



RECORD OF DECISION

2024 Statewide Grizzly Bear Management Plan

9/26/2024

ACTION

With this action, Montana Fish, Wildlife & Parks (“FWP”) hereby adopts the Final Environmental Impact Statement (“FEIS”), with appropriate modification of the Draft Environmental Impact Statement (“DEIS”). The changes made to the DEIS are based on public input and/or relevant new information that became available since issuance of the DEIS. The changes identified in the FEIS provide the public with further clarity and/or additional information regarding subjects analyzed by the DEIS but do not change FWP’s conclusions or decision, as stated in the DEIS, and do not affect the public’s understanding of the action, as analyzed by the DEIS.

With the FEIS, FWP hereby approves Alternative 2, the proposed action. This FEIS notification is accompanied by:

- A summary of major conclusions and supporting information from the DEIS.
- A representative sample of comments received during the DEIS public comment period, as well as their respective responses. All written comments received on the DEIS are available to the affected public upon request.
- Recognition of information that originally appeared in the DEIS but was subsequently changed. This is accomplished by a Track Changes formatted version of the FEIS highlighting any/all changes made to the DEIS through issuance of the FEIS. A clean formatted version of the FEIS is also included.
- Any relevant data, information, and explanations obtained after circulation of the DEIS for public review.
- The agency's decision together with an explanation of the reasons therefore and any special conditions surrounding the decision or its implementation.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act (“MEPA”) and its implementing rules and regulations, before a proposed action may be approved (here, the 2024 Statewide Grizzly Bear Management Plan), environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (“MCA”); Administrative Rules of Montana (“ARM”), Title 12, Chapter 2, Subchapter 4.*

Based on the criteria provided in *ARM 12.2.431, Determining the Significance of Impacts*, FWP

determined the proposed action constitutes a major action of state government significantly affecting the quality of the human environment; therefore, FWP determined a DEIS was the appropriate level of review for the proposed action. Accordingly, to adequately assess and disclose potential impacts of the proposed action, FWP prepared and disseminated a DEIS for public review and comment. See Public Participation Process, below.

If, during public review, comments or new and/or additional relevant information is presented in response to the DEIS, FWP must consider those comments or information and proceed with one of the following actions:

- Adopt the DEIS as final, according to the applicable requirements of *ARM 12.2.437, Adoption of Draft Environmental Impact Statement as Final*.
- Develop and issue the FEIS according to the applicable requirements of *ARM 12.2.438, Preparation and Contents of Final Environmental Impact Statements*.
- Determine substantial changes to the DEIS are necessary and develop and issue a Supplemental Environmental Impact Statement or SEIS according to the applicable requirements of *ARM 12.2.440, Supplements to Environmental Impact Statements*.

Here, based on public input and relevant information obtained through processing of the DEIS, FWP determined preparation and issuance of the FEIS, as modified from the DEIS, constitutes the appropriate action.

PUBLIC PARTICIPATION PROCESS

The DEIS was made available for public review and comment from December 6, 2022, through February 4, 2023, and again February 8, 2024, through March 9, 2024. The additional comment window was to offer an additional input opportunity for Tribes and affected counties. FWP issued notice of the DEIS to media outlets and reporters across Montana. The media list included more than 70 newspapers, local television stations, online outlets, and radio outlets. Public notice announced the availability of the DEIS for public review, summarized the proposed action, identified the time-period available for public comment, and provided direction for submitting comments. The DEIS was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notice> and was also available for public review on the Montana Environmental Quality Council's website: <https://leg.mt.gov/mepa/search/>, upon individual request, and through notice sent to identified interested parties. Finally, the DEIS was provided to Governor Greg Gianforte, as well as any affected federal, state, and local government entities and affected Native American tribes.

FWP received substantive comments during the public comment period. See Public Comment and FWP Response, below.

DESCRIPTION OF THE PROPOSED ACTION

The DEIS was initially published for public comment during calendar-year 2022, was processed throughout calendar-year 2023, and the resulting FEIS and associated Record of Decision are now published in calendar-year 2024. Therefore, under the proposed action, the *2023 statewide grizzly bear management plan*, as processed, has been re-named the *2024 statewide grizzly bear management plan (2024 Grizzly Bear Plan)*. Further, as noted, FWP prepared a FEIS to analyze and disclose potential impacts to the affected human environment from adoption and implementation of the 2024 Grizzly Bear Plan.

FWP proposes to manage grizzly bears (*Ursus arctos*) within the state of Montana as informed by the 2024 Grizzly Bear Plan, as impacted by other regulatory entities including federal, state, and tribal agencies, and as guided by Montana’s Fish and Wildlife Commission (Commission). The proposed 2024 Grizzly Bear Plan was analyzed through a DEIS and approved through the preparation of a FEIS according to the applicable requirements of MEPA. The approved 2024 Grizzly Bear Plan is fully compliant with the State of Montana’s responsibilities under the Endangered Species Act (“ESA”), and consistent with commitments made by existing agreements between FWP and affected federal, state, and tribal agencies. The 2024 Grizzly Bear Plan will supplant two previous grizzly bear management plans, one for western Montana and the other for southwest Montana. Recognizing that grizzly bears have expanded their area of occupancy to include many areas beyond the federally designated recovery zones, as well as buffer areas surrounding two of these zones, called Demographic Monitoring Areas (“DMAs”), the 2024 Grizzly Bear Plan will inform FWP’s management statewide, focusing on the 30 counties where grizzly bears have been documented in recent years, or could conceivably be documented in the near future. Because grizzly bears are listed as *threatened* under the ESA, the 2024 Grizzly Bear Plan will serve both to inform FWP’s state management of grizzly bears as an ESA-listed species and to articulate FWP’s vision of management should some or all segments of the species’ distribution within Montana be delisted and full grizzly bear management authority returned to the state.

FWP envisions a future in which grizzly bears remain an important symbol of the state of Montana and part of its cultural heritage. The overwhelming success of grizzly bear recovery, to date, speaks to its importance and central role in the culture of Montana. Through the issuance of this FEIS, FWP will continue to ensure the long-term presence of grizzly bears in Montana, recognizing they are among the most difficult species to have in our midst. FWP considers grizzly bears as both “conservation-reliant” and “conflict-prone,” and embraces the challenges of ensuring the species’ healthy future, while ensuring the safety of people and their property. As Montana supports a thriving grizzly bear population, FWP will continue its internationally recognized conflict prevention and response program.

PURPOSE AND NEED

The purpose of the 2024 Grizzly Bear Plan is to inform FWP management of the grizzly bear (*Ursos arctos*) within the State of Montana. Currently, management authority rests with the U.S. Fish and Wildlife Service (“USFWS”) because grizzly bears are listed as a *threatened* species under the ESA. That said, federal, state, and tribal authorities typically work cooperatively. Rather, states, tribes, and other affected agencies conduct most work on-the-ground under authority provided by the USFWS. States, tribes, and other affected agencies are expected to, and have in the past, produced management plans that explain and guide their priorities and resource allocations. Potential changes in grizzly bear populations within Montana are also considered in the 2024 Grizzly Bear Plan.

The Grizzly Bear Recovery Plan (USFWS 1993) recognizes six recovery areas, four of which are partly or entirely within Montana. The Grizzly Bear Recovery plan identifies a recovery objective of delisting each of the populations sequentially as they achieve the recovery targets, along with continued ESA protection of each population until its specific recovery targets are met. At present, the USFWS has found grizzly bears in two of the recovery areas, either partly or entirely located within Montana, to have met existing recovery criteria. These recovery areas are the Northern Continental Divide Ecosystem (“NCDE”) and the Greater

Yellowstone Ecosystem (“GYE”). In 2007 and again in 2017, the USFWS designated the grizzly bear population in the GYE as a distinct population segment (“DPS”) for the purpose of ESA delisting and delineated a geographic boundary within which this designation applies, and delisting would occur. To delist grizzly bears located in the NCDE, the USFWS may similarly designate the NCDE population as a DPS and delineate a DPS boundary. Delisting of the GYE and NCDE populations could occur within the time frame typically considered for FWP management plans (generally not less than 10 years), in which case federal oversight of state activities would cease within each designated DPS boundary. Federal oversight would continue outside the DPS boundaries of these populations until targets outlined in the 1993 Grizzly Bear Recovery Plan are met and those recovered populations are delisted. This potential multi-jurisdictional future provides an additional rationale for a comprehensive, statewide plan for Montana.

The 2024 Grizzly Bear Plan reflects these updated biological and social conditions and updates two existing but dated plans, those for western and southwestern Montana. It takes advantage of recommendations and perspectives previously provided by the Governor’s Grizzly Bear Advisory Council (“GBAC”), as well as a recently completed survey of Montanan’s knowledge, beliefs, and attitudes toward grizzly bears. It reflects existing laws, regulations, and policies, as well as inter-governmental commitments made by FWP and the Commission. The Commission is the Governor-appointed body charged with making policy and regulations for managing fish and wildlife in Montana. It will inform FWP activities consistent with the grizzly bear’s ESA listed status. It must also anticipate policy and the need for state regulations should ESA delisting of recovered grizzly bear populations occur in the future. As a matter of required public process, the Commission and/or FWP would seek input from the affected public during the development of any such rules and regulations.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzed the “No-Action” alternative in the DEIS. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured. Reference the table below for a comparison of adoption and implementation of the 2024 Grizzly Bear Plan with the No Action alternative.

Alternative 2: Proposed Action

For more information reference *Description of the Proposed Action and Purpose and Need* above.

The 2024 Grizzly Bear Plan considers the cornerstone grizzly bear populations occupying the NCDE and GYE as having met recovery targets and supports their delisting from the ESA. As the 2024 Grizzly Bear Plan describes, grizzly bear populations in these two secure areas are abundant and appropriately distributed across the affected landscape.

FWP supports federal policies for meeting recovery goals in the Cabinet-Yaak Ecosystem (“CYE”) and for attaining natural recovery of a population in the Bitterroot Ecosystem (“BE”); the latter is comprised largely of wilderness. FWP also finds—and the 2024 Grizzly Bear Plan describes the case—that populations occupying the NCDE and GYE are abundant enough to provide dispersal opportunities for establishing connectivity among recovery ecosystems. Therefore, the 2024 Grizzly Bear Plan does not identify specific

statewide population targets beyond those already referenced in the USFWS Recovery Plan or Conservation Strategies.

The table below describes the various components of the 2024 Grizzly Bear Plan and compares adoption and implementation of the 2024 Grizzly Bear Plan with the status quo or the No Action alternative:

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Role of grizzly bears in Montana	Grizzly bears would continue to be the “official state animal of Montana,” recognizing the importance that Montana plays nationally in conservation of the species. However, contention and uncertainty would continue to surround appropriate policy for bears outside of RZs or DMAs, especially in light of growing population dispersal and increasing conflict.	Grizzly bears would be seen as a valued part of Montana’s fauna, a species that is both “conservation-reliant” and “conflict-prone.” Under this Alternative, clarity would be provided about where grizzly bear presence is a management objective. Core populations associated with existing RZs and DMAs would be maintained near recovery levels. FWP would not actively manage for grizzly bear presence between core areas, where the likelihood of conflict is high but would promote low density populations in between core areas for connectivity purposes. The Preferred Alternative recognizes that human–bear conflicts and bear mortalities would be greater in areas between population cores. Management decisions for any bears found outside of core areas will be guided by the likelihood that the bear will contribute to the long-term persistence and connectivity of populations. Where that likelihood is low, FWP will be quick to recommend (or implement, if appropriate) control when conflicts arise. FWP would use available discretion to remove or relocate grizzly bears involved in conflicts with humans, particularly in areas where connectivity among population cores is unlikely.
Numerical objectives	There would be no numerical statewide objectives. FWP has committed to population and habitat objectives in the GYE CS, and in the NCDE CS.	FWP would renew its commitment to recovery and long-term demographic and genetic health of grizzly bears, statewide. FWP is committed to specific numeric goals in the GYE and NCDE as articulated in the two Conservation Strategies (CSs) and supports the recovery goal in the CYE. FWP commits to working with the USFWS in developing a goal for the BE when appropriate. However, this Alternative finds that establishing a statewide numeric minimum, optimum, or maximum population objective would not be useful.

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Distributinal objective	<p>No explicit distributinal objective would be identified. FWP would manage for core populations in the NCDE, GYE, and CYE. Current FWP plans envision future biological connections among these cores as well as to the BE. A goal of the NCDE CS is to provide opportunity for connectivity with other Ecosystems in Montana, but no explicit objective is articulated. FWP would continue to struggle with the meaning of “biologically suitable and socially acceptable.”</p>	<p>Sustaining grizzly bear recovery would continue to be an objective where recovery objectives have been met. Achieving recovery would continue to be an objective where objectives have not yet been met. Connectivity does not require that grizzly bears occupy the entire state nor does the density of bears in between recovery zones need to match the density of bears within those zones. FWP believes connectivity can be achieved by securing attractants (to help grizzly bears rely on natural, not anthropogenic, foods and avoid human contact) and in the case of the GYE, by occasional, thoughtful translocations for genetic exchange. Translocation for genetic exchange is not a standalone strategy for connectivity as the conservation of habitat and the prevention of conflicts in between recovery zones are important components to ensure long-term connectivity by free-ranging bears. Because there are no cornerstone populations of grizzly bears in Central or Eastern Montana (nor does FWP envision a future in which there will be any), there is nothing with which to connect bears from the West. While grizzly bear presence would not be an objective in areas far from largely mountain habitats and in prairie habitats where agricultural development predominates, individual animals in these areas would be accepted to the degree they remain conflict-free. This is not meant to eliminate the potential for hunter harvest of non-conflict bears in these areas during seasons established by the commission.</p>
Human safety	<p>FWP would maintain a focus on human safety and conflict prevention.</p>	<p>FWP would maintain a focus on human safety and conflict prevention. Outside of core areas, conflict-free grizzly bears will not be proactively removed on public or private lands. This is not meant to eliminate the potential for hunter harvest of non-conflict bears in these areas during seasons established by the Commission. FWP would use available discretion to remove or relocate grizzly bears involved in conflicts with humans, particularly in areas where connectivity among population cores is unlikely.</p>

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Role of private lands in grizzly bear conservation and management	No explicit direction would be articulated for private lands, but FWP would recognize the pivotal role of private-landowner support in recovery and the significant contribution of private lands in the recovery effort.	FWP would acknowledge the contribution of private lands in providing habitat for grizzly bears beyond secure ¹ and would prioritize aid to landowners to minimize conflicts wherever they might occur. Where grizzly bear expansion does not contribute to connectivity, FWP would have lower tolerance for grizzly bears involved in conflicts. Management decisions for any bears found outside of core areas will be guided by the likelihood that the bear will contribute to the long-term persistence and connectivity of populations. FWP would use available discretion to remove or relocate grizzly bears involved in conflicts with humans, particularly in areas where connectivity among population cores is unlikely.
Conflict prevention	Focus would be on the NCDE, GYE, CYE and surrounding areas, including Sapphire, Flint, Highwoods and nearby ranges and, beginning in 2022, the Bitterroot area.	FWP would continue its active conflict prevention program, focusing on the same core areas as at present and areas important to connectivity. FWP would continue to research emerging technologies to minimize human–bear conflict, and provide funding and in-kind support to independent research programs

¹ See ARM 12.9.1401. “Secure” is a general term meaning wild places where humans visit but do not live, where extractive activities are limited spatially and temporally, where roads are primitive and do not dominate the landscape, and where wildlife generally lives with minimal interaction with people. No specific standards are implied.

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Conflict response	<p>Conflict bears would be controlled as recommended by IGBC (1986), attempting to minimize number of bears removed. FWP would consider conservation as well as human safety and tolerance in addressing conflicts outside fundamental recovery areas. Responses to conflicts would be generally more aggressive when they occur on or near private lands. FWP would not participate in moving federally listed bears involved in conflicts if captured outside of RZs.</p>	<p>FWP would continue its emphasis on reducing attractants that often precipitate conflicts. When necessary, bears involved in conflicts would be controlled consistent with state and federal guidelines throughout Western Montana. Where discretion is possible, FWP would attempt to minimize removal (moving bears or euthanizing them) where connectivity between core populations is likely but would be quicker to recommend and/or implement removal where connectivity is unlikely. Under 87-5-301, MCA, FWP would not participate in moving federally listed bears involved in conflicts if captured outside of RZs. Under 87-5-301, MCA, a livestock owner or other authorized person may lethally take a delisted grizzly at any time without a permit or license from FWP when a grizzly bear is attacking or killing livestock. Under 87-5-301, MCA, FWP may issue a permit to a livestock owner or authorized person to kill a delisted grizzly bear that is threatening livestock. Such take under 87-5-301, MCA, would be constrained by a quota set by the commission and would count against established mortality limits where applicable (e.g., GYE and NCDE demographic monitoring areas). Under 87-6-106, MCA, FWP may issue a permit to the livestock owner or authorized person to kill the delisted grizzly bear. In no case would this quota compromise recovered populations.</p>
Public certainty vs. agency flexibility in conflict response	<p>FWP would anticipate less predictability for the public about agency management actions since there will be no management direction in the different management areas (e.g., RZs, DMAs, outside of the DMAs, connectivity areas).</p>	<p>FWP would anticipate more predictability than the status quo due to adoption of different management direction in different management areas because of the additional guidance provided in the preferred alternative regarding the biological importance of bears in certain locations. However, FWP would retain some discretion to respond to conflict bears on a case-by-case basis.</p>

Issue	A. No action (status quo)	B. FWP Preferred Alternative
<p>Destinations of a bear captured in a conflict setting when moving it away from the site is recommended and FWP is allowed to move it under state law (i.e., captured inside RZ).</p>	<p>Bears involved in conflicts would be moved to areas where the probability of causing additional conflict is low (and only to sites previously approved by the Commission). Since 2009, 84% of destinations have been in FWP Region 1 (72% in Flathead County). Under MCA 87-5-301, only bears captured within RZs could be moved by FWP under listed status.</p>	<p>Bears involved in conflicts with people would be moved to areas with a lower probability of conflict. However, if a non-conflict (non-target or preemptively trapped) animal is captured, FWP would consider moving it to an area outside of the Ecosystem of origin, in which connectivity is an objective, if a Commission-approved release site exists. As the known range of grizzly bears changes, FWP would continue to engage with the Commission to gain pre-approval of new sites within “estimated occupied range of grizzly bears” (Appendix G) to which grizzly bears could be moved. If delisted, bears involved in conflict outside RZs also could be handled in this way.</p>
<p>Moving non-conflict bears (captured outside RZs) whose origin is uncertain</p>	<p>FWP would have no overall policy; decisions would be made on a case-by-case basis.</p>	<p>If the situation allows, these bears would be left in place. If moving the bear is required, it would be moved to a Commission-approved release site which provides the best chance for the bear to find life requisites while minimizing conflict. The site selected for release need not be located within the Ecosystem of origin, particularly if releasing the bear at the selected site would advance the interests of connectivity. As the known range of grizzly bears changes, FWP would continue to engage with the Commission to gain pre-approval of new sites within “estimated occupied range of grizzly bears” to which grizzly bears could be moved but would not seek approval of new release sites beyond the most recently updated “estimated occupied range of grizzly bears” without first going through and extensive environmental analysis.</p>
<p>Moving non-conflict bears to areas outside of “estimated occupied range of grizzly bears”</p>	<p>Movement of grizzly bears outside “estimated occupied range of grizzly bears” would require a separate environmental analysis and decision notice, as well as approval from the Commission.</p>	<p>If FWP proposes to move a bear into unoccupied habitat for purposes of recovery or connectivity, it will first complete an environmental review and seek approval from the Commission. New FTE positions as approved by the legislature may be established for transfer of bears between ecosystems and does not focus on unoccupied habitat.</p>

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Orphaned cubs	Cubs orphaned after September 1 generally would be left in the wild. Bringing younger orphans to Montana Wildlife Rehabilitation Center (MWRC) is discouraged and must follow the MWRC intake policy because i) acceptable permanent captive situations are very difficult to find, and ii) re-release into the wild is only permitted with pre-approved plan and release area.	Cubs orphaned after September 1 would be generally left in the wild. Bringing younger orphans to MWRC is discouraged and must follow the MWRC intake policy because i) acceptable permanent captive situations are very difficult to find, and ii) re-release into the wild is only permitted with pre-approved plan and release area.
Conflict management operational structure	FWP would continue supporting bear managers in or near Anaconda, Bozeman, Chouteau, Conrad, Hamilton, Kalispell, Libby, Missoula, and Red Lodge.	Building on current structure, FWP would prioritize bear manager FTE where expanding population presents the need for conflict management and also opportunities for connectivity while maintaining efforts in occupied core areas.
Prioritizing information, outreach, and communication efforts	FWP would maintain efforts aimed at people living, working, and recreating in grizzly bear habitat, targeting both new and long-term residents.	FWP would prioritize efforts where expanding population presents the need for conflict management and also opportunities for connectivity while maintaining efforts in occupied core areas.
Population research and monitoring	Population monitoring and research would continue as described in the NCDE and GYE CSs and in any future CYE or BE CS.	FWP would continue monitoring, as committed to in CSs, but also would prioritize finding ways to increase its understanding of bear status in areas of potential connectivity.
Resources required	No change from present.	Slightly more than current baseline.
Hunting of grizzly bears: Values and beliefs	Goal would be to allow for limited regulated harvest upon delisting of bears, but no specific plans are in place. MCA and ARM identify the potential of grizzly bear hunting if not federally listed.	FWP would prepare for a conservative grizzly bear hunting season if not federally listed, but the decision on whether to establish a hunting season would rest with the Commission. FWP recognizes the strongly held views held by many members of the public. FWP will not recommend a hunting season for at least 5 years after an ecosystem is delisted.

Issue	A. No action (status quo)	B. FWP Preferred Alternative
A potential grizzly bear hunt: Functions, expectations, regulations.	If delisted, hunting would be implemented within a scientifically sound framework that maintains a viable and self-sustaining population, and to garner additional public support.	Grizzly bears are statutorily classified as a game animal (87-2-101, MCA). As such, they are protected/regulated by Commission rules. If delisted and a hunting season is adopted by the Commission, it could be used to limit expansion where core connectivity is unlikely (particularly in Central and Eastern Montana), but it would be consistent with maintaining an appropriate density of grizzly bears where connectivity is prioritized. Hunter-killed bears within the DMA would be counted against DMA mortality limits as outlined in the GYE CS and NCDE CS. In no case would hunting compromise recovered populations.
Law enforcement	FWP would continue to work cooperatively with federal (where listed) and tribal authorities to deter unlawful take, and to apprehend violators.	FWP would continue to work cooperatively with federal (where listed) and tribal authorities to deter unlawful take, and to apprehend violators.
Recreational use	FWP would consider grizzly bear presence in all recreation planning and decisions on FWP lands. FWP also would consider grizzly bear presence when providing input on other public land management decisions. FWP would continue or expand its program of educating recreationalists, including hunters, about recreating safely in grizzly bear country.	FWP would consider grizzly bear presence in all recreation planning and decisions on FWP lands. FWP would also consider grizzly bear presence when providing input on other public land management decisions. FWP would continue or expand its program of educating recreationalists, including hunters, about recreating safely in grizzly bear country. Efforts targeted for black bear hunters and wolf trappers will be emphasized.
Motorized access management	FWP would support land management agencies' policies previously agreed to as part of the CSs. Elsewhere, FWP would continue existing policy of avoiding open road densities exceeding 1 mi/mi ² on lands it owns or manages. FWP would take the view that, outside of areas with specific road density standards, grizzly bears can coexist with humans in areas with moderate amounts of motorized access if attractants are well managed, conflicts are minimized, and mortality of grizzly bears is sufficiently low.	FWP would support land management agencies' policies previously agreed to as part of the CSs. Elsewhere, FWP would continue existing policy of avoiding open road densities exceeding 1 mi/mi ² on lands it owns or manages. FWP would take the view that, outside of areas with specific road density standards, grizzly bears can coexist with humans in areas with moderate amounts of motorized access if attractants are well managed, conflicts are minimized, and mortality of grizzly bears is sufficiently low.

Issue	A. No action (status quo)	B. FWP Preferred Alternative
Engagement with community groups	FWP would continue informal communication and cooperation with community groups.	FWP would stand ready to adopt the leading role in grizzly bear management but would also acknowledge that success will depend on actions taken by citizens working collaboratively. While exercising its authority and leadership role, FWP would actively encourage bottom-up, community-based efforts to resolve management challenges. FWP expects this approach to yield solutions which are tailored to local communities, bolstered by local buy-in, but which also respect the values and mandates expressed in national and/or state laws and regulations.
Climate change	FWP would not explicitly consider climate change as part of its grizzly bear management.	In allocating resources or suggesting regulations, FWP would consider habitat variations, including those manifest in climate—e.g., lengthening of non-denning seasons may increase chances of human–bear conflict, particularly in autumn. FWP would continue to monitor populations as they respond to these variations and would adjust management responses accordingly.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD FOR DETAILED ANALYSIS

Grizzly Bears Considered Undesirable Pest Species

FWP considered an alternative approach in which grizzly bears would not be welcome in the state or were considered an undesirable pest species (such as, for example, feral swine, *Sus scrofa*). Such an approach would run contrary not only to the ESA, but also to state law and FWP’s vision. Thus, the DEIS and FEIS did not carry such an alternative forward for detailed analysis.

Grizzly Bears Not Tolerated Outside of Recovery Zones

FWP considered an alternative approach under which grizzly bear recovery in USFWS-designated RZs would be an objective, but grizzly bears would not be tolerated (*i.e.*, would be removed when possible) outside of these areas regardless of their behavior or conflict status. Similarly, there would be no attempt to provide for connectivity among RZs through movement or low-density occupancy of areas between them. Should delisting occur, hunting could be used as a tool to discourage grizzly bear distribution from expanding beyond the RZs. Although such an approach could arguably be viewed as strictly consistent with numeric standards under the ESA and the two existing CSs to which FWP is a signatory, it would be contrary to the clear intent of the USFWS Recovery Plan, the intent of the two CSs, as well as to FWP’s interpretation of its responsibilities under its various mandates. It would also be more likely to hinder than to facilitate eventual transfer of management authority from federal to state level through delisting from the ESA. Thus, the DEIS and FEIS did not carry such an alternative forward for detailed analysis.

Grizzly Bears Desired Throughout Montana

FWP considered an alternative approach where grizzly bear presence is desired and would stand as an objective anywhere grizzly bears were found in Montana. Under such an approach, individual bears involved in conflicts with humans would still be controlled (e.g., hazed, moved, or euthanized, depending on circumstances), but the larger geographic context would not constitute an important part of the

decision-making. Rather, the bears themselves would be considered to have indicated by their presence where they chose to live. FWP would not emphasize population stability within existing cores, nor would it explicitly prioritize connectivity among them (although, if successful, connectivity could occur indirectly). Rather, this approach would view all grizzly bears in Montana as members of an undifferentiated statewide population. Human safety and security of their property would continue to be a high priority for FWP under this alternative. However, because grizzly bears would be controlled only when conflicts arose, they would likely become more common in areas close to homes, farms, ranches, and other human infrastructure. This would include parts of the state (particularly east of the main Rocky Mountain chain) that grizzly bears historically occupied but have not generally been present within for over a century. The risk of encounters with humans that pose safety risks would be higher than in other alternatives.

Although this alternative would theoretically create the most certainty that grizzly bears would thrive indefinitely in Montana, FWP considers this approach naïve, costly, biologically unnecessary, and irresponsibly dangerous to humans, their livestock, and their pets. The existing grizzly bear population cornerstones are large enough that, with the appropriate level of long-term connectivity, there is no biologically based justification for the larger population that such an alternative would envision. A critical element of FWP's responsibility is to prioritize human safety, and a growing grizzly bear population increasingly in close association with homes and businesses fails that responsibility. Thus, the DEIS and FEIS did not carry such an alternative forward for detailed analysis.

Human Bear Conflicts Always Favor Bears

FWP considered an alternative approach in which human-bear conflicts are always resolved in the most favorable way for the individual bear involved, regardless of the cost to human livelihood or safety. Although such an approach could result in increased grizzly bear population, expanded geographic distribution, and quicker and more certain biological connectivity between cores, it would fail to honor FWP's responsibility to balance its responsibility to wildlife. Moreover, it would fail to honor FWP's responsibility to maintain public safety, thereby running contrary to state law holding that FWP's first priority in managing large predators (a classification that includes grizzly bears) is to protect humans, livestock, and pets. Thus, the DEIS and FEIS did not carry such an alternative forward for detailed analysis.

PUBLIC COMMENT AND FWP RESPONSE

The 2024 Grizzly Bear Plan and accompanying DEIS were published for a 30-day public comment period beginning on December 6, 2022. Upon request from the public, the comment period was extended and ended on February 4, 2023. During that time, FWP also conducted a virtual meeting to preview the proposed 2024 Grizzly Bear Plan and listen to public concerns – but directed participants to submit written comments for the record.

FWP received hundreds of unique written comments. FWP responded to all substantive public comments on the DEIS and 2024 Grizzly Bear Plan. A substantive public comment was defined as the identification of a specific issue or impact. In some cases, multiple individuals or groups provided the same or similar substantive comments. Therefore, FWP reviewed all comments received and prepared a response to major categories of substantive comments, some of which resulted in adjustments to the 2024 Grizzly Bear Plan and DEIS. Those adjustments are noted in the response to comments, which are included as **Appendix A** to this Record of Decision.

DECISION

Based on the environmental review provided by the DEIS, as modified by the FEIS, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2) constitutes a reasonable and appropriate strategy for managing grizzly bears in Montana prior to and upon delisting under the federal ESA.

With this Record of Decision, and accompanying documentation, FWP hereby adopts the FEIS, as modified through the DEIS process, and approves the proposed action (Alternative 2). A summary of major conclusions and supporting information from the FEIS stating where such conclusions and information were changed from those that appeared in the DEIS is included in FWP's responses to comments and clearly identified within the Track Changes formatted versions of the FEIS and 2024 Grizzly Bear Plan.

Attachments:

FEIS – Track Changes Version A

FEIS – Track Changes Version B_Final

FEIS – Clean Format_Final

FEIS Executive Summary – Clean Format

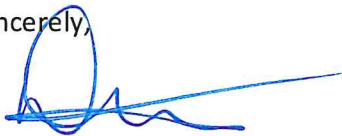
Substantive Public Comments and FWP Responses (Summarized)

2024 Statewide Grizzly Bear Management Plan – Track Changes Version A

2024 Statewide Grizzly Bear Management Plan – Track Changes Version B_Final

2024 Statewide Grizzly Bear Management Plan – Clean Format_Final

Sincerely,



Dustin Temple, Director
Montana Fish, Wildlife & Parks

Cc: Environmental Quality Council
Governor's Office
Affected Public, Commenters
County Commissions (Gallatin, Stillwater, Yellowstone, Jefferson, Lewis and Clark, Broadwater, Flathead, Missoula, Carbon, Madison, Sweet Grass, Ravalli, Teton, Park, Cascade, Beaverhead, Granite, Silver Bow, Lake, Mineral, Sanders, Toole, Lincoln, Pondera, Powell, Big Horn, Deer Lodge, Meagher, Glacier, Wheatland)

Affected Montana State Agencies:

Department of Agriculture
Department of Commerce
Department of Environmental Quality
Department of Livestock
Department of Natural Resources and Conservation
Department of Transportation

Affected Federal Agencies:

United States Department of the Interior (state and federal offices, as applicable):
Bureau of Indian Affairs
Bureau of Reclamation

Bureau of Land Management
National Park Service
United States Fish and Wildlife Service
United States Geological Survey
United States Department of Agriculture (state and federal offices, as applicable):
Forest Service
Natural Resources Conservation Service
Animal and Plant Health Inspection Service

Affected Native American Tribes:

Assiniboine Nation
Blackfeet Nation
Chippewa Nation
Cree Nation
Crow Nation
Gros Ventre Nation
Kootenai Nation
Little Shell Chippewa Nation
Northern Cheyenne Nation
Pend d'Oreille Nation
Salish Nation
Sioux Nation