June 28, 2016

Wyoming Game and Fish Department
Wildlife Division, Attention: Regulations
3030 Energy Lane
Casper, WY 82604

Re: Wyoming Grizzly Bear Draft Chapter 67 Regulations

Dear Director Talbott,

The following comments address Wyoming’s draft Chapter 67 Grizzly Bear regulations released on May 16th, 2016, for public review. These comments are submitted on behalf of the Greater Yellowstone Coalition (GYC) which has offices in both Jackson and Cody, Wyoming and have been working on grizzly bear conservation issues in Wyoming for over three decades. GYC is based in Bozeman, MT and has over 40,000 members and supporters from within the Northern Rockies and across the country.

GYC’s mission of protecting the lands, waters and wildlife of the Greater Yellowstone Ecosystem (GYE), now and for future generations. The GYC was founded in 1983 on a simple premise: An ecosystem will remain healthy and wild only if it is kept whole and we advocate for the idea that ecosystem level sustainability and science should guide the management of the region’s public and private lands. This vast ecosystem includes 20 million acres of wild country that includes Yellowstone and Grand Teton National Parks, parts of six national forests, five national wildlife refuges, and state and private lands in Wyoming, Idaho, and Montana.

The Greater Yellowstone Coalition works to ensure that a thoughtful and holistic approach is taken to managing the national and wildlife resources in harmony with people and modern development. We work to shape a future where wildlife populations maintain their full diversity and vitality, where ecological
processes function on public lands with minimal intervention, where exceptional recreational opportunities abound for visitors and residents alike, and where communities can enjoy a healthy and diversified economy.

Below are comments on individual elements of the draft Chapter 67 Regulation and general comments for your considerations.

Process and Future Season Setting

We understand that the Department is not taking comments on specific elements such as proposed hunting boundaries or quotas at this time. We will provide thorough comments on these elements in future season setting opportunities when it is appropriate. However, it is important that Wyoming consider looking at objectives that include benefits to local economies when going through this process. We’re very familiar with the WGFD process for season setting and regulation for other species, however this proposal has attracted a new audience – a public that is now paying attention to Wyoming’s hunting seasons because of the possibilities of grizzly bears being hunted.

The Department might consider modifying its public process before issuing further draft regulations because of this new audience. Scoping is an important part of the public process and the Department might consider listening sessions, informational meetings, or a structure decision making process before producing draft regulations. The standard town hall style meeting, where oral comments aren't recorded, seems to create more dramatization of the issue than maybe necessary. A modified structure could allow for better discourse so the public feels they are heard and public comments are more useful for managers.

Non-Discretionary Mortality (Section 3, h)

There continues to be confusion and discrepancies over the definitions and use of the terms discretionary and non-discretionary mortality between the delisting documents and state regulations. The Department should have authority and control over illegal take and investigations of defense of life scenarios, so this language needs to be modified. These two sources of mortality are currently generating a significant proportion of the annual mortality of grizzly bears, even while listed under the Endangered Species Act (ESA). The Department also has significant efforts in place to reduce these types of mortality with education and outreach such as the annual “living in bear country” presentations. These programs are well-attended and appreciated by the public. We hope the Department looks for ways to expand these types of programs in the future if bears are delisted.
24 Hour Reporting Criteria (Section 4, h)

Wyoming should consider adopting a similar regulation as Montana with a 12 hour reporting criteria rather than 24 hours. A 12-hour reporting period is more appropriate for dealing with the once-in-a-lifetime license and is easy to accommodate by hunters today with proper preparations. This limitation could also direct hunting into more accessible locations (i.e. roaded areas) that may have less suitable habitat for bears or encourage hunters to have additional members in their party to reach a phone, which could be an added safety precaution. Most importantly, this would further ensure that mortality is coordinated between the three states and seasons are closed not only in Wyoming, but Idaho and Montana, in a timely manner should any of the mortality thresholds be exceeded.

Tri-State MOA (Section 4)

We have real concerns over the proposed Tri-State Memorandum of Agreement (MOA). The proposed mortality thresholds for all demographic classes appear to arbitrarily reduce bear populations and still await independent peer-review. We have raised these concerns with other states involved in the MOA and with the USFWS and would like Wyoming to consider these comments because the Chapter 67 regulations are primarily to implement the terms of the Tri-State MOA.

We’re concerned that the thresholds proposed within the MOA are too high to prevent the population from falling. Grizzly bear numbers would likely always be controlled below 674 limiting growth of the population and possible range expansion that would allow for connectivity. The state and USFWS have stated numerous times and in numerous places that the goal is to maintain a stable grizzly bear population. If so, it seems logical that all discretionary mortality would cease if the population falls below 674, rather than at 600 as proposed. The Department also must consider that the population estimate is a point estimate and the lower bounds of a 90% confidence interval could easily fall below the 600 criteria for allowing discretionary mortality. We would like to see a scientific explanation of the proposed total mortality thresholds for different population estimates. What will be the cumulative impacts of mortality rates of 9-10% for females or 20-22% for males if the population is above 675 or 747, respectively? Our concern is these arbitrary thresholds allow the population to decline and reducing mortality to ≤7.6 will not correct a decline allowing the population to continue downward even after reducing mortality. There must be some scientific justification for these mortality limits and the models used to derive these thresholds must undergo thorough peer review before being adopted by the states. These mortality thresholds also have not been finalized or endorsed by the USFWS.

The MOA is also missing the National Park Service, a critical federal partner who also manages grizzly bears within the ecosystem. By not including discretionary mortality for the parks or withdrawing the population that lives within Yellowstone and Grand Teton National Park from calculations to determine hunting quotas, hunting mortality will disproportionately occur along park boundaries and decrease
populations outside of National Parks. When you look at the historical accounts of hunting and bear management this is exactly what was occurring before bears were listed as threatened under the ESA.

Additions to Wyoming’s Chapter 67 Regulation

We ask Wyoming to consider adding elements to the Chapter 67 regulation that may have been overlooked or will be considered in future regulations processes. First and foremost Wyoming should include the once-in-a-lifetime limitation for grizzly bear hunting consistent with § 23-1-703. This is important because it will guide future regulations on season setting and also ensure that hunting of bears is very conservative and will dissuade external efforts to use hunting as a tool to artificially limit populations. The legislature established this statute because grizzly hunting would be a very limited once-in-a-lifetime opportunity for a small number of hunters, similar to mountain goat hunting seasons.

Something that has been discussed, but should be included in these regulations is the requirement of a mandatory bear hunter education program. The Department has operated a similar program for bison hunters. This is important because of the need for accurate identification of males vs. female bears, age classes of cubs and between species of black bears and grizzly bears. With the addition of grizzly hunting this program should be considered as a requirement for black bear hunters as well and could be integrated into the website under the bear identification test.

It should be clear that baiting will not be allowed for grizzly bear hunting. This regulation should be added to Chapter 67 regulations to be consistent with Wyoming’s Chapter 3 (section 7) regulations that state: “Regardless of the land status albeit Federal, State or private, no person shall hunt black bear over a bait site utilized by a grizzly bear for the remainder of the current black bear hunting season. The bait site(s) shall be closed for the remainder of the current black bear hunting season and the bait shall be removed as soon as possible by personnel of the Wyoming Game and Fish Department.”

Lastly, Wyoming should consider including in the Chapter 67 regulations that it would be required that any person possessing a grizzly bear license is required to carry bear spray and have it available. Language that could be considered to define this regulation has been promulgated by the National Park Service in their administration of the elk reduction program in Grand Teton National Park. This addition would be consistent with Wyoming’s grizzly bear management plan (WGFD, pg. 47).

General Comments

To be clear GYC opposes sport hunting of grizzly bears. We also realize that hunting is the most manageable threat that bears face. In 2015 alone, 61 bears were killed from various human conflicts in the GYE without hunting, while under the protections of the ESA. This mortality exceeded thresholds for
independent females with cubs in 2015. Before introducing hunting, Wyoming should focus on reducing conflicts and maintaining a stable population.

We don’t believe hunting will reduce conflicts on a large scale or provide for “social tolerance” as has been promoted (Chapron et al. 2015). Studies on gray wolves post delisting have similarly not supported the theory that social tolerance increases with hunting (Treves et al. 2013). Also, the creation of hunting seasons is not likely to reduce conflicts between grizzly bears and people, as this theory has been rebuffed for black bears (Obbard et al., 2014). No current science supports the need for hunting grizzly bears as a biologically necessary tool to manage the population, like may be seen in ungulate species that may have detrimental impacts to their habitat.

Finally, consistent with our past comments, we ask the WGFD Commission to require a 5-year moratorium on the hunting of grizzly bears. Rather than feed the narrative that states are rushing to hunt bears as soon as they are removed from the ESA, we ask Wyoming to delay the onset of hunting which would allow for an open dialogue on the future of recovery and grizzly bear distribution and avoid the distraction hunting creates in the proposed delisting process.

Conclusions
On behalf of the Greater Yellowstone Coalition, I appreciate the opportunity to submit these comments on Wyoming’s Draft Chapter 67 Regulations and the future management of grizzly bears in Wyoming. I’m happy to answer any questions or discuss these comments further.

Respectfully,

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Literature Cited
