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**ATTN: Director Scott Talbott, WGFD,
WGFD Personnel;
Wyoming State Commissioners.**

Public Comment Submission RE:

**WYOMING GAME AND FISH COMMISSION, CHAPTER 67
GRIZZLY BEAR MANAGEMENT REGULATION**

June 29, 2016

GOAL (Guardians of Our Ancestors' Legacy) Tribal Coalition protests and rejects in the strongest possible terms the aforementioned item. This submission is to be considered a further repudiation of both Wyoming's so-called Grizzly Bear Management Plan, and the Chapter 67 Grizzly Bear Management Regulation.

Before elaborating, it is necessary to point out the blatant falsehoods and misinformation the Wyoming Game and Fish Department (WGFD) is continuing to perpetuate, true to the pattern established throughout this process. According to Brian Nesvik, Chief of the Wildlife Division for WGFD, Chapter 67 is, "The next step in the process that will bring management of grizzly bears back to the state, which is something the people of Wyoming strongly support." That, like much of what Mr. Nesvik presents to the public, is completely misleading, based upon the currently available documentation. In WGFD's own *Public Attitudes Toward Grizzly Bear Management in Wyoming* the conclusion was, "There was an equal split between Wyoming residents who thought that the grizzly bear should be removed from the Endangered Species List (36%) and those residents who thought the grizzly bear should not be removed from the Endangered Species List (36%)."

The most recent survey conducted in April 2016 (HSUS/WWA) found that only 20% of respondents nationwide supported grizzly delisting and trophy hunting, and that some 80% oppose allowing state managers to use hounds and bait, abhorrent techniques WGFD is yet to provide clarity upon. Taken in concert, the evidence indicates that this is not something "the people of

Wyoming strongly support,” it is something WGFD employees, Wyoming’s commissioners, and a segment of its clientele who want to kill grizzlies “strongly support.” In the tri-states, only 14% of the populations identify as hunters, and a fraction of those are trophy hunters. The commonality is sex and ethnicity: among the three categories cited, over 95% are male, and in most instances, notably the commissioners, they are 100% white.

On November 6, 2015 GOAL Tribal Coalition leaders met with USFWS Director Dan Ashe and Assistant Secretary of the Interior Mike Connor at the Interior Department in Washington, DC. On behalf of Tribal Nations in the coalition opposing the delisting and trophy hunting of the grizzly bear in the Greater Yellowstone Ecosystem (GYE), we presented an alternative course of action to instituting trophy hunting seasons on the grizzly, if, as speculated but as yet unproven, the GYE was at “carrying capacity” and the population needed to be managed more aggressively to keep the numbers within the very conservative parameters proposed in the rule. Instead of trophy hunting the grizzly, Tribal Nations wish to see grizzlies transplanted from the GYE to sovereign tribal lands in the grizzly’s historic range where biologically suitable habitat exists. The same quota of grizzlies that would be hunted per season could easily be trapped and relocated, removing any possible rationalization for reinstating trophy hunts.

This plan provides for cultural and environmental revitalization for Tribal Nations, as the grizzly is sacred to a multitude of tribes. Both the physical and cultural environments of tribes have been incomplete since the federal and respective state governments eradicated the grizzly. As outlined by the Rocky Mountain Tribal Leaders Council and in numerous individual tribal resolutions, returning the grizzly bear to Tribal Nations will also provide great economic potential to communities most in need for economic impetus and investment. Several Tribal Nations are already working on eco-tourism plans centered upon grizzly re-introduction, initiatives that were recently supported by President William J. Clinton on his recent visit to Montana. If WGFD opens trophy hunting seasons on the grizzly bear, the State of Wyoming will not only be killing the sacred bear, but economic and cultural revitalization for tribes not only in Wyoming, but across the western United States. USFWS Director Ashe committed to opening a dialogue on this proposal, which so far has not occurred to any satisfactory level. It is, therefore, entirely inconsistent, and quite simply an infringement of the federal trust responsibility by a state, for Wyoming to proceed with finalizing a hunting season for the grizzly before this dialogue between Tribal Nations and the federal government is complete.

The tribal reintroduction plan fulfills the criteria of the Endangered Species Act (ESA), which this proposed delisting, and state organized trophy hunting, does not – of which Chapter 67 is but one part. Indeed, WGFD’s colleague in Montana, MFWP Director Hagener, provided one of the most compelling reasons for NOT opening hunting seasons on the grizzly when, in the week following Director Ashe’s proposed delisting announcement, Hagener admitted to Montana Conservation Lands Advisory Committee member, Bert Lindler, that, “The likelihood of any migration between populations might be severely limited,” upon opening grizzly hunting seasons. As reported in *Montana on the Ground* (3/9/2016), Mr. Lindler was questioning USFWS and MFWP officials about “wildlife corridors and connectivity between DMAs.” Delisting now, and certainly reinstating a hunting season, will guarantee that the grizzly bear will never be a recovered species. The only way the grizzly can and ever will be a recovered species under the criteria of the ESA is for connectivity to exist between isolated populations – primarily between the GYE and Northern Continental Divide Ecosystem, and the Cabinet-Yaak regions. This requires linkage zones and

corridors, neither of which presently exist and never will if WGFD opens hunting seasons, as revealed by your colleague's own words – “the likelihood of any migration between populations might be severely limited”.

In common with WGFD's grizzly bear management plan, both the MOA and proposed Chapter 67 regulation are extremely vague, to the level of being both expedient and misleading. What, precisely, does WGFD intend regarding hunting grizzly bears outside of the DMA where some 23% of currently occupied grizzly habitat in the GYE exists? It is necessary for WGFD to clarify this issue. A lack of transparency has blighted this entire process, and continues. WGFD has the gullible believing that the number of grizzlies hunted will be “very limited,” which is simply not true, when the state has been handed over 50% of discretionary mortality in the DMA alone. I would remind you that the grizzly bear has the second slowest reproductive rate among mammals, and that it was not so long ago that the IGBST (study by Schwartz and Haroldson) warned that losing two females in the GYE would destabilize the population. How many females can the GYE stand to lose now without destabilizing the population? Another question WGFD is required to answer before initiating any hunt. In the proposed delisting rule, USFWS concedes, “It is reasonable to expect that GYE grizzly bears may not be managed as conservatively outside the DMA boundaries where they could be exposed to more intensive hunting and management pressure.” So which is it? WGFD is going to hunt grizzlies outside the DMA or it is not? And if so, how many, and precisely how “limited” will those hunts be? GOAL contends that answer lies in the reckless approach WGFD took toward wolves upon delisting.

WGFD's plan and proposed regulations essentially provide Wyoming with carte blanche to make the rules up as it goes along. Precisely, what is the size of the grizzly bear population in the GYE? The honest answer is that WGFD, MFWP, Idaho, and the IGBST do not know. Simply put, the population is what you guesstimate, and the guesstimates you present are gerrymandered through the manipulation of data that is never released for independent scientific review, and has, at best, been collected by a completely discredited technique, “mark-resight,” and a highly questionable one originally designed by Anne Chao to count mud turtles in Illinois, not grizzly bears in the Rocky Mountain West.

The question becomes, how can you reasonably set a hunting quota when you do not actually know the size of the population? And therefore do not know what may or may not destabilize a population that is already genetically isolated – a status your associate in this action, MFWP Director Hagener, concedes will not change due to “migration between populations” being “severely limited” upon hunting – and is already suffering from catastrophic losses to key food sources, and may suffer further from the consequence of climate change. It is truly an incredible claim, as proposed by Chris Servheen in the proposed delisting rule, that “climate change scenarios” may “even make habitat more suitable and food sources more abundant” for grizzly bears in the GYE. In short order, there will be few whitebark pine stands left in Greater Yellowstone, which is a direct result of climate change. Similarly, it is scientifically untenable, even at a Fourth Grade level, to suggest that climate change is going to have a positive impact on army cutworm moths, being as high elevation talus slopes are critical to moth survival, and the Yellowstone grizzly's late-summer caloric intake. The level of ignorance, or cynical manipulation, is astonishing. High altitude alpine zones are already being devastated by climate change. If USFWS is concerned about the extinction of pikas, should it not be concerned about army cutworm moths, given they survive in the same environment

threatened by climate change? More attention to what is claimed to be “the best available science” and less to satiating killing for recreation would serve the species, the people of Wyoming, and the American people as a whole far better; WGFD is entrusted to do this, but is yet again failing, simply to accommodate far fewer than 14% of the state’s residents.

It is quite clear, given WGFD’s emphasis on trophy hunting the grizzly, that by the time any IGBST “Biology and Monitoring Review” might be triggered, the grizzly will be sliding back to oblivion. It took forty years under the ESA to achieve what have been, through the lens of history, modest gains, and Wyoming’s plan, proposed hunting regulations, and the tri-state MOA all but ensure a reversal and a return to a population on life support. Wyoming needs to explain to the American people, the taxpayers who actually funded grizzly recovery, why it is pursuing this incredibly shortsighted approach. Many of us already know the answer.

All of the above are consistently vague throughout, with the exception of what WGFD will do to facilitate trophy-hunting grizzlies. Little attention is paid to critical grizzly food sources and the diminishment of such, other than to parrot the deeply flawed and highly questionable conclusions of the IGBST’s Frank Van Manen and Yellowstone National Park Bear Manager, Kerry Gunther. “Changes in various food sources are not likely to negatively impact grizzly bears at the population scale due to their dietary plasticity.” There is zero credible scientific basis to this assertion, and like Van Manen’s farcical *Response of Yellowstone Grizzly Bears to Changes in Food Resources: a synthesis* is politically motivated and scientifically unsubstantiated.

Gunther simply propped up the predetermined conclusions of Van Manen’s *Response of Yellowstone Grizzly Bears to Changes in Food Resources: a synthesis*. Contradicting some twenty-years of IGBST research that was consistently in line with the team’s 2006 statement that “whitebark pine nuts are by far the most important plant food” for Yellowstone’s grizzlies, Van Manen concluded otherwise. “The findings of studies presented here do not indicate strong dependence among GYE grizzly bears on whitebark pine seeds,” he wrote. This was the best possible information he could provide to the policymakers, particularly for the tri-state Congressional delegations, but it is certainly not the “best available science.” Brian Nesvik has repeatedly given the false impression that the whitebark pine question has been answered. Were Mr. Nesvik working for any other government agency, his penchant for mendacity would surely have seen him brought up on ethics violations by now.

There is no doubt that Van Manen’s mission was to fashion the still secret taxpayer funded IGBST collected data into a document that would convince the courts - both Judge Molloy’s and public opinion — in which a credulous media has aided and abetted. *Response of Yellowstone Grizzly Bears to Changes in Food Resources: a synthesis* is not the best available science; it’s the best manipulation of untested data the IGBST/USFWS and WGFD can get away with. During fall 2014’s 12th Biennial Scientific Conference on the Greater Yellowstone Ecosystem, Gunther went a step further. Not only did he support Van Manen’s contention on whitebark pine, he asserted that the other threatened-yet-long-accepted staple of the Yellowstone grizzlies’ diet, the cutthroat trout, was “never really a big proportion of food for grizzly bears in the Yellowstone ecosystem.”

What Gunther describes as “dietary plasticity” supposedly compensates for the loss of whitebark pine and cutthroat trout. Citing grizzly consumption of “266” different food sources cataloged

between 1943–2009, he surmised that this “remarkable generalist” was “really not a good poster child for a species that could be significantly impacted by climate change.” That remains to be seen, as climate change – specifically global warming – has only been recognized as a detrimental environmental factor for a relatively short period of the sixty-six years he referenced, and is still denied by some – a number of whom contributed to each states’ dismal plans, and USFWS’s delisting proposal. Following Van Manen’s lead, Gunther’s presentation lacked sufficient evaluation of the caloric value of these “266” alternate food sources when compared to whitebark pine, which is necessary to calculate how much of one or more a grizzly needs to eat to equate with whitebark pine nuts, and how much time and energy they will expend in the process, which matters in the countdown to hyperphagia. Where is the substitute fat content going to be derived from? Certainly not from green plants. And what happens if chronic wasting disease starts to take Yellowstone’s elk? Winterkill buffalo won’t make up the deficit, particularly as 900 are being cutout and sent to slaughter annually from Yellowstone National Park.

If WGFD is going to open two grizzly trophy hunting seasons a year, it needs to answer where, exactly, do grizzlies find these “266” dietary substitutes? If many of them are where Russian olive drupe is abundant, a lot more grizzlies will be seeing the world through grills of WGFD culvert traps in places like Clark, Wyoming as the lower the elevation, the higher the potential for conflict. Yellowstone’s grizzlies better hope that Gunther and Van Manen are right, as the assertions made at the October 2014 IGBC meeting suggest that there are now so many of them, they are going to need every one of these “266” foods, and then some. That was nonsense then, and remains nonsense now, as 2015 population guesstimates have demonstrated, as unreliable as they are. In light of the Obama Administration’s emphasis on climate change, it is remarkable that USFWS Director Ashe is prepared to dismiss climate change as a factor that will detrimentally impact the Yellowstone grizzly population. Typical of the inconsistencies, the USFWS proposed delisting rule makes few credible references to climate change, in common with WGFD. Quoting Gunther et al: “Changes in climate may affect regional vegetation, hydrology, fire regimes, and pathogen prevalence, which may in turn influence the abundance, range, and elevation distribution of foods consumed by GYA grizzly bears.”

The inevitable grizzly trophy hunts that WGFD will institute if the grizzly bear in the GYE is delisted will, I promise you, bring scorn onto Wyoming at levels that you cannot comprehend. WGFD operates in a bubble, and it, like many Yellowstone gateway community business owners who support delisting in places like Cody and Jackson, are going to discover that the American people abhor the trophy hunting of Yellowstone’s grizzlies. If it was not so tragic, WGFD’s plan and Chapter 67 regulation would actually be quite amusing, so ridiculous are the claims about hunting, and the “regulations” that will be instituted. Does WGFD seriously think that the public outside of its clientele buys the notion that hunters are going to be prohibited from killing “females” with “young at their side,” or discouraged from killing females, per se, which is the alleged rationale of the hunting season dates? As WGFD claims in this very regulation, “No licensed hunter shall take any female grizzly bear with dependent young at side. No licensed hunter shall take any dependent young grizzly bear.” What will the penalties be if and when they do? Even MFWP concedes, “Seasons will close within 24 hours of reaching either the female quota or the male quota because sex identification of individual bears is nearly impossible in the field.” Once again, the copy WGFD has produced answers the question and exposes the folly and mendacity of WGFD in this matter.

I suggest to you on behalf of GOAL Tribal Coalition that WGFD could hold “hunter ed” classes on bear identification every hour of every day, and still achieve nothing. This is merely an exercise in PR. I would remind you that Luke R. Ellsbury, a WGFD “bear management specialist,” demonstrated that he cannot tell the difference between a black bear and a grizzly bear when he mistakenly killed a grizzly thinking it was, according to court documents, “a nice black bear,” and was subsequently prosecuted, but amazingly retained by WGFD. Similarly, MFWP’s Ron Aasheim informed GOAL that grizzly bear 211 (aka Scarface) may have been killed as a result of “mistaken identity.” It is almost impossible to imagine that 211 could have been mistaken for a black bear, but presumably that was what Mr. Aasheim meant. If the species cannot be identified, what realistic chance is there of eager trophy hunters itching to kill “a grizz” being able to deduce if they are about to kill a female, or a female with cubs?

Only in the Land of Oz will anybody believe that Ellsbury and the rest of this trophy hunting cabal will have a clue what sex the grizzly is, just so long as it is in their crosshairs. Who is going to believe that when a grizzly pushing through brush enters a gun sight, the trophy hunter is going to pause and think, “Hmmm, I won’t shoot because this bear may be a female with cubs.” Where is there an analysis of how many females are going to have to die by either trophy hunting or “management” removal to destabilize the Yellowstone grizzly population? It cannot have escaped WGFD’s attention that last year showed the highest human-caused grizzly mortality in the GYE on record, over 60 bears, and it is perfectly reasonable, using standards accepted by the IGBST, to estimate the figure to be at least a third higher. Many would acknowledge that WGFD already oversees a Yellowstone grizzly bear season, which is presently categorized as an elk hunt.

The USFWS has finally conceded that the grizzly bear population in the GYE has essentially flat-lined since the onset of the Twenty-first Century, and that there has been no population explosion, contrary to the impression IGBST, WGFD, IG&F, and MFWP officials have planted in the regional media throughout the same period. The rule and the states’ “plans” – notably WGFD’s – fail to fully recognize this reality; there are not more grizzlies, there is less food, which is leading the bears to seek nutrition farther afield. This, in and of itself, is reason enough not to delist grizzly bears, and makes the idea of trophy hunting them even more egregious. Between 2002–2014, the USFWS proposed rule admits that 311 grizzlies died as a result of human caused mortality, and yet WGFD not only promotes and intends to facilitate trophy hunts, WGFD’s entire emphasis revolves around it. How do you explain adding to human caused mortality by permitting the trophy hunting of a species that last year showed a decline in population, record human caused mortality, the diminishment of vital food sources, and increased vulnerability and possible conflict scenarios in its attempts to make up the caloric shortfall? The “best available science” does not conclude that in those circumstances instituting a trophy hunt is the most prudent course.

As evidenced throughout this process, USFWS’s proposed rule to delist the grizzly bear in the GYE is not based upon the “best available science,” and neither is WGFD’s desire to accommodate it. WGFD’s documentation, like USFWS’s, and particularly MFWP’s, is lacking in many critical areas, and therefore cannot possibly be seen to meet the criteria of the “best available science.” It does, however, make very clear what the ultimate objective is, and that is to enable the trophy hunting of the Yellowstone grizzly bear, and the adoption of similarly anachronistic management techniques that will reduce the grizzly population in the GYE DMA to the baseline figure of 500

bears and 48 females with cubs. In essence, in 2016, WGFD is advocating for the implementation of Nineteenth Century practices, with the emphasis, as always, on killing. There is no justification for this, as Tribal Nations have presented a viable alternative that the American people will overwhelmingly support if they are given the opportunity to hear and review it – something I highly doubt WGFD, the other states, and USFWS either want, or are brave enough, to permit, let alone sanction.

GOAL Tribal Coalition wishes the following to also be included within our public comment:

<http://bit.ly/205bobB>

Be in no doubt, GOAL Tribal Coalition will fight WGFD and the USFWS every inch of the way on delisting and your desire to trophy kill our sacred relative.

On behalf of GOAL Tribal Coalition:

R. Bear Stands Last

R. Bear Stands Last,
Co-Founder.

cc. Wyoming Wildlife Advocates.
WyoFile.