

BRUIN CHALLENGES

Wyoming has invested significant money and resources to recover grizzly bears. Despite meeting two different population goals, the federal government still holds management authority, leaving the state and grizzly bears at a loss.

By the Wyoming Game and Fish Department



Wyoming hopes to take over management of grizzly bears and believes the Greater Yellowstone Ecosystem population is fully recovered. (Photo by Peter Mangolds)

For the Wyoming Game and Fish Department, August used to mark the beginning of grizzly bear conflict season. It's when the phone typically erupted with calls for help — dead cattle, bears on the road, a handful of hiker attacks. Nowadays, Wyomingites are calling nearly all months of the year with various grizzly conflicts and the only reprieve is when bears are hibernating.

It's not that people are merely calling in conflicts more frequently; there are more grizzlies and therefore more conflicts. Today, more bears roam within the Greater Yellowstone Ecosystem (GYE) than imagined in recent history. By some modern estimates, more than 1,000 grizzlies live in the GYE. That's more than quadruple the initial recovery goal set after they were first listed as "threatened" under the federal Endangered Species Act (ESA) in 1975.

This increased density and distribution of bears highlights two impactful realities — grizzly bear recovery has been overwhelmingly successful, and without state management, they will continue to be

By all scientific measures, the grizzly bear population has reached recovery goals multiple times over the last 40 years, being successfully delisted twice, yet they remain protected under the ESA and under the management of the U.S. Fish and Wildlife Service (USFWS) due to litigation. This puts bear management decisions outside Wyoming's control despite decades of achievement and proven readiness to assume the task. Instead, legal challenges from environmental groups on technicalities unrelated to the science and on-the-ground conditions continually move delisting further from reality. That leaves Wyoming, bears and everyone who contributed to recovery losing with each passing year.

HOW WE GOT HERE

The central reason grizzly bears were listed was due to population declines. By the early 1900s, Wyoming grizzly bears primarily inhabited the GYE, which includes the northwest corner of Wyoming and portions of Montana and Idaho. As the wilderness was converted to settlements and agriculture, habitat and space where bears could thrive shrunk. Roads degraded bear habitat, too, depleting food sources and displacing populations.

Humans had a more direct role in grizzly reductions midcentury. Interactions between dueling alpha groups inevitably occurred within the newly-shared landscape. Dan Thompson, Game and Fish large carnivore supervisor who has been involved in recovery and conflict mitigation efforts in Wyoming, recalls a time when grizzly bears were actively pursued.

"Bears were considered game animals on national forest land and predators elsewhere. Hunters were permitted by Game and Fish to take grizzly and black

for bear conflicts continues to be high. As the population grows, so does the griz's range, putting bears in backyards, private lands and corn fields — all places that were never planned as suitable grizzly bear habitat and places where they cannot live without conflict.

That's where the trouble lies.

bears using their deer and elk license," Thompson said.

During that same time livestock producers protecting their herds battled bears, while wildlife managers worked to keep aggressive bears at bay. Those efforts ran counter to Yellowstone National Park where public feeding of park bears still was allowed.

"Feeding and viewing bears was creating a dangerous mix," Thompson said. "Bears were food-conditioned in the area and there were human injuries. When the park outlawed feeding bears and closed garbage dumps, populations dropped as problem bears were dealt with."

Unfed bears became increasingly aggressive and populations dwindled to just over 130 animals in the 1970s, setting the conditions for the first listing for the grizzly bear.

THE LISTING AND THE COURTS

The low population and ever-reducing range prompted the federal government to place grizzly bears on the Endangered Species List as "threatened" for the first time in 1975. With that, the USFWS assumed, and has maintained for the majority of four decades, management authority over the GYE grizzlies. Long-term monitoring and research efforts on grizzly bears in the GYE are coordinated within



By some modern estimates, more than 1,000 grizzlies live in the Greater Yellowstone Ecosystem. (Photo by Dawn Wilson)

the Interagency Grizzly Bear Study Team (IGBST), formed in 1973. The group is federally directed and consists of representatives from the U.S. Geological Survey, National Park Service, USFWS, U.S. Forest Service, Eastern Shoshone and Northern Arapaho Tribal Fish and Game Department and the states of

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an increasing challenge for all who live, recreate and work in Wyoming. It's a landmark for species recovery, particularly for Wyoming that has invested significant time, research and money into grizzly bears at a level rivalling any other species in history. The booming population is an equally-weary reminder the potential

COUNTING GRIZZLIES

Population estimation is an important part of wildlife conservation and is particularly important for species on the Threatened and Endangered Species List. Population abundance is one of many metrics used to determine if a species stays on or comes off the list.

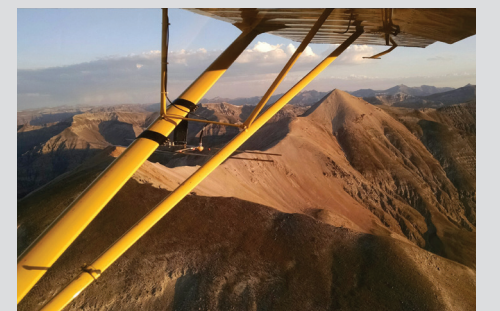
Grizzly bears in the Greater Yellowstone Ecosystem are one of the most studied populations in the world thanks largely to the formation of the Interagency Grizzly Bear Study Team, which began its research in 1973, and continues today with data spanning nearly 50 years.

Due to the secretive nature of grizzly bears, early efforts were focused on the development of population monitoring techniques that did not require visually counting bears. Thus, finding a segment of the population that could be uniquely identified became the goal. Researchers realized observing and counting females with cubs of the year was a good indicator

because they could be reliably noticed on the landscape and represent the reproduction of the species. The numbers of these females could then be extrapolated to an overall population estimate.

The method, used as part of the Grizzly Bear Recovery Plan in 1993, is still used today. To ensure the same bears are not counted twice, a rule set is established for how females with cubs are counted. The rule set is conservative, erring on the side of not overcounting. If multiple females are sighted, they are only counted as different females when there is strong evidence to support it.

As biologists continue to gather information and monitor the population, the methodology has been refined. The development of a statistical formula known as the Chao2 estimator has allowed scientists to estimate the number of females not observed. This method estimates more than 700 bears are in the GYE.



Aerial grizzly counting north of Dubois. Taking to the air is a common practice in estimating grizzly bear populations in the Greater Yellowstone Ecosystem. (Photo by Daniel Thompson/WGFD)

With improvements to statistical methods and monitoring technology, this estimator will likely be refined in the future to reflect the current population of grizzlies in the GYE more accurately. Some estimates place the population at more than 1,000.

—Rebekah Fitzgerald, WGFD



The last time grizzly bears in the Greater Yellowstone Ecosystem were delisted from the Endangered Species Act was 2017, but a U.S. District Judge relisted the grizzlies to be protected federally six months later. (Photo by Sean McKinley)

Idaho, Montana and Wyoming. A separate group, the Interagency Grizzly Bear Committee (IGBC) formed in 1983, and provides oversight of recovery goals, management criteria and monitoring protocols for all states with grizzly bears.

The listing acknowledged the population had reached a startlingly low level, but stopped short of calling grizzlies endangered. It also stated there could be no net gain or loss of grizzly habitat, demarcating

imagined could be sustained, the federal government still classifies them as threatened. Today's efforts with bears are no longer considered to be a biological fight, but a legal one known by many in Wyoming as the "moving target."

"Despite the never-ending litigation, Wyoming's wildlife managers and the public committed time and time again to exceed even the highest bars of recovery criteria, and in the end the bear nor the state can seem to win," said Brian Nesvik, Game and Fish director.

In all, there have been four iterations of the recovery plans and associated recovery criteria, kicking delisting further down the road.

"Wyoming has met and exceeded each challenge set before us," Nesvik said. "The state has met grizzly bear recovery goals two times. But we are now spending time in the federal courts and still under the direction of the federal government for bear management because of politics — not science. The courts are making false biological determinations outside of the requirements of the law."

The proof is in the timeline. The first delisting goals were set in 1982 and defined population recovery between 229 and 301 bears in the GYE. Ten years later, bears in the GYE tipped the upper scales at 300, only to have the goal pushed forward with the USFWS Grizzly Bear Recovery Plan in 1993.

Delisting finally came in 2007 after 14 years and another plan revision, and Wyoming assumed management authority for the first time in more than 32 years. However, bears were quickly placed back on the Endangered Species List in 2009 due to lawsuits

filed by environmental groups, though the recovered population continued to grow and remained healthy.

"The District Court determined there were four problems with the delisting rule: inadequate regulatory mechanisms to ensure long term recovery, a lack of genetic connectivity with other populations, the assertion that bears were potentially not recovered in a significant portion of their range and that the federal government failed to consider of the decline of whitebark pine on the bear's food source," Nesvik said. "After four years of litigation, Wyoming won on three of the four challenges."

Only the whitebark pine decline was upheld for further consideration. In the meantime, grizzly bears returned to federal management.

By 2012 wildlife managers in the GYE documented more than 700 individuals with a range double that of 1974. In response to the court's decision to relist grizzly bears, the IGBST published the Food Synthesis Report in 2013, using data collected from intensive monitoring to demonstrate the decline of whitebark pine had no negative impact on the griz's recovery and future viability. Key findings of this report showed any changes in the population growth was due to "density dependent" effects, indicative of a population at carrying capacity. It also documented grizzly bears were "opportunistic omnivores," meaning they are adaptable and utilize multiple food sources. Three years after the report was submitted, the USFWS changed the recovery criteria to require at least 600 bears as a floor and a management objective of 674. Meeting all criteria and achieving a monumental milestone in species recovery, in 2017 bears in the GYE were delisted for the second time and Wyoming took the helm for management.

"We were ready. We had a management plan in place based around an adaptive management strategy that would monitor populations, food sources, habitat, conflict management and hunting. It represented decades of research, on-the-ground management experience and a great deal of public input," Thompson said.

Despite population recovery and readiness, state authority was cut short after six months when a U.S. District Judge restored federal protections for the Yellowstone-area population of grizzly bears and halted a planned grizzly hunt for Wyoming.

The court cited errors in the USFWS delisting rule with regards to genetic connectivity, failure to consider impacts on other grizzly bear populations and a lack of a future commitment to a complex concept termed "recalibration." The decision was appealed in 2018, and in 2020, the federal court of appeals upheld the District Court decision.

"In essence we have seen the federal goals for minimum population sizes to document recovery go from



A grizzly bear takes a break as it protects an animal carcass. (Photo by Cindy Goeddel)

roughly 300 bears, to 400 bears for genetic health, to 500 bears for a conservative buffer, to 600 in the most recent delisting rule. The target for a 'recovered population' has been ever increasing," Wyoming Game and Fish Commission Vice President Pat Crank wrote in 2020 testimony to the U.S. Senate Committee on Environment and Public Works.

BEARS IN 2020

The last four decades of success and challenges have come with a big investment from the state. Game and Fish, which pays for the recovery, research, conflict management and damage, has invested more than \$50 million in grizzly recovery. That money comes

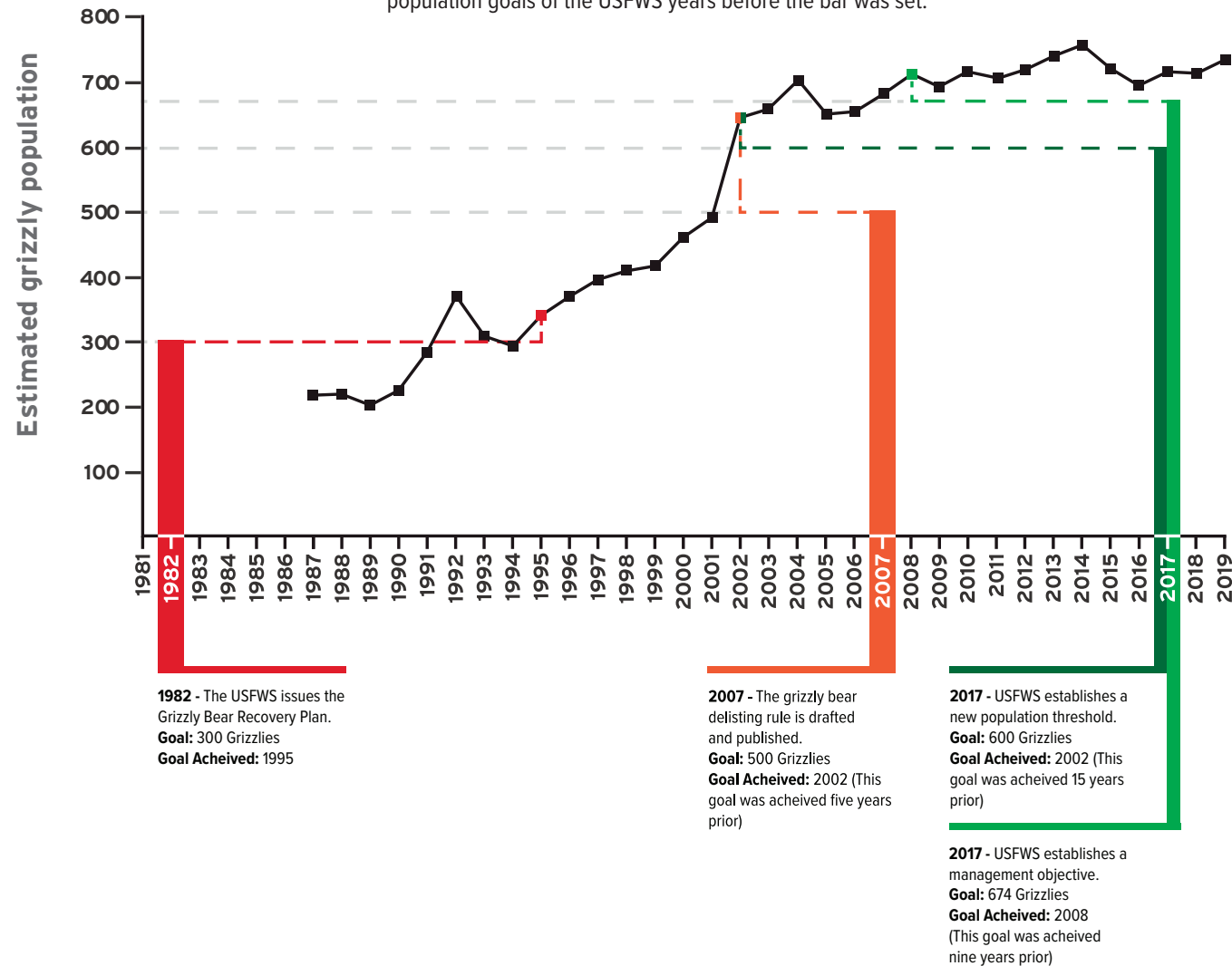
TODAY'S EFFORTS WITH BEARS ARE NO LONGER CONSIDERED TO BE A BIOLOGICAL FIGHT, BUT A LEGAL ONE KNOWN BY MANY IN WYOMING AS THE "MOVING TARGET."

a range of 9,200 square miles in the GYE. That space is known as the recovery zone, the core of the bear's suitable habitat.

On the ground, the work in Wyoming was and remains aggressive. However, despite exhaustive efforts by Game and Fish, and more bears than many people

RAISING THE BAR OF RECOVERY

Grizzly bear numbers in the Greater Yellowstone Ecosystem are tracked closely and have been increasing. Often, the number of grizzlies met the population goals of the USFWS years before the bar was set.



from Wyoming license and conservation stamp sales, and the federal excise tax on hunting and recreational shooting equipment paid to state wildlife agencies from the Pittman-Robertson Wildlife Restoration Act. “The Wyoming Game and Fish Commission and hunters have hugely committed to bear recovery. We’re spending up to \$2 million annually to monitor, study and deal with bear conflicts, including damage payments. There is no management of the population at this point and we have no authority to do so,” said Peter Dube, Game and Fish Commission president. “If the bear is not delisted, the federal government will need to step up. This can’t continue solely on the backs of sportspeople.”

Frustration continues to mount. The cost — both

monetary and socially — has steadily increased with the griz’s swelling range. The land grizzlies can ecologically occupy hasn’t changed. There are more bears pushing outward and into new places. The demographic monitoring area in Wyoming’s northwest was demarcated in 2013 and represents the portion of the state that is biologically and socially suitable for long-term grizzly bear viability. That means it contains large tracts of undisturbed habitat, less roads and minimal people. It encompasses state, U.S. Forest Service and private lands.

“The range is expanding with the ever-growing population of bears,” Thompson said. “Grizzly bears are fully utilizing all suitable habitat in the Demographic Monitoring Area (DMA) and have spilled well

beyond those borders occupying 42,000 square miles.”

In 2020, a Game and Fish biologist counted 82 adult bears and cubs in an 80-minute flight — about a bear a minute, Thompson said. In June that same year, a grizzly bear was sighted in the Wyoming Range near Kemmerer, the farthest south on record.

With more bears comes more conflict potential. Bear conflicts are defined as “interactions between bears, people and their property resulting in damage to pets, livestock, bees or other nonnatural food rewards, animal-caused human injury or death and human-caused injury or death to an animal other than legal hunting or management action,” according to the 2019 Game and Fish report titled, “Grizzly Bear Management Capture, Relocations and Removals in northwest Wyoming.” The report is an annual requirement under Wyoming law, even while the federal government maintains ultimate authority while bears are listed.

Under federal authority, Game and Fish conducts conflict mitigation work on the ground, but only after it is authorized by USFWS. It works like this: a conflict call comes into Game and Fish. That prompts the large carnivore team to investigate and work with involved parties to collect information. Game and Fish then uses its experience, expertise and consideration for each situation to respond — securing attractants, electric fencing, trapping and relocation, hazing or lethal removal, for example. If a bear is caught, Game and Fish will again consult with the USFWS for final action.

The decision to relocate or lethally remove a grizzly bear is made after considering a number of variables: age and sex, behavioral traits, health, physical injuries or abnormalities, types of conflict, severity of conflict, known history of the bear, human safety concerns, suitable relocation areas and population management objectives. Currently, the USFWS makes all final determinations on the fate of grizzly bears and Game and Fish carries them out.

“It’s a lot of coordination, a lot of phone calls and a lot of time paid for by sportspersons — and that’s just with conflicts,” Thompson said. “But, we continue to do this work because it’s important for the citizens of our state and our commitment to Wyoming’s wildlife and keeping grizzly bears here for our future generations. It is also a matter of pride for our agency. We respect the grizzly, and we are proud of the wild landscape and our ability to maintain them. Game and Fish hasn’t been known to do the bare minimum.”

In 2019 there were 194 human-grizzly conflicts. For the first year in a decade, no humans were injured. Most conflicts were due to an abundance of bears seeking food sources and close encounters with humans and livestock. The large carnivore crew captured 33 individual bears. Of those, 20 were due to livestock



Chris Atkinson, a Wyoming Game and Fish Department large carnivore biologist, evaluates the teeth of a grizzly bear in order to estimate the animal’s age. (WGFD photo)

damage and 10 to food rewards. Fifteen bears were relocated and 18 bears were lethally removed from the population; one died during capture. One-third of the bears captured were outside the DMA. The final numbers are still being tabulated for 2020, but four humans were injured and 18 bears were euthanized with authorization from USFWS.

Without management authority for the bear, Game and Fish can only influence the human activity surrounding grizzlies and help people mold practices to coexist. Over the last four decades, those living and working in bear country have made significant modifications to reduce bear encounters. The accomplishments are significant — and have paid off — but more bears always present new challenges.

For ranchers and agriculture producers, livestock depredation is the most significant concern. Outside the DMA, encounters with livestock is the most frequent conflict Game and Fish investigates.

“There are landowners today who were certain that 20 years ago they would never have to contend with a grizzly, and it is difficult to explain the situation today to someone who lives far outside the suitable habitat to be prepared,” Thompson said.

It’s a new and growing task for conflict management. Game and Fish investigations and recommendations for lethal removals and relocations are imperative to livestock producers. Most conflicts — 54 percent — are on private land and 65 percent involve cattle. For some landowners, losses top as high as 13 percent of calves annually because of bears.

“Livestock producers don’t raise a calf or lamb crop to feed bears and to be compensated by Game and



Much of the price tag for the work the Wyoming Game and Fish Department does with grizzly bears comes from sportspeople who purchase hunting and fishing licenses and conservation stamps, along with federal excise taxes on hunting and recreational shooting equipment. (WGFD photo)

Fish. They raise them to sell on the open livestock market,” Nesvik said.

One solution for landowners would be state management, where decisions could be made quicker and populations could be proactively managed to reduce conflicts.

“DECISIONS MADE BY ON-THE-GROUND WYOMING MANAGERS OF THE GRIZZLY WILL ALWAYS BE MORE RESPONSIVE AND MORE ACCURATE THAN MANAGEMENT DECISIONS MADE BY THOSE IN AN OFFICE HUNDREDS OF MILES AWAY.”

“Decisions made by on-the-ground Wyoming managers of the grizzly will always be more responsive and more accurate than management decisions made by those in an office hundreds of miles away,” said Albert Sommers, Sublette County rancher in the Green River Valley and Representative for Wyoming House District 20.

Instead, to reactively account for losses, the Game and Fish Commission pays for verified damages. That expectation has been in place for decades. The payout is calculated through a loss formula based on

confirmed livestock losses due to grizzly bears. In the last five years, Game and Fish paid an average of about \$378,000 annually in sportsperson funds to livestock producers. These figures have steadily increased over time. The state can offer few solutions to landowners while the bear is under federal management, short of being a phone call away to help when trouble arises.

“We have tremendous working relationships with landowners and livestock producers, and they are proud to have been part of the recovery efforts for grizzly bears,” Thompson said. “At the same time, they were told things would change — that we would work to resolve conflicts, handle the situation and get bears under state management. We keep meeting the recovery goals, but the grizzly is perpetually listed, despite having recovered the animal on the ground. At the end of the day, I think most of the frustration is that we can’t move forward on all the successful work and move away from federal oversight.”

Wyoming landowners aren’t the only group working in grizzly country who’ve been forced to contend with overflowing bears. Outfitters and guides have changed practices to make hunting in grizzly territory as safe as possible, such as hunting in groups, storing and hanging meat away from camp and not hunting in late afternoon and evening hours. Outfitters and guides still grapple with a tragedy that occurred in 2018 when a hunting guide was fatally mauled by a grizzly bear on Terrace Mountain in the Teton Wilderness, about 44 miles northeast of Jackson.

Wyoming Outfitters and Guides Association President Sy Gilliland said outfitters are proud they contributed to the bear making a strong comeback, but said the challenges of a large population are becoming unwieldy without state management authority.

“No one who operates in griz country wants to see bears going away. We are really proud of the fact that we contributed to the grizzly bear making a strong comeback,” Gilliland said. “But, the habitat is full and busting at the seams with bears. Something has to be done. Wildlife should be managed at the state level and be within the purview of Wyoming Game and Fish, and that includes grizzly bears.”

Sportspeople share in that sentiment. Josh Coursey of the Muley Fanatic Foundation put a voice to the frustration he hears, especially as conflict grows with recovery.

“We have to do something different. The sportsperson continues to carry a heavy financial burden without a gainful benefit,” he said. “I think the frustration they have for the grizzly bear issue is the goalpost keeps moving. The state keeps trying to prove and showcase every little step and check boxes for delisting. The politics seems to be getting in the way of sound science.”

State wildlife managers continue to go above and beyond federal requirements for bear management,



Biologists from Game and Fish and the Interagency Grizzly Bear Study Team ensure an immobilized grizzly bear is safe by evaluating TPRs (temperature, pulse and respiration) throughout the entire workup of the animal. (WGFD photo)



Grizzly bears use their long claws primarily for digging. Their claws are longest when they emerge from hibernation. (WGFD photo)

especially with public information and education efforts. The focus of the information is frequently on safety, but more often it bends toward asserting as much transparency with bear work as possible.

“We have worked deliberately to involve the public in our grizzly bear-related work. This has helped us to clearly understand what the citizens of Wyoming expect of us if and when we have state management

authority again,” Nesvik said.

With conflicts, Wyoming law and Commission regulations require Game and Fish to notify the county sheriff and media within five days of a grizzly bear relocation with the date, number of bears and relocation area, as well as submit a report to the Legislature annually. Conflict prevention remains the main focus of public information campaigns.

“The information we provide for the public is much more substantial than the basics of bear conflicts,” Thompson said. “We have a robust education program to help reduce conflicts from the start.”

Game and Fish devotes a significant portion of efforts for bear safety with the Bear Wise Wyoming program, including one full-time position. Since 2005 the initiative has focused on community solutions to living in bear territory. For example, Bear Wise began a livestock carcass removal program for ranchers in Park County to reduce attractants on their land. Since 2008, 1,232 carcasses have been removed from private lands. The program also hosts education workshops and presentations annually — 52 courses to at least 7,800 people occurred in 2019 alone — and maintains a safety website to inform people living, working or recreating around bears.

“The footprint of bears in Wyoming has increased

DECADES OF GRIZZLY HISTORY

Wyoming has worked hard over the years to delist grizzly bears as threatened under the Endangered Species Act. The following timeline charts some of the many milestones Wyoming has seen in grizzly bear conservation, as well as of the court challenges which continue today.

1975

Grizzly bears listed as threatened under the Endangered Species Act.

1982

The USFWS issues the original Grizzly Bear Recovery Plan.

1983

The Interagency Grizzly Bear Committee was formed to coordinate on bears in the lower 48 states. Staffed by federal, state, tribal and local interests, the committee makes recommendations to the U.S. Fish and Wildlife Service regarding the listing status of the bear in the lower 48.

1993

In the revised Grizzly Bear Recovery Plan, the USFWS defines three specific goals for recovery. The goals must be met for six consecutive years:

- Population goal.
- Distribution of females with young.
- Human-caused mortality limits.

2000

The Conservation Strategy draft is complete. It includes the management approach and allows for biologically and socially suitable expansion of bears outside the conservation area.

2002

Wyoming Grizzly Bear Management Plan completed, outlining the plan for state management following delisting.

2002

The Conservation Strategy is approved. This will take effect once grizzlies are recovered.

2011

Ninth Circuit Court rules on three of the four criteria. Whitebark pine decline must be further considered, but the court says the regulatory mechanisms are adequate.

2010

USFWS and the Department of Justice appeal the relisting to the Ninth Circuit Court in San Francisco, arguing the judge did not consider information on the whitebark pine provided in a USFWS legal briefing, and should have “deferred to the opinion of federal experts to interpret biology.”

2009

Bears are relisted in September and two criteria are upheld:

- The Conservation Strategy and state plans are inadequate.
- The loss of whitebark pine as a food source was not adequately considered.

2007

The delisting rule is challenged with several lawsuits based on four issues:

- The Conservation Strategy is not enforceable.
- Inadequate regulatory mechanisms.
- Impacts of the decline of whitebark pine were not sufficiently examined.
- Concerns over genetic connectivity.

2007

The delisting rule is drafted and published. Bears are delisted March 22 and Wyoming assumes management authority for the first time since being listed.

2006

The Grizzly Bear Recovery Plan is revised with new standards for estimating populations and mortality limits.

2005

USFWS proposed to remove grizzly bears from the threatened list.

2003

All recovery criteria are met in the GYE grizzly bear population. The USFWS moves forward with a delisting rule.

2013

The Food Synthesis Report from the Interagency Grizzly Bear Study Team demonstrates that whitebark pine decline had no significant impact on the grizzly bear population. That report is delivered to USFWS.

2016

USFWS moves forward with proposed delisting rule.

2016

Wyoming Game and Fish updates its Grizzly Bear Management Plan and holds multiple public forums to gather insight into how Wyomingites want grizzly bear management to proceed within the state. The Conservation Strategy also is updated with the most recent recovery criteria and population demographic information.

2017

USFWS establishes a new population threshold for 600 bears and a management objective of 674. Bears are delisted and Wyoming assumes management authority for the second time.

2018

Wyoming plans a conservative grizzly bear hunt.

- A United States District Judge in Montana ruled in favor of the Crow Indian Tribe, other tribes and environmental groups halting the hunt. The judge ruled bears must be relisted based on three considerations:
- Impact on ecosystems
- Connectivity
- Methods of population estimates

The USFWS relisting is appealed.

2019

The Federal Department of Interior, the states of Idaho, Montana, Wyoming and advocacy organizations file to the Federal Court of Appeals to delist the grizzly bear.

2020

A federal appeals court in San Francisco upheld the Montana District Court’s opinion that the bears living in the GYE will remain listed as threatened, noting long-term genetic effects on other grizzly bear populations across the country and the need to study the population further.

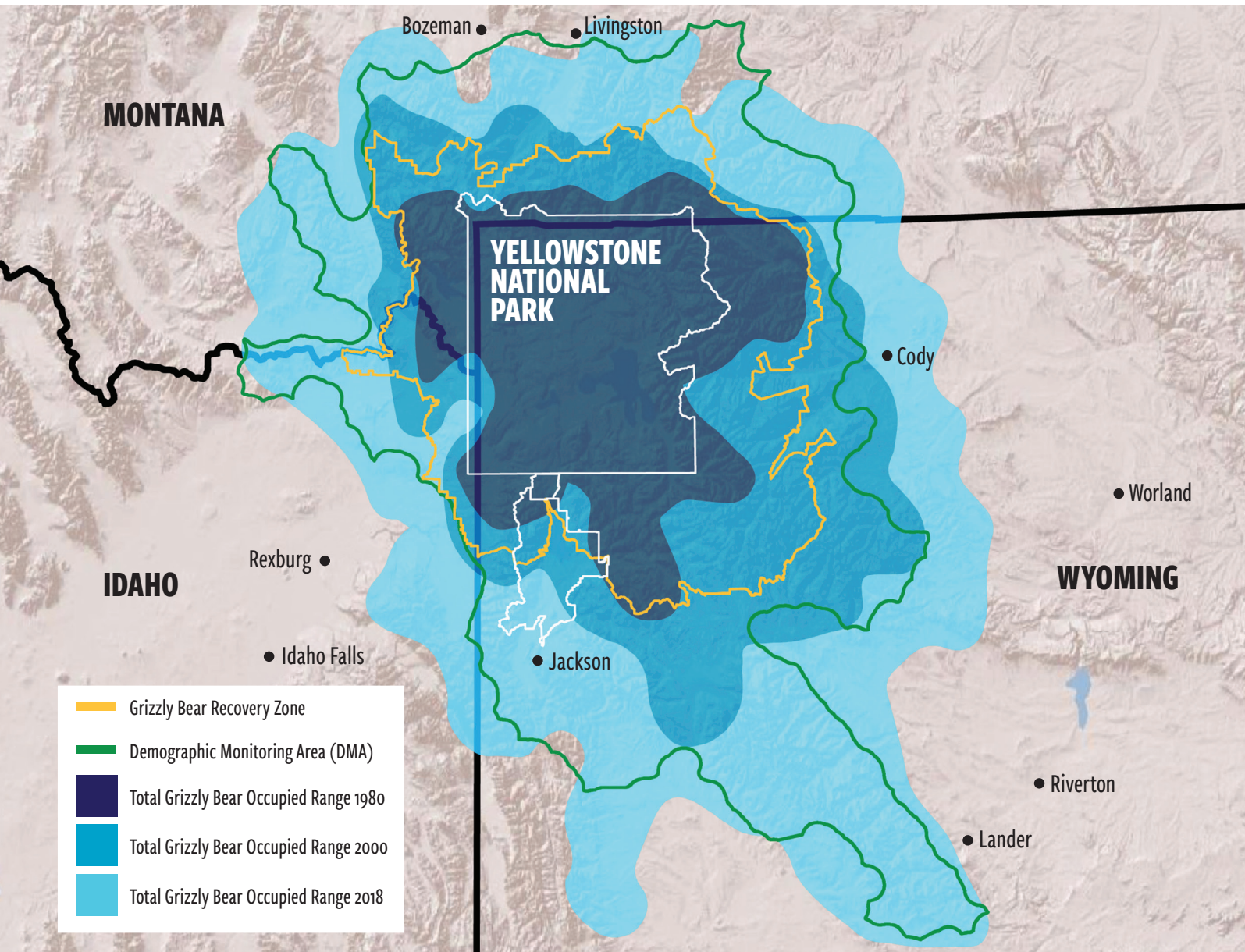
2020

USFWS initiates a five-year status review of grizzly bears in the conterminous United States under the Endangered Species Act. A 5-year status review is based on the a scientific and commercial data available at the time; the last review of the species was in 2011.



A sow grizzly bear leads her two cubs along a ridgeline in Grand Teton National Park. (Photo by Mark Gocke/WGFD)

GRIZZLY BEAR OCCUPIED RANGE 1980, 2000 AND 2018



This map shows the expansion of the Greater Yellowstone Ecosystem grizzly bear population through time. The technique to quantify occupied grizzly bear range was developed by Game and Fish large carnivore biologists and represents an area grizzly bears occupy based on verified sightings and location information. (Copyright: 2014 Esri, Esri, HERE, Garmin, OpenStreetMap contributors and the GIS user community, Sources: Esri, USGS, NOAA.)

exponentially,” said Dustin Lasseter, Bear Wise coordinator. “Without state authority, it is difficult to proactively manage the bear, but we have adapted. We work with landowners and the public to do as much as we can.”

AN IDEAL FUTURE

What is next for GYE grizzly bears? With population, conflicts and costs ticking up, the urgency for state management is more pressing than ever.

Wyoming’s state wildlife managers have been

formally planning to resume management of bears as far back as 2000 with early development of a management plan and a requirement to delist the grizzly bear. A state management plan was one of the recommendations that came out of the Draft Conservation Strategy authored by the Interagency Grizzly Bear Committee, made up of governors from Wyoming, Idaho and Montana and a 15-member citizen roundtable. The Wyoming Grizzly Bear Management Plan is meant to be adaptive in nature for post-listing work as additional knowledge is gained

through research, management, expertise and public input. The ultimate goal of the plan is to maintain recreation and traditional land use while building public support for state management of grizzly bears.

The draft was developed in 2001 and approved in 2002 after thorough public input and surveys. In 2005, the plan was amended in anticipation of delisting and again in 2016 for the same reason.

“It’s not too much different than what Game and Fish voluntarily does and pays for now — research, population monitoring, standards and population goals, education. The difference is management and the ability to take action by the Game and Fish,” Thompson said.

The plan includes three grizzly bear life-history parameters that will be monitored as recovery criteria: reproduction to offset mortality, enough breeding females throughout the core of the habitat and annual evaluation of total human-caused mortality that will ensure a recovered population. All three criteria have to be met to maintain a delisted status. The benchmarks are generously toward bears, and are considered a “three-layer check” to sustain the recovered population.

“Protections for grizzly bears will not be eliminated when delisted,” Thompson said. “There are multiple checks and balances and more regulations in place from a state level for a population under state management authority.”

One outstanding difference under state management is the opportunity to hunt grizzly bears as a management tool without negatively impacting the population. The plan notes that “regulated hunting is not only a pragmatic and cost-effective tool for managing populations at desired levels, it also generates public support, ownership of the resource and funding for conservation as well as greater tolerance” for the bear.

Sportspeople agree, and believe hunting is an important part of the conservation of grizzlies.

“Wyoming’s voluntary actions and heavy expenses goes way beyond conflict,” Coursey said. “The sportsmen are paying for data collection and the research, so sportspeople should be part of management. Hunting is one of those tools for management.”

But, the future of the grizzly bear, Wyoming, ranchers, landowners and hunters remains rather murky. That decision is still being batted around in the courts, at the cost of millions.

“It’s clear, though, there are no winners in this if management isn’t returned to the states and tribes. Certainly not bears,” Nesvik said. “The Game and Fish has worked tirelessly for grizzly bears. It is a noble aspiration to say we have done everything we could to ensure that Wyoming will always have grizzly bears in our wildest places while also being able to take the necessary steps to keep people safe.”

Federal, state partners mobilize to better future for bears

Wyoming lawmakers recently have taken action in the U.S. Congress to clear a path for grizzly bear delisting from the Endangered Species Act (ESA), working to find a way for science to prevail against endless and unfounded legal challenges from environmental groups.

Tackling delisting head on, Wyoming Sen. Mike Enzi introduced the Grizzly Bear State Management Act of 2019. The legislation is supported by Wyoming Sen. John Barrasso, chair of the U.S. Senate’s Environment and Public Works (EPW) Committee, as one of four co-sponsors. The bill directs the Secretary of Interior to reissue the 2017 final rule delisting grizzly bears and prevents further judicial review.

Wyoming Game and Fish Department Commission Vice President Patrick Crank testified at an EPW hearing on the bill in the fall of 2020, pointing out the damaging impacts of endless litigation on the ESA, and how this bill would help.

“The facts also show that the ESA, as a whole, is not working as intended. Parties who want to keep an endangered species on the ESA list forever, need only build some innocuous technicality or even false claim into the record of decision and find a judge who is favorable to their political and social ideas,” Crank wrote. “The central tenant of the ESA, that state and federal wildlife managers are the only entities with the expertise and knowledge to make decisions under the ESA, is being ignored by the court system.”

Gov. Mark Gordon also testified on behalf of Wyoming before EPW on the Endangered Species Act Amendments Act of 2020, legislation introduced by Barrasso to reauthorize the ESA for the first time since 1992. The reauthorization would be a significant step for grizzly bear delisting as it elevates the role of states and increases transparency in the implementation of the ESA, prioritizes resources to help meet conservation goals and provides regulatory



Wyoming lawmakers in Washington, D.C., support the delisting of grizzly bears from the Endangered Species Act. (Photo by Mark Gocke/WGFD)

certainly to promote recovery activities.

“While the basis for judicial review of agency actions was provided with good intent, federal judges have used challenges to delisting rules to delve into science and policy to a level that certainly was never intended by the legislative branch,” Gordon said. “Endless court challenges on species conservation run counter to the objectives of the Act. These suits, and the associated investment of money, time and energy, detract from species recovery and conservation and divert important resources away from species that truly need help.

At present, both bills remain as drafts in committee.

“I want to thank Sens. Barrasso and Enzi, Gov. Gordon and Commissioner Crank for their involvement and help to return grizzly bears to state management,” said Brian Nesvik, Wyoming Game and Fish Department director. “They are a strong voice in Washington for the on-the-ground challenges in Wyoming.”

One win for conservation: the bipartisan legislation, America’s Conservation Enhancement (ACE) Act, was recently authorized. An aspect of the legislation establishes the Reducing Human-Predator Conflict Technology Advisory Board to award a Theodore Roosevelt Genius Prize for reducing human-predator conflict. The efforts will help to advance grizzly bear conflict mitigation work in Wyoming.

— Sara DiRienzo, WGFD