

# #1

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Page 1

## Q1

Contact information:

Name:	<b>Stephen J Christian</b>
City/Town:	<b>Colstrip</b>
State/Province:	<b>MT</b>
Email Address:	<b>mtduckhunter@gmail.com</b>

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## Q2

Please comment on Grizzly Bear Tri-State MOA

Dear Commissioners,

I support the approval of the MOA regarding the management and allocation of discretionary mortality of grizzly bears in the Greater Yellowstone Ecosystem.

Hopefully someday soon sportsmen will again be able to hunt Grizzly Bears in Montana.

Thank you,  
Steve

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#2

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Page 1

**Q1**

Contact information:

Name:	<b>Joseph Kondelis</b>
City/Town:	<b>Cody</b>
State/Province:	<b>WY</b>
Email Address:	<b>joekondelis@gmail.com</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

On behalf of the American Bear Foundation, our chapters, and members nation-wide we like to ask the commission to sign the Tri-State Memorandum Of Agreement (MOA) among the Idaho, Wyoming, and Montana commissions and fish and wildlife agencies regarding management of grizzly bears in the Greater Yellowstone Ecosystem (GYE).

Thank You!

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#3

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Page 1

**Q1**

Contact information:

Name:	<b>Jim Brandley</b>
City/Town:	<b>Helena</b>
State/Province:	<b>MT</b>
Email Address:	<b>jimbrandley@gmail.com</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

Let's delist them and allow science from the 3 states involved determine the management of the species. Remove the emotional input from those who live or do not live in the 3 states to determine how Montanan's live with the grizzlies.

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Page 1

### Q1

Contact information:

**Name:** Timothy J Cherwin  
**City/Town:** Ennis  
**State/Province:** MT  
**Email Address:** cherwint@gmail.com

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### Q2

Please comment on Grizzly Bear Tri-State MOA

I strongly believe that the Grizzly Bear should be delisted.

Populations are strong and it is apparent that the numbers will continue to grow.

My belief is that encounters with humans will continue to grow.

The population should be managed in order to promote better management of the animals as well as ensure the species regains a fear of humans in order to prolong its longevity.

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#5

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Page 1

**Q1**

Contact information:

Name:	<b>Jason Butler</b>
City/Town:	<b>Lolo</b>
State/Province:	<b>MT</b>
Email Address:	<b>jbut1020@gmail.com</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

I respectfully move that the Commission grant approval to the Tri-State Memorandum of Agreement pertaining to the management and allocation of discretionary mortality of grizzly bears within the Greater Yellowstone Ecosystem. This agreement represents a significant step forward in fostering collaborative and responsible stewardship of our natural resources. By endorsing this memorandum, the commission acknowledges the importance of coordinated efforts among states in ensuring the sustainable conservation of grizzly bear populations. The comprehensive framework outlined in the agreement not only addresses immediate concerns but also lays a foundation for long-term ecological integrity and species preservation. I urge the commission to ratify this agreement, recognizing its pivotal role in advancing effective wildlife management practices and fostering cooperation among key stakeholders.

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# #6

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Page 1

## Q1

Contact information:

Name:	<b>Jeff Darrah</b>
City/Town:	<b>Stevensville</b>
State/Province:	<b>MT</b>
Email Address:	<b>jdarrah21@gmail.com</b>

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## Q2

Please comment on Grizzly Bear Tri-State MOA

I am representing Montana Sportsmen for Fish and Wildlife (MTSFW) as the Executive Director. MTSFW is in full support of this Tri-State MOA. The science behind this agreement shows that the states are prepared to manage grizzly bears once they are delisted. Mortality will be monitored closely and populations will be maintained as well as promotion of genetic sharing. Time to celebrate a conservation success story by delisting the grizzly bear and allow the states to manage the bears.

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#7

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Page 1

**Q1**

Contact information:

Name:	<b>Clinton Nagel</b>
City/Town:	<b>Bozeman</b>
State/Province:	<b>MT</b>
Email Address:	<b>clint_nagel@yahoo.com</b>

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## Q2

Please comment on Grizzly Bear Tri-State MOA

May 14, 2024

Subject: Tri-State Memorandum of Agreement on Grizzly Bears –

Dear Montana Fish and Wildlife Commission:

Montana Fish, Wildlife, and Parks (FWP) has publicly announced they are seeking approval from the Montana Fish and Wildlife Commission over the Tri-State Memorandum of Agreement (MOA) on Grizzly Bears at the upcoming Commission meeting on June 20, 2024. The three states participating in the agreement are Wyoming, Idaho, and Montana. It is our understanding from FWP's stated position from their information sheet, this agreement is necessary to establish mortality limits for the grizzly bear, bears that inhabit lands of the Greater Yellowstone Ecosystem (GYE).

From FWP's own language, the MOA is largely dependent upon the revised Conservation Strategy, a strategy determined by the Interagency Grizzly Bear Study Team (IGBST). Because the updated Conservation Strategy is going to instill a different methodology than prior to determine the region-wide population of grizzly bears, the integrated population model (IPM), the change will require an additional public comment period before approval can be granted by the state of Montana.

Comments provided here represent those by the Gallatin Wildlife Association (GWA) and are in response to the open invitation by FWP. 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.

GWA submitted 16 pages of significant comments dated December 12, 2023, on the revision of Chapter 2 of the Conservation Strategy as requested by the IGBST. We believe our comments then should provide us standing today, standing which provides GWA a right and an opportunity to redirect those comments toward the Montana Fish and Wildlife Commission. Our objections to the Conservation Strategy and the attempts to delist the grizzly bear have not changed. We believe our concerns and objections did not get the address or the proper attention they deserved, perhaps because they were against the desired outcome by FWP.

The Premise is a Fallacy:

To begin the discussion, it needs to be said that GWA is against the premise the document is based upon, the desire by the tri-state state governments to delist the grizzly bear. From FWP's own statement as found in the Montana Fish and Wildlife Commission FWP Proposal and Information Sheet dated March 6, 2024, the following statements are provided.

"FWP recommends the commission approve the MOA as presented. Doing so will demonstrate to the public and our partners that Montana is committed to maintaining a recovered grizzly bear population in the GYE, and to working cooperatively with Idaho and Wyoming to ensure agreed upon mortality limits will be honored. This helps demonstrate regulatory mechanisms are in place to ensure recovery is maintained. Adequate regulatory mechanisms is one of the five factors the U.S. Fish and Wildlife Service considers when determining whether delisting is warranted."

Prior to that statement, in the preceding paragraph, the following was also said.

"To not enter into the MOA and rely on the three states to meet the intent of the MOA through coordinated management. This provides less regulatory certainty to critics of delisting and will likely make delisting more subject to litigation challenge."



## Grizzly Bear Tri-State MOA

These statements suggest the purpose of the grizzly bear MOA is to entice delisting approval from the U.S. Fish and Wildlife Service (USFWS) in order for trophy hunters to hunt the bear and for the state of Montana to regain control over the species.

GWA does not support the action to delist the grizzly bear by the USFWS under any scenario at this moment in time for the reasons stated below. With that being said, we therefore see no reason to support the MOA as written, for GWA cannot support an MOA based upon the Conservation Strategy that we did not support. Our organization does not see the science that shows the bear can sustain itself in the 21st century in lieu of increased habitat fragmentation, climate change, hunting pressures, changes in available food supply, and the lack of natural connectivity between adjoining ecosystems as designated as the grizzly bear recovery zones.

The likelihood of the GYE becoming an isolated population for grizzly bears, where bears are genetically removed from other grizzly bear populations, is a real possibility over time. The man-made attempts to truck or helicopter bears into the GYE to simulate the facsimile of natural connectivity is questionable, expensive, and chocked full of potential mortality for some unlucky bears.

All these threats poised against the grizzly bear should be done with thoughts of their cumulative effect. In other words, with so many threats against the bear, what aspects of our modern society are there to offer support for them? The only current protection the bear has is what is authorized under the Endangered Species Act. If that is removed, then the only positive force in keeping the bear from extirpation across certain regions of the west is gone.

Again, GWA does not and has not seen any science that indicates the grizzly bear can exist on their own without some protection, not unless public acceptance, habitat fragmentation, and other factors are improved as well, and chances of that are not high. GWA does not have faith or trust in FWP, the Governor's Office, the state legislature, or anyone else in the state or federal government at this moment in time to come to the bear's defense.

In a most recent guest opinion in the Helena Independent Record, author Charles Hayes<sup>1</sup>, who teaches environmental philosophy at the University of Montana, made the following claim.

"Delisting is recklessly premature for one central reason: There are no sufficient state policies to ensure future protection. Worse, proposed state policies are antithetical to the values that produced this grizzly recovery."

This is exactly GWA's argument above.....enough said.

The IPM Model:

GWA will not spend a lot of additional time discussing the issue of utilizing the IPM Model as we have already provided comments to the YES subcommittee while discussing the Conservation Strategy. But we will provide our basic reasoning as to why we are against the model and our position going forward, for again, it has not changed.

One of the questions we raised in our December 12, 2023, letter to the USFWS pertaining to the Conservation Strategy is the following.

- Has this model been proven and/or tested to provide this proof of accuracy?
- Has there been a desire to be inclusive with the data outside of the IGBST to make sure the scientific community agrees with the analyses?

GWA learned there has been considerable back and forth discussions among scientists, scientists outside of government questioning those within, scientists that question the validity of the IPM Model in the way it is being used and the analyses being made. Without repeating that full discussion here, GWA recommends the Montana Fish and Wildlife Commission review the comments of GWA and take them into consideration. We can send upon request.

In the meantime, we will repeat two paragraphs from those comments on the Conservation Strategy, comments referencing the following paper.

## Grizzly Bear Tri-State MOA

The following was published in Conservation Letters of April 7, 2014, by Doak and Cutler<sup>2</sup>. The article was written entitled “Van Manen et al., Doth Protest too Much: New Analyses of the Yellowstone Grizzly Population Confirm the Need to Reevaluate Past Population Trends”.

“This study shows that there is so much uncertainty in population estimates that inferences about population trends are extremely weak. This is precisely our basic conclusion. The only serious difference between our view and theirs is that they only look forward in time, but their results reinforce our view that past population changes inferred from less sophisticated analyses must also be reexamined.

We stand by our concerns over what the Yellowstone grizzly data really can and do tell us about this population. As with many conservation controversies, the most productive way forward would be collaborative examination of alternative interpretations of the data by all parties. Alternative, a National Academy of Sciences review, or reanalysis of the various contended issues by some other independent team with access to all of the data, would go a long way towards promoting the best conservation assessment of this population.”

GWA believes there is enough suspicion rising from sound scientific questioning of the IPM Model that places the whole issue of delisting the grizzly bear in serious doubt. GWA urges further review and discussion among all scientists, inside and outside of government, to honestly review and determine the status of the grizzly bear within the GYE. Not to do so, places the grizzly bear in jeopardy and raises an ugly scenario of bias and favoritism to a political outcome rather than a scientific reality.

Other Faulty Propositions:

The following questions or scenarios stem from what GWA views as an incomplete analysis or faulty premises as conducted by the IPM Model and the IGBST at large. In our personal knowledge and experience of how scientific modeling works, one of the first rules in modeling is to use the best assumptions and the best, most recent data in the running of that model. We are not sure that has been done in determining the viable analysis of the grizzly bear population in this case.

First, there is the assumption and proposition by Montana and other states, that grizzly bear populations are too high, therefore the populations must be reduced. This is a faulty unscientific premise from which to start. Again, the MOA appears to be based upon a political eagerness to achieve the goal rather than a scientific rationale to achieve the best ecological outcome. Basically, the MOA is trying to determine how many grizzly bears can be killed without fear of relisting by the federal government. To be honest, trying to determine how many bears from each state can be killed before an undesirable condition arises in their population is a selfish and sadistic approach to wildlife management.

According to an article written in the Grizzly Times by David Mattson<sup>3</sup> dated March 14, 2018, the following is stated.

“A formula was developed by the states of Wyoming, Montana, and Idaho in consultation with the USFWS for determining the number of grizzly bears that could die or otherwise be killed each year with the goal of not letting the population grow any larger. This formula is contained within a non-binding MOA adopted by the three involved states.”

GWA has seen no recent statements made by anyone in authority of the tristate agreement that counter this proposition. We deplore population reduction based upon politics or the public’s ignorance of science or on each state’s willingness to regain state control over the population. These are not scientific reasons for the delisting of any species and are antithetical to federal and state agencies who are supposed to be utilizing the best available science in all their determinations.

Finally, before the conclusion below, GWA will say this. Frankly federal and state agencies need to get their act together. They need to work in harmony with one another rather than working at opposite ends of themselves and/or with each other. An example of this, is the fact that state and federal agencies are trying to enhance populations of grizzlies in certain grizzly bear recovery zones, Bitterroot Ecosystem and North Cascades Ecosystem, yet at the same time removing federal grizzly bear protections from those bears. What could go wrong? It is inconceivable that agencies would work against themselves during this process.

## Grizzly Bear Tri-State MOA

Treating bears like they are expendable in a game of musical chairs is deplorable and reprehensible.

One more final thought as it relates to the state's attempt to control/manage grizzly bears. The state appears to believe that they can control or manage grizzly bears and other species better than the federal government. This faulty proposition is just that, faulty. The truth is mortality happens to us all, and we have no control over it. The state could reduce mortality rates rather easily by changing some policy, regulations, and/or human bad behavior. But to this day, GWA sees no sign of interest by the state or even by the federal government in that matter to make mortality a natural occurring event over a human-caused event.

The recent wolf incident of February of this year near Daniel's, Wyoming, highlights the fact that a similar condition could just as easily happen anywhere in the west. Although it is not so easy to run over a grizzly bear with a snowmobile, incidences of sadistic and cruel behavior are just as common in our society pertaining to grizzly bears. The easy excuse by so many to claim self-defense has washed the blood of too many people's hands. How will events like this be treated, monitored, and scored within the mortality accountability of the MOA?

Southern Rockies Grizzly Bear Project: Understanding mortality is obviously critical in the study of the population dynamics of any species. An ongoing study of grizzly bear dynamics has been conducted since 1978 in a study area located in the southeast corner of British Columbia, part of which is adjacent to the northern border of Montana. The project known as the Southern Rockies Grizzly Bear Project<sup>4</sup> has determined that grizzly bear populations are limited by both food production (which affects reproduction) and death rates. Not necessarily breaking news there or in the fact that the analysis on mortality is either natural or human based.

But by going into more detail of the project, questions start to appear. It also states in the online description of the project that habitat fragmentation is the greatest threat to grizzly bear populations. Again, it is obvious that habitat fragmentation has been a major concern of grizzly bear management, but the website states the following.

"The biggest threat to grizzly bear populations in the South Rockies is loss of habitat due to human activities that can include; road development, resource extraction, and expanding human settlements."

More is said in that regard.

"These activities fragment the landscape, which can isolate populations and reduce breeding potential. These activities also bring grizzly bears into closer proximity with humans.

The cumulative effects of these activities, in combination with human caused mortality can have a negative impact on grizzly bear populations. The SRGBP monitors grizzly bear mortality in the South Eastern part of British Columbia. Between the years of 2004-2014, 160 grizzly bears were killed by causes unrelated to hunting. Common mortality causes to grizzly bears in this region are; poaching, defensive shootings, garbage-related conflicts, and vehicle and train collisions."

Human-caused mortality is categorized as: legal hunting, malicious kills, management kills, citizen problems, self-defense, poaching, accident and then you have road and railway kills.

From the study, additional results.

"An important finding of the SRGBP is that non-hunter, human caused mortality has increased greatly since the 1980's. Lamb et al (2016) found that between 2006 and 2014, 68% of mortality in their study area (which encompassed the whole of the SRGBP study area) were due to non-hunting sources. Of the non-hunting human-caused mortality 54% were due to vehicles and trains, 33% due to control kills and 13% illegal kills. This high mortality from non-hunting sources created a mortality sink for bears along the Highway 3 corridor in the center of the study area. This work demonstrates how important it is to identify causes of mortality to become better informed in order to create solutions to bear-human conflict."

From this study, we can ask several more questions. How are these issues going to be addressed in the MOA? How is the state going to handle habitat fragmentation within the MOA? How is the MOA going to address all the other examples of mortality that has been

## Grizzly Bear Tri-State MOA

to handle habitat fragmentation within the MOA? How is the MOA going to address all the other examples of mortality that has been exemplified in the above population dynamics of southeast British Columbia?

There is one other question. How are all these issues going to be addressed in areas outside the Demographic Monitoring Area (DMA)? The state can't ignore or treat these areas differently because they are all part of the ecosystem's population. The MOA should be uniform in all their implementation in the tri-state area. All the rationale for mortality, even the unjustified killings, those that claim to be self-defense, should be accounted, and included in the MOA statewide. GWA has severe doubts that the FWP can take on the additional responsibility to address all these issues in a responsible way to sustain, if not increase populations. Yet the state of Montana is declining to increase population as that would be antithetical to the state's rationale for delisting.

Conclusion:

To conclude these remarks, GWA will recopy a portion of our summary remarks from the Conservation Strategy of our December 12, 2023, letter to the IGBST. Even though it is directed toward the Conservation Strategy, it is very much relatable and relevant here. GWA did make or modify minor changes to those remarks already stated in order to accommodate the subject at hand.

To be honest, GWA is disillusioned in what seems to be infighting among scientists (those inside and outside the IGBST) over the basic principles of grizzly bear health in the GYE. We support scientists among the IGBST to release data, work, and discuss analyses with those outside the immediate scientific community of the IGBST. GWA is skeptical over the intent and actions of some government agencies when it comes to wildlife conservation and management fearing too much political interference.

GWA recognizes that grizzly bear population estimates, and the associated dynamics are not an exact science, but there needs to be an attempt to understand the differences and reach better consensus. The Conservation Strategy and the MOA appear to be more of a scientific justification for a political decision. GWA cannot agree with the scientific analyses or decision as written.

GWA cannot support any action upon any species that undermines the very existence of that species. Such appears to be the case here pertaining to the grizzly bear. As a result, GWA urges the Montana Fish and Wildlife Commission to take the following steps.

- 1.) Deny the approval of the MOA.
- 2.) Urge the IGBST to join forces with outside bear scientists to fully investigate the differences of opinion and analyses as to the population of bears in all grizzly bear recovery zones.
- 3.) Urge the USFWS not to delist the grizzly bear.
- 4.) Read and explore findings in the Grizzly Times and other scientific journals that may hold contrasting opinions to fully understand the problem at hand.

GWA seriously doubts the Montana Fish and Wildlife Commission (FWC) will do any one of these 4 items bulleted here, but that doesn't mean they shouldn't. We beg the FWC to prove us wrong. Scientists and wildlife managers need to start being true to the mission for which they are called, otherwise grizzly bear recovery will forever be in doubt.

GWA would like to include one additional scientific report, maybe two in order to address this issue of mortality. In the Abstract of a paper entitled "Rate

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#8

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Page 1

**Q1**

Contact information:

Name:	<b>Keith Kubista</b>
City/Town:	<b>Mr.</b>
State/Province:	<b>MT</b>
Email Address:	<b>kredtailhawk@gmail.com</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

I am in full support of this Tri-State Memorandum of Agreement, it pairs well with the comprehensive science-based grizzly bear management plan the Department has developed for administering a fully recovered, but still listed species. The Agreement commits the Department and Parties to maintaining a viable grizzly bear population, and is a necessary component of a delisting process that has gone on for far too long. The range of discretionary management actions in the agreement provide certainty amongst the parties allowing them to maintain their sovereignty, adding another brick in the wall of the foundation to delist the bears.

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#9

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Page 1

**Q1**

Contact information:

Name:	<b>Brooke Shifrin</b>
City/Town:	<b>Bozeman</b>
State/Province:	<b>MT</b>
Email Address:	<b>bshifrin@greateryellowstone.org</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

Hello-

Please see the email sent to fwpwld@mt.gov and all Montana Fish and Wildlife Commissioners on Thursday, May 23, 2024 for comments from Greater Yellowstone Coalition and National Parks Conservation Association regarding the Grizzly Bear Tri-State MOA.

Best,  
Brooke

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# #10

**COMPLETE**

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Page 1

## Q1

Contact information:

**Name:** Christopher Tymeson  
**City/Town:** Overland Park  
**State/Province:** KS  
**Email Address:** [ctymeson@scifirstforhunters.org](mailto:ctymeson@scifirstforhunters.org)

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## Grizzly Bear Tri-State MOA

Q2

Please comment on Grizzly Bear Tri-State MOA

23 May 2024

Tri State Grizzly Bear MOA  
C/O Montana Fish, Wildlife and Parks  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701

Re: Tri-State Grizzly Bear MOA

Dear Commissioners and Director Temple:

On behalf of Safari Club International, I would like to thank you for the opportunity to comment on the Tri-State Grizzly Bear MOA.

SCI supports the proposed Tri-State Grizzly Bear MOA because it generally demonstrates responsible and sustainable state management of grizzly bears. The Greater Yellowstone Ecosystem grizzly bear population is recovered and no longer meets the Endangered Species Act's definition of a threatened species. SCI strongly supports the return to state management and the opening of a hunting season to properly manage grizzly population and range expansion and conflicts. Although SCI disagrees with the State's stated plan to refrain from hunting grizzly bears for at least five years after removal from the ESA lists, SCI supports mortality limits that ensure long-term survival of the grizzly bear population while also allocating discretionary mortality for regulated hunting of grizzly bears. SCI and SCI members look forward to hunting grizzlies in Montana when legal and within the allotted 34% of discretionary grizzly bear mortality.

Sound science-based conservation is necessary to the long-term health of wildlife. SCI believes that this management strategy should include hunting as the primary management tool, including hunting of grizzly bears when delisted. Hunters have long paid the way for wildlife, both game and non-game species. Maximizing the opportunity for hunting is key to ensuring long-term funding for wildlife and habitat conservation and support for species across the landscape. Hunting benefits wildlife conservation.

Thank you again for the opportunity to comment on the Tri-State Grizzly Bear MOA. SCI is dedicated to protecting the freedom to hunt and we appreciate the continued partnership with Montana Fish, Wildlife and Parks and the Commission. SCI is always first for hunters.

Sincerely,  
W. Laird Hamberlin  
Chief Executive Officer  
Safari Club International

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# #11

**COMPLETE**

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Page 1

## Q1

Contact information:

Name:	<b>Darlene Webb</b>
City/Town:	<b>Victor</b>
State/Province:	<b>MT</b>
Email Address:	<b>dgwmontana@yahoo.com</b>

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## Q2

Please comment on Grizzly Bear Tri-State MOA

No delisting of Grizzly Bears. FWPs biologists and retired biologists do not want them delisted. Killing Grizzlies will bring Trophy Hunters and loss of Habitat. NO DELISTING OF GRIZZIES.

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# #12

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Monday, May 27, 2024 10:27:53 AM  
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**IP Address:** 216.14.238.77

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Page 1

## Q1

Contact information:

**Name:** Kathy Kinzfogl  
**City/Town:** Bigfork  
**State/Province:** MT  
**Email Address:** birdfrog@blackfoot.net

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## Q2

Please comment on Grizzly Bear Tri-State MOA

I Request the Commission to:

Reject the MOA as written.

Management by numbers is a recipe for extinction.

This focus ignores that population numbers are only a small part of the ESA's goals. If only numbers mattered, ESA compliance could be met with bears in zoos. The goal is not numbers of bears, but an ecosystem capable of sustaining bears — and bears sustaining it — in perpetuity. State leaders who take bear numbers — rather than connectivity and ecological function — as the only relevant factor will be the first to justify the culling and geographic restrictions that make a self-sustaining population impossible. Managing merely by the numbers is a classic mistake.

This absurdly low limit of grizzly bears in a huge area is clearly designed for trophy hunting, not for the species. It makes interconnectivity, healthy functioning ecosystems and thriving grizzlies impossible. It would mean the unacceptable trucking of bears — which usually fails anyway — for translocation.

Management by numbers makes the big, wild GYE a grizzly game farm that grows America's greatest species for trophy hunts. This plan reduces the great bear to a squalid remnant from the species' essential role as the apex predator and umbrella species that keeps the land and wildlife healthy and thriving. This undermines the intent of the Endangered Species Act which has protected the bear for fifty years.

There is little confidence that the IPM (Integrated Population Model) counting method is any less manipulatable than the iPOM method for wolves, which makes it unreliable. As we've seen with wolves along the Yellowstone Park boundary, grizzlies that live inside the park could be lured out for killing. Depending on three states with their own agendas to cooperate transparently and follow the same implementation of the IPM counting method is completely unrealistic.

The wolf population is kept insubstantially low in Montana. Wolves cannot restore functioning ecosystems in Montana or contain CWD in central and eastern Montana. This is what will happen with grizzly bears in the GYE—they will exist in insufficient numbers to be healthy and resilient. They will be perpetually under the gun, not free to roam and live without fear.

This MOA disregards the importance of ecosystem health, grizzly sustainability, corridors for connectivity and bears that travel back and forth over the YNP boundary. Numbers do not equal management. Ecosystems are sustained by and sustain wildlife species. Top priority needs to be protection of ecosystems which are in turn kept healthy by species. In this case, grizzly bears are an umbrella species, the most important of all.

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# #13

**COMPLETE**

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**Time Spent:** 00:09:26  
**IP Address:** 73.186.50.116

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## Q1

Contact information:

**Name:** Sarah Stewart  
**City/Town:** Gardiner  
**State/Province:** MT  
**Email Address:** sarahbstewart@yahoo.com

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## Q2

Please comment on Grizzly Bear Tri-State MOA

This is way, way too low a limit of grizzly bears in a huge area and is clearly designed for trophy hunting, not for the species protection.

It makes interconnectivity, healthy functioning ecosystems and thriving grizzlies impossible and means trucking bears which won't work to truck of for translocation. There is a history of this not working.

Most importantly, management by numbers makes the big, wild GYE a grizzly game farm that breeds bears for trophy hunts and undermines the intent of the Endangered Species Act which has protected the bear for fifty years.

There is little confidence that the IPM (Integrated Population Model) counting method is any less manipulatable than the iPOM method for wolves, which makes it unreliable. As we've seen with wolves along the Yellowstone Park boundary, grizzlies that live inside the park could be lured out for killing. Depending on three states with their own agendas to cooperate transparently and follow the same implementation of the IPM counting method is completely unrealistic. This MOA disregards the importance of ecosystem health, grizzly sustainability, corridors for connectivity and bears that travel back and forth over the YNP boundary. Numbers do not equal management. Ecosystems are sustained by and sustain wildlife species. Top priority needs to be protection of ecosystems which are in turn kept healthy by species.

Please do not use this terrible system of managing bears and come back to actually caring for our wildlife and eco-systems! Please! Our livelihoods depend on it here in Gardiner.

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#14

**COMPLETE**

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**Q1**

Contact information:

**Name:** Dorothy Filson  
**City/Town:** Bozeman  
**State/Province:** MT  
**Email Address:** scotia111@gmail.com

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## Q2

Please comment on Grizzly Bear Tri-State MOA

May 27, 2024

Greetings, Montana Fish and Wildlife Commission:

This correspondence is a request to reject the Tri-state Memorandum of Agreement (MOA).

The MOA asserts that the Greater Yellowstone Ecosystem (GYE) grizzly bear population is recovered with MT, WY and ID petitioning for delisting from the ESA.

If grizzly bears are delisted, the three states would manage grizzly population within or above 800-950 grizzlies in the GYE.

The belief that the grizzly population has recovered is incorrect and the 800-950 target number is absurd.

Population size for viability in a single population or metapopulation has been estimated to be at least 2,000 (Metzgar and Bader 1992) and could be as many as 5,000 (Allendorf and Ryman 2002, 2017).

The Grizzly Bear is the official animal for the State of Montana and all efforts should be made to protect and preserve it on the Montana landscape.

Delisting from the ESA would lead to sport hunting of grizzlies which is not acceptable to the general population and should not be included in any type of management program.

The recovery of a genetically viable and demographically connected grizzly bear population will be an ongoing process that will require constant monitoring to ensure the factors that lead to listing have been addressed and are no longer a concern.

This is especially imperative during this time of climate change. The white bark pine, a major food source for grizzlies, recently received protection through the ESA as a threatened species. Loss of traditional, reliable foods, increases the needs for grizzlies to seek out food in other ways, targeting livestock, bird feeders, etc. which bring them into conflicts with humans.

Inbreeding within a smaller population can lead to genetic drift and extinction. Smaller populations are more vulnerable to other risks such as fires, loss of food sources and drought. Connectivity of grizzly populations within Montana has not been achieved and would be essential to establish a stable, thriving grizzly population.

In the past year, avian flu has been discovered in three juvenile grizzly bears, one near Augusta, one near Dupuyer and another near Kalispell. This causes disorientation, partial blindness and other neurological disorders. Domestic chickens in grizzly bear habitat are a potential source of avian flu, having killed more than 90 million domestic poultry in 2022 alone and spread to wild birds. This new source of grizzly mortality must be analyzed and addressed by restricting domestic chickens in grizzly bear habitat.

How can a viable management plan be implemented when there is no accurate means of determining population size? Deficiencies in models and software being used by government biologists (i.e.

RISKMAN) could result in the over-killing within the grizzly population.

The Integrated Patch Occupancy Model (iPOM) should not be used.

This method, when it has been used with wolf populations, has been widely criticized for leading to overestimates in the population size (Creel 2022).

Many hunters are unable to tell the difference between a female and male grizzly bear. The accidental killing of female grizzlies is hugely concerning, leading to a cascading effect. They are a species slow to reproduce. The females usually don't have offspring until they are five or six years old. They have their cubs with them for 2-3 years. So, the loss of even one female grizzly can have an enormous impact on population survival. FWP should promote the natural recovery of grizzly bears (through strong habitat protection) within the Bitterroot Ecosystem. That is the essential to establishing a long-term, sustainable grizzly population in the lower 48 states.

Long term grizzly bear connectivity and survival by translocation will not work to maintain a healthy grizzly population. Established grizzly bears will often chase off or kill transplanted bears.

Highway passage structures are needed to ensure safe migration will occur. These are essential to successful demographic dispersion of grizzly bears into historic habitats (Ford et al 2017).

Trapping is a powerful threat to grizzly bears and other species under the protection of the ESA. Many bears have been found with missing toes, claws or even with traps on their feet. The International Standards Technical Committee rated amputation of three or more digits and any amputation above the digits as Severe Trauma (cited in Lossa et al 2007). Grizzly bears with these impairments have a reduced ability to dig for food or excavate a winter den, thus impacting their health and probability of survival.

## Grizzly Bear Tri-State MOA

Along with body-gripping traps, neck snares and foot and leg-hold traps for wolves, coyotes and other canids are a direct threat to grizzly bears. Snares, whether restraining or killing types, were found to be inhumane and their use never justified (Rochlitz 2010). Colorado, Arizona, New Mexico, Washington and California have banned or restricted their use on public lands.

“Everywhere that grizzly bears may be present should be off-limits to hound hunting of black bears and wolf trapping using snares, traps and bait from March 16 to December 31 when grizzly bears may be outside of their dens...” (Servheen 2023). These, of course, are still present on the Montana landscape.

There are myriad issues that would need to be successfully addressed and mitigated before delisting should ever be contemplated. Respectfully submitted.

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# #15

**COMPLETE**

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## Q1

Contact information:

Name:	<b>Robert H. Aland</b>
City/Town:	<b>Winnetka</b>
State/Province:	<b>IL</b>
Email Address:	<b>rhaland@comcast.net</b>

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**Q2**

Please comment on Grizzly Bear Tri-State MOA

## Grizzly Bear Tri-State MOA

May 27, 2024

Statement of Robert H. Aland re Tri-State Grizzly Bear MOA for June 20, 2024, MFWC Meeting

I am a retired lawyer and environmentalist. I have hiked and participated in other outdoor activities in northwest Wyoming since the mid-1970s and will continue those activities in the future. I have participated in litigation in against the USFWS on a pro se, pro bono basis, including the cases described below. I will continue to litigate if necessary.

Contrary to MFWC's statement in its Proposal & Information Sheet for its meeting on June 20, 2024, GYE grizzly bears, icons of American history, have not recovered. At one time there were 50,000 - 100,000 grizzly bears in the U.S. That number was reduced by trophy hunting and other atrocities to fewer than 1,000 when grizzly bears were given ESA protection in 1975. Today there are about 2,000. The increase in 49 years has been only about 1,000. Many, if not most, of the deaths over those years have been caused by "management" by MFWD and sister agencies in Wyoming and Idaho. Those three agencies are not capable of sound, science-based management of grizzly bears.

The USFWS delisted grizzly bears in 2007 and 2017. Both delistings were rejected in litigation. *Greater Yellowstone Coalition v. Servheen*, 672 F.Supp.2d 1105 (D. Mont. 2009), *aff'd*, 665 F.3d 1015 (9th Cir. 2011); *Crow Indian Tribe v. United States*, 343 F.Supp.3d 999 (D. Mont. 2018), *aff'd*, 965 F.3d 662 (9th Cir. 2020). Thus, today grizzly bears remain protected by the ESA in the U.S. (except Alaska).

Petitions have been filed with the USFWS by Idaho (March 2022), Montana (December 2021) and Wyoming (January 2022) to remove ESA protections for grizzly bears in the GYE and the NCDE, which together contain close to 100% of the grizzly bears in the Lower 48 States.

In August 2016 Idaho, Montana and Wyoming took an egregious step to assure that the GYE grizzly population could not grow in numbers and diversity by entering into a Memorandum of Agreement Regarding the Management and Allocation of Discretionary Mortality of Grizzly Bears in the Greater Yellowstone Ecosystem ("MOA") that allocated annual "discretionary mortalities" (i.e., trophy hunting deaths) among the three states beginning on September 1, 2018, and almost certainly, if the delisting of the GYE bears had not been thwarted by the Crow Indian Tribe decision, would have reduced the GYE population to a level substantially below the current non-recovered level. If the petitions are granted, litigation will ensue, as members of the MFWC certainly know, and the result hopefully will be the same as in Greater Yellowstone and Crow Indian Tribe; time and money will have been wasted once again.

It is incomprehensible that Idaho, Montana and Wyoming, with USFWS approval, would enter into this morbid and defiant agreement that officially sanctions renewed slaughter of the iconic bears. By entering into the MOA, Idaho, Montana and Wyoming effectively guarantee that the GYE bears will not recover indefinitely. The purpose of the MOA is to justify killing grizzly bears under the "authority" of a legal document, which contains in many pages and words pure bureaucratic nonsense designed to mask its true intent.

Some proponents of the MOA, including all members of the MFWC and MFWD, justify hunting of grizzly bears as a "sport" and "fair chase." Anyone who has participated in a true sport knows that a true sport involves two or more competitors, either individuals or teams, similarly equipped, playing by the same rules, let the best individual or team win. There is no "sport" or "fair chase" when one "competitor," the hunter, equipped with a high-powered weapon, camouflage clothing and other devices (e.g., bear baits, packs of dogs with electronic collar), pursues an unsuspecting animal with the goal of "harvesting" the animal. If a hunter wants to make hunting a true sport, let her/him go after the grizzly bear or other animal without a weapon or other devices, one on one, individual against animal. However, I doubt that the hunter would accept that challenge, since the odds would be reversed. The animal would be stronger, smarter and quicker.

The MFWC must not adopt the amended MOA. Instead it must reject the MOA, withdraw its delisting petition and leave the grizzly bears alone to truly recover under the ESA's protection.

May 27, 2024