Draft Recommendations – July 17, 2020" document. Overall there are many excellent recommendations that we support and that we believe will, if implemented, significantly contribute to grizzly bear recovery in Montana. We do have some concerns and requests for additional recommendations, also outlined below.

I. Preamble

We appreciate many of the points in the Preamble. We particularly support beginning the Preamble with recognition of the critical role that the traditional knowledge and expertise of Indigenous peoples play in the issue of grizzly bear management, and acknowledgement of their relationship with the grizzly bear since time immemorial. Many Tribal Nations have a long-standing history of coexistence and reverence for grizzly bears as a sacred relative, and their perspectives must be given considerable weight in deliberations over grizzly bear management.

We also appreciate and support the Council's recognition that more is needed to fully recover Montana's grizzly bear populations. As conservationists, we recognize the important role that private and working lands play in recovery, and particularly in regard to achieving connectivity.

The Preamble should stress the importance of both genetic and demographic connectivity to ensuring the long-term health of grizzly bears in Montana. We request that the statement below be included:

“Genetic and demographic connectivity between populations of grizzly bears in Montana is critical to achieving grizzlies’ long-term viability. Populations are currently completely geographically isolated, and there has been no documented genetic exchange as a result of natural movements between any grizzly populations in Montana.”

We also request that the Preamble include recognition of the fact that the overwhelming cause of grizzly bear mortality is human activity. This is important context to include in order to set the stage for the Council's recommendations.

II. Vision

Importance of Connectivity

We appreciate the Council's recognition of connectivity in the Vision statement. However, we ask the Council to strengthen this and add language as follows:

“We envision fully recovered grizzly populations in the four recovery zones located in Montana and landscapes in-between that accommodate grizzly bear presence and

promote demographic and genetic connectivity while maintaining the safety and quality of life of those that live, work, and play in Montana.

The importance of demographic connectivity to long-term grizzly bear recovery cannot be overstated. Genetic connectivity alone is not enough to ensure a viable grizzly bear metapopulation over the long term, or to bolster small populations (i.e. Cabinet-Yaak) or re-establish populations where grizzly bears have been absent for decades (i.e. Bitterroot). As noted in the *Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Ecosystem (June 2018)* on page 29:

“Connectivity in grizzly bear populations should be examined in terms of both genetic and demographic health. (Proctor et al. 2012). While male or female movements can enhance genetic connectivity and reduce genetic fragmentation (i.e., provide genetic connectivity) (Miller and Waits 2003, Proctor et al. 2005), female movements are necessary to enhance a small population’s growth rate (i.e., provide demographic connectivity) (Proctor et al. 2012).”

Achieving connectivity between grizzly populations in Montana is also critical to their long-term viability in a changing climate. As noted in the NCDE Conservation Strategy (page 47),

“Connectivity among grizzly bear populations mitigates genetic erosion and increases resiliency to demographic and environmental variation. One way to mitigate potential impacts from climate change is through well-connected populations of grizzly bears in the lower-48 states and Canada. This Conservation Strategy envisions the NCDE serving as a “source population” for grizzly bear populations in the CYE, BE and GYE.”

The July 8, 2020 Ninth Circuit ruling in *Crow Indian Tribe et al. v. U.S.* upholding Endangered Species protections for the Yellowstone grizzly bear population additionally illustrates the importance of connectivity. In this ruling, the court noted that the U.S. Fish and Wildlife Service acted arbitrarily and capriciously in its argument that the geographic isolation of the Yellowstone grizzly bear population was not a threat to its long-term viability.

Coexistence

We also ask the Council to add a statement on coexistence to the Vision statement, such as:

“We envision that Montana’s residents fully embrace co-existence with grizzly bears, that human-caused mortality of grizzly bears is dramatically reduced, and that sufficient resources are developed and dedicated to support coexistence efforts and programs in areas of grizzly bear occupancy and expansion.”

The concept of coexistence is central to many of the Council’s recommendations and thus should be part of its vision statement.

III. Guiding Principles

We support many of the guiding principles, in particular the use of best available science in decision making on grizzly bear management, and recognition of climate change and potential impacts on grizzly bear food sources.

Guiding Principle #1:

We recommend adding “to promote co-existence and keep people, bears and property safe” to the end of the sentence.

Guiding Principle #10:

We request clarification of “varied approaches” to grizzly bear management. One of the issues surrounding grizzly bear management is lack of consistency in approaches, for example in food storage requirements, across agencies and ecosystems. We are concerned that ‘varied approaches’ might decrease consistency and work against public awareness and acceptance; we are also concerned about the potential for precedents set in managing one region and resulting pressure for those to be duplicated in other areas, for example with a targeted hunt.

Guiding Principle #12:

We are unclear as to what “acceptable’ and ‘appropriate’ habitat means. We assume this is in regard to human social tolerance for grizzly bears. However, we know of no peer-reviewed science on this topic that defines what social tolerance actually is in regard to having grizzly bears on the landscape. In the absence of such scientific underpinnings, this language should be deleted or defined more specifically.

What is clear is that there are many types of land ownership in connectivity or linkage areas, and in order to achieve natural genetic and demographic connectivity, more efforts are needed to accommodate grizzly bear presence and to promote coexistence on both private and public lands.

IV. Recommendations

a. Education and Outreach

We support many of the recommendations in regard to outreach and education, in particular:

- Establishment of an annual date to celebrate grizzly bears
- Bear spray training and distribution programs
- Full-time bear education coordinator and technician;
- Statewide Bear Aware program
- Additional hunter education and certification requirements

- Non-lethal conflict prevention education and programs
- Bear Aware business certification

We recommend additional outreach and education efforts, including

- Additional requirements for bear identification for hunters; each year, there are mistaken identity kills which could potentially be prevented with an annual certification requirement. More hunter training to avoid mistaken identity kills of grizzly bears is one of several hunting-related recommendations that the Interagency Grizzly Bear Study Team (IGBST) made in its 2009 Mortality and Conflict Reduction Report¹. Additional recommendations of the IGBST in regard to hunting should also be included in the Council's recommendations, such as not shooting prey late in the day, requiring outfitters and their clients to carry bear spray and have it immediately accessible, etc. Hunting is consistently the #1 or #2 cause of grizzly bear mortality in the Greater Yellowstone Ecosystem every year.
- Initiation of outreach and education programs in communities where bears are expanding their presence. Several agencies have identified the need to "get out in front" of the bears with outreach to the public; bears are already showing up in places they have not been seen for decades, indicating this is an urgent need. We request that the Council specifically call this out and make recommendation(s) to address this issue.
- Press releases from Montana Fish, Wildlife and Parks about grizzly bear conflicts/incidents should consistently educate the public about the efficacy of bear spray vs. firearms.

b. Conflict Prevention

As noted above, the vast majority of grizzly bear mortalities are a result of human activities. We recommend that the Council notes that fact in the Conflict Prevention section.

Additionally, we request that the Council recommends implementation of additional conflict prevention measures as enumerated in the IGBST 2009 mortality and conflicts report cited above, and that this report be updated.²

We support many of the recommendations to prevent conflicts. Additionally, we request additional recommendations regarding the following:

- Hunting: The Council should dedicate a specific category in the Conflict Prevention section to recommendations on preventing hunting-related conflicts. Hunting-related encounters, specifically, are one of the major causes of grizzly mortality, particularly in the Yellowstone region. Recommendations should include:

¹ *Yellowstone Mortality and Conflicts Reduction Report*. Report from the Interagency Grizzly Bear Study Committee (IGBST) to the Yellowstone Grizzly Coordinating Committee (YGCC). June 5, 2009.

² See attached letter from non-governmental organizations to the Yellowstone Ecosystem Subcommittee requesting an update of the report.

- Mandatory carrying and accessibility of bear spray
 - Required education by outfitters of their clients on hunting in grizzly bear country
 - Creation of a central database with detailed information about hunting-related conflicts to identify patterns and help identify solutions
 - Endorsement and implementation of IGBST recommendations in its 2009 mortality and conflict report in regard to hunting.
- Agriculture:
 - The Sierra Club supports funding for the Livestock Loss Board for non-lethal conflict prevention measures.
 - We also strongly support additional monitoring of grazing allotments on public lands as recommended in #16(i)(f)(2) and creation of a detailed database to identify patterns in livestock-grizzly bear conflicts.
 - The Council should consider a recommendation that implementation of non-lethal conflict prevention strategies be a requirement for receiving compensation for losses.
 - The Council should recommend investment in a bi-annual conference of producers, Tribes, agencies, conservationists and others to exchange information on successful conflict prevention strategies and explore implementation of these programs in more places.
- Sanitation: We support development and implementation of consistent local sanitation ordinances throughout grizzly bear country (including in communities where grizzly bears are expected to expand).
- Conflict Response
 - We strongly support Bear Management Specialists being permanently and fully funded including with year-round technicians. As we heard in several Council meetings, many of the current Specialists are nearing retirement age and in order to attract and retain talented Bear Management Specialists, these positions must be funded and a path developed to transfer the wealth of information of current Bear Management Specialists to incoming Bear Management Specialists.
 - Under #18 (ii) a fourth bullet should be added as a result of fully funding Bear Management Specialists: "To build tolerance on the landscape for grizzly bear occupancy."
- Distribution, Relocation, and Occupancy
 - We request the following recommendation be added: *"Allow the grizzly bear population to grow and expand in range, in order to help aid grizzly bears in connecting with other populations and to recolonize historic habitat in the Bitterroot recovery area."*
 - We strongly support the recommendation that additional relocation sites should be identified inside and between recovery areas; the Bitterroot recovery area should be a high priority for establishment of relocation sites. The recovery plan

requires establishment of viable populations in all recovery areas; we agree that agencies should work with stakeholders in this process, but should not be beholden to them. We request that this recommendation (#20) be changed to: *“Relevant agencies should establish suitable relocation areas inside and between recovery area which further the conservation, connection and recovery of grizzly bears in Montana, taking into consideration input from local communities and the general public.”*

- We are unclear as to the meaning of recommendation #22: “Any new and existing agreements regarding population augmentation should be evaluated on a regular basis.” Augmentation efforts such as in the Cabinet-Yaak are long-standing and critical to the success of establishing a viable grizzly population in that recovery area, which is required by the Grizzly Bear Recovery Plan. We request that this recommendation be clarified or dropped.
- We strongly support recommendation #23 and #24 regarding conservation easements and programs to reduce transportation-related mortalities, facilitate grizzly bear movement and connectivity, and improve human safety.

V. Role of Hunting

We urge the Council to honor its commitment in the opening paragraph of the Preamble:

“[Montana’s heritage is intimately connected to grizzly bears and many indigenous peoples have lived with grizzly bears from time immemorial...The Governor’s Grizzly Bear Advisory Council respects and honors this long standing relationship and the traditional knowledge that continues to inform management and provide habitat for grizzly bears in Montana.”

The Confederated Salish and Kootenai Tribes and the Blackfoot Tribe have formally opposed a grizzly bear hunt. We also direct the Council to the Grizzly Bear Treaty, signed by over 200 Tribal Nations³, outlining their vision of recovery of the grizzly bear and restoration of this sacred being to historic habitat on Tribal lands. This vision does not include hunting of grizzlies. The Council should honor its statement in the Preamble by recommending against a grizzly bear hunt.

This should be sufficient rationale for a recommendation by the Council against a grizzly bear hunt, but if additional rationale is needed, the Council should also consider the strong national public sentiment, including Sierra Club’s 3.7 million members and supporters, against trophy

³ The Grizzly: A Treaty of Cooperation Cultural Revitalization and Restoration. See piikaninationtreaty.com/the-treaty.

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.

hunting of grizzly bears⁴, and potential impacts to the state's tourism economy if Montana moves to initiate a grizzly bear hunt.

Hunting does not reduce conflicts or increase social tolerance

At its April 9 meeting, the Council heard presentations from grizzly bear specialists from British Columbia and Alaska. Both experts told the Council that a grizzly bear hunt is not a good strategy to prevent grizzly bear-human conflicts, and that completely different strategies are needed to prevent conflicts. These experts also told the Council that hunting would not have any effect on the population (or prevent conflicts) unless the hunt was extremely liberal and dramatically reduced the population.

Additionally, in Montana Fish, Wildlife and Parks' "Support Team Brief on the history of grizzly bear hunting in Montana and review of existing laws, policies, rules and plans" developed for the GBAC,

"...[a reasonable thought is that hunting of grizzly bears could be useful in reducing bear-human conflicts, and that hunting could modify the behavior of bears so as to reduce their danger to humans. **We are not aware of definitive research that could support or refute either assumption for grizzly bears in Montana.** However, work on black bears in a number of North American jurisdictions can be instructive for considering the possible effects on nuisance complaints generally. The following quote is taken from a position paper on the subject written by a committee of the International Association for Bear Research and Management (IBA) in March 2017, entitled "Hunting as a tool in management of American black bear populations (IBA 2017):

"The efficacy of hunting as a means of reducing nuisance complaints is subject to considerable scientific debate and is situation-dependent. Some studies have linked hunting and trapping to reduced human-wildlife conflict, suggesting that they reduce populations from biological carrying capacity, remove some problem individuals from the population before they would ordinarily die, and alter the behavior of wildlife (Conover 2001). In New Jersey, the occurrence of a hunting season was linked to decreases in human-bear conflicts the following year (Raithel et al. 2016), and in one Ontario study area, nuisance complaints increased substantially during the 5 years following the closure of a spring hunting season (Hamr et al. 2015), though neither study considered the likely confounding effects of local food conditions on complaint numbers. Conversely, **studies in Wisconsin and across Ontario as a whole found no evidence that increasing harvest reduced subsequent human-bear conflict;** instead, conflict levels were tied to underlying population growth in Wisconsin (Treves et al. 2010), and in Ontario, to annual variation in natural foods, with complaints increasing in years of poor food supply (Obbard et al. 2014). The position paper

⁴ <https://www.humanesociety.org/news/american-voters-oppose-delisting-greater-yellowstone-area-grizzly-bears-endangered-species-act>

concludes: **“Where the primary management objective is to slow population growth or limit population size or distribution, then increasing human-caused mortality is the only option. A regulated and monitored hunt can do this effectively...Conversely, if the primary management goal is to reduce human-bear conflict, the crucial and, arguably, only efficient and long-term way to do so is through education, outreach, and implementation of practices and regulatory policies that remove bear attractants...”**
(emphasis added)

In its Brief, Montana Fish Wildlife and Parks notes:

“[The FWP support team points out that in the context of Montana grizzly bears, recreational hunting would probably be limited to such a small number of bears that behavioral effects at the population level would be unlikely. As well, the season structure proposed in 2017 (above) was geared strongly toward removing only males; thus, nuisance females would be largely unaffected by a recreational hunt, potentially allowing their young to learn undesirable habits (Morehouse et al. 2016). **Finally, although a hunt specifically targeting nuisance bears is theoretically possible, it would be logistically difficult and raise ethical issues regarding fair chase.**” (emphasis added)

As noted by University of Montana researchers in their presentations to the Council at its April 17 meeting, studies of whether social tolerance is increased by allowing hunting are inconclusive. Despite the anecdotal statements by some agency staff and others that hunting increases social tolerance, there is no scientific basis for this statement; and in fact some studies have shown that the opposite is true. For example, 2012 Fish, Wildlife and Parks surveys⁵ regarding public attitudes toward wolves before and after the 2011 wolf hunting season indicated that tolerance levels did not change:

“[Reported tolerance amongst survey respondents for each of the four surveys was the same for both before and after the 2011 Montana wolf hunt. That is, tolerance did NOT significantly change following the 2011 Montana wolf hunt. . . . These findings suggest that attitudes and beliefs regarding wolves may be resistant to change and not easily influenced by specific management efforts.”

Montana Fish, Wildlife and Parks conducted another set of surveys in 2017, and while the surveys “revealed a slight shift in the direction of more tolerance for wolves,” there was no indication that it was attributable to wolf hunting or trapping, as opposed to other aspects of wolf management.⁶

⁵ See Lewis et al. 2012, Selected Results from Four Separate Surveys of Resident Montanans Regarding Montana’s Wolf Hunt: Summary of Research.

⁶ See Lewis et al. 2018, Better Understanding Montanans Thoughts Regarding Wolves and Wolf Management in Montana: Summary of Research.

In summary, there is no scientific basis for initiating a grizzly bear hunt to prevent or reduce conflicts, or to increase social tolerance of grizzly bears on the landscape. Conversely, there could be considerable public backlash if the state were to initiate a hunt, and it shows significant disregard for the perspectives of hundreds of Tribal Nations which have taken formal positions opposing hunting of grizzly bears. **For all of these reasons, we request that the Council make a clear recommendation against a grizzly bear hunt in Montana.**

Regarding Appendix C, we request that the Council delete the specific guidance for a hunt that is enumerated in the pro-hunting “Considerations” in its report. Offering this guidance can be seen as implicit agreement with the initiation of a hunt in the future. In the “Considerations: section, we request the following be added:

- Additional language on Tribal perspectives and strong opposition to a grizzly bear hunt
- Challenges of managing an ethical hunt in an attempt to reduce conflicts in developed areas of human settlement (as described above in FWP Brief)
- Recognition of the fact that there is no body of science linking hunting to increased social tolerance of grizzly bears

Additionally, we request that the Council make a recommendation that FWP and the Montana Fish and Wildlife Commission undertake a rulemaking process to delete the inaccurate and outdated statements in Montana’s Grizzly Bear Policy, including those that say sport hunting is the “most desirable method” of “minimizing depredations against private property” and “minimizing grizzly bear attacks on humans.” This language should be replaced with evidence-based statements that identify strategies such as public education and proactive conflict-prevention as the most effective ways to minimize negative human-bear interactions.

VI. Resources/Needs

The Sierra Club agrees that additional resources are critical in order to keep grizzly bears on the road to recovery in Montana, including achieving natural genetic and demographic connectivity between populations, preventing conflicts, and building social tolerance and coexistence. We greatly appreciate and support the time that the Council has put into exploring ways to generate additional resources to support its vision of “a landscape that supports both grizzly bears and people.”

We strongly agree with the Council’s statement that “[I]t would be beneficial for FWP to facilitate further analysis, coordination and communication between partners around the challenge of resources.” The Sierra Club would welcome the opportunity to participate in additional discussion on how the non-profit conservation community can help aid in these efforts. For example, we are supportive of and have been in active discussions with partners regarding efforts to establish a wildlife stamp to generate additional sources of revenue to the state, federal appropriations for non-lethal conflict prevention programs, and range rider programs to reduce livestock-related grizzly bear conflicts.

Thank you for your consideration of our comments and request for additional recommendations, and once again, for all the time and hard work that you have put into this effort as members of the Governor's Grizzly Bear Advisory Council.

Sincerely,

A handwritten signature in blue ink that reads "Bonnie Rice". The signature is written in a cursive, flowing style.

Bonnie Rice, Senior Representative
Greater Yellowstone-Northern Rockies Regions – Our Wild America Campaign