



August 3, 2020

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

To the Montana Grizzly Bear Advisory Council Members:

The Center for Biological Diversity (“Center”) submits the following comments to the Montana Grizzly Bear Advisory Council on behalf of the Center’s 1.7 million members and supporters worldwide, including more than 5300 members and supporters in Montana. The Center is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy and environmental law. The Center’s members and supporters dedicated to the protection and restoration of endangered species and wild places. The Center has worked for many years to protect imperiled plants and wildlife, including grizzly bears.

The Center appreciates the hard work that Council members have put into this process. We recognize that this has been a significant time commitment and that Council members have worked hard to try to reach consensus on a wide variety of recommendations offered to potentially guide Montana Fish, Wildlife and Parks’ grizzly bear management in the future. The following comments are based upon the Center’s impressions following several live-streamed meetings and the most recent version of the “Consolidated Draft Recommendations,” dated July 28, 2020.¹

Overall, the Consolidated Draft Recommendations is a useful comprehensive document containing numerous insightful recommendations for grizzly bear management in Montana. We are particularly impressed with the education and outreach and conflict prevention recommendations, recognizing that conflict is of utmost importance in ensuring grizzly bear survival and recovery in Montana. We write here to express a few concerns within the document that warrant additional attention and change.

First, we are concerned with new language that would seem to require a different management scheme for grizzly bears east of the Rocky Mountain Front and north of Interstate 90. While we acknowledge the desire for ranchers in these areas to protect their lands and livestock, making

¹ It is unclear whether the July 28, 2020 date on the website is a typo, as it appears this draft was posted to the website on July 24, 2020, and the website references taking public comments on the July 24 draft.

blanket recommendations to manage grizzlies different in these areas is overbroad and nonsensical. Such an approach was taken with the management of Mexican wolves, where state agencies decided to relocate or kill any Mexican wolves that traveled north of I-40, and such management decisions have been met with ongoing litigation ever since. Any approach that limits the expansion of grizzly bears by drawing distinct lines in the sand such as the language in this document suggestions is equally likely to be met with criticism and potentially litigation. For these reasons, we suggest removing all language that purports to limit grizzly bear expansion or alter management considerations and decisions for grizzly bears that occur east of the Rocky Mountain Front or north of Interstate 90, and language suggesting that grizzly bears outside recovery and connectivity zones should be managed “more strictly” than those inside the zones.

Similarly, we don’t understand the point of line item 15 under the Guiding Principles. Saying that “[t]here are parts of Montana that are unprepared for the presence of grizzly bears and will remain so as resources are prioritized within existing recovery zones and the landscapes in between” seems to cut against the need for education and outreach in those areas of Montana where grizzly bear expansion is reasonably foreseeable. This should not be a guiding principle, but rather a statement after which a solution is offered. Stating issues without proposed solutions is not the purpose of this document.

Second, we believe the language in line item 13 under the Guiding Principles is confusing. We appreciate that not all connectivity areas are currently conducive to permanent habituation, but stating that “biologically suitable does not always mean appropriate” is a confusing qualifier. How is “appropriate” defined? Appropriate to who? We would suggest simply removing the end of the section and specifically the following language: “being mindful that biologically suitable does not always mean appropriate.” The qualifier earlier in the sentence that not all connectivity areas are conducive to permanent habituation is more clear and precise and should be sufficient to make the intended point.

Finally, we have serious concerns about the language provided under considerations supporting the role of hunting. While we understand that some members of the Council feel that guidance should be provided if hunting is to occur, statements preceding these recommendations are largely opinion and not based in science. For example, having completely conflicting statements about whether the spiritual and cultural significance of grizzly bears, including by Tribes, supports or does not support a hunting season seems nonsensical and confusing. Statements such as this are even worse, seeming to directly attack council members that do not support hunting: “Many council members recognize that hunting has been an important and effective tool in the North American Model of wildlife management, *and yet, some of the council can imagine successful grizzly bear management that does not include hunting.*” It is hard to understand the purpose of such a statement, and it fails to recognize that there are other species managed by the state of Montana for which hunting is not permitted (wolverines as one example). While we understand the desire to include qualifiers on both sides of the issue before the proposed

guidelines should a hunting season occur, the Council should be careful to ensure those statements are not simply opinion based but are rather based on research or science.

We are also concerned about stating that the guidelines proposed are based upon “the Council majority.” That a majority of a divided council supports the guidelines is irrelevant. Rather, this should say “following are the guidelines proposed by Council members who support hunting,” or something to that effect.

As to the guidelines themselves, we recommend some proposed changes. First, it may be hard for hunters to identify when cubs are dependent young, and thus this provision should be broadened to state that grizzly bears cannot be killed when more than one grizzly bear is present. Second, hunters should be required to carry bear spray, not strongly encouraged. If a hunter stumbles upon a sow with cubs and does not have bear spray, the chance of one of those bears being killed increases exponentially, as does the chance of the hunter and/or guide being injured.

Finally, we ask the Council to prepare a summary of public comments with the number of comments received on each topic.

We appreciate the opportunity to provide comments on these draft recommendations and look forward to reviewing the final document.

Sincerely,



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