

Wickman, Erik

From: Lemont Herrin <lpherrin58@gmail.com>
Sent: Monday, November 20, 2023 8:10 AM
To: FWP Wildlife
Subject: [EXTERNAL] GRIZZLY MANAGEMENT

Establish public hunting again the way it was. The hunting districts should be expanded to cover the entire state.

Montana Wool Growers Assoc.
PO Box 1693
Helena, MT 59624



Phone: (406) 442-1330
stefanie@mtsheep.org
www.mtsheep.org

November 14, 2023

Wildlife Division
ATTN: Grizzly Bear ARM
Montana Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620-0701
via email to fwpwld@mt.gov

Re: NEW RULES I through XIII and amendment of ARM 12.9.1401 pertaining to grizzly bears

Dear FWP Wildlife Division and Fish and Wildlife Commission:

The Montana Wool Growers Association (MWGA) provides these comments on behalf of its members. MWGA membership consists of hundreds of families and individuals throughout Montana who rely on sheep and wool production as a primary source of income. Decisions regarding grizzly bear management directly affect these individuals and their livelihoods. Grizzly bears pose a direct threat to members' families, their animals, and their crops and indirectly impact the profitability of livestock operations through the added costs in predator control activities, taxes, and assessments.

MWGA has reviewed the proposed new and amended administrative rules for grizzly bear management issued by the Montana Fish, Wildlife & Parks Wildlife Division (Department) and Fish and Wildlife Commission (Commission). MWGA supported Senate Bill 295 enacted during the 2023 Montana Legislative Session and supports adopting new rules and amending existing rules for grizzly bear management to conform with that, now-codified, bill. MWGA generally supports the new rules and amendments proposed by the Department and Commission, but some of the rule language should be amended to resolve ambiguities and remove language that is inconsistent with Senate Bill 295. MWGA provides the following specific comments and recommendations to resolve these ambiguities and inconsistencies.

- **New Rule III (ARM 12.9.1406)**
New Rule III (ARM 12.9.1406) and New Rule V (ARM 12.9.1408) overlap and contain language that creates ambiguity in the rule meaning. To resolve the

inconsistency, MWGA recommends deleting New Rule V (ARM 12.9.1408) and consolidating the following information into New Rule III (ARM 12.9.1406):

- (1) Clarify that the annual quota is not restricted to a DMA, although separate quotas may be established for specific DMAs and regions within the state.
- Add a subsection (taken from New Rule V) stating: “If a female grizzly bear with a cub or cubs of the year is taken, both the female grizzly bear and the cub(s) will count towards the quota.”

New Rule III should include protections for individuals who are issued a permit by the Department and take a grizzly bear in compliance with that permit after the quota has been met, so long as the person did not have actual notice of the quota having been met. Constructive notice is not sufficient for individuals who have a valid permit from the Department. MWGA therefore recommends the Department:

- Add a subsection requiring the Department to directly contact any persons to whom a permit has been issued to inform them personally when the quota has been met. The subsection should clarify that no person to whom a permit has been issued under ARM 12.9.1406 may be held criminally liable for taking a grizzly bear after the quota is met unless the person had actual notice that the quota was closed prior to taking the grizzly bear.

- **New Rule IV (ARM 12.9.1407)**

New Rule IV (ARM 12.9.1407) and New Rule V (ARM 12.9.1408) overlap and contain language that creates ambiguity in the rule meaning. To resolve the inconsistency, MWGA recommends deleting New Rule V (ARM 12.9.1408) and consolidating the following information into New Rule IV (ARM 12.9.1407):

- Amend (2) to clarify that (as stated in New Rule V) “All confirmed and probable grizzly bear mortalities within the DMA count toward the relevant mortality threshold(s).”
- Add a subsection (taken from New Rule V) stating: “If a female grizzly bear with a cub or cubs of the year is taken within the DMA, both the female grizzly bear and the cub(s) will count towards the mortality threshold.”

- **New Rule V (ARM 12.9.1408)**

- New Rule V (ARM 12.9.1408) competes with New Rule III and New Rule IV to create ambiguity and inconsistent direction. MWGA proposes deleting New Rule V (ARM 12.9.1408) in its entirety after making the changes proposed above to New Rule III and New Rule IV.

- **New Rule VII (ARM 12.9.1410)**

The proposed language for New Rule VII, ARM 12.9.1410(3) is ambiguous, confusing, and subject to misinterpretation. The Department should not retain subsection (3)(c) as written. For greater clarity, MWGA proposes revising the language as follows.

- (3)(a) when the department makes the determination that the grizzly bear is threatening livestock or poses a threat to humans;
- (b) when the department makes the determination that the grizzly bear was not purposefully or intentionally fed or baited, and
- (c) if when the grizzly bear is threatening livestock on public land, when the department determines at least one non-lethal or preventative measure, as defined in ARM 12.9.1411, has been implemented. When the livestock owner has demonstrated an effort to utilize non-lethal measures as determined by the department director or designee.

- **New Rule XII (ARM 12.9.1415)**

MWGA opposes New Rule XII (ARM 12.9.1415) in its entirety. The language in New Rule XII goes beyond the authority granted in Montana Code Annotated Section 87-5-301(5) by creating a duty to translocate grizzly bears. Section 87-5-301(5) states only that the Department and Commission should “prioritize genetic exchange between ecosystems” when translocation is deemed necessary. The statute does not direct the Department and Commission to translocate grizzly bears. To the contrary, the legislature has provided strong direction to the Department and the Commission *not* to relocate bears, going so far as to prohibit the Department from relocating grizzly bears that are causing conflicts outside federal recovery zones. *See* Mont. Code Ann. § 87-5-301(5)(b).

Grizzly bears have demonstrated the ability to travel great distances and intermingle without assistance from humans. As the population continues to grow, the connectivity between populations and genetic exchange will increase, not decrease. The Department should not be under a continuing obligation to translocate grizzly bears for genetic and population augmentation. New Rule XII (ARM 12.9.1415) should be stricken in its entirety. MWGA strongly opposes handling and translocating grizzly bears, particularly grizzly bears that have been involved in conflicts with livestock or humans.

If ARM 12.9.1415 is retained, it should be revised to remain consistent with Section 87-5-301(5) by making translocation a tool, not a duty. The revision should state that, “*to the extent translocation is deemed appropriate, the Department shall prioritize genetic exchange in choosing the area of translocation.*” The language stating “the department shall continue to translocate grizzly bears” should be removed.

If ARM 12.9.1415 is retained, the provision should also specify that any translocated bear must be collared and the tracking information must be provided to Wildlife Services. If the bear is a conflict bear, the rule should require the Department to notify agricultural producers in the area of the translocation before the bear is released.

- **12.9.1401 Grizzly Bear Policy**

MWGA acknowledges that sport hunting is a tool for managing the grizzly bear population size. Sport hunting should not, however, be used in place of or interfere with the ability of livestock owners and Wildlife Services to remove grizzly bears involved in conflicts with humans or livestock. MWGA recommends including the following amendments to ARM 12.9.1401 to discourage viewing sport hunting as a substitute for careful management and strategic removal of conflict bears.

- (c)(ii) Sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, ~~minimizing depredations against private property within or adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.~~
- (v)–(vi) MWGA does not support relocating bears that are captured in response to conflicts with livestock or human safety concerns. If lethal removal is not an option, the conflict bears should not be relocated to areas where livestock grazing occurs, and any relocated conflict bear must be collared and actively tracked. The rules should require the Department to provide all tracking information to Wildlife Services and notify agricultural producers in the area where the conflict bear is released before the release occurs.

MWGA appreciates the work the Department and the Commission have done and continue to do to make grizzly bear management sustainable and less burdensome on those most impacted by the growing bear population. Thank you for the opportunity to comment on the proposed grizzly bear administrative rules.

Sincerely,



Duane Talcott
President
Montana Wool Growers Association



Missoula Office
P.O. Box 1858 | Missoula, Montana 59806 | tel 406.728.9436
www.defenders.org

November 13, 2023

Wildlife Division
ATTN: Grizzly Bear ARM
Montana Fish, Wildlife and Parks
PO Box 200701
Helena, MT 59620-0701

Submitted electronically: fwpwld@mt.gov

Dear Montana Fish and Wildlife Commission,

On behalf of Defenders of Wildlife and our more than 5,000 members and supporters in Montana, we respectfully ask you take into consideration serious concerns that remain around the draft Grizzly Bear ARM.

First, the term “threatening” is used in the ARM, New Rule VII(3)(a), ARM 12.9.1410(3)(a) but is not given any definition in New Rule I, ARM 12.9.1404. Absent a clear definition, this term is subject to a wide range of interpretations. For instance, there are many places in Montana where grizzly bears live in proximity to people or “inhabited dwellings,” as is stated in Senate Bill 295. These bears may not necessarily pose a threat to people or livestock, but someone may inaccurately consider them to be. Therefore, consistent with SB 295, which distinguishes “attacking or killing” from “threatening,” threatening should be given a clear and objective definition. There are resources that could assist with a clearer definition. For example, the Interagency Grizzly Bear Committee (IGBC) guidelines include –Guidelines for Determining Grizzly Bear Nuisance Status:

Condition A. The bear causes significant depredation to lawfully present livestock or uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion and game meat, in possession of man) which have been reasonably secured from the bear resulting in condition of the bear or significant loss of property.

Condition B. The bear has displayed aggressive (not defensive) behavior toward humans which constitutes a demonstrable immediate or potential threat to human safety and/or minor human injury resulted from a human/bear encounter. (IGBC Guidelines, p. 53-54).

Recognizing Condition B. is largely geared towards human safety it does provide additional direction on why a bear might be determined to be a “nuisance” bear and clearly distinguishes that this does not include “defensive” behavior.

Also, a 2010 paper in the journal *Ursus* created a list of lexica that includes definitions for aggressive behavior and bears:

aggressive behavior: bear behavior (defensive or offensive) that is threatening to people

aggressive bear: a bear that has displayed aggressive behavior and is a public safety concern

defensive-aggressive bear: a bear that may be a public safety concern because it exhibited aggressive behavior in response to being provoked

offensive-aggressive bear: a bear that may be a public safety concern because evidence suggests the bear exhibited aggressive behavior and was not provoked (Hopkins et al., Table 1., p. 157)

This paper goes further into this discussion:

Aggressive and predatory bears. Bears may threaten people by exhibiting aggressive behavior (e.g., direct approaches to humans, bluff-charging, jaw or lip-popping, front leg stomping, loud vocalizations, circling, intense staring, salivating, non-predatory attack) during human–bear interactions. These behaviors may be stress-related and displayed defensively (e.g., protect young, ensure safety) in response to being provoked, or may be exhibited offensively (e.g., predatory attack, asserting dominance, taking food from people). In a management classification context, an aggressive bear displays aggressive behavior (defensive or offensive) and is a public safety concern. Under some circumstances it may be difficult to ascertain if a bear’s aggressive behavior should be classified as a public safety concern. In situations such as these, it is important for management personnel to accurately document the bear’s behavior (often on multiple occasions), and to analyze the context of the incidents. This information could aid managers in deciding whether the bear should be classified aggressive. (Hopkins, et al., p. 164)

The current lack of a clear definition in the current ARM could lead to unwarranted grizzly bear mortality on both public and private lands and makes it very difficult for the public to understand what parameters the department is using to make decisions on issuing permits.

Furthermore, we understand that quotas will be set for bears that are killed by livestock owners, but there is ambiguity around where geographically, quotas will apply. New Rule III ARM 12.9.1406, states “For each delisted ecosystem, the commission will establish an annual quota for the number of delisted grizzly bears that may be taken by a livestock owner or other authorized person, whether permitted or not, pursuant to 87-5-301, MCA.” What is the geographic definition of ecosystem in this case? For example, is ecosystem defined as the distinct population segment (DPS) boundary that would be established by the U.S. Fish and Wildlife Service during delisting? New Rule

IV(2), ARM 12.9.1407(2), states that all mortalities within the DMA will count towards “the relevant mortality thresholds,” but fails to define how or even if mortalities outside the DMA will be counted.

Bears reproduce very slowly when a population is small, even slight amounts of mortality from any demographic can quickly and negatively impact a population. For connectivity to be achieved grizzly bears will need to be living and moving between ecosystems. Bears being repeatedly killed in these areas may delay or even stop connectivity from ever occurring. Limiting mortality of male and female bears, including cubs, in these areas is critical to the long-term resiliency of grizzly bear populations in Montana and beyond.

The draft ARM applies to both public and private land. Public lands play an increasingly key role in providing secure habitat for grizzly bears and other native species, especially as our landscape becomes increasingly fragmented. If this policy goes in effect on public lands, it could undermine the vital role these lands play in providing secure core habitat and connectivity habitat between populations. Issuing permits for livestock owners to kill grizzly bears that might be “threatening” livestock should not be allowed on public lands. However, if the current draft does authorize this on public lands, then the sideboards of New Rule VII, 12.9.1410 (3)(c) should be strengthened substantially. The draft states that a take permit may be issued “when the bear is threatening livestock on public land, and the livestock owner has demonstrated an effort to utilize non-lethal measures as determined by the department director or designee” (ARM, 1207). While the intent is good, such vague and noncommittal language is insufficient to incentivize use of nonlethal measures on multiple-use public lands, and risks undermining recovery through impacts on grizzly bear populations located on public lands essential for connectivity.

The ARM includes no defined protocol for enforcement of this new rule other than the statement that the livestock owner “has demonstrated an effort” to implement non-lethal. Defenders works with multiple livestock producers to implement such tools and we recognize that many operators are utilizing many non-lethal techniques to minimize livestock loss. However, the vague language in the ARM is problematic due to a lack of enforceable processes and accountability which can also lead to a lack of public transparency. What will the livestock producer have to “demonstrate” to the director or designee? What process is in place for the producer to show their work? These questions show that the process should be better defined and include monitoring of results and reporting to the public. Without accountability and monitoring, the process could seed distrust from the public. Better defining the process would allow for improved transparency and clearer guidelines for producers that are entering this process. At a minimum, if lethal take on public lands is to even be considered, the rule should require that “the livestock owner has proved, via clear and convincing evidence, that he or she has exhausted all feasible non-lethal measures to prevent conflict.”

The state of Washington has a potentially helpful document that could provide a rough template for protocols and documentation of such a process. "Staff Guidelines: Livestock-Wolf Mitigation Measures". They have also developed a "Wolf Livestock Interaction Protocol". Both are available to the public on their website (<https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/gray-wolf/conflict-prevention>). Recognizing each state is unique the intent is not to provide a copy paste alternative. However, others have wrangled with this discussion and their processes may be useful for Montana Fish, Wildlife and Parks to examine.

Further, the bear management specialist for the area should be involved in any decision making currently drafted as at the Director level. The bear management specialists work closely with their local communities and often know what efforts are being made to minimize conflicts.

The ARM also states that Montana would delay proposing hunting of grizzly bears for 5 years after delisting (New Rule X, ARM 12.9.1413, p. 1208). We do not want to see any bears killed; however, this delay would provide a period for agencies and the public to better understand what mortalities a state managed grizzly bear population would undergo without additional hunting-related mortality. We ask this moratorium be approved by the Commission and remain in the final ARM.

Thank you for the opportunity to comment,

Sincerely,
Erin Edge
Defenders of Wildlife, Senior Representative
eedge@defenders.org

Literature

Hopkins, J.B., S. Herrero, R. T. Shideler, K. A. Gunther, C. C. Schwartz, S. T. Kalinowski. 2010. A proposed lexicon of terms and concepts for human-bear management in North America. *Ursus*. 21 (2): 154-168

Interagency Grizzly Bear Committee. Interagency Grizzly Bear Guidelines. 1986.

November 20, 2023

Montana Fish, Wildlife and Parks
Wildlife Division
P.O. Box 200701
Helena, MT 59620-0701



RE: The adoption of New Rules I through XIII and the amendment of ARM 12.9.1401 pertaining to grizzly bears

The Montana Stockgrowers Association (MSGA) submits the following comments regarding the adoption of new ARMs rules pertaining to grizzly bears.

Since 1884, the MSGA has been dedicated to finding proactive solutions to the most difficult challenges facing Montana's cattle ranching families. Our organization represents land owners who run livestock on combined private, state and federal lands and who have significant and long-standing interest in the management of grizzly bears. Our members have experienced first-hand the impacts of this apex predator on their ranching operations and federal grazing permits. Ranchers have continued to put in place management tools to help protect livestock, including preventative and non-lethal measures.

MSGA supported Senate Bill 295 during the 2023 legislative session and continues to support the implementation of the bill into ARM rules. We are pleased with the inclusion of a provision for producers witnessing their livestock being attacked by grizzly bears. While this authorization already exists in Montana statute, we believe it is very valuable. This provision allows for producers to manage problem predators and allows ranchers to protect their livelihood and family's safety.

Allowable non-lethal measures guidance

With a variation of predator issues across the state comes a variation in predator management. Under ARM 12.9.1411, the list of allowable non-lethal management measures includes many preventative and non-lethal techniques employed by producers, however, this tool can change as technology advances. There is no recognition built into the rule for producers implementing preventive measures not listed. Producers must be legally protected to implement preventative measures that address their unique situations. This section of the rules should include specific information on how Montana Fish, Wildlife, and Parks plans to determine or accept non-lethal techniques not listed in this proposed rule.

Five year wait for hunting season

MSGA would ask for further consideration to ARM 12.9.1413 as it delays the possibility for a hunting or harvest season for five years after grizzlies are delisted. This time frame is far longer than necessary to ensure the grizzly population is stable after this management change. It is clear that the management measure in place will ensure excessive take is not a concern. The option for permit hunting or a harvest season would serve to maintain a healthy and viable population of grizzlies in the state while minimizing human and livestock conflicts. A harvest season would decrease the likelihood of livestock attacks and therefore unplanned lethal takes.

We thank you for the opportunity to provide comments. Your consideration of our points regarding the proposed grizzly bear ARM changes are appreciated as well as your implementation of SB 295.

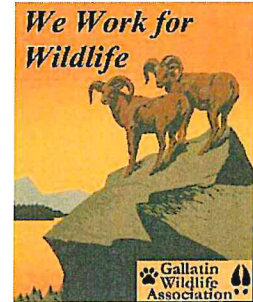
Sincerely,

Ellie Brighton

Government Affairs Specialist | Montana Stockgrowers Association

**GALLATIN WILDLIFE
ASSOCIATION**

P. O. Box 5317
Bozeman, MT 59717
(406) 586-1729
www.gallatinwildlife.org



November 19, 2023

Montana Fish and Wildlife Commission

Subject: Grizzly Bear ARM

Dear Commissioners:

This past legislative session, Senator R-Bruce Gillespie sponsored Senate Bill 295, a bill authorizing Montana Fish and Wildlife Commission (FWC) to draft rules to liberalize the taking of grizzly bears for the protection of domestic livestock. Proposed rules allow livestock owners or other authorized persons to take grizzly bears at any time without permit or license from the department when a grizzly bear is attacking or killing livestock. The bill did pass the 2023 state legislature and was signed into law. The action was the precursor and rationale for the public zoom meeting which occurred Friday, November 17, 2023, by the FWC.

The Gallatin Wildlife Association could not attend the presentation and wish to submit our comments for the record at this time. Gallatin Wildlife Association (GWA) is a local, all volunteer wildlife conservation organization dedicated to the preservation and restoration of wildlife, fisheries, habitat and migration corridors in Southwest Montana and the Greater Yellowstone Ecosystem, using science-based decision making. We are a nonprofit 501 (c) (3) organization founded in 1976. GWA recognizes the intense pressures on our wildlife from habitat loss and climate change, and we advocate for science-based management of public lands for diverse public values, including but not limited to hunting and angling.

In the opinion of GWA, the proposed rules have many faults. One of them pertains to the allowance of livestock owners to kill grizzly bears on public land within grazing allotments. These rules are evidence of the political interference by the industrial agricultural complex in the state legislature. It is also a false assumption by anyone to assume that these actions represent the good people of the state of Montana. The FWC is now at the bidding of the state legislature and Governor's actions, but let it be also known, the FWC has also been selected to adhere to those same political whims of those in power.

First, GWA does not believe in the killing of grizzly bears or any wildlife on public land for the sole protection of domesticated livestock. Domestic livestock grazing on public land is an inherent risk, one that livestock owners should be willing to accept. Grizzly bears or any other predator should not pay the highest price by the giving of their lives

just for being a wild animal on public land. Public land is an intrinsic right that belongs to the indigenous wildlife which inhabits that landscape. It is an intrinsic right which should be given priority over domesticated livestock. Those assurances must exist on public land, otherwise wildlife will have no safe vital ground to exist on this planet.

Second, the amended changes, even though they were developed to help ensure further protection of wildlife and grizzlies, are not sufficient in their attempt. We feel the proposed rule as written is vague and not defined, allowing too much ambiguity. There needs to be greater definition in all phases of how the proposed administrative rules would be implemented. What is threatening? What is non-lethal? How can we be assured such measures have been tried or used? What is the verification process? And as we stated above, even if measures could be proven to have taken place, GWA still disagrees with the concept of favoring domesticated livestock over wildlife on public land, period.

GWA has very little faith in a system whereby actions and comments of those opposed to the killing and trapping of wildlife seemingly have been so easily discounted and dismissed in the past. On a landscape whereby many seem to kill first and ask questions later, it is hard to place trust in a process when those sponsoring the change in rules are the ones so eager to violate the terms of those conditions. We are basically setting up wildlife, predators specifically, to fail. It is not right, it is not defensible, and it is morally wrong. Isn't placing domesticated and defenseless livestock on public land in areas known for potential predation a form of baiting a bear? The new rules, in and of themselves, are counterproductive to the welfare of the grizzly.

In reviewing the published notice in the Daily Montanan on September 22, 2023, the following was stated.

"On September 22, 2023, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-614 regarding a public hearing on the proposed adoption and amendment of the above-stated rules at page 1043 of the 2023 Montana Administrative Register, Issue Number 18."

We disagree with much of the intent and interpretation of said provisions of the Administrative Rules of Montana (ARM). We also disagree with the provision as stated:

NEW RULE VII (ARM 12.9.1410) ALLOWABLE LETHAL MANAGEMENT OF THE GRIZZLY BEAR

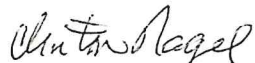
(7) Pursuant to 87-5-301(4)(b) and 87-6-106(4), MCA, the department has the discretion to lethally remove a grizzly bear. If a grizzly bear is lethally removed by department or wildlife services' staff, after conducting an on-site investigation, the grizzly bear does not count towards the quota. However, if the lethal removal occurred inside of the DMA, the grizzly bear will count towards the mortality threshold.

We want to be clear, GWA does not believe in the parsing of the accountability of mortality of bears. If a bear is taken inside or outside of the DMA, or is taken by whatever entity in the process, the mortality of that bear is critical and deserves to be counted in the process. The mortality of the bear, for whatever reason, is one more bear removed from the ecosystem and that matters.

We are frustrated by the short timeframe in which we learned of this public notice and the provided time to comment. For personal and family health reasons we could not provide comments at the time of the November 17th zoom conference. We urge FWC to utilize a better effort to educate and inform the public of future notices. The citizens of Montana have a right to have their voices heard, a right which is becoming a more and more rarity in these political times.

GWA urges FWC to alter, change and enhance the protections of grizzly bears in these administrative rules. We urge FWC to remove the proposed rule which allows livestock owners to independently take it upon themselves to decide the future of grizzlies on public land.

Sincerely,

A handwritten signature in cursive script that reads "Clinton Nagel".

Clinton Nagel, President
Gallatin Wildlife Association

Wickman, Erik

From: mike spenner <info@email.actionnetwork.org>
Sent: Thursday, November 16, 2023 10:34 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

SB 295 created authority for ranchers to kill grizzly bears "threatening" livestock even, but—unlike a similar permit system for wolves—this bill failed to protect grizzlies on public land from being killed.

While we understand why a rancher might need this authority in their own pasture, public lands are where grizzlies make their home and their living. Public lands are normally managed for multiple uses, including hunting, fish and other recreation—not to prioritize livestock grazing. FWP doesn't allow this for any other species it manages.

At a time when we have made real progress on grizzly bear conservation in some parts of Montana, this extreme measure threatens to set us back. Please amend the grizzly rule and reassure the public that the State of Montana will be a responsible steward of our treasured state animal, the grizzly bear.

Thank you.

mike spenner
mikespenn@gmail.com
310 burlington ave
missoula, Montana 59801

Wickman, Erik

From: Janice Pinnell <info@email.actionnetwork.org>
Sent: Thursday, November 16, 2023 8:04 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

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Thank you.

Janice Pinnell
jpetgirl@yahoo.com
1719 Nw 40th Ter
Gainesville, Florida 32605

Wickman, Erik

From: Rebekah Patrick <info@email.actionnetwork.org>
Sent: Friday, November 17, 2023 7:08 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

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Thank you.

Rebekah Patrick
rebekahdriessen@gmail.com
3327 N 27th Ave Unit 16
Bozeman, Montana 59718

Wickman, Erik

From: John Dunkum <dunkum@bresnan.net>
Sent: Wednesday, November 15, 2023 11:01 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

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Thank you.

John Dunkum
dunkum@bresnan.net
601 E Beckwith Ave
Missoula, Montana 59801

Wickman, Erik

From: anned@blackfoot.net
Sent: Monday, November 20, 2023 9:53 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Thank you for the opportunity to comment on the new rules regarding grizzly bear management.

The killing of grizzly bears by ranchers with leases on public land should not be allowed. Public lands belong to all of the public, most of whom are not ranchers. Public lands are the natural homes of grizzly bears. Livestock growers need to recognize this and accept occasional livestock losses.

All grizzly mortalities need to be counted regardless of cause or reason. The purpose of counting grizzly mortalities is to learn how many have died and how they died so better management decisions can be made. Miscounting by MTFWP or any other agency charged with wildlife management is irresponsible and reeks like a coverup.

Sincerely, Anne Dahl, Condon, Montana

Wickman, Erik

From: Trap Free Montana <info@trapfreemt.org>
Sent: Monday, November 20, 2023 4:45 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear Arm

Dear Chair Robinson and Commissioners,

While we appreciate the inclusion, proposed by Commissioner Burrows, for the use of non-lethal methods prefacing a lethal response for grizzlies, it falls short of the needed objective. Non-lethal measures must ascribe to demonstrated effectiveness against grizzlies. What works for some species doesn't work, or as well, for others. Also, generally multiple methods are necessary and often changing them up is required.

The term "threat/threatening" remains concerning. Permitting livestock producers the ability to kill grizzlies they deem a threat is simply a set-up to kill grizzlies. What is a threat? Will a grizzly seen, scat, or tracks be deemed a threat? How far from any livestock is a threat? What if the grizzly is feeding on a livestock carcass dead from other causes?

In addition, we do not support killing grizzlies on public land in order to protect livestock. Our public lands comprise only 1/3 of Montana to begin with. This is their rightful home and the livestock producer must assume that risk amongst the gamut of predators and other risks that can occur there, i.e., fires, drought, severe winter, and cattle rustlers. We certainly should not kill native predators on their dwindling habitat in order to protect a non-native encroaching species, livestock, onto it.

Especially given the low reproductive rate of grizzlies and their sensitivity, we believe the following framework is warranted for their recovery and sustainability concerning lethal removal of grizzlies for livestock protection. The department may consider lethal removal on **private land only** when the following occur:

- It is documented that livestock have clearly been killed by a grizzly;
- Effective nonlethal methods have been tried but failed to prevent and resolve the conflict;
- Multiple depredations have occurred and are likely to continue; and
- There is no evidence of intentional feeding or unnatural attraction/s for grizzlies by the livestock owner or on adjacent properties.

Preventative measures, i.e. carcass removal, range riding, electric fencing, bear proof trash cans, secured feed, etc., should be implemented now with the department's help and support to reduce conflict with livestock producers and the general public not just after predation or safety concerns arise.

It is worth putting into perspective, according to the Montana Department of Livestock, grizzly bears were [responsible for killing](#) 143 of Montana's more than 2.7 million sheep

and cattle in 2022. The state paid ranchers \$234,378.37 to compensate for those losses.

Thank you,
KC York
on behalf of the board of directors

KC York
President/Founder
Trap Free Montana



PO Box 335
Hamilton, Montana 59840
406-218-1170

www.trapfreemt.org [trapfreemt.org]

Trap Free Montana is a boots on the ground, 501(c)(3), connecting hearts and minds through science, truths in trapping, & compassion for wildlife, biodiversity, coexistence, & responsible stewardship. Our affiliate, Trap Free Montana Public Lands, (TFMPL), a 501(c)(4), focus is on trapping reform, trap free public lands, and related legislative actions.

Wickman, Erik

From: PAt Bowers <info@email.actionnetwork.org>
Sent: Wednesday, November 15, 2023 11:20 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

SB 295 created authority for ranchers to kill grizzly bears "threatening" livestock even, but—unlike a similar permit system for wolves—this bill failed to protect grizzlies on public land from being killed.

While we understand why a rancher might need this authority in their own pasture, public lands are where grizzlies make their home and their living. Public lands are normally managed for multiple uses, including hunting, fish and other recreation—not to prioritize livestock grazing. FWP doesn't allow this for any other species it manages.

At a time when we have made real progress on grizzly bear conservation in some parts of Montana, this extreme measure threatens to set us back. Please amend the grizzly rule and reassure the public that the State of Montana will be a responsible steward of our treasured state animal, the grizzly bear.

Thank you.

PAt Bowers
pbowers7777@hotmail.com
40500 stonehorse dr
Polson, Montana 59860

Wickman, Erik

From: Mark Nicholson <mark@drnicholsonformat.com>
Sent: Monday, November 20, 2023 9:11 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Dear Commissioners:

This is in regard to the second paragraph under NEW RULE III (ARM 12.9.1406) THE QUOTA AND ESTABLISHING AND ADJUSTING THE QUOTA which reads

(2)Grizzly bears taken by the department, wildlife services, or an individual person in self-defense do not count towards the quota.

This would force the commission to disregard important information when setting and adjusting the annual quota. Every time a grizzly bear is killed, the grizzly bear population is reduced no matter who kills the bear.

Please remove this language.

Mark Nicholson
27 Clark Ave
Billings, MT 59101

Wickman, Erik

From: Catherine Olsen <info@email.actionnetwork.org>
Sent: Thursday, November 16, 2023 7:41 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

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Thank you.

Catherine Olsen
catmoa@gmail.com
2180 Tamarack Ln
Columbia Falls, Montana 59912

Wickman, Erik

From: Peter Metcalf <peter@glaciertwomedicine.org>
Sent: Friday, November 17, 2023 10:14 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM
Attachments: Grizzly Bear ARM Comments_Glacier Two Medicine Alliance_Nov 2023.pdf

Dear FWP -
please find attached written comments that reflect my testimony at today's public comment hearing. Thank you for holding the hearing and for the opportunity to improve the new draft Rules for Grizzly Bear management.

Sincerely,

Peter

--

Peter Metcalf
Executive Director
Glacier-Two Medicine Alliance

PO Box 181
East Glacier Park, MT 59434
peter@glaciertwomedicine.org
Phone: (406) 531 - 5098
<http://www.GlacierTwoMedicine.org> [glaciertwomedicine.org]

"Glacier-Two Medicine Alliance is dedicated to the protection, stewardship, and shared enjoyment of the culturally- and ecologically-irreplaceable wild lands of the Badger-Two Medicine and its interconnected ecosystems."

Wickman, Erik

From: Caryn Miske <caryn.miske@sierraclub.org>
Sent: Monday, November 20, 2023 11:22 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Dear FWP:

Please reconsider the agency's support of SB 295 as currently drafted. The Sierra Club has already signed onto a letter outlining all of our concerns with the rule as proposed. However, I would also like to add some personal comments related to the agency's responsibility to manage wildlife on behalf of the citizens of Montana.

Some salient facts:

1. Grizzly bears suffer from low reproductive rates and cannot sustain significant population losses without adverse impacts (especially the loss of female bears from the population).
2. Despite the rhetoric to the contrary, bears are not fully recovered in Montana as remnant populations are still lacking connectivity. This is especially true for recovery, or lack thereof, in the Bitterroots.
3. Grizzlies are still protected under the ESA, and the ARM is premature given these protections and the continued lack of connectivity.
4. The State bears a legal responsibility to manage grizzly bears in a sustainable manner. But beyond this legal requirement, we have a responsibility to ensure that viable grizzly populations thrive into the future. I want to be able to ensure that subsequent generations -- and my grandchildren and their grandchildren -- have the thrill of seeing grizzly bears (albeit from afar) in the wild. This is not just our responsibility, but our duty as stewards of this amazing landscape.

Thank you for your consideration.

Caryn Miske (she/her)
Montana Chapter Director
Sierra Club
406.240.3453

Wickman, Erik

From: Janie Talalotu <info@email.actionnetwork.org>
Sent: Friday, November 17, 2023 12:53 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

SB 295 created authority for ranchers to kill grizzly bears "threatening" livestock even, but—unlike a similar permit system for wolves—this bill failed to protect grizzlies on public land from being killed.

While we understand why a rancher might need this authority in their own pasture, public lands are where grizzlies make their home and their living. Public lands are normally managed for multiple uses, including hunting, fish and other recreation—not to prioritize livestock grazing. FWP doesn't allow this for any other species it manages.

At a time when we have made real progress on grizzly bear conservation in some parts of Montana, this extreme measure threatens to set us back. Please amend the grizzly rule and reassure the public that the State of Montana will be a responsible steward of our treasured state animal, the grizzly bear.

Thank you.

Janie Talalotu
janie.a.talalotu1@gmail.com
437 Tie Chute Lane
Florence , Montana 59833

Wickman, Erik

From: Raylee Honeycutt <raylee@mtbeef.org>
Sent: Monday, November 20, 2023 4:32 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM
Attachments: 2023_11_20_MSGA_FWPGrizzlyARMRules.pdf

Please find attached comments regarding Grizzly Bear ARM proposed rules.



Raylee Honeycutt
Executive Vice President
raylee@mtbeef.org | www.mtbeef.org
o (406) 442-3420 | c (406) 799-4378

Montana Stockgrowers Association is a grassroots non-profit membership organization with over a 135-year history of advocating on behalf of Montana cattle ranchers to ensure cattle ranching remains relevant, safe, and a sustainable way of life for generations to come. **If you are not a member, you should [join today \[mtbeef.org\]](http://mtbeef.org)!**

Wickman, Erik

From: Jet Holoubek <info@email.actionnetwork.org>
Sent: Wednesday, November 15, 2023 11:36 AM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Commissioners Montana Fish & Wildlife,

I'm writing to urge you to amend the draft rules permitting livestock owners to kill grizzly bears, and to limit such authority to the livestock owner's private land only.

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Thank you.

Jet Holoubek
jetholoubek@yahoo.com
3342 Hillcrest Rd
Billings, Montana 59101

Wickman, Erik

From: Cesar Hernandez <cesarherc008@gmail.com>
Sent: Sunday, November 19, 2023 7:09 PM
To: FWP Wildlife
Subject: [EXTERNAL] Grizzly Bear ARM

Dear People,

There are few enough grizzly bears in Montana and especially in the Cabinet-Yaak ecosystem for you to be allowing livestock producers shoot them because they are threatening or believe they are threatening livestock. The bears belong to all of us (Citizens of the United States). In addition the state cannot give a blanket permit to producers without the consent of the Federal Government as the Grizzly is an endangered species. It is one thing if this issue is occurring on a person's private property versus if it is happening anywhere on the public domain, regardless of whether the producer has a lease on the land or not. has FWP or for that matter the MT Legislature ever heard the term, "incidental take"? Be careful in what you do if you don't want to involve yourself in a set of endless court cases. More livestock are killed on our highways than by grizzly bears so why don't we just let producers shoot cars? Get a grip and tell these people to put up or shut up and invest in watching their livestock better than just blaming and killing bears. Cesar Hernandez, 38354 Dubay Road, Polson, MT 59860