

From: [Pengeroth, Denise -FS](#)
To: [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] 20220422 Draft communication plan for all forests with minimal edits_HLCredits.docx
Date: Wednesday, May 4, 2022 9:43:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[20220422 Draft communication plan for all forests with minimal edits_HLCredits.docx](#)

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Hi Jennifer, good morning!

Sorry for getting you this at late notice. I missed input from one of the district bios on access notes. Those are now captured in this version. Thank you!



Denise Pengeroth
Forest Wildlife Biologist and Elkhorn
Coordinator
Forest Service
Helena-Lewis and Clark National Forest
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delete the email immediately.

From: [REDACTED]
To: [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] Combined Forest Edits
Date: Monday, May 9, 2022 8:23:00 AM
Attachments: [20220422 Draft communication plan for all forests combined edits from FS.docx](#)

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Hi Jennifer,

Here are the combined forest edits. The only one I wasn't able to put on there was the HLC because I only have my Mac to work with (such a pain).

Thanks!!
Amber Kornak
406-217-4962

From: [Allen, Lydia -FS](#)
To: [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#); [Jimenez, Benjamin S](#)
Subject: [EXTERNAL] FW: FSM 2676--species specific directives for grizzly bear relative to relocation
Date: Monday, November 21, 2022 11:17:13 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[2670Manual_grizzlybear.docx](#)
[LNF_FS_GB_Relocation_communication_plan_Sept2022.docx](#)

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FYI. This is the relevant Forest Service Manual direction related to grizzly bear relocation/FS roles (manual = FS policy). Chris is working on this with the Forest Supervisors... Lydia



Lydia Allen
Regional Program Leader
Threatened, Endangered & Sensitive Species

U.S. Forest Service
Northern Region (R1)

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Lydia.Allen@usda.gov

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From: Allen, Lydia -FS
Sent: Monday, November 14, 2022 1:38 PM
To: Savage, Christopher -FS <christopher.savage@usda.gov>
Subject: FSM 2676--species specific directives for grizzly bear relative to relocation

Hey Chris—finally got around to pulling the section of our directives up relative to our convo with Hilary C and Ben J of October 24. I highlighted those bits I thought most relevant but 2676.17a (translocation) is probably the most succinct. It does mention

'involving the public as appropriate' which may cause consternation with some line officers and/or forest supervisors.

Shall I share this with Hilary/Ben and make mention of it in my review of the LNF relocation plan?

Thanks,
Lydia



Lydia Allen
Regional Program Leader
Threatened, Endangered & Sensitive Species

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From: [Jonkel, James](#)
To: [Fortin-Noreus, Jennifer K](#)
Cc: [Trimbo, Rory](#); [Hampson, Eli](#); [Bell, Chad -FS](#); [Tomson, Scott -FS](#); [Shanley, Pat- FS](#); [Lockman, Dave- FS](#); [Roose, Jenna -FS](#)
Subject: [EXTERNAL] Fw: griz bear relocation sites on USFS Lands throughout the Region 2 area and outlying areas
Date: Wednesday, August 4, 2021 6:49:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[9-19-19 Working Final Draft FWP R2 Grizzly Relocation Protocol with highlights.pdf](#)
[4-7-21 FNF KNF NCDE GrizzlyRelocationPlan 2021 MAP.pdf](#)
[4-7-21 FNF KNF NCDE GrizzlyRelocationPlan 2021.pdf](#)

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Hello Jennifer: I know that you have lots of USFS contacts in the Bitterroot and Beaverhead-Deerlodge National Forests, with the work you have been doing on your grizzly bear DNA study. Could you loop in all the folks that you have been working with in the USFS on this email. Eli and I have been working with Chad Bell and Scott Tomson on the Lolo, Pat Shanley on the Helena, and two years ago I worked with Dave Lockman in the Bitterroot, but if you know some other USFS folks that need to be involved from your DNA study contacts--loop them in. I believe Rory Trimbo has been visiting with Jenna Roose on the Beaverhead-Deerlodge.

First, guys, read the email below for some background. Eli, Jennifer and I have been working with Chad Bell on this effort. We are in the process of pulling all our historically used relocations sites in around Region 2 for the Recovery Area and what is Zone 1 under the grizzly bear conservation strategies. But we will be needing your help. Chad Bell is assisting us with selecting some new sites (for non-conflict/non-target grizzlies) in the outlying areas on the Lolo NF. But we are needing some site suggestions for Zone 2 areas under the conservation strategies and other outlying areas on the national forest lands on the Bitterroot, Helena NF (south) and the Beaverhead-Deerlodge. We must get a list together by September 1. So let us know if you know of any appropriate sites ASAP and Jennifer will get them on the map and on the list. I have attached our R2 Protocol for Relocations and the R1 Protocol and map of sites for comparison.

From: Jonkel, James
Sent: Wednesday, August 4, 2021 1:12 PM
To: Arnold, Randy <rarnold@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>
Cc: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Cooley, Hilary

<Hilary_Cooley@fws.gov>

Subject: RE: griz bear relocation sites.

Yes, Eli and I met with Jennifer today. We have a good thing going with the Lolo, and trying to coordinate with Bitterroot. Rory is reaching out to Beaverhead-Deerlodge

Sent from Workspace ONE Boxer

On Aug 4, 2021 12:44 PM, "Arnold, Randy" <rarnold@mt.gov> wrote:

Hi Jamie,

I was curious if you were planning to coordinate this effort? With the deadline of September 1, I didn't want to assume and find out that we all thought someone else was on it!

Thanks,

Randy

Randy Arnold

Regional Supervisor

Montana Fish, Wildlife & Parks, Region 2

3201 Spurgin Rd

Missoula, MT 59804

O: (406) 542-5504 | C: (406) 552-8708

[Montana FWP](#)



THE **OUTSIDE** IS IN US ALL.



From: Jonkel, James <JaJonkel@mt.gov>

Sent: Friday, July 30, 2021 2:17 PM

To: Bell, Chad -FS <chad.bell@usda.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>

Cc: Arnold, Randy <rarnold@mt.gov>; Thompson, Michael <mthompson@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>

Subject: Fw: griz bear relocation sites.

FYI

From: McDonald, Ken <kmcdonald@mt.gov>

Sent: Friday, July 30, 2021 1:14 PM

To: FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; FWP *Reg Supervisors <RegSuper@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Frey, Kevin <KFrey@mt.gov>; Sarmento, Wesley <Wesley.Sarmiento@mt.gov>; White, Charles <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>

Cc: Costello, Cecily <cecostello@mt.gov>; Roberts, Lori <LRoberts@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Kujala, Quentin <qkujala@mt.gov>

Subject: griz bear relocation sites.

As you know, we have to identify and have the commission approve relocation sites where griz bears could be relocated starting next spring. Our intent is to take a proposed list to the Commission at their October meeting. What comes out of that meeting will go out for public comment, to be finalized in December. So at this point I am requesting each region work with their appropriate Public Land counterparts to identify a list of potential sites where griz bears could be relocated. The scale is similar to what you have done in the past – e.g., roads or drainages above a locked gate, etc. I suggest you identify a suite of sites so if one is not available, there are backups. If we do have a bear in a trap that needs to be relocated, we would still confer with the land manager at the time to make sure that specific sites are still available.

Please work with your land manager counterparts to identify sites that are acceptable to them. I have asked Chris Savage from the Regional Foresters Office to “grease the skids” with Forest Service so they at least know we will be asking for their help.

I have attached a document showing different scenarios and responses. Not sure if some sites may be available for only certain types of scenarios, but if that is the case, then make sure to note that.

Finally, I have attached a document worked on by Region 1 and their forest service counterparts for this year as an example. The list of sites is in Table 2. I envision this same type of effort going into next year, with the only difference being the Commission has to approve it. So something like Table 2 is what we are looking for for each region with g bears. [Grizzly Bear Relocation Scenarios.docx](#)

Please try to have you list of sites back to me by September 1 so we have time to get them to the Commission ahead of their October meeting.

Please let me know if you have any questions about any of this.

Thanks for the help. I know it is a very busy time. [FNF_KNF_NCDE_GrizzlyRelocationPlan_2021.pdf](#)

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks](#)
P.O. Box 200701

Helena, MT 59620-0701
Ph: (406) 444-5645
Email: kmcdonald@mt.gov



From: [Jonkel, James](#)
To: [Bell, Chad -FS](#); [Fortin-Noreus, Jennifer K](#); [Hampson, Eli](#); [Trimbo, Rory](#)
Cc: [Arnold, Randy](#); [Thompson, Michael](#); [Harris, Rich](#)
Subject: [EXTERNAL] Fw: griz bear relocation sites.
Date: Friday, July 30, 2021 2:19:03 PM
Attachments: [FNF_KNF_NCDE_GrizzlyRelocationPlan_2021.pdf](#)
[Grizzly Bear Relocation Scenarios.docx](#)

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FYI

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Sent: Friday, July 30, 2021 1:14 PM
To: FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; FWP *Reg Supervisors <RegSuper@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Frey, Kevin <KFrey@mt.gov>; Sarmento, Wesley <Wesley.Sarmiento@mt.gov>; White, Charles <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>
Cc: Costello, Cecily <cecostello@mt.gov>; Roberts, Lori <LRoberts@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Kujala, Quentin <qkujala@mt.gov>
Subject: griz bear relocation sites.

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Please try to have you list of sites back to me by September 1 so we have time to get them to the Commission ahead of their October meeting.

Please let me know if you have any questions about any of this.

Thanks for the help. I know it is a very busy time. [FNF_KNF_NCDE_GrizzlyRelocationPlan_2021.pdf](#)

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks](#)
P.O. Box 200701
Helena, MT 59620-0701
Ph: (406) 444-5645
Email: kmcdonald@mt.gov



From: [Jerman, Katelyn -FS](#)
To: [Fortin-Noreus, Jennifer K;](#) [REDACTED]
Cc: [Mckay, Tod -FS](#); [Hottle, Daniel - FS](#); [Smith, Thomas - FS](#); [Gustina, Gregory -FS](#); [Bell, Bryson -FS, MISSOULA, MT](#)
Subject: [EXTERNAL] Lolo National Forest Edits to Communication materials
Date: Friday, April 29, 2022 1:07:13 PM
Attachments: [20220425 DRAFT FAQs MT Grizzly Relocations Lolo Edits.docx](#)
[20220422 Draft communication plan for all forests Lolo Edits.docx](#)
[20220425 DRAFT NR MT Grizzly Relocations Lolo Edits.docx](#)
[20220425 DRAFT NR MT Grizzly Relocation Template LoloFeedback.docx](#)
[20220425 DRAFT OP MT Grizzly Relocations LoloEdits.docx](#)

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Hi Jennifer and Amber!

Kate Jerman here with the Lolo. First, thank you so much for giving us a chance to review this package. We really appreciate that opportunity and all of the work and coordination that has gone into this effort by you both and Joe.

I am copying in External Affairs folks from the Regional Office as well since the press releases refer to multiple national forests, not just the Lolo.

Please find the attached edits/comments in track changes. Generally, we would prefer that the "US Forest Service" be taken out of the first line of news releases as it implies we have decision authority over wildlife and we do not. Let us know if you have questions or want to jump on the phone to discuss this. In a few of the documents we provided alternate/suggested key messages or sentences. This feedback is coming from the Lolo only, but I am hoping it is consistent with what the other PAO's are thinking as well.

Bryson will be following up with an updated contacts list and sites for the Lolo.

A few additional questions –

- Maps: Will you be presenting/bringing these to commissioner meetings? (I think you should expect press to be at these meetings and covering them)
- When will this go out?
- Who should we send press questions to?
- Who should we send local/ general public questions to?
- Where will the FAQ's be posted? Is there a link we can refer the public to?

Thanks so much! Again, happy to jump on a call.

Kate

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, April 25, 2022 3:38 PM

To: Feiger, Michael -FS <michael.feiger@usda.gov>; Torretta, Ron- FS <Ronald.Torretta@usda.gov>; Kaiser, Kirsten -FS <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; Gassmann, Nathan -FS <nathan.gassmann@usda.gov>; Morgan, Edward - FS <edward.morgan@usda.gov>; Carbonari, Seth - FS <seth.carbonari@usda.gov>; Michelsen, Lauren - FS, EUREKA, MT <Lauren.Michelsen@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Mckay, Tod -FS <tod.mckay@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>; Kemp, David - FS <david.kemp@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara - FS <chiara.cipriano@usda.gov>; Jerman, Katelyn -FS <katelyn.jerman@usda.gov>; Olinger, Derrick - FS, Plains, MT <derrick.olinger@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Trivette, Jaime - FS, DILLON, MT <jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Rasor, Cameron -FS <cameron.rasor@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>; Tripp, Jamie -FS <jamie.tripp@usda.gov>; Herrmann, Elizabeth - FS <elizabeth.herrmann@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>; Mcrae, Catherine - FS <Catherine.Mcrae@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>

Cc: Cooley, Hilary <hilary_cooley@fws.gov>; Amber Kornak <[REDACTED]>; Szuszwalak, Joseph A <joseph_szuszwalak@fws.gov>; Allen, Lydia -FS <lydia.allen@usda.gov>; wayne_kasworm@fws.gov; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>

Subject: RE: GB relocation site DRAFT internal and external communication plans

Sorry for the mix-up but it looks like it attached one of the files twice times. I've reattached all of the files, please use these to reduce confusion.

Thanks!

Jennifer

From: Fortin-Noreus, Jennifer K

Sent: Monday, April 25, 2022 12:13 PM

To: 'michael.feiger@usda.gov' <michael.feiger@usda.gov>; 'ron.torretta@usda.gov' <ron.torretta@usda.gov>; 'kirsten.a.kaiser@usda.gov' <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; 'nathan.gassmann@usda.gov' <nathan.gassmann@usda.gov>; 'edward.morgan@usda.gov' <edward.morgan@usda.gov>; seth.carbonari@usda.gov; 'lauren.michelsen@usda.gov' <lauren.michelsen@usda.gov>; Piehl, Robbie -FS' <robbie.piehl@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; 'Mckay, Tod -FS' <tod.mckay@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; 'Pengeroth, Denise -FS' <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>; Kemp, David - FS <david.kemp@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara - FS <chiara.cipriano@usda.gov>; 'Jerman, Katelyn -FS' <katelyn.jerman@usda.gov>; 'Olinger, Derrick - FS, Plains, MT' <derrick.olinger@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Jaime - FS Trivette (jaime.trivette@usda.gov)

<jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Rasor, Cameron -FS <cameron.rasor@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>; Tripp, Jamie -FS <jamie.tripp@usda.gov>; Herrmann, Elizabeth - FS <elizabeth.herrmann@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>; 'catherine.mcrae@usda.gov' <catherine.mcrae@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>

Cc: Cooley, Hilary <hilary_cooley@fws.gov>; 'Amber Kornak' <[REDACTED]>; Szuszwalak, Joseph A <joseph_szuszwalak@fws.gov>; 'Allen, Lydia -FS' <lydia.allen@usda.gov>; Kasworm, Wayne <Wayne_Kasworm@fws.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>

Subject: GB relocation site DRAFT internal and external communication plans

Good afternoon,

I'm happy to be sharing with all of you the DRAFT external communication plan, initial news release, and template for relocation specific news release. We will then incorporate any edits/comments before submitting to USFWS HQ for approval.

In addition, attached is a revised internal communication plan based on all of the comments we have received. The general consensus was that each forest would have their own plan but we are striving for a consistent template across the forests. The relocation site table does not include specific lat/long to allow for flexibility in a given area. Please fill in the general information for each of your forests in the table. Lastly, there may be specifics to each forest, such as "travel does not exceed administrative use." Please provide any specifics for your forest in a separate document or email that we can add to your forest-specific plan.

Please provide comments back to myself and Amber Kornak (cc'd here) by the end of Friday, April 29th.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Bell, Bryson - FS, MT](#)
To: [Cooley, Hilary](#)
Cc: [Fortin-Noreus, Jennifer K](#); [Jimenez, Benjamin S](#); [Gustina, Gregory - FS, MT](#)
Subject: [EXTERNAL] Lolo NF Grizzly Bear Communication Plan - ready for signature
Date: Friday, March 3, 2023 10:14:19 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Final LNF FS GB Relocation communication plan Jan2023.pdf](#)

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Hi Hilary,

It has taken us a while to get to this point, but Carolyn has signed the communication plan with the FWS for activities associated with relocating bears on LNF lands. Unless you see otherwise, it is ready for your signature. Once it is signed, please send me a copy for our records.

If you have any questions, please let me know.



Bryson Bell (he/him/his)
Wildlife and Botany Program Manager

Forest Service
Lolo National Forest

c: 814-282-7891
chad.bell@usda.gov

24 Fort Missoula Road
Missoula, MT 59804

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From: [Pengeroth, Denise -FS](#)
To: [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] RE: GB relocation site DRAFT internal and external communication plans
Date: Tuesday, May 3, 2022 8:18:52 AM
Attachments: [image001.png](#)
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[20220422 Draft communication plan for all forests with minimal edits_HLCredits.docx](#)

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Hi Jennifer, good morning!

Here are our edits to the comm plan; sorry for the delay. We don't have any comments on the other documents. Let me know if you have any questions on this. Thank you!



Denise Pengeroth
Forest Wildlife Biologist and Elkhorn
Coordinator
Forest Service
Helena-Lewis and Clark National Forest
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Sent: Monday, April 25, 2022 3:38 PM
To: Feiger, Michael -FS <michael.feiger@usda.gov>; Torretta, Ron- FS <Ronald.Torretta@usda.gov>; Kaiser, Kirsten -FS <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; Gassmann, Nathan -FS <nathan.gassmann@usda.gov>; Morgan, Edward - FS <edward.morgan@usda.gov>; Carbonari, Seth - FS <seth.carbonari@usda.gov>; Michelsen, Lauren - FS, EUREKA, MT <Lauren.Michelsen@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Mckay, Tod -FS <tod.mckay@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Bell, Bryson -FS, MISSOULA,

MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>; Kemp, David -FS <david.kemp@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara -FS <chiara.cipriano@usda.gov>; Jerman, Katelyn -FS <katelyn.jerman@usda.gov>; Olinger, Derrick -FS, Plains, MT <derrick.olinger@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Trivette, Jaime -FS, DILLON, MT <jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Rasor, Cameron -FS <cameron.rasor@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>; Tripp, Jamie -FS <jamie.tripp@usda.gov>; Herrmann, Elizabeth -FS <elizabeth.herrmann@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>; Mcrae, Catherine -FS <Catherine.Mcrae@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>

Cc: Cooley, Hilary <hilary_cooley@fws.gov>; Amber Kornak <[REDACTED]>; Szuszwalak, Joseph A <joseph_szuszwalak@fws.gov>; Allen, Lydia -FS <lydia.allen@usda.gov>; wayne_kasworm@fws.gov; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>

Subject: RE: GB relocation site DRAFT internal and external communication plans

Sorry for the mix-up but it looks like it attached one of the files twice times. I've reattached all of the files, please use these to reduce confusion.

Thanks!

Jennifer

From: Fortin-Noreus, Jennifer K

Sent: Monday, April 25, 2022 12:13 PM

To: 'michael.feiger@usda.gov' <michael.feiger@usda.gov>; 'ron.torretta@usda.gov' <ron.torretta@usda.gov>; 'kirsten.a.kaiser@usda.gov' <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; 'nathan.gassmann@usda.gov' <nathan.gassmann@usda.gov>; 'edward.morgan@usda.gov' <edward.morgan@usda.gov>; seth.carbonari@usda.gov; 'lauren.michelsen@usda.gov' <lauren.michelsen@usda.gov>; 'Piehl, Robbie -FS' <robbie.piehl@usda.gov>; Martens, Justin -FS <Justin.Martens@usda.gov>; 'Mckay, Tod -FS' <tod.mckay@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Shanley, Pat -FS <Patrick.Shanley@usda.gov>; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; 'Pengeroth, Denise -FS' <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>; Kemp, David -FS <david.kemp@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara -FS <chiara.cipriano@usda.gov>; 'Jerman, Katelyn -FS' <katelyn.jerman@usda.gov>; 'Olinger, Derrick -FS, Plains, MT' <derrick.olinger@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Jaime -FS Trivette (jaime.trivette@usda.gov) <jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Rasor, Cameron -FS <cameron.rasor@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>; Tripp, Jamie -FS <jamie.tripp@usda.gov>; Herrmann, Elizabeth -FS <elizabeth.herrmann@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>; 'catherine.mcrae@usda.gov' <catherine.mcrae@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>

Cc: Cooley, Hilary <hilary_cooley@fws.gov>; 'Amber Kornak' <[REDACTED]>; Szuszwalak, Joseph A <joseph_szuszwalak@fws.gov>; 'Allen, Lydia -FS' <lydia.allen@usda.gov>; Kasworm, Wayne <Wayne_Kasworm@fws.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>

Subject: GB relocation site DRAFT internal and external communication plans

Good afternoon,

I'm happy to be sharing with all of you the DRAFT external communication plan, initial news release, and template for relocation specific news release. We will then incorporate any edits/comments before submitting to USFWS HQ for approval.

In addition, attached is a revised internal communication plan based on all of the comments we have received. The general consensus was that each forest would have their own plan but we are striving for a consistent template across the forests. The relocation site table does not include specific lat/long to allow for flexibility in a given area. Please fill in the general information for each of your forests in the table. Lastly, there may be specifics to each forest, such as "travel does not exceed administrative use." Please provide any specifics for your forest in a separate document or email that we can add to your forest-specific plan.

Please provide comments back to myself and Amber Kornak (cc'd here) by the end of Friday, April 29th.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Gatlin, Jennifer -FS](#)
To: [Fortin-Noreus, Jennifer K](#)
Cc: [REDACTED]
Subject: [EXTERNAL] RE: GB relocation site DRAFT internal and external communication plans
Date: Friday, April 29, 2022 1:22:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[20220422 Draft communication plan for all forests with minimal edits_BDNF.docx](#)

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Hi Jennifer and Amber:

Attached are edits from the BDNF. I don't know if the rangers are sending some in separately or whatnot...also no idea if Cat is sending them in. We focused heavily on the document itself.

I imagine there will be another go-round with reading before finalization, right? Just want to make sure the rangers here know this is moving along.

Sparkles,



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager
Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office

p: 406-683-3916

c: 406-596-1391

jennifer.gatlin@usda.gov

420 Barrett Street

Dillon, MT 59725

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, April 25, 2022 3:38 PM

To: Feiger, Michael -FS <michael.feiger@usda.gov>; Torretta, Ron- FS <Ronald.Torretta@usda.gov>; Kaiser, Kirsten -FS <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; Gassmann,

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Cole -FS <cole.mayn@usda.gov>

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Szuszwalak, Joseph A <joseph_szuszwalak@fws.gov>; 'Allen, Lydia -FS' <lydia.allen@usda.gov>;
Kasworm, Wayne <Wayne_Kasworm@fws.gov>; Jacobs, Amy -FS, KALISPELL, MT
<amy.jacobs@usda.gov>

Subject: GB relocation site DRAFT internal and external communication plans

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Please provide comments back to myself and Amber Kornak (cc'd here) by the end of Friday, April 29th.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Jonkel, James](#)
To: [Sarmiento, Wesley](#); [Annis, Kim](#); [McDonald, Ken](#); [FWP *Wildlife Regional Mgrs](#); [Manley, Timothy](#); [Wenum, Erik](#); [Hampson, Eli](#); [Trimbo, Rory](#); [Smith, Jeremiah](#); [White, Chad](#); [Kembel, Kylie](#)
Cc: [Roberts, Lori](#); [Costello, Cecily](#); [Harris, Rich](#); [Wakeling, Brian](#); [Thompson, Michael](#); [Arnold, Randy](#)
Subject: [EXTERNAL] Re: Grizzly bear relocation sites - comments
Date: Saturday, December 4, 2021 6:54:59 PM
Attachments: [9-19-19 Working Final Draft FWP R2 Grizzly Relocation Protocol with highlights.pdf](#)

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I apologize for the delay in getting back to you. I am just now finding time to go through my back log of emails. I went through the comments and only saw a paragraphs here and there that pertained to south end recovery zone sites with nothing negative. I did see a handful of comments about relocation of grizzlies in outlying areas in Zone 2, Deer Lodge, Helena and the Bitterroot areas with most of those comments being concerned about relocating conflict bears-----no conflict bears will be released in those areas under the FWP R2 relocation protocol. These are sites are for incidental captures, non-target captures and pre-emptive management actions of the local bears. The only specific sites mentioned that Rory and I dealt with were in the Whitetail Reservoir area east of Butte. This is a remote area, and true it has lots of ATV action and cattle activity, but again these sites are not for conflict bears, but rather these are sites for incidental captures, non-target capture and pre-emptive management actions for the local bears. I have also attached the R2 Grizzly Bear Management Relocation Protocol which goes over the process and criteria for how and where bears will be relocated both outside and within the recovery area. Take care and sorry for the delay.

From: Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>
Sent: Monday, November 22, 2021 8:55 AM
To: Annis, Kim <KAnnis@mt.gov>; McDonald, Ken <kmcdonald@mt.gov>; FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Wenum, Erik <Erik.Wenum@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>; Smith, Jeremiah <jfsmith@mt.gov>; White, Chad <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>
Cc: Roberts, Lori <LRoberts@mt.gov>; Costello, Cecily <cecostello@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Wakeling, Brian <Brian.Wakeling@mt.gov>
Subject: Re: Grizzly bear relocation sites - comments

The one specific negative comment we received for relocation site #273 is due to a misplaced map point. Thus, the individual thinks the relocation site in near the Mortimer gulch of sun river canyon (near cabins), when in reality it is a remote helicopter relocation site on the blacktail of sun river.

From: Annis, Kim <KAnnis@mt.gov>

Sent: Sunday, November 21, 2021 4:41 PM

To: McDonald, Ken <kmcdonald@mt.gov>; FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Wenum, Erik <Erik.Wenum@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>; Smith, Jeremiah <jfsmith@mt.gov>; Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>; White, Chad <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>

Cc: Roberts, Lori <LRoberts@mt.gov>; Costello, Cecily <cecostello@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Wakeling, Brian <Brian.Wakeling@mt.gov>

Subject: RE: Grizzly bear relocation sites - comments

Hi Ken,

I read through all the comments and addressed those pertaining to the CYE.

References to sites near Troy:

Many folks referenced site numbers 47, 50, 51 and 53, and "sites around Troy" or "near O'Brien Creek". These 4 sites were incorrectly mapped, and the incorrect map showed them in the valley floor in and around Troy, Bull Lake and O'Brien Creek. The map has since been corrected and reposted on the website.

Sites inside/outside recovery zone boundaries:

The majority of proposed relocation sites are within the CYE recovery zone. There are 2 in the Yaak portion that are just outside the boundary and were suggested as a lower elevation spring/snow option. There is 1 in the Cabinet portion that is just outside the recovery zone boundary, and that was suggested for ease of access in the spring due to snow. The relocation sites in the Salish mountains (outside both the NCDE and CYE recovery zones, and in between the two ecosystems) were proposed because they are historically used relocation sites and have been approved by both the Flathead National Forest and Kootenai National Forest for many years. The sites that are outside the recovery zone boundaries in the Bitterroot Mountains were initially discussed and established with the USFS as potential options for the USFWS to use in the distant future. Because they were discussed and approved by the USFS at the same time the remainder of the 59 sites were discussed, they were added for consideration to the FWP Commission. All 59 proposed relocation sites were discussed, at length, with KNF and LNF district rangers and biologists and preapproved by the USFS beforehand. All 59 proposed CYE relocation sites are on USFS National Forest lands. No proposed sites are at established USFS trailheads.

Site #47 (Teepee Mountain) is inside the recovery zone boundary and was proposed as a low elevation spring/snow option when higher elevation sites are inaccessible. It has not been used before and can be removed from consideration if necessary.

Cheers,
Kim

Kim Annis

Grizzly Bear Management Specialist
Cabinet-Yaak Ecosystem
Wildlife Division
Montana Fish, Wildlife & Parks, Region 1

385 Fish Hatchery Road
Libby, MT 59923
Ph: (406) 293-4161 x207 | C: (406) 291-1320
[Montana FWP](#)



From: McDonald, Ken <kmcdonald@mt.gov>

Sent: Friday, November 19, 2021 11:52 AM

To: FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Wenum, Erik <Erik.Wenum@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>; Smith, Jeremiah <jfsmith@mt.gov>; Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>; White, Chad <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>

Cc: Roberts, Lori <LRoberts@mt.gov>; Costello, Cecily <cecostello@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Wakeling, Brian <Brian.Wakeling@mt.gov>

Subject: RE: Grizzly bear relocation sites - comments

Attached for your review are comments received so far regarding the proposed grizzly bear relocation sites. The word file are comments that were submitted through the website, and the PDF are comments emailed or mailed. I highlighted ones where they made comments about a specific site. Please review and let me know if you have any recommended adjustments based on comments.

Kim and Neil – a great many are from the Troy/Libby area so heads up. << File: Griz Relocation Comments_Email and Mail 11.19.pdf >> << File: Grizzly Relocation Comment 11.19.21.docx >>

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks](#)
P.O. Box 200701

Helena, MT 59620-0701
Ph: (406) 444-5645
Email: kmcdonald@mt.gov



From: McDonald, Ken
Sent: Friday, November 19, 2021 8:42 AM
To: 'FWP Wildlife Regional Mgrs' <FWP#WLMgrs@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Wenum, Erik <Erik.Wenum@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>; Smith, Jeremiah <jfsmith@mt.gov>; Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>; White, Chad <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>
Cc: Roberts, Lori <LRoberts@mt.gov>; Costello, Cecily <cecostello@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Wakeling, Brian <Brian.Wakeling@mt.gov>
Subject: Grizzly bear relocation sites

Help. As soon as possible please.

During a precommission meeting that included a couple of commissioners yesterday, they were asking do we have some criteria or guidelines we use to determine exactly which site will be used to relocate a bear – for example, a minimum distance away from where the bear was captured, a minimum distance from private land, in or out of recovery zone, etc.

So can any or all of you chime in and give me some talking points on this question – when a bear is in a trap and the decision is to relocate it, what is the process for determining exactly which site it will go to.?

This will be a big part of the discussion at the December commission meeting when they will be approving transplant sites, so it will be important to have good answers so they approve our proposals.

Thanks.

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks](#)
P.O. Box 200701
Helena, MT 59620-0701
Ph: (406) 444-5645
Email: kmcdonald@mt.gov



From: McDonald, Ken

Sent: Wednesday, November 10, 2021 2:55 PM

To: FWP Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Wenum, Erik <Erik.Wenum@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>; Smith, Jeremiah <jfsmith@mt.gov>; Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>; White, Chad <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>

Cc: Roberts, Lori <LRoberts@mt.gov>; Costello, Cecily <cecostello@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Wakeling, Brian <Brian.Wakeling@mt.gov>

Subject: Grizzly bears and wolf trapping

Hello Managers and Bear Specialists, << File: WMU_statewide.pdf >>

As you probably know, the commission recently adjusted the wolf trapping regulations so that the starting date for wolf trapping and snaring in occupied grizzly bear habitat, as depicted in the attached map and listed below, is between Nov. 29 and Dec. 31. The opening dates would default to Dec. 31 unless the department determines the majority of bears have gone to their winter dens using assessment criteria such as weather, collared bear data, confirmed sightings, etc. The commission also made it clear the department could have different opening dates in different WMUs or aggregates of WMUs depending on grizzly bear activity (or lack thereof) and other circumstances.

So this is where I need your help, expertise, and wisdom. As we get nearer to Thanksgiving, there will be a need for an ongoing assessment of grizzly bear activity by WMU and likelihood grizzly bears are in their dens such that the potential of one being caught in a wolf trap is extremely minimal – in other words, pretty much all the bears have to be denned up before we open the trapping date. We are already getting calls as to whether we will open up trapping in those WMUs on Nov. 29th.

So as the time approaches please be thinking about information you would use to make a determination about whether we should open a WMU to trapping at any time prior to Dec. 31. That could include radio collar data, temperature, snowpack, ongoing conflicts or lack of conflicts, sightings, etc.

I will be back in touch in a couple weeks with a proposed process for how we might consistently make such an assessment. Here are the areas that are affected by the floating

wolf trapping opening date:

In and near occupied grizzly bear habitat is defined as the following:

- Wolf Management Units 100, 101, 110, 121, 130, 150.
- That portion of WMU 200 that includes the Ninemile watershed north of I-90.
- WMUs 210, 280, 290, 310, 313, 316, 320.
- The western portion of WMU 390 (west of Hwy 310, South of I-90, and west of I-15/Hwy 69).
- The western portion of WMU 400 (north and west of I-15/Hwy 87, west of Hwy 223 between Fort Benton and Hwy 2 at Chester, south of Hwy 2 between Chester and I-15 at Shelby, and west of I-15 between Shelby and the Canadian border).

Thanks for your help.

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks](#)
P.O. Box 200701
Helena, MT 59620-0701
Ph: (406) 444-5645
Email: kmcdonald@mt.gov



From: [Jonkel, James](#)
To: [Orlando, Anne M](#)
Cc: [Boone, Christopher T](#); [Fortin-Noreus, Jennifer K](#); [Hampson, Eli](#); [Trimbo, Rory](#)
Subject: [EXTERNAL] Re: grizzly release locations
Date: Wednesday, September 1, 2021 12:40:13 PM
Attachments: [Outlook-q1jd4ax.png](#)
[9-19-19 Working Final Draft FWP R2 Grizzly Relocation Protocol with highlights.pdf](#)

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You bet, so Region 2 Montana FWP has been tasked to by the FWP Commission to compile a comprehensive map of release sites on the south end of the Northern Continental Divide Ecosystem for grizzly bears within the recovery area and areas where grizzlies are established--that is occupied habitat. So not all Montana---just within what is considered occupied habitat. The deadline is today, and again I apologize. When I did not hear back from you earlier, I should have put in more of an effort. But we have been swamped with bear issues and I was so wrapped up with working with the USFS, DNRC, Etc., I overlooked pursuing my BLM contacts. Here is the description of the types of sites needed:

Historically used Relocation Sites/Areas in NCDE Recovery Zone, Zone 1 and new suggested sites within outlying areas with resident grizzlies *Each of these relocations sites represents a broad range of terrains and site specifications, that vary with each unique grizzly bear management situation and the corresponding time of year. If for some reason one of these sites are unavailable (snow, road decommissioning, lack of maintenance or dead trees) a similar site in the same general vicinity may be selected after close consultation with land managers. Regardless, all relocation site choices, both behind gates or on dispersed roads, will follow a strict protocol that involves consultation and extensive coordination between agencies and any decisions will address all agency concerns and all aspects of public safety (signing, site closures, timing).*

The sites they are identifying on this map are specifically for locally captured **Non-conflict grizzly bears** -- no problem bears. Any conflict bears would be destroyed or taken back to the recovery zone. Really, they are just looking for some satisfactory areas for those rare incidents. For example, a grizzly captured in a wolf trap in the Missoula area that needs to be relocated a short distance, away from people, but still locally within its home range.. As soon as the latest draft is done (map and spreadsheet) I will send it your way. Really there are only a few sites suggested sites on BLM land, and they would only be selected following extensive coordination with all involved agencies. Anne, as promised, I also attached our draft protocol as well. Please review.

Here is the original assignment email sent out by FWP Wildlife Division Director Ken McDonald:

From: McDonald, Ken <kmcdonald@mt.gov>
Sent: Friday, July 30, 2021 1:14 PM
To: FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; FWP *Reg Supervisors <RegSuper@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Jonkel, James <JJonkel@mt.gov>; Frey, Kevin <KFrey@mt.gov>; Sarmiento, Wesley <Wesley.Sarmiento@mt.gov>; White, Charles <Charles.White@mt.gov>; Kembel, Kylie

<Kylie.Kembel@mt.gov>

Cc: Costello, Cecily <cecostello@mt.gov>; Roberts, Lori <LRoberts@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Kujala, Quentin <qkujala@mt.gov>

Subject: griz bear relocation sites.

As you know, we have to identify and have the commission approve relocation sites where griz bears could be relocated starting next spring. Our intent is to take a proposed list to the Commission at their October meeting. What comes out of that meeting will go out for public comment, to be finalized in December. So at this point I am requesting each region work with their appropriate Public Land counterparts to identify a list of potential sites where griz bears could be relocated. The scale is similar to what you have done in the past – e.g., roads or drainages above a locked gate, etc. I suggest you identify a suite of sites so if one is not available, there are backups. If we do have a bear in a trap that needs to be relocated, we would still confer with the land manager at the time to make sure that specific sites are still available.

Please work with your land manager counterparts to identify sites that are acceptable to them. I have asked Chris Savage from the Regional Foresters Office to “grease the skids” with Forest Service so they at least know we will be asking for their help.

I have attached a document showing different scenarios and responses. Not sure if some sites may be available for only certain types of scenarios, but if that is the case, then make sure to note that.

Finally, I have attached a document worked on by Region 1 and their forest service counterparts for this year as an example. The list of sites is in Table 2. I envision this same type of effort going into next year, with the only difference being the Commission has to approve it. So something like Table 2 is what we are looking for for each region with g bears.[Grizzly Bear Relocation Scenarios.docx](#)

Please try to have you list of sites back to me by September 1 so we have time to get them to the Commission ahead of their October meeting.

Please let me know if you have any questions about any of this.

Thanks for the help. I know it is a very busy time.[FNE_KNE_NCDE_GrizzlyRelocationPlan_2021.pdf](#)

Ken McDonald

Wildlife Division Administrator

Montana Fish, Wildlife & Parks [\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)

[\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com) [\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)

P.O. Box 200701

Helena, MT 59620-0701

Ph: (406) 444-5645

Email: kmcdonald@mt.gov

From: Orlando, Anne M <aoorlando@blm.gov>

Sent: Wednesday, September 1, 2021 11:51 AM
To: Jonkel, James <JJonkel@mt.gov>
Subject: [EXTERNAL] Fw: grizzly release locations

Hello again,

The following is from our Field Office manager who I am asking to sign off. I am hoping we can note that if BLM is going to have project activity happening next to a potential release site, I will contact you and ask you not to use that site for a specific time period.

Would you have a moment to craft an email with the request and the answers to the couple questions below (is this statewide)? Chris Boone is our wildlife program manager. If you haven't been in touch with him we can cc him. ctboone@blm.gov

I'm trying not to confuse folks with the email chain, although reading it helped me understand.

Thanks

Anne

From: Carey, Erin B <ecarey@blm.gov>
Sent: Wednesday, September 1, 2021 11:46 AM
To: Orlando, Anne M <aorlando@blm.gov>; Bridgeman, Charles E <cbridgem@blm.gov>
Subject: Re: grizzly release locations

Can you send the original request, Anne? Not sure I understand what exactly is being requested from us. Does Boone know about this? Is it Statewide?

From: Orlando, Anne M <aorlando@blm.gov>
Sent: Wednesday, September 1, 2021 11:38 AM
To: Bridgeman, Charles E <cbridgem@blm.gov>; Carey, Erin B <ecarey@blm.gov>
Subject: grizzly release locations

Hi Chuck and Erin,

MT FWP needs to submit their locations for releasing grizzlies that are being relocated. They got this order just a week ago, and it took till today for them to figure out my email and get in touch.

I am letting you know that I'm reviewing the BLM land locations to make sure they aren't right on top of projects we will have in action. We would also be able to tell FWP not to use a certain release site during a time period when we would have a project activity on the ground.

I know they need to submit these today! So I'll get my recommendation to you ASAP. I have a phone call with FWP at 12, and am hoping for a shapefile, but right now just have a PDF.

Anne

Anne Orlando, PhD

Wildlife Biologist

Bureau of Land Management, Missoula Office

3255 Fort Missoula Road

Missoula, MT 59804

aorlando@blm.gov



From: [Allen, Lydia -FS](#)
To: [Jimenez, Benjamin S](#)
Cc: [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] RE: Montana Forest Service contacts for relocations
Date: Monday, August 1, 2022 3:30:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[FS_Contacts_GB_Relocation_1Aug2022.docx](#)

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My Apologies, Ben, but there were cut & paste errors in the version I sent out this am.
Please use this one instead!!! Thanks, Lydia



Lydia Allen
Regional Program Leader
Threatened, Endangered & Sensitive Species

U.S. Forest Service
Northern Region (R1)

Office: (406) 329-3558
Cell: (208) 215-9707

Lydia.Allen@usda.gov

Bldg 26 Fort Missoula Rd
Missoula, MT 59804
www.fs.fed.us



From: Allen, Lydia -FS
Sent: Monday, August 1, 2022 11:30 AM
To: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>
Cc: Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Jennifer_fortin-noreus@fws.gov
Subject: Montana Forest Service contacts for relocations

Good morning, Ben—

Here is the list of district rangers and biologists for each forest in Montana. Holler if you need anything else.

Cheers,
Lydia



Lydia Allen
Regional Program Leader
Threatened, Endangered & Sensitive Species

U.S. Forest Service
Northern Region (R1)

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Cell: (208) 215-9707

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From: [REDACTED]
To: [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] Update on the relocation effort
Date: Tuesday, March 22, 2022 4:22:32 PM
Attachments: [Contact and volunteer list for relocations.xlsx](#)
[FNF KNF NCDE GrizzlyRelocationPlan 2022 ak.docx](#)

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Hi Jennifer,

I hope you had a good bear break! **Do you have time for a meeting on Wednesday?** I just wanted to give you an update while you've been away.

1. I updated a few contacts for the Flathead/Kootenai Relocation Plan (attached).
2. I touched base with Kim and Justine on folks to contact. I started a contact list. I have a question for Kim because she mentioned a few things different from what is said in the plan. She is in and out this week so I will touch base when I can.
3. The contact list also contains the start of a volunteer list for relocations. In regards to safety it is always good to have at least one additional person to assist with a relocation. I was able to recruit some techs at the Eureka FS office so I will reach out to others!
4. I do have a couple questions about the relocation plan.
5. I worked with Hilary on the draft of the Bitterroot, Lolo... communication plan. So far only the Lolo forest has sent over contact info. I did email that out to the contacts on the initial email you sent out.

Thank you!!
Amber Kornak
406-217-4962

From: [REDACTED]
To: [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: [EXTERNAL] Updated Contact List
Date: Thursday, April 7, 2022 3:18:06 PM
Attachments: [Other Contacts.xlsx](#)

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Hi Hilary and Jennifer,

I am working on the relocation communication plans for the Lolo, Beaverhead-Deerlodge, Bitterroot, and Helena-Lewis and Clark. I have attached the other contact sheet to this email.

Do you mind taking a quick look and see if I missed anyone? Do we want Regional managers on this list?

Thank you!
Amber Kornak
406-217-4962

Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark NATIONAL FORESTS GRIZZLY BEAR RELOCATION COMMUNICATION PLAN

UPDATED April 2022

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests.

Commented [AK1]: I felt we might still want to keep this part but I am coming from a different side. Let me know if I need to cut it out completely and just write something about it being a communication plan. Also signatures or no signatures?

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the **communication** guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, and other agency contacts

Signed: _____

Signed: _____

Date: _____

Signed: _____

Date: _____

Signed: _____

Date: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Distributed to: *Montana FWP* –

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor's Office

... Ranger District

...Ranger District

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,

c: (b) (6), o: 406-293-4903,

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,

c: xxxxx

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c, pers. cell:.

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6).

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C) c: (b) (6)

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Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

Commented [AK2]: I will touch base with Hilary on this..when I spoke to her earlier she said we would be the initial contact?

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that

district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|------------------------|-----------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse | T.33N R.21W | GVRD | Road open 9/1 – 11/30. Recreation crews will be | From North Fork Road, up open RD# 316 for 1 mi, then open RD# |

Commented [AK3]: Personally I think this chart would be super helpful but does this fall outside of the scope of their public outreach....?

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------|---------------------------|-----------------------------|---|--|
| (GV) | Sec. PB41 | FNF | camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

Commented [AK3]: Personally I think this chart would be super helpful but does this fall outside of the scope of their public outreach.....?

Bitterroot, Lolo, Beaverhead-Deer Lodge and Helena Lewis and Clark NATIONAL FORESTS GRIZZLY BEAR RELOCATION COMMUNICATION PLAN

UPDATED April 2022

~~Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks.~~

~~The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests.~~

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Signed: _____

Commented [CH1]: These should match the main sections in the doc. Edit these once finalized

Commented [CH2]: Do we want each Forest listed here?

Commented [CH3]: I stuck in here, but not sure if they'll want us on the same doc. Delete if needed.

Commented [AK4]: I felt we might still want to keep this part but I am coming from a different side. Let me know if I need to cut it out completely and just write something about it being a communication plan. Also signatures or no signatures?

Commented [CH5]: Above you list Bitterroot, Beaverhead Deer Lodge, etc....So is this intended for all forests? Or just Flathead and Kootenai?
This also duplicative with above, so delete.

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have establish agency roles and response process in an MOA (appendix A).

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Commented [CH6]: I think we should consider attaching the MOA as appendix

Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel..

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

Commented [CH7]: I brought this back in cause it's still pretty relevant. Need to check with USFS if they still want these things. Feel free to rearrange sections...

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.

5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.
7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

Distributed to: *Montana FWP* –

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...*Supervisor's Office*

... *Ranger District*

...*Ranger District*

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,

c: 406-273-8002, o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,

c: xxxxx

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell:.

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6) .

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: (b) (6)

(b) (6), (b) (7)(C) US Border Patrol, Patrol Agent in Charge, o (b) (6), (b) (7)(C) (b) (6)

Forest Service Communication Plan

FWS will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Commented [AK8]: I will touch base with Hilary on this..when I spoke to her earlier she said we would be the initial contact?

Commented [CH9R8]: This will be me for now...then will be our new conflict coordinator. I think we just leave as "FWS" for now.
Let's confirm this stuff with USFS>

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|------------------------|-----------------------|---|--|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |

Commented [AK10]: Personally I think this chart would be super helpful but does this fall outside of the scope of their public outreach.....?

Commented [CH11R10]: This is for agencies, so yes, I agree.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

Commented [AK10]: Personally I think this chart would be super helpful but does this fall outside of the scope of their public outreach....?

Commented [CH11R10]: This is for agencies, so yes, I agree.

FINAL WORKING DRAFT FWP R2 “NUISANCE” GRIZZLY BEAR RELOCATION PROTOCOL & INTERIM DECISION-MAKING PROCESS FOR GRIZZLY OCCURENCES IN OUTLYING AREAS

A cooperative relationship between Montana Fish Wildlife and Parks Region 2, U.S. Fish and Wildlife Service, U.S. Department of Agriculture Wildlife Services, Bureau of Land Management, Montana Department of Natural Resources and Conservation, the Lolo, Helena-Lewis and Clark, Bitterroot and Beaverhead-Deerlodge National Forests, Flathead Indian Reservation, Nature Conservancy, Blackfoot Challenge and other Cooperators

Formalized September 2019
(Updated 3/1/2023)

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear “nuisance” status and for controlling nuisance bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines relocation practices used by Montana Fish, Wildlife and Parks (FWP) Region 2 (R2) bear management team. With multiagency cooperation, decisions along the south end of the Northern Continental Divide Ecosystem (NCDE) Grizzly Bear Recovery Area, are made jointly. That is, objectives, procedures, and sites for relocation of “nuisance” and non-nuisance grizzly bears within the territories of R2 are determined through prior, or “at-the-time” consultation. Note, the Grizzly Bear Recovery area is now referred to as the Primary Conservation Area (PCA) under the new 2018 Grizzly Bear Conservation Strategies (CS) (Map 1), and, the occupied grizzly habitats buffering the PCA are now referred to as Zone 1.

The purpose of this document is threefold:

- 1) This document summarizes the existing R2 approach, used since 1986, for relocating grizzly bears on the Lolo and Helena-Lewis and Clark (HLC) National Forests and other lands within the PCA and Zone 1. It retains direction from the IGBG, coordination with the U.S. Fish and Wildlife Service (USFWS) Office of the Grizzly Bear Coordinator, and updates contact lists and selection of relocation sites within the R2 territories along the south end of the PCA/Zone 1.

- 2) This document addresses the standard procedures used for determining grizzly bear “nuisance” status, “pre-emptive” or “non-target” status in Montana since 1986. It also, summarizes procedures for releasing bears on site of capture and at short distance release sites within perspective grizzly bear home ranges. Often, when bears are captured for research purposes, or captured during management actions and are considered “non-target”, or categorized as “pre-emptive”, an alternative release site is required. And in certain emergency situations, for example, capture situations involving grizzly bear family groups, it may be necessary to release on-site or near-site.
- 3) And finally, this relocation document outlines an approach for making decisions for grizzlies captured in outlying areas. It recommends remote geographic areas for relocating bears within the R2 territories, but outside of the PCA/Zone 1. This interim coordination process includes updated national forest and district contacts; other land agency administrator contacts; and uses the same guidelines for responses and relocations for “nuisance”, “pre-emptive” and “non-target” grizzly bears captured in outlying areas within R2.

Objectives of the relocation program document are to:

- 1) Provide for management and recovery of R2 grizzly bears within the Lolo and HLC National Forest and other lands on the south end of the NCDE in accordance with the CS, the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act, the Grizzly Bear Recovery Plan and any other documents pertaining to grizzlies;
- 2) Provide clarification for the management and relocation of bears in outlying areas of Western Montana; and
- 3) Provide for human safety when relocating bears; and
- 4) Minimize future potential for grizzly-human conflicts.

FWP R2 Grizzly Bear Management Decision Making Process

In order to determine the correct initial response or action for grizzly bear management issues, the FWP R2 Bear Management Specialist will be contacted first. In regard to livestock depredations, the United States Department of Agriculture (USDA) Wildlife Services (WS) District Supervisor will be contacted first. Grizzly bear conflicts involving livestock are under the jurisdiction of WS, but depredation-related actions are handled jointly with FWP R2. If the WS is unavailable for livestock incidents call the FWP R2 bear manager. In the event the bear manager or FWP superiors are unavailable, contact any of the below mentioned representatives. Everyone on the primary contact list will know who to contact and how to proceed.

Prior to making any decisions on where a grizzly bear will be relocated within the PCA/Zone 1, follow the recommended procedures and discuss options with appropriate land managers to determine a release area and current activities at/near any potential release sites. The same procedures will be followed for any grizzly issues or captures in outlying R2 territories. Contact lists and summaries for dealing with grizzlies within the PCA area and in outlying area are below.

PRIMARY CONTACTS USFWS (OFFICE OF THE GRIZZLY BEAR COORDINATOR):

Hillary Cooley, USFWS, Grizzly Bear Recovery Coordinator,
(b) (6) (cell), 406-293-4161 ext. 205 (office).

Wayne Kasworm, USFWS, Cabinet/Yaak Ecosystem Program Grizzly Biologist,
(b) (6) (cell), 406-293-4161 ext. 205 (office).

PRIMARY CONTACTS FWP R2 BEAR MANAGEMENT:

Randy Arnold, FWP R2 Regional Supervisor,
406-542-5504 (office), 406-552-8708 (cell).

Mike Thompson, FWP R2 Regional Wildlife Manager,
406-542-5516 (office), 406-531-5378 (cell).

Jamie Jonkel, FWP R2 Bear Management Specialist,
406-542-5508 (office), 406-544-1447 (cell).

Eli Hampson, FWP R2 Wildlife Bear Management Team,
406-210-3213 (cell).

Eric Graham, FWP R2 Wildlife Bear Management Team/Blackfoot Challenge,
406-240-3132 (cell).

PRIMARY USDA WS CONTACTS (LIVESTOCK DEPREDACTIONS):

Kraig Glaizer, USDA WS District Supervisor,
406-458-0106 (office), 406-439-5943 (cell), (b) (6) (home).

Bart Smith, USDA WS Powell/Granite/Deerlodge/Ravalli Counties,
406-660-0368 (cell), (b) (6) (home).

Ted North, USDA WS Missoula/Mineral Counties
406-274-4856 (cell), (b) (6) (home).

John Meidke, USDA WS Lewis and Clark County,
406-855-8429 (cell).

PRIMARY BEAR MANAGEMENT CONTACTS IN ADJACENT AREAS:

Tim Manley, FWP R1 Bear Management Specialist,
406-751-4584 (office), 406-250-1265 (cell), (b) (6) (home).

Mike Madel, FWP R4 Bear Management Specialist,
406-466-5100 (cell).

Kevin Frey, FWP R3 Bear Management Specialist,
406-581-6981 (cell).

Stacey Courville, Flathead Indian Reservation Bear Management Specialist,
406-270-3387 (cell).

Conflict Reduction by Minimizing the Need to Relocate

The overreaching goal of bear management is to minimize, to the greatest extent possible, the need for grizzly bear management and relocation. But in the event a grizzly bear conflict event occurs on the south end of the NCDE/PCA/Zone 1, or in outlying areas around R2, the situation will be assessed immediately to determine the most appropriate management approach. Sometimes trapping, removing or relocating the bear will be the only option, but often, a simple preventative management action will circumvent the situation and reduce future conflicts.

Preventive management R2 approaches:

1. FWP R2 will continue to work with other agencies, various Non-Government Organizations (NGO), watershed work groups, communities and rural districts in cooperative efforts to provide education, resolve bear management issues, and mitigate for conflicts through preventative management actions.
2. FWP R2, in conjunction with agency and NGO partners will continue to educate federal, state and private land recreators and hunters, work with private landowners and distribute informational brochures on being safe in bear country and continue efforts to produce useful best management practices materials.
3. Signs will be posted at trailheads, and other access points, to inform the public of recommendations for traveling and camping practices in grizzly bear habitat. FWP R2 and other agencies will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use within grizzly bear habitat. This effort will focus upon implementation of the current food storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
4. FWP R2, other agencies and NGO partners will continue to provide information and training opportunities to the public, hunters and rural land owners on

identification of grizzly bears, use of bear spray, and recommended practices for living, working and recreating in grizzly bear habitat.

5. FWP R2, other agencies and NGO partners will continue to cooperate and provide support development and implementation of local community working groups and bear awareness workshops, focused on decreasing human food availability at private residences and human safety in general.
6. And finally, whenever feasible, MFWP R2, WS, other agencies, and NGO partners will continue to address attractant issues as they are discovered, and work diligently on mitigation projects with private property owners, refuse companies, communities to reduce the availability of attractants. That is, instill good stewardship practices, remove or contain as many attractants on the landscape and create an attractant free environment, if possible.
7. And finally, the first step with every management response, rather than simply setting a trap and removing or relocating the bear, will be to assess what is causing the issue and contain or remove the attractant.

Guidelines to Determine “Nuisance” Bear Classification and Appropriate Control Actions

The 1986 IGBG outlined definitions, criteria and processes for dealing with grizzly bears that damage property and/or are aggressive towards people. The IGBG terms these standards “nuisance” situations for bears. In conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 and/or WS (livestock depredation) will determine “nuisance” status. Generally, throughout the ecosystem NCDE representatives from FWP, USFWS, WS, the Blackfoot Nation or Confederated Salish and Kootenai Tribes, and the local United States Forest Service (USFS) or other land managers evaluate and determine if the bear should be relocated or removed from the population.

A diagram showing the decision process for determining “nuisance” status is shown in Figure 1. The IGBG contains descriptions and recommendations for “nuisance” grizzly bear control actions, both of which follow the IGBG’s control action plan that considers: type of offense, condition, sex, age of the bear and the number of times the bear has committed the offenses (Table 1.)

The three offense conditions are:

Condition A: The bear causes significant depredation to lawfully present livestock or regularly uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning of the bear or significant loss of property.

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. And, if a bear has acted with aggression toward humans that does not involve one of the 3 types of response detailed above (except under certain extraneous situations) the bear will be removed from the population.

Additional Considerations:

Extraneous situations: Note, it's possible that a bear that was involved in a human mauling or charge was acting in defense of young, defense of a food source, was involved in a surprise encounter or was intentionally provoked. Representatives of the management agencies involved (including USFWS, FWP R2, and the land management agency involved such as USFS, Glacier National Park (GNP), Blackfoot Indian Reservation (BIR), Flathead Indian Reservation (FIR)) and WS, will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Animal health and population parameters: Injuries, physical condition, survivability, age and sex are also considered during the decision process to either remove or relocate an offending bear. For example, female and younger grizzlies are relocated more often, whereas, orphaned cubs, male bears, older age bears are more often removed from the population.

Female grizzly bears are considered more essential to the population than males, because they produce and care for the young. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears. Repeat offenders and severely injured or sick bears, male or female, are usually removed.

The success of relocations was discussed in the Flathead National Forest Grizzly Bear Relocation Plan (Revised October 2016.): A successful relocation was defined as one in which a bear did not resume "nuisance" behavior for at least two years from the relocation date, and analysis showed that relocation of males has been less successful than of females, and that relocations of livestock-depredating bears were less successful for all classes of bears.

Habituated Behavior: Granted, it is next to impossible for grizzlies and other wildlife, to not exhibit some habituated behavior. In order to travel and access habitat in the state of Montana bears need to cross through and feed along the urban-wildland and agricultural interface. As a result of constant interactions with humans, grizzlies have learned to become complacent in the presence of humans. But, in cases of extreme habituated behavior, where bears start approaching humans and frequenting developed areas to obtain natural foods, they can become dangerous. In these types of

situations habituated grizzlies may be aversive conditioned, relocated or removed from the population.

Food-conditioned Behavior: Food conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Mildly food-conditioned bears can be aversive conditioned and/or relocated to areas that have minimal opportunities for unnatural food. Bears exhibiting extreme food-conditioned behavior are usually destroyed.

“Pre-emptive” and “Non-target” Bear Classifications: In certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. These types of bears are categorized as “pre-emptive” captures. Often, during management actions, “non-target” grizzlies are captured. That is, a bear other than the one causing the conflict (an innocent bystander if you will) ends up in a snare or culvert traps. In these situations, the bear is classified as “non-target” and is either released at-site or near-site. On occasion “non-target” bears may be classified as “pre-emptive” in order to move them further distances.

Criteria and Guidelines for Aversive Conditioning

As a first step, in most bear management situations, every effort will be made to remove or contain the attractant that lured in the bear. In certain cases, aversive conditioning may be the best response, for example, erecting electric fence to deter the bear. Grizzlies in management situations, that have just discovered an attractant for the first time or bears that meet the definitions for “pre-emptive” moves (see below), may be candidates for aversive conditioning based upon a site-specific evaluation. Aversive conditioning is normally applied by FWP R2 or under their direction. There are a variety of acceptable methods:

1. Release the bear at-site or near-site using the “hard release” release approach. That is aversive condition the bear with the use of dogs, noise makers, rubber bullets and cracker shells as it leaves the culvert trap.
2. Use of trained dogs using the “bear herding” approach, a form of passive aversive conditioning, where the bears are negatively impacted by harassment with dogs.
3. Use of electrified mats, fences or objects at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted, through electric shock.
4. Use of capsaicin spraying devices at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted by an eye and olfactory irritant.
5. Use of noise makers, propane cannons, scare devices, motion alarms, rubber bullets, cracker shells, where the bears are negatively impacted by scare devices or pain.
6. Other aversive conditioning approaches such as tasers or other methods not mentioned.

Guidelines for “Pre-emptive”, “Non-target” Relocation

As mentioned above, in certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. The IGBG describe situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases. This section is intended to provide more detail in order to add consistency in decision-making relative to preventative actions involving “pre-emptive” classification.

Definition

A “pre-emptive” situation for a bear may exist when any, of the following situations occur:

1. A bear's behavior does not lead to a “nuisance” classification, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented, but if the behavior continues the bear could be injured, killed or become food conditioned.
3. The bear frequents areas in PCA, or outlying areas, in areas of human development or rural ranch land where attractant sources could tempt the bear to develop food-conditioned behavior.
4. The bear utilizes orchard, crops or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured, where the bear could eventually develop food-conditioned behavior.
5. Previous “nuisance” and/or “pre-emptive” actions involving individual bears may alter the “nuisance” or, “pre-emptive” classification.

Decision Processes for “pre-emptive” capture and relocations

Considerations for the “pre-emptive” capture and relocation of grizzly bears will be decided and implemented through a cooperative consultation process between FWP R2, the USFWS and relocation sites will involve the appropriate land management representatives. On occasion, WS many also recommend “pre-emptive” capture and relocation for grizzlies in and around livestock operations. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication back to the involved land manager and all parties involved.

Guidelines for Actions

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site. But attempt to keep the bear in or near its home range area, when possible.

3. Mutually agreed to relocation sites will be pre-determined or decided at the time of capture. Every effort will be made to limit the potential for human/bear interactions at the relocation site. These sites may be the same as those used in the PCA for “nuisance” bears or may be different based on coordination with land managers within the PCA or outlying areas.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of “pre-emptive” bears is useful in the event of repeat offenders and actions. But it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A “pre-emptive” relocation does not count as a “nuisance strike” against the bear.

Decision processes for “non-target” capture and relocations

Grizzly bears unrelated to the offense are often captured during management actions. This is especially true for areas where there are large concentrations of grizzlies. These types of captures are classified as “non-target”. These situations will undoubtedly become more common as grizzlies continue to recolonize outlying areas. Considerations for classifying grizzlies as “non-target” are determined by the bear management specialist or WS agent. On occasion “non-target” grizzly bears captured during management actions will be released at site, especially if the bear involved is part of an uninvolved family group.

Most “non-target” bears, in order to get them away from the conflict site, will be relocated to an adjacent remote site within their home range. In certain areas of R2, however, it may not be appropriate for a near-site release. For example, in high human activity areas, or agricultural areas where human safety is a factor, or where a bear may not be safe. Depending on the situation, it may be best to take a “non-target” bear back to the PCA/Zone 1, rather than a local site. Considerations for short distance-release sites will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of “non-target” bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Short-distance Research Grizzly Relocations

Occasionally, during grizzly bear research trapping and handling events, it may be necessary to relocate bears short distances. Environmental factors at the site, such as spring snow melt run-off or a water body, where recovering bears could possibly drown, or steep-cliffy terrain, may require that the bear be moved. Multiple bears can be attracted to baited trap sites and it is not always safe for recently-drugged bears. In

such cases the bear management specialist or WS Agent may need to take bears to a safer site for recovery and release. Considerations for short distance-release sites involving research bears, as with non-target bears, will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of research bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Emergency Grizzly Family Group On-site/Short distance Release Situations

On rare occasions, during management situations, it may be necessary to release a captured bear at-site, or very near-site, on private lands or in areas not considered appropriate for grizzly bears. For example, when it is impossible to capture an entire grizzly bear family group at a management or “pre-emptive” trapping action, or when a non-target cub or mother is captured, the bear manager and/or Wildlife Service Agent, may make a spur of the moment decision to release. Regardless, if the decision is made for safety or ethical reasoning, it is important that the public and agency supervisors understand that under high stress situations this may be the only option. Repercussions will be inevitable, especially in areas where there is no community acceptance for grizzlies, or in areas where grizzlies are not politically supported.

In the same vein, there may be certain management situations where members of family group will regrettably be separated, injured or killed during the process. And rarer yet, individual members of the group, or the entire family group, may have to be destroyed. Again, regardless, of the reasoning or the situation, it is important that the public and agency supervisors understand that under high stress situations this may occur. Repercussions will be inevitable, especially with the private sector that favor bears.

These types of bear management situations are high stress. Often emergencies occur without any ability to communicate or consult with superiors or land agency representatives. There are no processes for these types of situations within the IGBG, therefore, it is of utmost importance that the agency and the public be supportive of the above-mentioned actions and assist with statements of support. Tagging and radio collaring bears during these types of emergency situations may not be feasible. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Relocation Decision Process

As mentioned above, in conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 will determine “nuisance”, “pre-emptive” or “non-target” status. After this initial assessment, one of the primary contacts, from the list above will reach out to various land managers to determine if relocation is feasible. As a first step, contact the appropriate land manager representatives where a bear may be released to determine if the bear will be accepted. If the land managers agree to accept a bear, local field staff will be contacted in order to select the best release location. The processes will be similar for relocation sites within the PCA and for relocation sites in outlying areas:

Relocation process for the northern portions of the PCA (FWP R1)

Some of the best and remotest habitat for relocating grizzly bears in the PCA can be found within FWP R1 on the Flathead National Forest (FNF). Over the years, the majority of FWP R2’s “nuisance” and “pre-emptive” grizzly bears have been relocated to the FNF. If relocation of the bear is determined to be better suited to be on the north end of the PCA than FWP R2 and the USFWS Grizzly Bear Coordinator follow the procedures recommended in Flathead National Forest Grizzly Bear Relocation Plan (Revised October 2016.)

Relocation process for the southern portions of the PCA and Zone 1 (FWP R2)

Although not as remote, there are sites in the R2 portions of the PCA/Zone 1 suitable for “nuisance”, “pre-emptive” and “non-target” status grizzly bears. If the south end of the PCA/Zone 1 is deemed appropriate for relocation than recommendations in this document are to be followed.

First, contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest. Within this portion of the PCA/Zone 1 there are large tracts of remote BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, for example, lands owned by the Nature Conservancy or Stimpson Timber, than consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, biologists are unavailable, than personnel at the supervisor’s office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities. (Phone List 1 and Phone List 2).

Relocation process for grizzlies captured in outlying areas (FWP R2)

In recent times, throughout FWP R2 territories, more grizzlies have recolonized historic ranges. Grizzly activity has been verified in the headwaters of the Clarkfork Drainage, the lower reaches of the Clarkfork Drainage, the Bitterroot Valley and are now considered common throughout the Blackfoot Watershed. Although not as remote, and with multiple rural agricultural and urban centers, there are sites in the outlying portions of R2 suitable for “pre-emptive” and “non-target” status grizzly bears. Although

controversial, it is recommended that most “nuisance” status grizzlies be relocated back to the PCA/Zone 1 and destroyed when severe food-conditioned behavior is exhibited. But, depending on the situation, for example, an extraneous situations, or if relocation has been approved, there is a possibility that a “first offence” “nuisance” grizzly might be relocated back into an outlying area.

Although no actual relocation sites are specifically identified in this document there are remote sites throughout the Lolo and HLC, Beaverhead-Deerlodge or Bitterroot National Forests where grizzly bears could be relocated. If relocation to an outlying area (not within the PCA) is deemed appropriate than recommendations in this document are to be followed.

As a first step, FWP R2 or the USFWS Grizzly Bear Coordinator, will contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest, Beaverhead-Deerlodge or Bitterroot National Forest to assess where relocation is recommended. In R2’s outlying areas there are remote tracts of BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, then consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, or biologists are unavailable, then personnel at the supervisor’s office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities (Phone List 3)..

Relocation Guidelines for land managers

The National Forest or the equivalent land management personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Bear has no record of unprovoked, unnatural aggressive behavior towards people.
2. Bear is in good physical condition and not injured.
3. Each bear must be evaluated prior to release. If agency personnel determine that the bear presents a greater potential risk than benefit to the population, it will be deemed an unacceptable bear.
4. For permanent relocations, long distances may increase the probability of success.
5. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
6. Any wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other wilderness resources. Food-conditioned bears normally will not be relocated into wilderness. Primary release periods are before July 1 and after October 1.
7. Each “nuisance” bear should be radio collared and tattooed or micro chipped, except for young accompanying their mother. “Pre-emptive” and “non-target” bears will be ear tagged, tattooed and biochipped, but will not always be radio-collared.

8. Based on relocation site or individual bear behavior, it may be necessary or prudent to monitor bear location and movement for a few days after a release and periodically thereafter; with the information provided to the specific ranger districts.
9. Historic nuisance bear relocation sites on the south end of the PCA and Zone 1 will generally be used, except special seasonal and individual bear considerations may require use of unidentified sites.
10. Relocation sites for “pre-emptive” and “non-target” bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

¹ These are guidelines only and not directive of agency action in each case. The specific decision on each bear is made by management agencies in consultation with each other

Grizzly Bear Relocation Procedures

Bears captured, handled, managed, removed and relocated on the south end of the PCA and outlying areas of R2 will normally be handled by FWP, or other members on the Primary Contact list mentioned above.

In order to deal with general public safety and the safety of on-site personnel, operational procedures developed by the USFWS “A Manual for Handling Bears for Managers and Researchers” (April, 1993) for bear capture, handling and releasing will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. Most releases are expected to be at or behind a closed gate. If the release site is within a roaded area, the District Ranger may choose to restrict public use of the road system to protect the bear and the public.
4. If a bear is released in proximity to another adjacent land management agency’s land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the Lolo and HLC, Beaverhead-Deerlodge and Bitterroot National Forest, the Forest Supervisors will be contacted first to see if relocation on the forest is feasible. If approved the District Ranger will be contacted so that a suitable release site can be mutually agreed upon, considering both human safety and the well-being of the bear. If the District Ranger is not available, the acting District Ranger will be contacted, and a decision will be made in concert with the District or Forest wildlife biologist.
6. District Rangers and/or district wildlife biologists will be responsible for notifying field crews in the release area about the presence of a relocated bear as appropriate, and for any public access restrictions in the release area.
7. Condition A bears, “preemptive” bears or “non-target” bear are not expected to be more dangerous than resident bears in the release area, and no further

precautions after release are needed. If a Condition B bear, is relocated, the District Ranger may consider additional public safety measures.

8. Follow-up monitoring information (bear location and movement pattern) will be provided by FWP R2. Normally, the Department determines the location of the bear, if collared, within a few days after the release, and periodically thereafter. Monitoring information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist and adjacent landowners as appropriate.
9. FWP maintains a web site of nuisance bear activities at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>. Annually, the FWP prepares a report summarizing nuisance bear actions and relocation success statistics and provides copies to the Forests.
10. If helicopter transport is required, FWP R2 will insure that all equipment and personnel experience are adequate to ensure a safe operation. Note, any requests for relocation within wilderness require additional coordination and approval from the respective line officer.
11. Residents are often concerned/interested in bear relocations near them. FWP R2 will contact local interested groups and/or individuals in areas affected by relocation and will post information on: <http://missoulabears.org/>.

Map 1. NCDE Grizzly Bear Conservation Strategies (2018) Management Zones and outlying areas

Note: The areas discussed in this document include the Ninemile DCA, South end of the Primary Conservation Area and Zone 1, Western Portions of Zone 2 and the Outlying Lands West of Zone 2 to the Idaho Border.

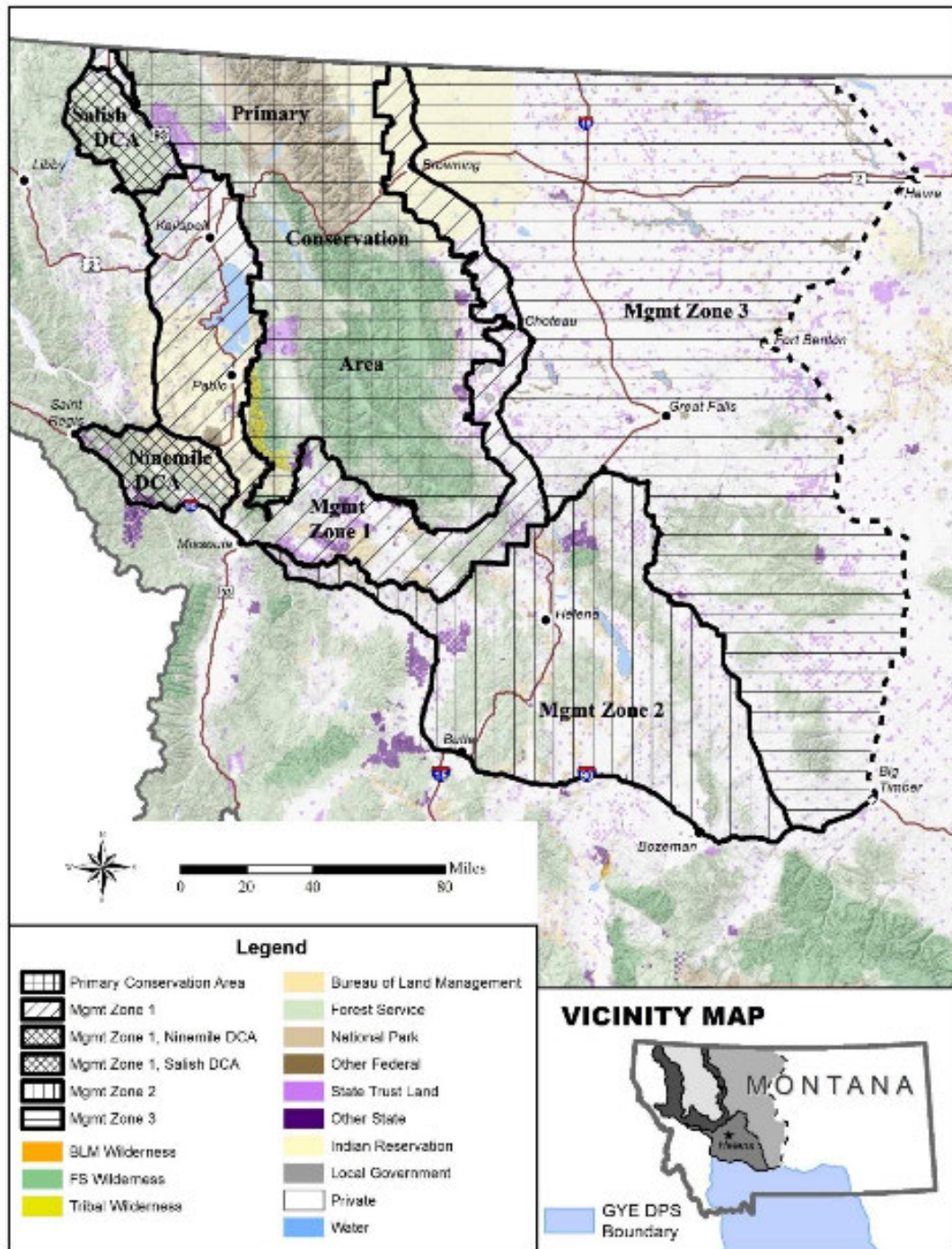
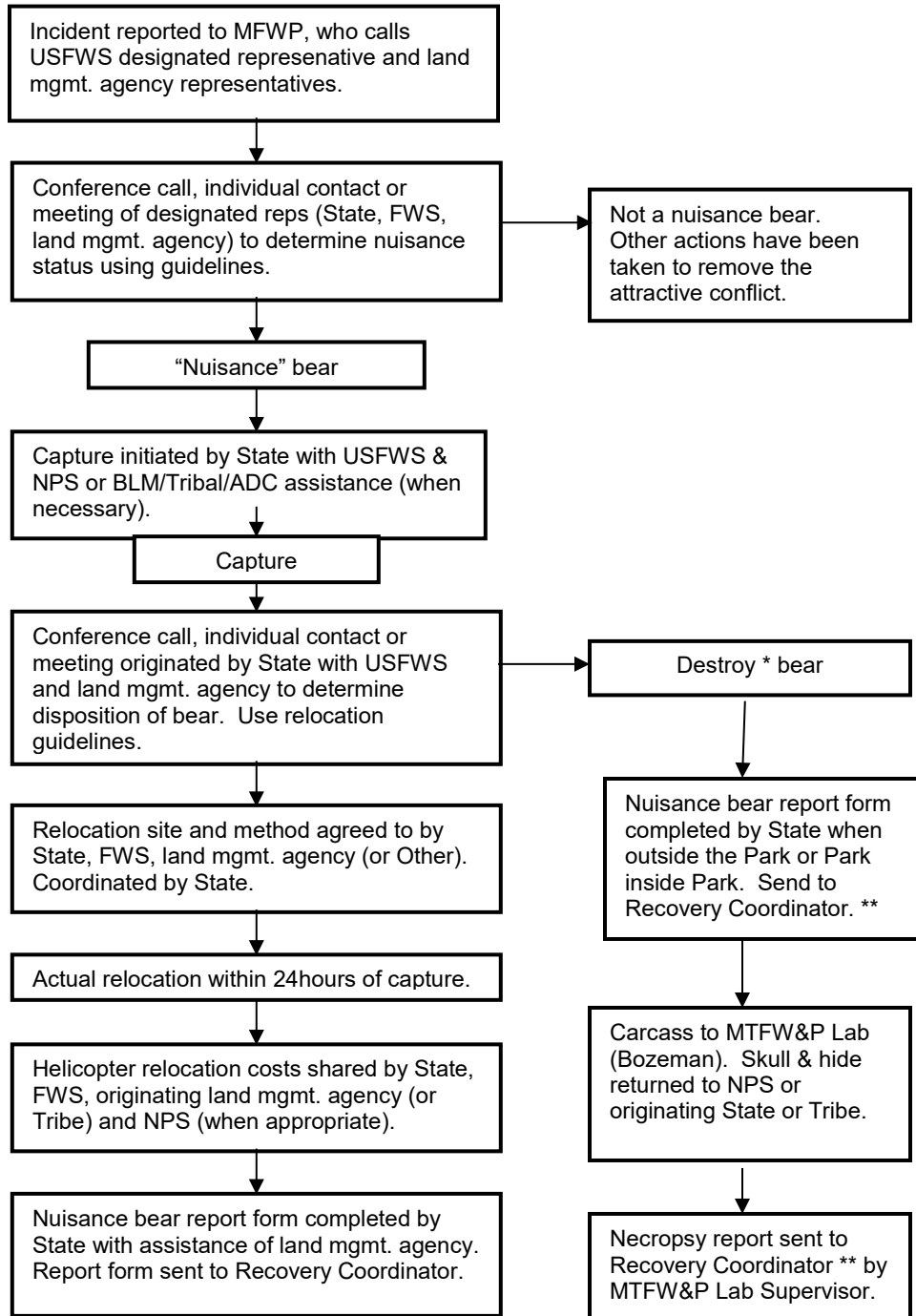


Figure 1. Action Procedures for Determining Bear Nuisance Status and Management Action.

(Adapted from 1986 Interagency Grizzly Bear Guidelines)



*

* Alternative may include transport to a zoo or research. Decision made at second phone call.

** Recovery Coordinator distributes report to agency representatives in Ecosystem.

Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Table 1. Guidelines¹ for Nuisance Grizzly Bear Control Action.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|----------------|----------------|
| | 1 st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Phone List 1. PCA/Zone 1 USFS Contacts on the south end of the NCDE.

| | |
|---|---|
| <p>Lolo National Forest Supervisor's Office</p> <p><u>Carolyn Upton</u>, Supervisor Office: 406-329-3804 Cell:</p> <p><u>Brandon Barr</u>, Forest Wildlife Biologist Office: 406-329-3792 Cell: 406-</p> | <p>Seeley Lake Ranger District</p> <p><u>Quinn Carver</u>,(acting) District Ranger Office: 406-677-2233, Cell: (b) (6)</p> <p><u>Scott Tomson</u>, Wildlife Biologist Office: 406-677-2233 Cell: (b) (6)</p> |
| <p>Ninemile Ranger District</p> <p><u>Eric Tomasik</u>, District Ranger Office: 406-626-5201 Home: 406-, Cell: 406-</p> <p><u>? ?</u>, Wildlife Biologist Office: 406-???-????, Cell: 406-???-????</p> | <p>Missoula Ranger District</p> <p>Supervisor's office: 406-329-3750 <u>Jennifer Hensiek</u>, District Ranger Office: 406-329-3814, Cell: 406-</p> <p><u>Scott Tomson</u>, Wildlife Biologist Office: 406-677-2233 Cell: (b) (6)</p> |
| <p>Helena-Lewis and Clark National Forest Supervisor's Office</p> <p><u>William Avey</u>: Forest Supervisor Office: 406-449-5201</p> <p><u>Denise Pengeroth</u>, Wildlife Biologist Office: 406-495-3637</p> | <p>Lincoln Ranger District</p> <p>Office: 406-362-4265 <u>Michael Stansberry</u>, District Ranger Office: 406-362-7000</p> <p><u>Pat Shanley</u>, Wildlife Biologist Office: 406-362-7006 Cell: (b) (6)</p> |

Phone List 2. Additional Contacts PCA/Zone 1 Land Managers on the south end of the NCDE.

| | |
|--|--|
| <p>Bureau of Land Management Missoula Field Office</p> <p>Office: 406-329-3914 Joe Ashor, Field Manager Office: 406-329-3914</p> <p>Jim Sparks, Wildlife Biologist Office: 406-329-3827</p> | <p>Department of Natural Resources Southwestern Land Office</p> <p>Office: 406-542-4300 <u>Mike O'Herron</u>, Area Manager Office: 406-542-4285</p> <p>Ross Baty, Wildlife Biologist Office: 406-542-4202</p> |
| <p>The Nature Conservancy Ovando Office</p> <p>Office: 406-543-6681 Steve Kloetzel, Field Manager Cell: (b) (6)</p> | <p>Stimpson Timber Coeur d'Alene Office</p> <p>Office: 509-447-3686 Doug Smith, Real Estate Forester</p> |
| <p>Confederated Salish and Kootnai Tribe</p> <p>Office: Stacey Courville, Tribal Bear Manager, Cell: (b) (6)</p> | <p>Blackfoot Challenge Blackfoot Communtiy Conservation Area</p> <p>Office: 406-793-3900 Brad Welzien, Community Forest Manager Cell: (b) (6)</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

Phone List 3. USFS Contacts for outlying FWP R2 territories.

| | |
|---|--|
| <p align="center">Beaverhead-Deerlodge National Forest Supervisor's Office</p> <p>Office: 406-683-3900 Cheri Ford: Forest Supervisor Office: 406-406-683-3973</p> <p><u>Amie Shovlain</u>, Wildlife Biologist Office: 406-683-3970 (Forest WL Bio vacant)</p> | <p align="center">Pintlar Ranger District</p> <p>Office: 406-859-3211 <u>Cameron Rasor</u>, District Ranger Office: 406-859-3211</p> <p>Anne Roberts, North Zone Wildlife Biologist Office: 406-494-0238 Cell: N/A</p> |
| <p align="center">Bitterroot National Forest Supervisor's Office</p> <p>Office: 406-363-7100 Matt Anderson: Forest Supervisor Office: 406-406-363-7121</p> <p><u>Rob Gump</u>, Planning Staff Officer Office: 406-363-7109</p> | <p align="center">Stevensville Ranger District</p> <p>Office: 406-777-5461 <u>Nell Highfill</u>, Acting District Ranger Office: 406-777-7410</p> <p>Dave Lockman, North Zone Wildlife Biologist Office: 406-777-7426 Cell: (b) (6)</p> |
| <p align="center">Bureau of Land Management</p> <p>Katie Stevens: Acting W MT District Manager Office: 406-533-7600</p> <p><u>Scott Haight</u>, Butte Field Manager Office: 406-523-7660 <u>Cornelia Hudson</u>, Dillon Field Manager Office: 406-683-8000</p> | <p align="center">Montana Department of Natural Resources</p> <p>Missoula Office: 542-4300 <u>Mike O'Herron</u>, Area Manager SW Field Office Office: 406-542-4261</p> <p>Ross Baty, Lead Wildlife Biologist Office: 406-542-4202 Cell: N/A</p> |
| <p align="center">The Nature Conservancy</p> <p>Helena Office: 406-443-0303 <u>Dave Hanna</u>, State Director Office: 406-443-0303</p> <p>Steve Kleotzel (Missoula Office): 406-543-6681 Cell: (b) (6)</p> | <p align="center">Darby/Sula Ranger District</p> <p>Office: 406-821-3913 <u>Eric Winthers</u>, District Ranger Office: 406-821-4244</p> <p>Dave Lockman/Justin Martens Wildlife Biologist Office: 406-777-7426/406-821-1213 Cell: (b) (6)</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

Notes:

FLATHEAD AND KOOTENAI NATIONAL FORESTS NCDE GRIZZLY BEAR RELOCATION PLAN

UPDATED April 2021

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Flathead National Forest and the Northern Continental Divide Ecosystem (NCDE) portion of the Kootenai National Forest.

Objectives of the relocation program are to:


1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the implementation guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, other agency contacts, guidelines for appropriate identification of and responses to management grizzly bears, management bear release sites, and criteria and guidelines for pre-emptive grizzly bear relocations and aversive conditioning.

Signed: **KURTIS STEELE** Digitally signed by KURTIS STEELE
Date: 2021.04.05 16:48:30 -06'00'
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: 
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Date: April 7, 2021

Signed: 
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Date: 4/5/2021

Distributed to: *Montana FWP* – Tim Manley, Erik Wenum, Kim Annis, Jamie Jonkel, Chad White, Wesley Sarmiento, Cory Loecker, Neil Anderson; *USDI-FWS* – Hilary Cooley; *USDI-NPS* – John Waller; *Confederated Salish Kootenai Tribes* – Dale Becker, Kari Eneas; *Blackfeet Tribe* – Gerald Cobell, Loren Monroe, Jr.; *Montana DNRC* – Chris Forristal, Leah Breidinger; *USDA-FS Flathead NF* – Kurt Steele, Will Young, Chris Frisbee, Rob Davies, Chris Dowling, Bill Mulholland, Scott Snelson, Amy Jacobs, Laura Strong, Mark Ruby, Cas Waters, Jess Swanson, Katie Eaton, Kathy Ake, Darren Borgen; *USDA-FS Kootenai NF* – Chad Benson, John Carlson, Jeremy Anderson, Bryan Donner, Lynn Johnson, Jess Swanson, Nate Gassmann, Ed Morgan, Shawn Ray-Delmas; *USDA-FS Lolo NF* – Chad Bell, Scott Tomson, *USDA-FS RO/WO* – Lydia Allen, Scott Jackson; *US Border Patrol* – Christopher Young.

Flathead National Forest Contacts

FNF Supervisor's Office

Will Young, Resources Staff Officer, c: (b) (6), o: 406-758-5322.
Darren Borgen, Forest Safety Officer, c: (b) (6), o: 406-758-5224.
Amy Jacobs, Forest Wildlife Biologist, o: 406-758-3544, h: (b) (6).

Swan Lake Ranger District

Chris Dowling, District Ranger, c: (b) (6), o: 406-837-7501.
Mark Ruby, Wildlife Biologist, c: (b) (6), o: 406-837-7531.

Spotted Bear Ranger District

Scott Snelson, District Ranger, c: (b) (6), summer office: 406-758-6464,
winter office: 406-387-3851, Spotted Bear residence: (b) (6).
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Hungry Horse/Glacier View Ranger Districts

Rob Davies, District Ranger, c: (b) (6), o: 406-387-3801.
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Tally Lake Ranger District

Bill Mulholland, District Ranger, c: (b) (6), o: 406-758-3527.
Laura Strong, Wildlife Biologist, c: (b) (6), o: 406-758-3501.

Kootenai National Forest Contacts

KNF Supervisor's Office

John Carlson, Resources Staff Officer, o: 406-283-7634, c: (b) (6).
Shawn Ray-Delmas, Forest Safety Officer, o: 406-283-7668.
Jeremy Anderson, Forest Wildlife Biologist, o: 406-283-7771.

Rexford/Fortine Ranger District

Bryan Donner, District Ranger, c: (b) (6), o: 406-296-7145.
Lynn Johnson, Wildlife Biologist, c: (b) (6), o: 406-296-7102.

Libby Ranger District

Nate Gassmann, District Ranger, c: (b) (6), o: 406-283-7598.
Ed Morgan, Wildlife Biologist, o: 406-283-7558.

Other contacts involved in grizzly bear relocations on the Flathead and the NCDE portion of the Kootenai National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.

Tim Manley, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-250-1265, pers. cell: (b) (6)

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,
o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
o: 406-466-5100, c: (b) (6)

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,
o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C), c: (b) (6), (b) (7)(C)

Decision Process and Criteria to Determine Appropriate Actions

A diagram showing the decision process is shown in Figure 1. Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfeet Nation or Confederated Salish and Kootenai Tribes, and the U.S. Forest Service (FS) evaluate and determine if the bear should be relocated or removed from the population.

Table 1 presents the guidelines for management grizzly bear control actions (also see section below on pre-emptive relocations). Table 1 follows the Interagency Grizzly Bear Guidelines control action plan that considers the offense condition, sex and age of the bear, and the number of times the bear has committed the offense. The three offense conditions are:

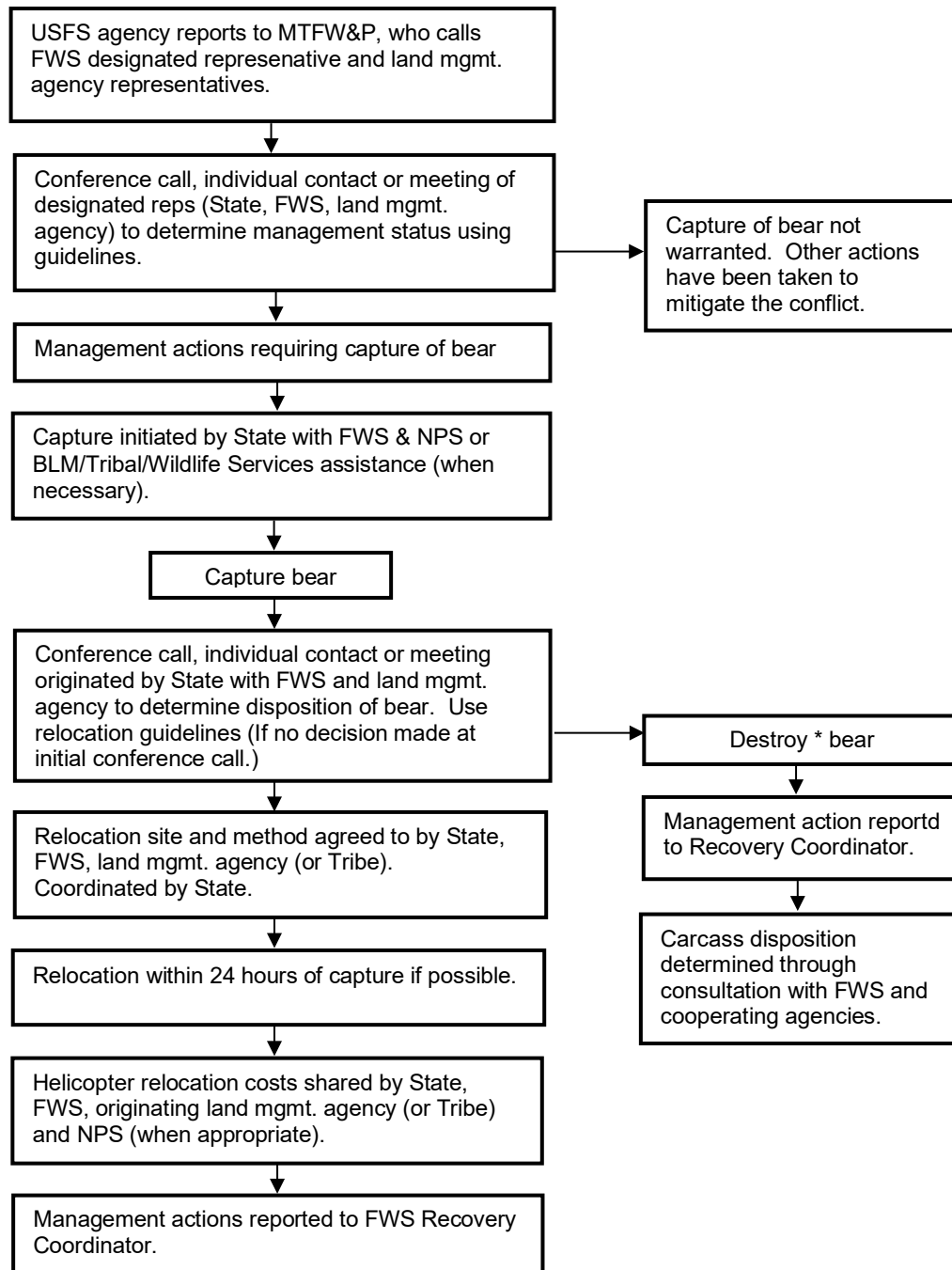
Condition A: The bear causes significant depredation to lawfully present livestock or uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning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

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. It is possible that a bear that was involved in a human injury was acting in defense of young, defense of a

food source, or was involved in a surprise encounter. Note: In some cases, no management action will be taken for bears acting in defense of young, defense of food, or involved in a surprise encounter.

Figure 1. Action Procedures for Determining Bear Conflict Status and Management Action on USFS Lands
(Adapted from Interagency Grizzly Bear Guidelines)



* Alternative may include transport to a zoo or research facility. Decision made at second phone call.

Table 1. Guidelines for Management Grizzly Bear Control Action. NOTE: These are only guidelines and are not directive of agency action. The specific decision on each bear is made by agencies in consultation with each other.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|-------------|-------------|
| | 1st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Representatives of the management agencies involved (including FWS, FWP, and the land management agency involved such as USFS, GNP, BIR, and/or FIR) will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Grizzly bears that are female or of a young age class will be relocated more often. Male bears, older age bears, or repeat offenders will more often be removed from the population.

Female grizzly bears are more valuable to the population than males, because they produce and care for the young. Relocation of male grizzly bears also presents more potential for social disruption of the resident population than relocation of females. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears.

Habituation occurs when a bear has lost its normal avoidance response to humans and begins to frequent developed areas, campsites, trails, or roadsides, but has retained its natural foraging behavior.

Food-conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Food-conditioned bears should be relocated to areas that have minimal opportunity to encounter situations similar to those that caused the food-conditioning, or aversive conditioning treatments may be applied.

Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their “Acting”. If neither can be reached, personnel at the Supervisor’s Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest’s District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest’s Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district’s Staff to discuss work locations of their section’s employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest’s intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone “Send Word” app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.

3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP will notify the Kootenai National Forest's Forest Supervisor.
7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Criteria and Guidelines for Pre-Emptive Grizzly Bear Relocations

The Interagency Grizzly Bear Guidelines (IGBG) outlined definitions, criteria and processes for dealing with human-bear conflicts. The IGBG describes situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases.

A pre-emptive situation may exist when any or all of the following occur:

1. A bear's behavior does not lead to a management action requiring capture of the bear, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented.
3. The bear frequents areas that are outside of the Grizzly Bear Recovery Area, in areas of human development.
4. The bear utilizes orchard or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured and/or are not contested by the owner as damage.

5. Previous conflict and/or pre-emptive actions involving individual bears may alter the conflict/preemptive classification.
6. The landowner implements preventative actions that eliminate availability of attractants.

Considerations for the pre-emptive relocation of grizzly bears, outside of GNP, will be decided and implemented through a cooperative consultation process that includes affected local wildlife and land management units and FWS. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication of implemented actions reported to the program level representatives of the USFWS and involved wildlife and land management agencies.

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP or under their direction.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|-----------------|---------------------------|-----------------------------|--|--|
| Deep Creek (HH) | T.29N R.17W Sec. PB48 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), up gated RD# 1624, continue to left on RD# 1624 at junction with RD# 1626, continue to end of RD#1624. |
| East Skyland | T.29N R.13W Sec.16 | HHRD FNF | End of road is trailhead; trails in area. | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to end of road. |
| Elelehum Cr | T.33N R.21W Sec.15 | GVRD FNF | Road open 7/1-8/31; use outside open dates. Recreation crews camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316, continue up seasonally open RD# 5272 to barrier at mp 3.5. |
| Elk Mountain | T.31N R.26W Sec.14 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access either via Farm to Market to Star Mdw (RD# 113) to RD# 2890 to RD# 2883 -OR- via Good Ck (RD# 60) to RD# 2883. From RD# 2883 (open yearlong), continue on gated RD# 9528 to junc RD# 9581 and RD# 9528. |
| Emery Creek | T.31N R.18W Sec.20 | HHRD FNF | Do not use after July 1 in 2021 due to crews working nearby. Be aware of weed spraying and tree planting during spring. Groomed oversnow route nearby is open until 3/31. | From RD# 38 (east side HH Reservoir), continue up open road RD# 546, about 1.5 mi past gate (mp 4.8) to berm at junc. with RD# 1614. |
| Firefighter | T.29N R.18W Sec.02 | HHRD FNF | | From junction RD# 38 (east side HH Reservoir) & RD# 38B, continue on gated RD# 896 approx. 4.1 miles to junc RD# 896 & RD# 896E. |
| Forks Westside | T.33N R.21W Sec.PB47 | GVRD FNF | Trails in area | From North Fork Road, up open RD# 316, continue on open RD# 315, then on open RD# 5207, then on gated RD# 5220 to barrier at mp 2.51. A large "J" hole turn around at that location. |
| Frozen Lake | T.37N R.24W Sec.PB37 | GVRD FNF | Access from open roads on Kootenai NF. Inform Border Patrol before releasing at this site. | Access from KNF; up RD# 114 (Grave Creek), continue up open RD# 319, continue on open RD# 114A, continue on open short spur RD# 10859 to end of road. |
| Goat Cr | T.23N R.16W Sec.PB37 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9530 approx 2.8 miles to physical barrier. |
| Hand Cr | T.29N R.25W Sec.09 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From Hwy 2 West, up open RD# 538 (Griffin Ck), continue on gated RD# 2814 to junc RD# 2813 and RD# 2814. May also access from RD# 538 to RD# 538B and continue on gated RD# 2813 to junc RD# 2813 and 2814. |
| Harris Cr | T.28N R.17W. Sec.10 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), continue on gated RD# 1631 approx 0.99 miles to end of drivable road. |
| Hay Cr | T.35N R.22W Sec.28 | GVRD FNF | ONLY use in early season; road open 7/1 - 11/30 | From North Fork road, up open RD# 376, continue past gate on seasonally open road to junc RD# 376 & RD# 5221. |
| Herrick Run | T.19W R.17W Sec.28 | SLRD FNF | Trailheads approx 1 mi NW and 1.5 mi SSE | From MT Hwy 83 (Swan Hwy), up open RD# 79 approx 8.1 miles, continue on gated RD# 9575 to junc RD# 9575 and RD# 9574. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------------|---------------------------|-----------------------------|---|--|
| Kah Mtn | T.26N R.16W Sec.22 | SBRD FNF | Not available during hunting season | From RD# 895 (west side HH Reservoir), continue on open RD# 2831 past road's yearlong gate at mp 4.1, continue on gated RD# 2831B to junc RD# 2831Y and RD# 2831B. |
| LeBeau | T.33N R.24W Sec.32 | TLRD FNF | Coordinate with KNF. | From US Hwy 93 North, up open RD# 60 (Good Ck), continue on open RD# 910 (Martin Ck) approx 5.2 miles, continue on gated RD# 1649, continue on gated RD# 2815 to junc RD# 5336 and RD# 2815. |
| Lower Whale Gravel Pit | T.36N R.22W Sec.20 | HHRD FNF | In 2021, only use before 6/15 due project work. Consider adding this as a regular site for 2022 and beyond. If snow blocks access, use the first gated road on the right off RD# 318. | From North Fork Road, up open RD# 318 (Whale Cr) to RD# 318P (Whale Creek Pit), go into gravel pit area. |
| North Fork Lost Cr | T.25N R.17W Sec.26 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 680, continue on open RD# 5260 to junc RD# 5206 and RD# 9821. |
| Pinkham Mtn. | T.34N R.27W Sec.34 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road is open to public Dec. 1 to June 30. | Can access from Eureka or Trego. From west, take RD# 1900 to RD# 433. From Trego take State Hwy 36 south to RD# 433. Off open RD# 433 (Edna Creek), take RD# 14230 to junction of RD# 14230/14231. |
| Pinnacle | T.30N R.16W Sec.30 | HHRD FNF | RD# 1638 is open yearlong; RD# 1637 is 7/1-10/15. Use when RD# 1637 is closed. Culvert wash-out is fixed. Snow concerns; check with nearby landowner | From Hwy 2, follow county roads to RD# 1638 (Paola Ck), continue on open RD# 1638, continue on seasonally open RD# 1637 approx 3.5 miles to end of road. |
| Pioneer Ridge | T.28N R.17W Sec.19 | HHRD FNF | Slump is developing on RD# 895. Campgrounds nearby. Possible use in spring | From RD# 895 (west side HH Reservoir), continue on gated RD# 895D to barrier approx 4.25 miles in, vic. junc RD# 895D & RD# 9796. |
| Puzzle Cr | T.28N R.13W Sec.11 | HHRD FNF | Groomed snowmobile route; trails. Crews working nearby in early July & Sept usually don't park there. Consider 25-mile or Skyland sites | From Hwy 2, up seasonally open RD# 569, continue past yearlong gate at mp 9.5 to end of drivable road, approx. mp 13.68. |
| Sheep Cr | T.33N R.27W Sec.33 | RRD KNF | If not releasing behind gate on RD# 3715, only use RD# 3714 from Jul 1 - Nov 30 when road is closed. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take open RD# 3550 to RD# 3714 to gate. Go past gate to either junc w/ RD# 3715 or RD# 3714A. |
| South Fork Coal | T.34N R.22W Sec.42 | GVRD FNF | | From North Fork road, up open RD# 316, continue on open RD# 317, past yearlong gate on RD# 317 at mp 12.44, continue on RD# 1686 to junc RD# 1686 & 1604. |
| Spotted Bear River | T.25N R.13W Sec.8 | SBRD FNF | Only use in early May; RD# 568 open 5/15-11/30 | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to end of road or as near as possible to end of road. |
| Squeezer Cr | T.23N R.17W Sec.12 | SLRD FNF | Access thru DNRC gates and roads. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9578, continue on gated RD# 70146 to other gated roads to half mile past junc RD# 91498 & 91511. |
| Sullivan Cr | T.26N R.17W. Sec.14 | SBRD FNF | | From RD# 895 (west side HH Reservoir), continue 2.7 miles on gated RD# 547, then continue 0.06 mile on gated RD# 975 to barrier. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|---------------------------|-----------------------------|---|--|
| Sutton Cr | T.34N R.28W Sec.2 | RRD KNF | Has a non-standard FS lock/key. May need contractors key until contractor removes lock. May need downed trees cut behind gate for turnaround. | Off east-side Lake Koocanusa road (State Hwy 37), take open RD# 619 east to gated portion of RD# 619. Turn-around at switchback, just behind gate at start of RD# 14093. |
| Twenty-Five Mile Cr | T.28N R.14W Sec.13 | HHRD FNF | May be possible to drive further along road | From Hwy 2, up seasonal open RD# 569, continue on gated RD# 1651 as far as it is possible to drive over divide into Twenty-five Mile Creek. |
| Upper Sheppard | T.30N R.26W Sec.23 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From either US Hwy 2 West to RD# 538 to RD# 538B to gated RD# 2885 -OR- from US Hwy 93 North to Farm to Market road to RD# 539 (Star Mdw) to RD# 538B to gated RD# 2885. Continue on RD# 2885 approx 2.6 miles to junc RD# 2885 and decommissioned RD# 2973. |
| US-CAN Border | T.37N R.22W Sec.5 | GVRD FNF | ONLY use in early spring. Inform Border Patrol before releasing at this site. | Up North Fork RD (FLTHD CNTY RD# 486) to US-Canada border. |
| Van Peak | T.22N R.17W Sec.01 | SLRD FNF | Access thru DNRC gates. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 9578, continue on gated RD# 70136, which continues as RD# 90686, continue on gated RD# 91395 approx 1.7 miles to second major switchback. |
| West Skyland | T.29N R.13W Sec.17 | HHRD FNF | | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to junc RD# 1653A & RD# 1653Y. |
| Whale Cr | T.36N R.23W Sec.29 | GVRD FNF | Site reactivated in 2021. Ninko Cabin rental is about 0.7 miles to the north but is used by public in winter only | From North Fork road, up open RD# 318 about 11.4 miles (past junc w/ RD# 1674), continue on open RD# 10843 for 0.1 to 0.2 miles to barrier at Shorty Creek. |
| Whitcomb Cr | T.25N R.14W Sec.12 | SBRD FNF | In fall, road is a primary trail for early rifle season users in Wilderness. RD# 568 open 5/15-11/30. No drivable road off Spotted Bear River road. | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to junc of RD# 568 and RD# 564. |
| Wild Bill Cr | T.26N R.22W Sec.29 | SLRD FNF | | From Hwy 2 West to Truman Creek (RD# 916), continue on open RD# 213 (Wild Bill Ck) approx 8.1 miles, continue on gated RD# 2997 to junc RD# 2997 and RD# 2997B. |
| Wounded Buck | T.29N R.18W. Sec.19 | HHRD FNF | Avoid Memorial Day through Labor Day due recreation nearby. Road open 7/1-11/30; trailhead approx 0.8 mi SSW | From RD# 895 (west side HH Reservoir), continue on seasonally open RD# 895C, continue on seasonally open RD# 5339 approx 0.1 miles to physical barrier at Wounded Buck Creek. |
| Yakinikak Cr | T.36N R.24W Sec.3 | GVRD FNF | Access from open roads on Kootenai NF. Coordinate with KNF. | From North Fork road, up open RD# 114, continue on open short spur RD# 10856 to end of road. From KNF, up open RD# 114 (Grave Creek), continue on RD# 114A over Whitefish Divide, continue on open short spur RD# 10656 to end of road. |

* Flathead National Forest (FNF) – Glacier View RD (GVRD), Hungry Horse RD (HHRD), Spotted Bear RD (SBRD), Swan Lake RD (SLRD), Tally Lake RD (TLRD).
Kootenai National Forest (KNF) – Fortine RD (FRD), Libby RD (LRD), Rexford RD (RRD).

FLATHEAD AND KOOTENAI NATIONAL FORESTS NCDE COMMUNICATION PLAN FOR RELOCATION OF GRIZZLY BEARS

UPDATED May 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears specific for the Flathead National Forest and the Northern Continental Divide Ecosystem (NCDE) portion of the Kootenai National Forest.

Objectives of the relocation program are to:

1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Signed: _____
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: _____ Date: _____
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Signed: _____ Date: _____
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Signed: _____ Date: _____
Hilary Cooley
USFWS Grizzly Bear Recovery Coordinator

Distributed to: *Montana FWP* – Justin Vallieres, Erik Wenum, Kim Annis, Jamie Jonkel, Chad White, Wesley Sarmento, Cory Loecker, Neil Anderson; *USDI-FWS* – Hilary Cooley; *USDI-NPS* – John Waller; *Confederated Salish Kootenai Tribes* – Whisper Camel-Means, Kari Eneas; *Blackfeet Tribe* – Gerald Cobell, Loren Monroe, Jr.; *Montana DNRC* – Chris Forristal, *USDA-FS Flathead NF* – Kurt Steele, Michele Draggoo, Chris Frisbee, Rob Davies, Chris Dowling, Bill Mulholland, Scott Snelson, Mark Ruby, Cas Waters, Jess Swanson, Katie Mally, Kathy Ake, Darren Borgen; *USDA-FS Kootenai NF* – Chad Benson, John Carlson, Jeremy Anderson, Seth Carbonari, Lauren Michelsen, , Nate Gassmann, Ed Morgan, Shawn Ray-Delmas; *USDA-FS Lolo NF* – Bryson Bell, Scott Tomson, *USDA-FS RO/WO* – Lydia Allen, Scott Jackson; Amy Jacobs *US Border Patrol* – Christopher Young. *USFWS* – Hilary Cooley, Jennifer Fortin-Noreus, Ben Jimenez

Flathead National Forest Contacts

FNF Supervisor's Office

Michele Draggoo, Resources Staff Officer, c: (b) (6), o: 406-758-5322.
Darren Borgen, Forest Safety Officer, c: (b) (6), o: 406-758-5224.
Vacant, Forest Wildlife Biologist, o: 406-758-758-5421,

Swan Lake Ranger District

Chris Dowling, District Ranger, c: (b) (6), o: 406-837-7501.

Mark Ruby, Wildlife Biologist, c: (b) (6), o: 406-837-7531.

Spotted Bear Ranger District

Scott Snelson, District Ranger, c: (b) (6), summer office: 406-758-6464.
winter office: 406-387-3851, Spotted Bear residence (b) (6).

Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Hungry Horse/Glacier View Ranger Districts

Rob Davies, District Ranger, c: (b) (6), o: 406-387-3801.

Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Tally Lake Ranger District

Bill Mulholland, District Ranger, c: (b) (6), o: 406-758-3527.

Jess Swanson, Wildlife Biologist, c: (b) (6), o: 406-758-3501.

Kootenai National Forest Contacts

KNF Supervisor's Office

John Carlson, Resources Staff Officer, o: 406-283-7634, c: (b) (6).

Shawn Ray-Delmas, Forest Safety Officer, o: 406-283-7668.

Jeremy Anderson, Forest Wildlife Biologist, o: 406-283-7771.

Rexford/Fortine Ranger District

Seth Carbonari, District Ranger, c: (b) (6), o: 406-296-7145.

Lauren Michelsen, Wildlife Biologist, o: 406-296-2536 ex 7102

Libby Ranger District

Nate Gassmann, District Ranger, c: (b) (6), o: 406-283-7598.

Ed Morgan, Wildlife Biologist, o: 406-283-7558.

Other contacts involved in grizzly bear relocations on the Flathead and the NCDE portion of the Kootenai National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,

c: (b) (6), o: 406-293-4903.

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C:406-250-0062 O: 406-756-1776

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-250-1265

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,
o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
o: 406-466-5100, c: (b) (6)

Wesley Sarmento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,
o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C) c: (b) (6)

Decision Process and Criteria to Determine Appropriate Actions

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfeet Nation or Confederated Salish and Kootenai Tribes, will use the Interagency Grizzly Bear Guidelines control action plan to guide and evaluate and determine if the bear should be relocated or removed from the population.

Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Representatives of the management agencies may be involved (including FWS, FWP, and the land management agency involved such as USFS, GNP, BIR, and/or FIR) will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither the district ranger nor the "Acting" can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both bordering administrative area will be included. If the site is within a mile of the Kootenai National Forest (*i.e.* the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

Timing of bear release at the relocation site should be weighed with notification of personnel that may be completing work in the relocation site. The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP or the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.
4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 1 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

Bear Handling and Relocation Procedures

Bears relocated onto the Flathead or Kootenai National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
1. If a bear is released in proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.

2. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
3. If the site is within a mile of the Kootenai National Forest (*i.e.* the Bowen Pit or LeBeau sites), FWP will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP will notify the Kootenai National Forest's Forest Supervisor.
4. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|-------------------|---------------------------|-----------------------------|---|--|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |

Commented [RMF1]: For updates and Review. Please note any changes to associated relocation sites or access.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |
| Deep Creek (HH) | T.29N R.17W Sec. PB48 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), up gated RD# 1624, continue to left on RD# 1624 at junction with RD# 1626, continue to end of RD#1624. |
| East Skyland | T.29N R.13W Sec.16 | HHRD FNF | End of road is trailhead; trails in area. | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to end of road. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|----------------|---------------------------|-----------------------------|--|--|
| Elelehum Cr | T.33N R.21W Sec.15 | GVRD FNF | Road open 7/1-8/31; use outside open dates. Recreation crews camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316, continue up seasonally open RD# 5272 to barrier at mp 3.5. |
| Elk Mountain | T.31N R.26W Sec.14 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access either via Farm to Market to Star Mdw (RD# 113) to RD# 2890 to RD# 2883 -OR- via Good Ck (RD# 60) to RD# 2883. From RD# 2883 (open yearlong), continue on gated RD# 9528 to junc RD# 9581 and RD# 9528. |
| Emery Creek | T.31N R.18W Sec.20 | HHRD FNF | Do not use after July 1 in 2021 due to crews working nearby. Be aware of weed spraying and tree planting during spring. Groomed oversnow route nearby is open until 3/31. | From RD# 38 (east side HH Reservoir), continue up open road RD# 546, about 1.5 mi past gate (mp 4.8) to berm at junc. with RD# 1614. |
| Firefighter | T.29N R.18W Sec.02 | HHRD FNF | | From junction RD# 38 (east side HH Reservoir) & RD# 38B, continue on gated RD# 896 approx. 4.1 miles to junc RD# 896 & RD# 896E. |
| Forks Westside | T.33N R.21W Sec.PB47 | GVRD FNF | Trails in area | From North Fork Road, up open RD# 316, continue on open RD# 315, then on open RD# 5207, then on gated RD# 5220 to barrier at mp 2.51. A large "J" hole turn around at that location. |
| Frozen Lake | T.37N R.24W Sec.PB37 | GVRD FNF | Access from open roads on Kootenai NF. Inform Border Patrol before releasing at this site. | Access from KNF; up RD# 114 (Grave Creek), continue up open RD# 319, continue on open RD# 114A, continue on open short spur RD# 10859 to end of road. |
| Goat Cr | T.23N R.16W Sec.PB37 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9530 approx 2.8 miles to physical barrier. |
| Hand Cr | T.29N R.25W Sec.09 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From Hwy 2 West, up open RD# 538 (Griffin Ck), continue on gated RD# 2814 to junc RD# 2813 and RD# 2814. May also access from RD# 538 to RD# 538B and continue on gated RD# 2813 to junc RD# 2813 and 2814. |
| Harris Cr | T.28N R.17W. Sec.10 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), continue on gated RD# 1631 approx 0.99 miles to end of drivable road. |
| Hay Cr | T.35N R.22W Sec.28 | GVRD FNF | ONLY use in early season; road open 7/1 - 11/30 | From North Fork road, up open RD# 376, continue past gate on seasonally open road to junc RD# 376 & RD# 5221. |
| Herrick Run | T.19W R.17W Sec.28 | SLRD FNF | Trailheads approx 1 mi NW and 1.5 mi SSE | From MT Hwy 83 (Swan Hwy), up open RD# 79 approx 8.1 miles, continue on gated RD# 9575 to junc RD# 9575 and RD# 9574. |
| Kah Mtn | T.26N R.16W Sec.22 | SBRD FNF | Not available during hunting season | From RD# 895 (west side HH Reservoir), continue on open RD# 2831 past road's yearlong gate at mp 4.1, continue on gated RD# 2831B to junc RD# 2831Y and RD# 2831B. |
| LeBeau | T.33N R.24W Sec.32 | TLRD FNF | Coordinate with KNF. | From US Hwy 93 North, up open RD# 60 (Good Ck), continue on open RD# 910 (Martin Ck) approx 5.2 miles, continue on gated |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------------|---------------------------|-----------------------------|---|--|
| | | | | RD# 1649, continue on gated RD# 2815 to junc RD# 5336 and RD# 2815. |
| Lower Whale Gravel Pit | T.36N R.22W Sec.20 | HHRD FNF | In 2021, only use before 6/15 due project work. Consider adding this as a regular site for 2022 and beyond. If snow blocks access, use the first gated road on the right off RD# 318. | From North Fork Road, up open RD# 318 (Whale Cr) to RD# 318P (Whale Creek Pit), go into gravel pit area. |
| North Fork Lost Cr | T.25N R.17W Sec.26 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 680, continue on open RD# 5260 to junc RD# 5206 and RD# 9821. |
| Pinkham Mtn. | T.34N R.27W Sec.34 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road is open to public Dec. 1 to June 30. | Can access from Eureka or Trego. From west, take RD# 1900 to RD# 433. From Trego take State Hwy 36 south to RD# 433. Off open RD# 433 (Edna Creek), take RD# 14230 to junction of RD# 14230/14231. |
| Pinnacle | T.30N R.16W Sec.30 | HHRD FNF | RD# 1638 is open yearlong; RD# 1637 is 7/1-10/15. Use when RD# 1637 is closed. Culvert wash-out is fixed. Snow concerns; check with nearby landowner | From Hwy 2, follow county roads to RD# 1638 (Paola Ck), continue on open RD# 1638, continue on seasonally open RD# 1637 approx 3.5 miles to end of road. |
| Pioneer Ridge | T.28N R.17W Sec.19 | HHRD FNF | Slump is developing on RD# 895. Campgrounds nearby. Possible use in spring | From RD# 895 (west side HH Reservoir), continue on gated RD# 895D to barrier approx 4.25 miles in, vic. junc RD# 895D & RD# 9796. |
| Puzzle Cr | T.28N R.13W Sec.11 | HHRD FNF | Groomed snowmobile route; trails. Crews working nearby in early July & Sept usually don't park there. Consider 25-mile or Skyland sites | From Hwy 2, up seasonally open RD# 569, continue past yearlong gate at mp 9.5 to end of drivable road, approx. mp 13.68. |
| Sheep Cr | T.33N R.27W Sec.33 | RRD KNF | If not releasing behind gate on RD# 3715, only use RD# 3714 from Jul 1 - Nov 30 when road is closed. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take open RD# 3550 to RD# 3714 to gate. Go past gate to either junc w/ RD# 3715 or RD# 3714A. |
| South Fork Coal | T.34N R.22W Sec.42 | GVRD FNF | | From North Fork road, up open RD# 316, continue on open RD# 317, past yearlong gate on RD# 317 at mp 12.44, continue on RD# 1686 to junc RD# 1686 & 1604. |
| Spotted Bear River | T.25N R.13W Sec.8 | SBRD FNF | Only use in early May; RD# 568 open 5/15-11/30 | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to end of road or as near as possible to end of road. |
| Squeezer Cr | T.23N R.17W Sec.12 | SLRD FNF | Access thru DNRC gates and roads. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9578, continue on gated RD# 70146 to other gated roads to half mile past junc RD# 91498 & 91511. |
| Sullivan Cr | T.26N R.17W. Sec.14 | SBRD FNF | | From RD# 895 (west side HH Reservoir), continue 2.7 miles on gated RD# 547, then continue 0.06 mile on gated RD# 975 to barrier. |
| Sutton Cr | T.34N R.28W Sec.2 | RRD KNF | Has a non-standard FS lock/key. May need contractors key until contractor removes lock. May need downed trees cut behind gate for turnaround. | Off east-side Lake Koocanusa road (State Hwy 37), take open RD# 619 east to gated portion of RD# 619. Turn-around at switchback, just behind gate at start of RD# 14093. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------------|---------------------------|-----------------------------|---|--|
| Twenty-Five Mile Cr | T.28N R.14W Sec.13 | HHRD FNF | May be possible to drive further along road | From Hwy 2, up seasonal open RD# 569, continue on gated RD# 1651 as far as it is possible to drive over divide into Twenty-five Mile Creek. |
| Upper Sheppard | T.30N R.26W Sec.23 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From either US Hwy 2 West to RD# 538 to RD# 538B to gated RD# 2885 -OR- from US Hwy 93 North to Farm to Market road to RD# 539 (Star Mdw) to RD# 538B to gated RD# 2885. Continue on RD# 2885 approx 2.6 miles to junc RD# 2885 and decommissioned RD# 2973. |
| US-CAN Border | T.37N R.22W Sec.5 | GVRD FNF | ONLY use in early spring. Inform Border Patrol before releasing at this site. | Up North Fork RD (FLTHD CNTY RD# 486) to US-Canada border. |
| Van Peak | T.22N R.17W Sec.01 | SLRD FNF | Access thru DNRC gates. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 9578, continue on gated RD# 70136, which continues as RD# 90686, continue on gated RD# 91395 approx 1.7 miles to second major switchback. |
| West Skyland | T.29N R.13W Sec.17 | HHRD FNF | | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to junc RD# 1653A & RD# 1653Y. |
| Whale Cr | T.36N R.23W Sec.29 | GVRD FNF | Site reactivated in 2021. Ninko Cabin rental is about 0.7 miles to the north but is used by public in winter only | From North Fork road, up open RD# 318 about 11.4 miles (past junc w/ RD# 1674), continue on open RD# 10843 for 0.1 to 0.2 miles to barrier at Shorty Creek. |
| Whitcomb Cr | T.25N R.14W Sec.12 | SBRD FNF | In fall, road is a primary trail for early rifle season users in Wilderness. RD# 568 open 5/15-11/30. No drivable road off Spotted Bear River road. | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to junc of RD# 568 and RD# 564. |
| Wild Bill Cr | T.26N R.22W Sec.29 | SLRD FNF | | From Hwy 2 West to Truman Creek (RD# 916), continue on open RD# 213 (Wild Bill Ck) approx 8.1 miles, continue on gated RD# 2997 to junc RD# 2997 and RD# 2997B. |
| Wounded Buck | T.29N R.18W. Sec.19 | HHRD FNF | Avoid Memorial Day through Labor Day due recreation nearby. Road open 7/1-11/30; trailhead approx 0.8 mi SSW | From RD# 895 (west side HH Reservoir), continue on seasonally open RD# 895C, continue on seasonally open RD# 5339 approx 0.1 miles to physical barrier at Wounded Buck Creek. |
| Yakinikak Cr | T.36N R.24W Sec.3 | GVRD FNF | Access from open roads on Kootenai NF. Coordinate with KNF. | From North Fork road, up open RD# 114, continue on open short spur RD# 10856 to end of road. From KNF, up open RD# 114 (Grave Creek), continue on RD# 114A over Whitefish Divide, continue on open short spur RD# 10656 to end of road. |

* Flathead National Forest (FNF) – Glacier View RD (GVRD), Hungry Horse RD (HHRD), Spotted Bear RD (SBRD), Swan Lake RD (SLRD), Tally Lake RD (TLRD).
Kootenai National Forest (KNF) – Fortine RD (FRD), Libby RD (LRD), Rexford RD (RRD).

Appendix A. MOU between USFWS and MFWP

FINAL WORKING DRAFT FWP R2 “NUISANCE” GRIZZLY BEAR RELOCATION PROTOCOL & INTERIM DECISION-MAKING PROCESS FOR GRIZZLY OCCURENCES IN OUTLYING AREAS

A cooperative relationship between Montana Fish Wildlife and Parks Region 2, U.S. Fish and Wildlife Service, U.S. Department of Agriculture Wildlife Services, Bureau of Land Management, Montana Department of Natural Resources and Conservation, the Lolo, Helena-Lewis and Clark, Bitterroot and Beaverhead-Deerlodge National Forests, Flathead Indian Reservation, Nature Conservancy, Blackfoot Challenge and other Cooperators

Formalized September 2019

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear “nuisance” status and for controlling nuisance bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines relocation practices used by Montana Fish, Wildlife and Parks (FWP) Region 2 (R2) bear management team. With multiagency cooperation, decisions along the south end of the Northern Continental Divide Ecosystem (NCDE) Grizzly Bear Recovery Area, are made jointly. That is, objectives, procedures, and sites for relocation of “nuisance” and non-nuisance grizzly bears within the territories of R2 are determined through prior, or “at-the-time” consultation. Note, the Grizzly Bear Recovery area is now referred to as the Primary Conservation Area (PCA) under the new 2018 Grizzly Bear Conservation Strategies (CS) (Map 1), and, the occupied grizzly habitats buffering the PCA are now referred to as Zone 1.

The purpose of this document is threefold:

- 1) This document summarizes the existing R2 approach, used since 1986, for relocating grizzly bears on the Lolo and Helena-Lewis and Clark (HLC) National Forests and other lands within the PCA and Zone 1. It retains direction from the IGBG, coordination with the U.S. Fish and Wildlife Service (USFWS) Office of the Grizzly Bear Coordinator, and updates contact lists and selection of relocation sites within the R2 territories along the south end of the PCA/Zone 1.

- 2) This document addresses the standard procedures used for determining grizzly bear “nuisance” status, “pre-emptive” or “non-target” status in Montana since 1986. It also, summarizes procedures for releasing bears on site of capture and at short distance release sites within perspective grizzly bear home ranges. Often, when bears are captured for research purposes, or captured during management actions and are considered “non-target”, or categorized as “pre-emptive”, an alternative release site is required. And in certain emergency situations, for example, capture situations involving grizzly bear family groups, it may be necessary to release on-site or near-site.
- 3) And finally, this relocation document outlines an approach for making decisions for grizzlies captured in outlying areas. It recommends remote geographic areas for relocating bears within the R2 territories, but outside of the PCA/Zone 1. This interim coordination process includes updated national forest and district contacts; other land agency administrator contacts; and uses the same guidelines for responses and relocations for “nuisance”, “pre-emptive” and “non-target” grizzly bears captured in outlying areas within R2.

Objectives of the relocation program document are to:

- 1) Provide for management and recovery of R2 grizzly bears within the Lolo and HLC National Forest and other lands on the south end of the NCDE in accordance with the CS, the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act, the Grizzly Bear Recovery Plan and any other documents pertaining to grizzlies;
- 2) Provide clarification for the management and relocation of bears in outlying areas of Western Montana; and
- 3) Provide for human safety when relocating bears; and
- 4) Minimize future potential for grizzly-human conflicts.

FWP R2 Grizzly Bear Management Decision Making Process

In order to determine the correct initial response or action for grizzly bear management issues, the FWP R2 Bear Management Specialist will be contacted first. In regard to livestock depredations, the United States Department of Agriculture (USDA) Wildlife Services (WS) District Supervisor will be contacted first. Grizzly bear conflicts involving livestock are under the jurisdiction of WS, but depredation-related actions are handled jointly with FWP R2. If the WS is unavailable for livestock incidents call the FWP R2 bear manager. In the event the bear manager or FWP superiors are unavailable, contact any of the below mentioned representatives. Everyone on the primary contact list will know who to contact and how to proceed.

Prior to making any decisions on where a grizzly bear will be relocated within the PCA/Zone 1, follow the recommended procedures and discuss options with appropriate land managers to determine a release area and current activities at/near any potential release sites. The same procedures will be followed for any grizzly issues or captures in outlying R2 territories. Contact lists and summaries for dealing with grizzlies within the PCA area and in outlying area are below.

PRIMARY CONTACTS USFWS (OFFICE OF THE GRIZZLY BEAR COORDINATOR):

Hillary Cooley, USFWS, Grizzly Bear Recovery Coordinator,
(b) (6) (cell), 406-293-4161 ext. 205 (office).

Wayne Kasworm, USFWS, Cabinet/Yaak Ecosystem Program Grizzly Biologist,
(b) (6) (cell), 406-293-4161 ext. 205 (office).

PRIMARY CONTACTS FWP R2 BEAR MANAGEMENT:

Randy Arnold, FWP R2 Regional Supervisor,
406-542-5504 (office), 406-552-8708 (cell).

Mike Thompson, FWP R2 Regional Wildlife Manager,
406-542-5516 (office), 406-531-5378 (cell).

Jamie Jonkel, FWP R2 Bear Management Specialist,
406-542-5508 (office), 406-544-1447 (cell).

Eli Hampson, FWP R2 Wildlife Bear Management Team,
406-210-3213 (cell).

Eric Graham, FWP R2 Wildlife Bear Management Team/Blackfoot Challenge,
406-240-3132 (cell).

PRIMARY USDA WS CONTACTS (LIVESTOCK DEPREDACTIONS):

Kraig Glaizer, USDA WS District Supervisor,
406-458-0106 (office), 406-439-5943 (cell), (b) (6) (home).

Bart Smith, USDA WS Powell/Granite/Deerlodge/Ravalli Counties,
406-660-0368 (cell), (b) (6) (home).

Ted North, USDA WS Missoula/Mineral Counties
406-274-4856 (cell), (b) (6) (home).

John Meidke, USDA WS Lewis and Clark County,
406-855-8429 (cell).

PRIMARY BEAR MANAGEMENT CONTACTS IN ADJACENT AREAS:

Tim Manley, FWP R1 Bear Management Specialist,
406-751-4584 (office), 406-250-1265 (cell), (b) (6) (home).

Mike Madel, FWP R4 Bear Management Specialist,
406-466-5100 (cell).

Kevin Frey, FWP R3 Bear Management Specialist,
406-581-6981 (cell).

Stacey Courville, Flathead Indian Reservation Bear Management Specialist,
(b) (6) (cell).

Conflict Reduction by Minimizing the Need to Relocate

The overreaching goal of bear management is to minimize, to the greatest extent possible, the need for grizzly bear management and relocation. But in the event a grizzly bear conflict event occurs on the south end of the NCDE/PCA/Zone 1, or in outlying areas around R2, the situation will be assessed immediately to determine the most appropriate management approach. Sometimes trapping, removing or relocating the bear will be the only option, but often, a simple preventative management action will circumvent the situation and reduce future conflicts.

Preventive management R2 approaches:

1. FWP R2 will continue to work with other agencies, various Non-Government Organizations (NGO), watershed work groups, communities and rural districts in cooperative efforts to provide education, resolve bear management issues, and mitigate for conflicts through preventative management actions.
2. FWP R2, in conjunction with agency and NGO partners will continue to educate federal, state and private land recreators and hunters, work with private landowners and distribute informational brochures on being safe in bear country and continue efforts to produce useful best management practices materials.
3. Signs will be posted at trailheads, and other access points, to inform the public of recommendations for traveling and camping practices in grizzly bear habitat. FWP R2 and other agencies will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use within grizzly bear habitat. This effort will focus upon implementation of the current food storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
4. FWP R2, other agencies and NGO partners will continue to provide information and training opportunities to the public, hunters and rural land owners on

identification of grizzly bears, use of bear spray, and recommended practices for living, working and recreating in grizzly bear habitat.

5. FWP R2, other agencies and NGO partners will continue to cooperate and provide support development and implementation of local community working groups and bear awareness workshops, focused on decreasing human food availability at private residences and human safety in general.
6. And finally, whenever feasible, MFWP R2, WS, other agencies, and NGO partners will continue to address attractant issues as they are discovered, and work diligently on mitigation projects with private property owners, refuse companies, communities to reduce the availability of attractants. That is, instill good stewardship practices, remove or contain as many attractants on the landscape and create an attractant free environment, if possible.
7. And finally, the first step with every management response, rather than simply setting a trap and removing or relocating the bear, will be to assess what is causing the issue and contain or remove the attractant.

Guidelines to Determine “Nuisance” Bear Classification and Appropriate Control Actions

The 1986 IGBG outlined definitions, criteria and processes for dealing with grizzly bears that damage property and/or are aggressive towards people. The IGBG terms these standards “nuisance” situations for bears. In conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 and/or WS (livestock depredation) will determine “nuisance” status. Generally, throughout the ecosystem NCDE representatives from FWP, USFWS, WS, the Blackfoot Nation or Confederated Salish and Kootenai Tribes, and the local United States Forest Service (USFS) or other land managers evaluate and determine if the bear should be relocated or removed from the population.

A diagram showing the decision process for determining “nuisance” status is shown in Figure 1. The IGBG contains descriptions and recommendations for “nuisance” grizzly bear control actions, both of which follow the IGBG’s control action plan that considers: type of offense, condition, sex, age of the bear and the number of times the bear has committed the offenses (Table 1.)

The three offense conditions are:

Condition A: The bear causes significant depredation to lawfully present livestock or regularly uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning of the bear or significant loss of property.

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. And, if a bear has acted with aggression toward humans that does not involve one of the 3 types of response detailed above (except under certain extraneous situations) the bear will be removed from the population.

Additional Considerations:

Extraneous situations: Note, it's possible that a bear that was involved in a human mauling or charge was acting in defense of young, defense of a food source, was involved in a surprise encounter or was intentionally provoked. Representatives of the management agencies involved (including USFWS, FWP R2, and the land management agency involved such as USFS, Glacier National Park (GNP), Blackfoot Indian Reservation (BIR), Flathead Indian Reservation (FIR)) and WS, will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Animal health and population parameters: Injuries, physical condition, survivability, age and sex are also considered during the decision process to either remove or relocate an offending bear. For example, female and younger grizzlies are relocated more often, whereas, orphaned cubs, male bears, older age bears are more often removed from the population.

Female grizzly bears are considered more essential to the population than males, because they produce and care for the young. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears. Repeat offenders and severely injured or sick bears, male or female, are usually removed.

The success of relocations was discussed in the Flathead National Forest Grizzly Bear Relocation Plan (Revised October 2016.): A successful relocation was defined as one in which a bear did not resume "nuisance" behavior for at least two years from the relocation date, and analysis showed that relocation of males has been less successful than of females, and that relocations of livestock-depredating bears were less successful for all classes of bears.

Habituated Behavior: Granted, it is next to impossible for grizzlies and other wildlife, to not exhibit some habituated behavior. In order to travel and access habitat in the state of Montana bears need to cross through and feed along the urban-wildland and agricultural interface. As a result of constant interactions with humans, grizzlies have learned to become complacent in the presence of humans. But, in cases of extreme habituated behavior, where bears start approaching humans and frequenting developed areas to obtain natural foods, they can become dangerous. In these types of

situations habituated grizzlies may be aversive conditioned, relocated or removed from the population.

Food-conditioned Behavior: Food conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Mildly food-conditioned bears can be aversive conditioned and/or relocated to areas that have minimal opportunities for unnatural food. Bears exhibiting extreme food-conditioned behavior are usually destroyed.

“Pre-emptive” and “Non-target” Bear Classifications: In certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. These types of bears are categorized as “pre-emptive” captures. Often, during management actions, “non-target” grizzlies are captured. That is, a bear other than the one causing the conflict (an innocent bystander if you will) ends up in a snare or culvert traps. In these situations, the bear is classified as “non-target” and is either released at-site or near-site. On occasion “non-target” bears may be classified as “pre-emptive” in order to move them further distances.

Criteria and Guidelines for Aversive Conditioning

As a first step, in most bear management situations, every effort will be made to remove or contain the attractant that lured in the bear. In certain cases, aversive conditioning may be the best response, for example, erecting electric fence to deter the bear. Grizzlies in management situations, that have just discovered an attractant for the first time or bears that meet the definitions for “pre-emptive” moves (see below), may be candidates for aversive conditioning based upon a site-specific evaluation. Aversive conditioning is normally applied by FWP R2 or under their direction. There are a variety of acceptable methods:

1. Release the bear at-site or near-site using the “hard release” release approach. That is aversive condition the bear with the use of dogs, noise makers, rubber bullets and cracker shells as it leaves the culvert trap.
2. Use of trained dogs using the “bear herding” approach, a form of passive aversive conditioning, where the bears are negatively impacted by harassment with dogs.
3. Use of electrified mats, fences or objects at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted, through electric shock.
4. Use of capsaicin spraying devices at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted by an eye and olfactory irritant.
5. Use of noise makers, propane cannons, scare devices, motion alarms, rubber bullets, cracker shells, where the bears are negatively impacted by scare devices or pain.
6. Other aversive conditioning approaches such as tasers or other methods not mentioned.

Guidelines for “Pre-emptive”, “Non-target” Relocation

As mentioned above, in certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. The IGBG describe situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases. This section is intended to provide more detail in order to add consistency in decision-making relative to preventative actions involving “pre-emptive” classification.

Definition

A “pre-emptive” situation for a bear may exist when any, of the following situations occur:

1. A bear's behavior does not lead to a “nuisance” classification, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented, but if the behavior continues the bear could be injured, killed or become food conditioned.
3. The bear frequents areas in PCA, or outlying areas, in areas of human development or rural ranch land where attractant sources could tempt the bear to develop food-conditioned behavior.
4. The bear utilizes orchard, crops or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured, where the bear could eventually develop food-conditioned behavior.
5. Previous “nuisance” and/or “pre-emptive” actions involving individual bears may alter the “nuisance” or, “pre-emptive” classification.

Decision Processes for “pre-emptive” capture and relocations

Considerations for the “pre-emptive” capture and relocation of grizzly bears will be decided and implemented through a cooperative consultation process between FWP R2, the USFWS and relocation sites will involve the appropriate land management representatives. On occasion, WS may also recommend “pre-emptive” capture and relocation for grizzlies in and around livestock operations. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication back to the involved land manager and all parties involved.

Guidelines for Actions

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site. But attempt to keep the bear in or near its home range area, when possible.

3. Mutually agreed to relocation sites will be pre-determined or decided at the time of capture. Every effort will be made to limit the potential for human/bear interactions at the relocation site. These sites may be the same as those used in the PCA for “nuisance” bears or may be different based on coordination with land managers within the PCA or outlying areas.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of “pre-emptive” bears is useful in the event of repeat offenders and actions. But it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A “pre-emptive” relocation does not count as a “nuisance strike” against the bear.

Decision processes for “non-target” capture and relocations

Grizzly bears unrelated to the offense are often captured during management actions. This is especially true for areas where there are large concentrations of grizzlies. These types of captures are classified as “non-target”. These situations will undoubtedly become more common as grizzlies continue to recolonize outlying areas. Considerations for classifying grizzlies as “non-target” are determined by the bear management specialist or WS agent. On occasion “non-target” grizzly bears captured during management actions will be released at site, especially if the bear involved is part of an uninvolved family group.

Most “non-target” bears, in order to get them away from the conflict site, will be relocated to an adjacent remote site within their home range. In certain areas of R2, however, it may not be appropriate for a near-site release. For example, in high human activity areas, or agricultural areas where human safety is a factor, or where a bear may not be safe. Depending on the situation, it may be best to take a “non-target” bear back to the PCA/Zone 1, rather than a local site. Considerations for short distance-release sites will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of “non-target” bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Short-distance Research Grizzly Relocations

Occasionally, during grizzly bear research trapping and handling events, it may be necessary to relocate bears short distances. Environmental factors at the site, such as spring snow melt run-off or a water body, where recovering bears could possibly drown, or steep-cliffy terrain, may require that the bear be moved. Multiple bears can be attracted to baited trap sites and it is not always safe for recently-drugged bears. In

such cases the bear management specialist or WS Agent may need to take bears to a safer site for recovery and release. Considerations for short distance-release sites involving research bears, as with non-target bears, will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of research bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Emergency Grizzly Family Group On-site/Short distance Release Situations

On rare occasions, during management situations, it may be necessary to release a captured bear at-site, or very near-site, on private lands or in areas not considered appropriate for grizzly bears. For example, when it is impossible to capture an entire grizzly bear family group at a management or “pre-emptive” trapping action, or when a non-target cub or mother is captured, the bear manager and/or Wildlife Service Agent, may make a spur of the moment decision to release. Regardless, if the decision is made for safety or ethical reasoning, it is important that the public and agency supervisors understand that under high stress situations this may be the only option. Repercussions will be inevitable, especially in areas where there is no community acceptance for grizzlies, or in areas where grizzlies are not politically supported.

In the same vein, there may be certain management situations where members of family group will regrettably be separated, injured or killed during the process. And rarer yet, individual members of the group, or the entire family group, may have to be destroyed. Again, regardless, of the reasoning or the situation, it is important that the public and agency supervisors understand that under high stress situations this may occur. Repercussions will be inevitable, especially with the private sector that favor bears.

These types of bear management situations are high stress. Often emergencies occur without any ability to communicate or consult with superiors or land agency representatives. There are no processes for these types of situations within the IGBG, therefore, it is of utmost importance that the agency and the public be supportive of the above-mentioned actions and assist with statements of support. Tagging and radio collaring bears during these types of emergency situations may not be feasible. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Relocation Decision Process

As mentioned above, in conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 will determine “nuisance”, “pre-emptive” or “non-target” status. After this initial assessment, one of the primary contacts, from the list above will reach out to various land managers to determine if relocation is feasible. As a first step, contact the appropriate land manager representatives where a bear may be released to determine if the bear will be accepted. If the land managers agree to accept a bear, local field staff will be contacted in order to select the best release location. The processes will be similar for relocation sites within the PCA and for relocation sites in outlying areas:

Relocation process for the northern portions of the PCA (FWP R1)

Some of the best and remotest habitat for relocating grizzly bears in the PCA can be found within FWP R1 on the Flathead National Forest (FNF). Over the years, the majority of FWP R2’s “nuisance” and “pre-emptive” grizzly bears have been relocated to the FNF. If relocation of the bear is determined to be better suited to be on the north end of the PCA than FWP R2 and the USFWS Grizzly Bear Coordinator follow the procedures recommended in Flathead National Forest Grizzly Bear Relocation Plan (Revised October 2016.)

Relocation process for the southern portions of the PCA and Zone 1 (FWP R2)

Although not as remote, there are sites in the R2 portions of the PCA/Zone 1 suitable for “nuisance”, “pre-emptive” and “non-target” status grizzly bears. If the south end of the PCA/Zone 1 is deemed appropriate for relocation than recommendations in this document are to be followed.

First, contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest. Within this portion of the PCA/Zone 1 there are large tracts of remote BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, for example, lands owned by the Nature Conservancy or Stimpson Timber, than consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, biologists are unavailable, than personnel at the supervisor’s office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities. (Phone List 1 and Phone List 2).

Relocation process for grizzlies captured in outlying areas (FWP R2)

In recent times, throughout FWP R2 territories, more grizzlies have recolonized historic ranges. Grizzly activity has been verified in the headwaters of the Clarkfork Drainage, the lower reaches of the Clarkfork Drainage, the Bitterroot Valley and are now considered common throughout the Blackfoot Watershed. Although not as remote, and with multiple rural agricultural and urban centers, there are sites in the outlying portions of R2 suitable for “pre-emptive” and “non-target” status grizzly bears. Although

controversial, it is recommended that most “nuisance” status grizzlies be relocated back to the PCA/Zone 1 and destroyed when severe food-conditioned behavior is exhibited. But, depending on the situation, for example, an extraneous situations, or if relocation has been approved, there is a possibility that a “first offence” “nuisance” grizzly might be relocated back into an outlying area.

Although no actual relocation sites are specifically identified in this document there are remote sites throughout the Lolo and HLC, Beaverhead-Deerlodge or Bitterroot National Forests where grizzly bears could be relocated. If relocation to an outlying area (not within the PCA) is deemed appropriate than recommendations in this document are to be followed.

As a first step, FWP R2 or the USFWS Grizzly Bear Coordinator, will contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest, Beaverhead-Deerlodge or Bitterroot National Forest to assess where relocation is recommended. In R2’s outlying areas there are remote tracts of BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, then consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, or biologists are unavailable, then personnel at the supervisor’s office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities (Phone List 3)..

Relocation Guidelines for land managers

The National Forest or the equivalent land management personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Bear has no record of unprovoked, unnatural aggressive behavior towards people.
2. Bear is in good physical condition and not injured.
3. Each bear must be evaluated prior to release. If agency personnel determine that the bear presents a greater potential risk than benefit to the population, it will be deemed an unacceptable bear.
4. For permanent relocations, long distances may increase the probability of success.
5. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
6. Any wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other wilderness resources. Food-conditioned bears normally will not be relocated into wilderness. Primary release periods are before July 1 and after October 1.
7. Each “nuisance” bear should be radio collared and tattooed or micro chipped, except for young accompanying their mother. “Pre-emptive” and “non-target” bears will be ear tagged, tattooed and biochipped, but will not always be radio-collared.

8. Based on relocation site or individual bear behavior, it may be necessary or prudent to monitor bear location and movement for a few days after a release and periodically thereafter; with the information provided to the specific ranger districts.
9. Historic nuisance bear relocation sites on the south end of the PCA and Zone 1 will generally be used, except special seasonal and individual bear considerations may require use of unidentified sites.
10. Relocation sites for “pre-emptive” and “non-target” bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

¹ These are guidelines only and not directive of agency action in each case. The specific decision on each bear is made by management agencies in consultation with each other

Grizzly Bear Relocation Procedures

Bears captured, handled, managed, removed and relocated on the south end of the PCA and outlying areas of R2 will normally be handled by FWP, or other members on the Primary Contact list mentioned above.

In order to deal with general public safety and the safety of on-site personnel, operational procedures developed by the USFWS “A Manual for Handling Bears for Managers and Researchers” (April, 1993) for bear capture, handling and releasing will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. Most releases are expected to be at or behind a closed gate. If the release site is within a roaded area, the District Ranger may choose to restrict public use of the road system to protect the bear and the public.
4. If a bear is released in proximity to another adjacent land management agency’s land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the Lolo and HLC, Beaverhead-Deerlodge and Bitterroot National Forest, the Forest Supervisors will be contacted first to see if relocation on the forest is feasible. If approved the District Ranger will be contacted so that a suitable release site can be mutually agreed upon, considering both human safety and the well-being of the bear. If the District Ranger is not available, the acting District Ranger will be contacted, and a decision will be made in concert with the District or Forest wildlife biologist.
6. District Rangers and/or district wildlife biologists will be responsible for notifying field crews in the release area about the presence of a relocated bear as appropriate, and for any public access restrictions in the release area.
7. Condition A bears, “preemptive” bears or “non-target” bear are not expected to be more dangerous than resident bears in the release area, and no further

precautions after release are needed. If a Condition B bear, is relocated, the District Ranger may consider additional public safety measures.

8. Follow-up monitoring information (bear location and movement pattern) will be provided by FWP R2. Normally, the Department determines the location of the bear, if collared, within a few days after the release, and periodically thereafter. Monitoring information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist and adjacent landowners as appropriate.
9. FWP maintains a web site of nuisance bear activities at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>. Annually, the FWP prepares a report summarizing nuisance bear actions and relocation success statistics and provides copies to the Forests.
10. If helicopter transport is required, FWP R2 will insure that all equipment and personnel experience are adequate to ensure a safe operation. Note, any requests for relocation within wilderness require additional coordination and approval from the respective line officer.
11. Residents are often concerned/interested in bear relocations near them. FWP R2 will contact local interested groups and/or individuals in areas affected by relocation and will post information on: <http://missoulabears.org/>.

Map 1. NCDE Grizzly Bear Conservation Strategies (2018) Management Zones and outlying areas

Note: The areas discussed in this document include the Ninemile DCA, South end of the Primary Conservation Area and Zone 1, Western Portions of Zone 2 and the Outlying Lands West of Zone 2 to the Idaho Border.

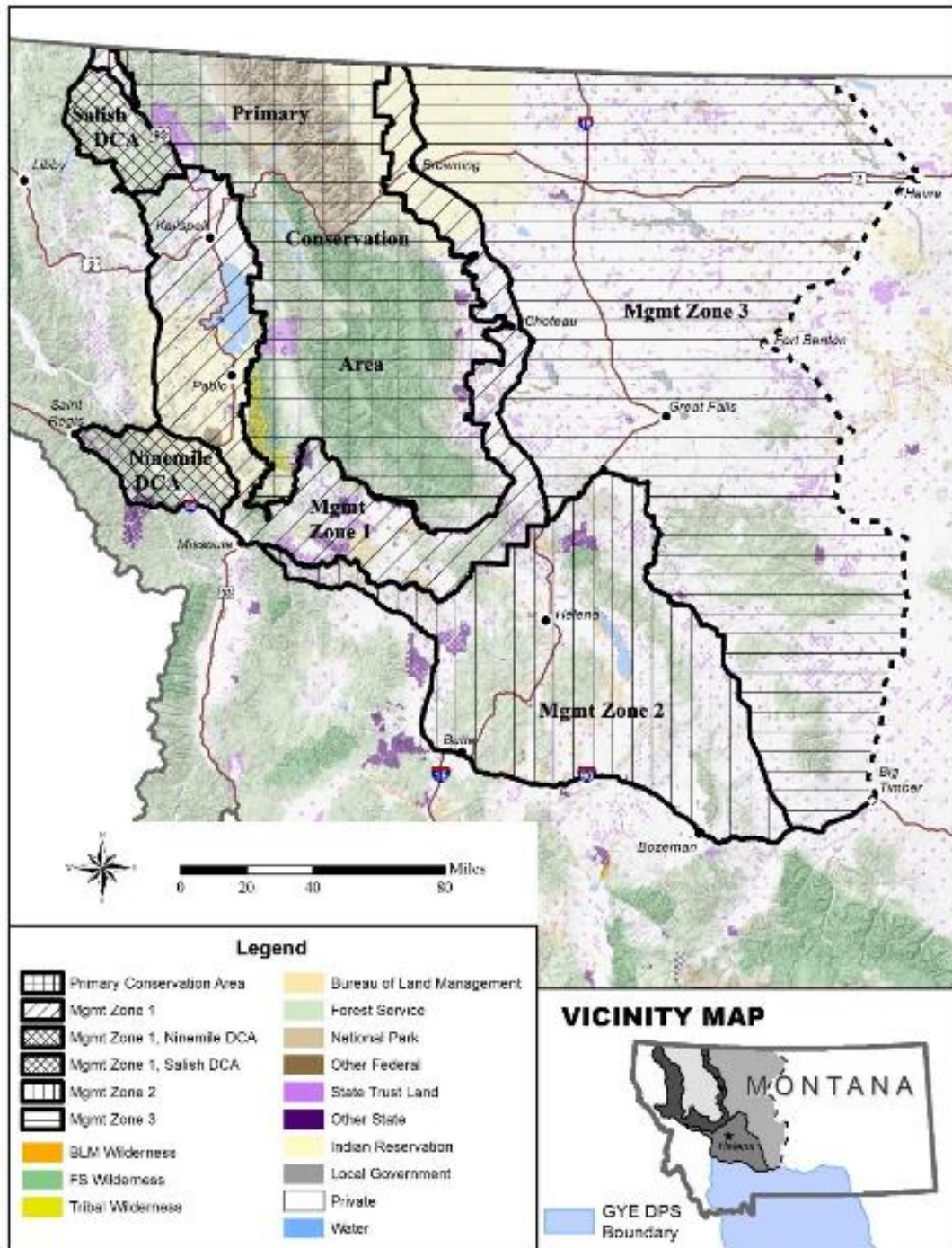
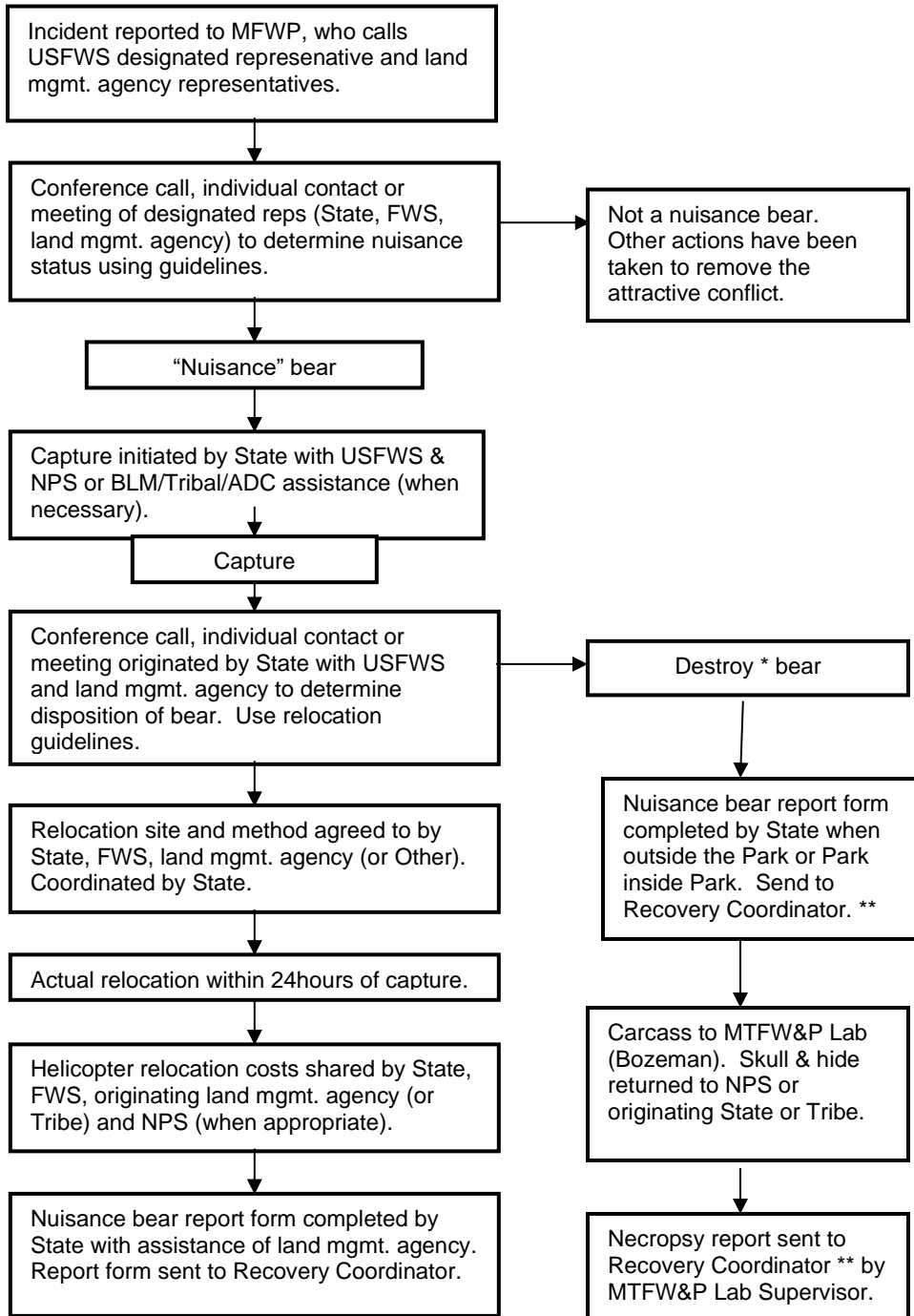


Figure 1. Action Procedures for Determining Bear Nuisance Status and Management Action.

(Adapted from 1986 Interagency Grizzly Bear Guidelines)



* Alternative may include transport to a zoo or research. Decision made at second phone call.

** Recovery Coordinator distributes report to agency representatives in Ecosystem.

Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Table 1. Guidelines¹ for Nuisance Grizzly Bear Control Action.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|----------------|----------------|
| | 1 st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Phone List 1. PCA/Zone 1 USFS Contacts on the south end of the NCDE.

| | |
|---|--|
| <p>Lolo National Forest Supervisor's Office <u>Carolyn Upton</u>, Supervisor Office: 406-329-3804 Cell: <u>Brandon Barr</u>, Forest Wildlife Biologist Office: 406-329-3792 Cell: 406-</p> | <p>Seeley Lake Ranger District <u>Quinn Carver</u>,(acting) District Ranger Office: 406-677-2233, Cell: (b) (6) <u>Scott Tomson</u>, Wildlife Biologist Office: 406-677-2233 Cell: (b) (6)</p> |
| <p>Ninemile Ranger District <u>Eric Tomasik</u>, District Ranger Office: 406-626-5201 Home: 406-, Cell: 406- <u>? ?</u>, Wildlife Biologist Office: 406-???-????, Cell: 406-???-????</p> | <p>Missoula Ranger District Supervisor's office: 406-329-3750 <u>Jennifer Hensiek</u>, District Ranger Office: 406-329-3814, Cell: 406- <u>Scott Tomson</u>, Wildlife Biologist Office: 406-677-2233 Cell: (b) (6)</p> |
| <p>Helena-Lewis and Clark National Forest Supervisor's Office <u>William Avey</u>: Forest Supervisor Office: 406-449-5201 <u>Denise Pengeroth</u>, Wildlife Biologist Office: 406-495-3637</p> | <p>Lincoln Ranger District Office: 406-362-4265 <u>Michael Stansberry</u>, District Ranger Office: 406-362-7000 <u>Pat Shanley</u>, Wildlife Biologist Office: 406-362-7006 Cell: (b) (6)</p> |

Phone List 2. Additional Contacts PCA/Zone 1 Land Managers on the south end of the NCDE.

| | |
|--|--|
| <p>Bureau of Land Management Missoula Field Office</p> <p>Office: 406-329-3914 Joe Ashor, Field Manager Office: 406-329-3914</p> <p>Jim Sparks, Wildlife Biologist Office: 406-329-3827</p> | <p>Department of Natural Resources Southwestern Land Office</p> <p>Office: 406-542-4300 <u>Mike O'Herron</u>, Area Manager Office: 406-542-4285</p> <p>Ross Baty, Wildlife Biologist Office: 406-542-4202</p> |
| <p>The Nature Conservancy Ovando Office</p> <p>Office: 406-543-6681 Steve Kloetzel, Field Manager Cell: (b) (6)</p> | <p>Stimpson Timber Coeur d'Alene Office</p> <p>Office: 509-447-3686 Doug Smith, Real Estate Forester</p> |
| <p>Confederated Salish and Kootnai Tribe</p> <p>Office: Stacey Courville, Tribal Bear Manager, Cell: (b) (6)</p> | <p>Blackfoot Challenge Blackfoot Communtiy Conservation Area</p> <p>Office: 406-793-3900 Brad Welzien, Community Forest Manager Cell: (b) (6)</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

Phone List 3. USFS Contacts for outlying FWP R2 territories.

| | |
|--|---|
| <p>Beaverhead-Deerlodge National Forest Supervisor's Office</p> <p>Office: 406-683-3900 Cheri Ford: Forest Supervisor Office: 406-406-683-3973</p> <p><u>Amie Shovlain</u>, Wildlife Biologist Office: 406-683-3970 (Forest WL Bio vacant)</p> | <p>Pintlar Ranger District</p> <p>Office: 406-859-3211 <u>Cameron Rasor</u>, District Ranger Office: 406-859-3211</p> <p>Anne Roberts, North Zone Wildlife Biologist Office: 406-494-0238 Cell: N/A</p> |
| <p>Bitterroot National Forest Supervisor's Office</p> <p>Office: 406-363-7100 Matt Anderson: Forest Supervisor Office: 406-406-363-7121</p> <p><u>Rob Gump</u>, Planning Staff Officer Office: 406-363-7109</p> | <p>Stevensville Ranger District</p> <p>Office: 406-777-5461 <u>Nell Highfill</u>, Acting District Ranger Office: 406-777-7410</p> <p>Dave Lockman, North Zone Wildlife Biologist Office: 406-777-7426 Cell: (b) (6)</p> |
| <p>Bureau of Land Management</p> <p>Katie Stevens: Acting W MT District Manager Office: 406-533-7600</p> <p><u>Scott Haight</u>, Butte Field Manager Office: 406-523-7660 <u>Cornelia Hudson</u>, Dillon Field Manager Office: 406-683-8000</p> | <p>Montana Department of Natural Resources</p> <p>Missoula Office: 542-4300 <u>Mike O'Herron</u>, Area Manager SW Field Office Office: 406-542-4261</p> <p>Ross Baty, Lead Wildlife Biologist Office: 406-542-4202 Cell: N/A</p> |
| <p>The Nature Conservancy</p> <p>Helena Office: 406-443-0303 <u>Dave Hanna</u>, State Director Office: 406-443-0303</p> <p>Steve Kleotzel (Missoula Office): 406-543-6681 Cell: (b) (6)</p> | <p>Darby/Sula Ranger District</p> <p>Office: 406-821-3913 <u>Eric Winthers</u>, District Ranger Office: 406-821-4244</p> <p>Dave Lockman/Justin Martens Wildlife Biologist Office: 406-777-7426/406-821-1213 Cell: (b) (6)</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

Notes:

INSERT APPROPRIATE FOREST National Forests Grizzly Bear Relocation Communication Plan

UPDATED April 2022

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests.

Commented [AK1]: I felt we might still want to keep this part but I am coming from a different side. Let me know if I need to cut it out completely and just write something about it being a communication plan. Also signatures or no signatures?

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the INSERT APPROPRIATE NATIONAL FOREST in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the communication guide for relocating management grizzly bears on the INSERT APPROPRIATE NATIONAL FOREST. This relocation communication plan contains the coordination and communication process, Forest and District contacts, other agency contacts, and management bear release sites.

Signed: _____
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: _____ Date: _____
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Signed: _____ Date: _____
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Signed: _____ Date: _____
Hilary Cooley
USFWS Grizzly Bear Recovery Coordinator

Distributed to: Montana FWP –
USDI-FWS
USDI-NPS
Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor's Office

... Ranger District

...Ranger District

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,

c: (b) (6), o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,

c: XXXXX

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell:.

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6).

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

Commented [FNJK2]: Each forest will likely have their own plan and still need to provide their contact list.

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(b) (6), (b) (7)(C) US Border Patrol, Patrol Agent in Charge, o (b) (6), (b) (7)(C), c: (b) (6)

Forest Service Communication Plan

USFWS will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.
4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP /FWS Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their

Acting. If they cannot be reached, FWP/~~FWS~~ will notify the Kootenai National Forest's Forest Supervisor.

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/~~FWS~~ if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP ~~or FWS~~, or under their direction.

Commented [AK3]: I was going to delete this but I wanted to double check. This falls into the too much for a communication plan document correct?

Commented [FNDK4R3]: I think the forests should review this and decide.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest ~~and the Northern Continental Divide Ecosystem (NCDE), Cabinet-Yaak Ecosystem, and Bitterroot Ecosystem~~ in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the sideboards for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears ~~causing conflict in areas outside recovery zones. Agency roles and responsibilities for conflict response are documented in The USFWS and MFWP have establish agency roles and response process in an MOA (appendix A).~~

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear ~~that is in conflict outside a recovery zone or is outside of current estimated distributions~~, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. ~~To ensure a trapped bear is released as soon as possible. A trapped bear cannot be held for more than one day; therefore,~~ it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. ~~The objective of relocations is to move a grizzly bear within its perceived home range. These relocation sites~~

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Commented [FNUK1]: Each forest would like their own plan so this is a template

Commented [CBB-2]: Given how this might be viewed by the public, would 'relocation' be seen as something including translocation? I am thinking we might need to define relocation to avoid any confusion or misinterpretation.

Commented [FNUK3R2]: Relocation does not mean translocation. We have a long history of distinct uses for the words but not sure if we have a written definition, need to look that up.

Commented [CBB-4]: Will FWP be signing this agreement? If so, do we need to wait until FWP has a list of the Commission approved sites so we have a complete list in the final table of this agreement? Having a single agreement between FWS, FWP, and FS might be a good approach and more efficient.

Commented [FNUK5R4]: This is will only be between the USFWS and MFWP to reduce complexity. The USFWS and MFWP have a separate MOU.

Commented [FNUK6]: This may be simpler because we don't have ecosystems defined and we are requesting relocation sites outside of recovery zones and even distributions as populations expand.

Commented [CH7]: Do we mean outline the process? Or ? sounds a little funny?

Commented [FNUK8]: This may also include preemptive moves or non-conflict incidents outside of current distributions.

Commented [AK9]: We will attach the MOA

Commented [FNUK10]: Hilary - We will also be responsible for non-conflict relocations outside of current distributions. What do you think of this wording?

Commented [CBB-11]: It would be good to briefly describe how release sites may be chosen in context of the bear's capture location. In other words, bears captured near the NCDE are likely to be relocated near or within the NCDE... not relocated to the Bitterroot Ecosystem.

Commented [FNUK12R11]: Added proposed language in this intro paragraph.

Commented [CBB-13]: Would USDA Wildlife Services need to be included here?

Commented [FNUK14R13]: WS has not historically done relocations.

Commented [CH15]: I don't think we can promise this specificity.

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are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
6. ~~If the release would require motorized travel behind a closed USFS gate, FWS will discuss this need with the District Ranger, designated "Acting", or Forest Supervisor at the time when a release site has been identified. The USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS ~~(Hilary Cooley and to follow new Conflict Coordinator, Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists))~~ will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

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Commented [OD-16]: Will the manager for the other adjacent agency be able to veto the release if they have concerns?

Commented [GJF17]: IF the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

Commented [FNOK18R17]: Each forest wants it's own agreement so we will separate and make this more of a template

Commented [AK19]: Could you please confirm what is written below this header?

Commented [PDF20]: Can we add the district bios as well? I know it might be cumbersome but sometimes we don't hear from the Ranger.

Commented [FNOK21R20]: We need to have explicit permission to get the okay from a bio if the District Ranger is unavailable. Maybe change language to reflect that?

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- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK22]: Still need Bitterroot NF contacts

Commented [FNJK23]: Does the forest supervisor's office need to be added here for the Beaverhead-Deerlodge?

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|-----------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6), o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6), o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | (b) (6) |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6), o: 406-466-5341 |

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|---------------------|---------------|---------------------------|--|-----------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |

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|---------------------------------------|--------------------|-------------------------|-----------------------------|-------------------------------|
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olerger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
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| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6) @gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: 406-466-5100, o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |

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|-------------|--------------------------------|--|--------------|
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Insid/Outs |
|--|------------------------|---|---|--|------------|
| Four Lakes Beaver Cr (SL) | T.18N R.17W Sec.12 | FS-LNF Plains/TF SLR D FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. | |
| Liver Peak | | FS-LNF Plains/TF | | | |
| Crescent Lake | | FS-LNF Plains/TF | | | |
| West Fork Crow Benchmark Basin | T.35N R.22W Sec.22 | FS-LNF Plains/TF GV RD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. | |
| West Fork Crow Big Bill Cr | T.25N R.14W Sec.10 | FS-LNF Plains/TF SB RD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. | |
| CC Divide Blesse d Cr (KNF) | T.32N R.25W Sec.15 | FS-LNF Plains/TF FR D KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. | |
| Ninemile Divide Bowen Pit | T.32N R.26W Sec.PB59 | FS-LNF Plains/TF TLR D FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. | |
| Siegel Pass, Ninemile Creek Bruce Cr | T.25N R.16W Sec.24 | FS-LNF Ninemile SBR D FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. | |

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Commented [PDF26R25]: yes

Commented [CBB-27]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Insid/Outs |
|--|--------------------------|--|--|---|------------|
| McCormick Peak Cedar Cr (SL) | T.22N R.18W Sec.11 | FS-LNF Ninemile SLR D FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. | |
| Cinnabar Point Sapphire Range | | FS-LNF Ninemile | | | |
| Lolo Creek Cedar North (SB) | T.24N R.15W. Sec.PB38 | FS-LNF Missoula SBR D FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. | |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper | |

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Beaverhead-Deerlodge National Forest

| Ranger District | Site Name | Latitude | Long | Description | Inside/Outside |
|-----------------|---------------------|------------|-------------|-------------|---------------------|
| Wisdom | East Fork Thompson | 45.8167400 | 113.5107400 | = | Outside NCDE/ R3 |
| Wisdom | Alder Creek | 45.7769900 | 113.1472800 | = | Outside NCDE/ R3 |
| Wisdom | Buffalo Head | 45.6608900 | 112.9501800 | = | Outside NCDE/ R3 |
| Dillon | Sawlog Gulch | 45.2702300 | 112.9654800 | = | Outside NCDE/ R3 |
| Jefferson | Whitetail Reservoir | 46.0703900 | 112.2615600 | = | Zone 2/ R3 |
| Jefferson | Moose Creek | 46.1567500 | 112.2551700 | = | Zone 2/ R3 |
| Jefferson | Galena Park | 46.2305000 | 112.2246900 | = | Zone 2/ R3 |

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|-----------------------------|--------------------------------|-----------------|------------------|------------------------------------|-----------------------|
| Helena | Bison Peak, Telegraph Creek | 46.405231 | -112.394824 | - | - |
| Lincoln | Headwaters Canyon Creek | 46.965954 | -112.286474 | - | - |
| Lincoln | Headwaters Trout Creek | 46.938615 | -112.426962 | - | - |
| Lincoln | Marsh Creek | 46.838611 | -112.44231 | - | - |
| Helena | Meyers Hill | 46.727402 | -112.455516 | - | - |
| Helena | Priest Pass | 46.618777 | -112.280856 | - | - |
| Helena | Beaver Creek | 46.466353 | -112.20834 | - | - |
| Helena | Limburger Spring | 46.448931 | -112.477869 | - | - |
| Helena | Big Tizer | 46.316977 | -111.887829 | - | - |
| Townsend/Helena | Staubach | 46.46867 | -111.761939 | - | - |
| Townsend | Upper Whitehorse | 46.389192 | -111.717723 | - | - |
| Helena | Upper Carpenter Creek | 46.696536 | -112.497361 | - | - |
| Helena | Esmerelda | 46.689091 | -112.431904 | - | - |
| Helena | Hog Back | 46.826713 | -111.716629 | - | - |
| Lolo National Forest | | | | | |
| Ranger District | Site name | Latitude | Longitude | Description | Inside/Outside |
| - | Four Lakes | 47.699695 | -115.239668 | 18774 from 7671 | Inside |
| - | Liver Peak | 47.642500 | -115.210391 | 7658 from 7657 | Inside |
| - | Crescent Lake | 47.894708 | -115.199003 | 7555 from 7562 | Outside |
| - | West Fork Crow A | 47.509361 | -115.586252 | 877 from 7709 | Outside |
| - | West Fork Crow B | 47.520015 | -115.600859 | 878 from 7709 Alternate to A | Outside |
| - | CC Divide | 47.746019 | -115.239784 | 378/352/419 Int, at 419 gravel pit | Outside |
| - | Ninemile Divide area | 47.260230 | -114.726520 | - | - |
| - | Siegel Pass, Ninemile Creek | 47.259960 | -114.693170 | - | - |
| - | Soldier Creek, Ninemile Creek | 47.227940 | -114.605540 | - | - |
| - | McCormick Peak | 47.193820 | -114.476220 | - | - |
| - | Cinnabar Point, Sapphire Range | 46.555730 | -113.790870 | - | - |
| - | Lolo Creek | 46.705430 | -114.425800 | - | - |

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Appendix A: this will include the MOA with FWP

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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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Commented [GJF2]: IF the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

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Commented [PDF4]: Can we add the district bios as well? I know it might be cumbersome but sometimes we don't hear from the Ranger.

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK6]: Still need Bitterroot NF contacts

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|-----------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6), o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6), o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | (b) (6) |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6), o: 406-466-5341 |

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|---------------------|---------------|---------------------------|--|-----------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |

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|---------------------------------------|--------------------|-------------------------|-----------------------------|-------------------------------|
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olerger@usda.gov | P: 406-826-4321 |
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| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6)@gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | enk.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
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| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |

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|-------------|--------------------------------|--|--------------|
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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|---|------------------------|---|---|--|----------------|
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| <u>Crescent Lake</u> | | <u>FS-LNF</u> <u>Plains/TF</u> | | | |
| <u>West Fork Crow</u> Benchmark Basin | T.35N R.22W Sec.22 | <u>FS-LNF</u> <u>Plains/TF</u> GV RD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. | |
| <u>West Fork Crow</u> Big Bill Cr | T.25N R.14W Sec.10 | <u>FS-LNF</u> <u>Plains/TF</u> SB RD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. | |
| <u>CC Divide</u> Blesse d Cr (KNF) | T.32N R.25W Sec.15 | <u>FS-LNF</u> <u>Plains/TF</u> FR D KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. | |
| <u>Ninemile Divide</u> area Bowen Pit | T.32N R.26W Sec. PB59 | <u>FS-LNF</u> <u>Plains/TF</u> TLR D FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. | |
| <u>Siegel Pass, Ninemile Creek</u> Bruce Cr | T.25N R.16W Sec.24 | <u>FS-LNF</u> <u>Ninemile</u> SBR D FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. | |

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| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Inside/Outside |
|--|------------------------------|--|--|---|----------------|
| <u>McCormick Peak</u> Cedar Cr (SL) | T.22N R.18W Sec.11 | <u>FS-LNF</u> <u>Ninemile</u> SLR D FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. | |
| <u>Cinnabar Point</u> <u>Sapphire Range</u> | | <u>FS-LNF</u> <u>Ninemile</u> | | | |
| <u>Lolo Creek</u> Cedar North (SB) | T.24N R.15W. Sec.PB38 | <u>FS-LNF</u> <u>Missoula</u> SBR D FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. | |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper | |

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Beaverhead-Deerlodge National Forest

| <u>Ranger District</u> | <u>Site Name</u> | <u>Latitude</u> | <u>Long</u> | <u>Description</u> | <u>Inside/Outside</u> |
|------------------------|----------------------------|-------------------|--------------------|--------------------|-----------------------------------|
| <u>Wisdom</u> | <u>East Fork Thompson</u> | <u>45.8167400</u> | <u>113.5107400</u> | - | <u>Outside NCDE/</u> <u>R3</u> |
| <u>Wisdom</u> | <u>Alder Creek</u> | <u>45.7769900</u> | <u>113.1472800</u> | - | <u>Outside NCDE/</u> <u>R3</u> |
| <u>Wisdom</u> | <u>Buffalo Head</u> | <u>45.6608900</u> | <u>112.9501800</u> | - | <u>Outside NCDE/</u> <u>R3</u> |
| <u>Dillon</u> | <u>Sawlog Gulch</u> | <u>45.2702300</u> | <u>112.9654800</u> | - | <u>Outside NCDE/</u> <u>R3</u> |
| <u>Jefferson</u> | <u>Whitetail Reservoir</u> | <u>46.0703900</u> | <u>112.2615600</u> | - | <u>Zone 2/ R3</u> |
| <u>Jefferson</u> | <u>Moose Creek</u> | <u>46.1567500</u> | <u>112.2551700</u> | - | <u>Zone 2/ R3</u> |
| <u>Jefferson</u> | <u>Galena Park</u> | <u>46.2305000</u> | <u>112.2246900</u> | - | <u>Zone 2/ R3</u> |

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|-----------------------------|--------------------------------|-----------------|------------------|------------------------------------|-----------------------|
| Helena | Bison Peak, Telegraph Creek | 46.405231 | -112.394824 | - | - |
| Lincoln | Headwaters Canyon Creek | 46.965954 | -112.286474 | - | - |
| Lincoln | Headwaters Trout Creek | 46.938615 | -112.426962 | - | - |
| Lincoln | Marsh Creek | 46.838611 | -112.44231 | - | - |
| Helena | Meyers Hill | 46.727402 | -112.455516 | - | - |
| Helena | Priest Pass | 46.618777 | -112.280856 | - | - |
| Helena | Beaver Creek | 46.466353 | -112.20834 | - | - |
| Helena | Limburger Spring | 46.448931 | -112.477869 | - | - |
| Helena | Big Tizer | 46.316977 | -111.887829 | - | - |
| Townsend/Helena | Staubach | 46.46867 | -111.761939 | - | - |
| Townsend | Upper Whitehorse | 46.389192 | -111.717723 | - | - |
| Helena | Upper Carpenter Creek | 46.696536 | -112.497361 | - | - |
| Helena | Esmerelda | 46.689091 | -112.431904 | - | - |
| Helena | Hog Back | 46.826713 | -111.716629 | - | - |
| Lolo National Forest | | | | | |
| Ranger District | Site name | Latitude | Longitude | Description | Inside/Outside |
| - | Four Lakes | 47.699695 | -115.239668 | 18774 from 7671 | Inside |
| - | Liver Peak | 47.642500 | -115.210391 | 7658 from 7657 | Inside |
| - | Crescent Lake | 47.894708 | -115.199003 | 7555 from 7562 | Outside |
| - | West Fork Crow A | 47.509361 | -115.586252 | 877 from 7709 | Outside |
| - | West Fork Crow B | 47.520015 | -115.600859 | 878 from 7709 Alternate to A | Outside |
| - | CC Divide | 47.746019 | -115.239784 | 378/352/419 Int, at 419 gravel pit | Outside |
| - | Ninemile Divide area | 47.260230 | -114.726520 | - | - |
| - | Siegel Pass, Ninemile Creek | 47.259960 | -114.693170 | - | - |
| - | Soldier Creek, Ninemile Creek | 47.227940 | -114.605540 | - | - |
| - | McCormick Peak | 47.193820 | -114.476220 | - | - |
| - | Cinnabar Point, Sapphire Range | 46.555730 | -113.790870 | - | - |
| - | Lolo Creek | 46.705430 | -114.425800 | - | - |

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Appendix A: this will include the MOA with FWP

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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|-----------------|---------------------------|--|----------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengerth | Forest Wildlife Biologist | denise.pengerth@usda.gov | c: (b) (6) o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6) o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6) o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | (b) (6) |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6) o: 406-466-5341 |

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|---------------------|---------------|---------------------------|--|-----------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |

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|---------------------------------------|--------------------|-------------------------|-----------------------------|-------------------------------|
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olerger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--------------------------|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6) @gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6) o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |

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Commented [L7R6]: You bet. Once we get everyone on board I will add that column in.

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|-------------|--------------------------------|--|--------------|
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|------------------------|-----------------------|--------------------------|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | | Jefferson | | | Zone 2/ R3 |
| Moose Creek | | Jefferson | | | Zone 2/ R3 |
| Galena Park | | Jefferson | | | Zone 2/ R3 |
| Cataract Meadows | | Jefferson | | | Zone 2/ R3 |
| N.F. Red Rock | | Jefferson | | | Zone 2/ R3 |
| Gold Creek | | Pintler | | | Outside NCDE/ R2 |
| Standard | | Madison | | | GYE |
| Geyser | | Madison | | | GYE |
| Bogus | | Madison | | | GYE |
| Wigwam | | Madison | | | GYE |
| Cherry | | Madison | | | GYE |

Commented [AK8]: This is just an example but we find it would be very helpful.

Commented [PDF9R8]: yes

Commented [CBB-10]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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| Helena-Lewis and Clark NF | | | | | |
|-----------------------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Bison Peak, Telegraph Creek | | Helena | | | |

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|-------------------------|--|-----------------|--|--|--|
| Headwaters Canyon Creek | | Lincoln | | | |
| Headwaters Trout Creek | | Lincoln | | | |
| Marsh Creek | | Lincoln | | | |
| Meyers Hill | | Helena | | | |
| Priest Pass | | Helena | | | |
| Beaver Creek | | Helena | | | |
| Limburger Spring | | Helena | | | |
| Big Tizer | | Helena | | | |
| Staubach | | Townsend/Helena | | | |
| Upper Whitehorse | | Townsend | | | |
| Upper Carpenter Creek | | Helena | | | |
| Esmerelda | | Helena | | | |
| Hog Back | | Helena | | | |
| Cherry | | Madison | | | |

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| Lolo NF | | | | | |
|-------------------------------|------------------------|-----------------------|--------------------------|------------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |

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|--------------------------------|--|-----------------|--|--|----------|
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

| | | | | | |
|----------------------|-------------------------------|------------------------------|---------------------------------|---------------------------|-------------|
| Bitterroot NF | | | | | |
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| | | | | | |

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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

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3. Provide for human safety when relocating bears, and
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Roles and Responsibilities

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Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

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- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| ██████████ District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK4]: Still need Bitterroot NF contacts

Commented [FNJK5]: Does the forest supervisor's office need to be added here for the Beaverhead-Deerlodge?

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|----------------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | c: (b) (6), o: 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6), o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Townsend Ranger District | Roy Barkley | Acting District Ranger | roy.barkley@usda.gov | o: 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: 406-431-8938, o: 406-362-7002 |
| Lincoln Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: 406- (b) (6), o: 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | c: (b) (6), o: 406-466-5341 |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | x555-1121, o: 406-466-5341 |

Commented [PDF6]: Roy will be acting Ranger for 2-4 months beginning May 9

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|--------|---------|----------|-------|--------------|
|--------|---------|----------|-------|--------------|

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|---------------------------------------|--------------------|---------------------------|-----------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wrobleski | District Ranger | david.wrobleski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6)@gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |

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Commented [L8R7]: You bet. Once we get everyone on board I will add that column in.

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|------------------|--------------------------------|--|-----------------|
| Wesley Sarmiento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|------------------------|-----------------------|--------------------------|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | | Jefferson | | | Zone 2/ R3 |
| Moose Creek | | Jefferson | | | Zone 2/ R3 |
| Galena Park | | Jefferson | | | Zone 2/ R3 |
| Cataract Meadows | | Jefferson | | | Zone 2/ R3 |
| N.F. Red Rock | | Jefferson | | | Zone 2/ R3 |
| Gold Creek | | Pintler | | | Outside NCDE/ R2 |
| Standard | | Madison | | | GYE |
| Geyser | | Madison | | | GYE |
| Bogus | | Madison | | | GYE |
| Wigwam | | Madison | | | GYE |
| Cherry | | Madison | | | GYE |

Commented [AK9]: This is just an example but we find it would be very helpful.

Commented [PDF10R9]: yes

Commented [CBB-11]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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Helena-Lewis and Clark NF

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| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
|-----------------------------|---|-----------------------|--------------------------|--|------------------------------|
| Bison Peak, Telegraph Creek | T8N, R6W, Sections 30, 31 | Helena | | From US Hwy 12 (near Elliston) go south on Little Blackfoot River Rd, turn southwest on FR 227, turn southeast on FR 123 (Ontario Creek), take FR 4104 (Monarch Creek) | NCDE Zone 2 |
| Headwaters Canyon Creek | | Lincoln | | No access beyond private land | NCDE Zone 1 |
| Headwaters Trout Creek | T13N, R7W, Sec 9 (intersect with Stemple Pass rd) end of rd T14, R7W, Sec 25 | Lincoln | | Access from above on 1827 Page Gulch road east off Stemple Pass (T14, R7W, Sec 25)- | NCDE Zone 1- |
| Marsh Creek | Access of Stemple Pass road T13N, R7W, Sec or off 279 485 intersect T12N, R6W, Sec 16 | Lincoln | | Marsh Creek road #485, two track at 485D (T13N, R7W, 34)- | NCDE Zone 1- |
| Meyers Hill | T11n, 7W, Sections 3, 10 | Helena | | FR 136; can be accessed from MT Hwy 141 near Avon (west) or Marysville (east) | NCDE Zone 2 |
| Priest Pass | T10N, 5W, Section 18 | Helena | | FR 335; can be accessed from US Hwy 12 via Dog Creek west of the Divide or Sweeny Creek east of the Divide- | NCDE Zone 2- |
| Beaver Creek | T8N, R5W, Sections 3, 10 | Helena | | FR 299; can be accessed from Rimini (west) or Clancy on FR 4009 (east) | NCDE Zone 2- |
| Limburger Spring | T8N, R7W, Section 16 | Helena | | Access via road #227 or #1870 | NCDE Zone 2- |
| Big Tizer | T7N, R2W, Sections 31, 32 | Helena | | Access via road #164 | NCDE Zone 2- |

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|-----------------------|-----------------------------------|-----------------|--|---|---------------------|
| Staubach | <u>T8N, R1W, Section 8</u> | Townsend/Helena | <u>Private ranches adjacent to Forest boundary</u> | <u>Access via road #491</u> | <u>NCDE Zone 2-</u> |
| Upper Whitehorse | <u>T7N, R1W, Section 3</u> | Townsend | <u>Private ranches adjacent to Forest boundary</u> | <u>Access via road #360</u> | <u>NCDE Zone 2-</u> |
| Upper Carpenter Creek | <u>T11N, R7W, Sections 20, 21</u> | Helena | | <u>FR 136 to 136A; closer to MT Hwy 141 (west) but can be accessed from Marysville (east)</u> | <u>NCDE Zone 2-</u> |
| Esmerelda | <u>T11N, R7W, Sections 23, 24</u> | Helena | | <u>FR 708; can be accessed from US Hwy 12 (Snowshoe Creek) Access via road #708 to #4005E</u> | <u>NCDE Zone 2-</u> |
| Hog Back | <u>T12N, R1W, Section 3</u> | Helena | | <u>FR 298; From Helena take York Rd to York, go north on Nelson Rd to Nelson, take FR 138 east into the mountains, then go west on FR 298</u> | <u>NCDE Zone 2-</u> |
| Cherry | | Madison | | | |

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Commented [PDF13]: This isn't on the Helena-Lewis and Clark. Maybe the Custer-Gallatin or Beaverhead-Deerlodge?

| Lolo NF | | | | | |
|----------------------|------------------------|-----------------------|--------------------------|------------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |

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|--------------------------------|--|-----------------|--|--|----------|
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

| | | | | | |
|----------------------|-------------------------------|------------------------------|---------------------------------|---------------------------|-------------|
| Bitterroot NF | | | | | |
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|-----------------------|---------------------------|--|------------------------------|
| Supervisor's Office | Lisa Timchak | Forest Supervisor | Lisa.timchak@usda.gov | C: (b) (6) ; o: 406-683-3973 |
| Supervisor's Office | Jennifer (Jay) Gatlin | Forest Wildlife Biologist | Jennifer.gatlin@usda.gov | c: (b) (6) ; o: 406-683-3916 |
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
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| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------------------------|---------------------------|--|------------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | c: (b) (6) ; o: 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6) ; o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6) ; o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) ; o: 406-495-3913 |
| Townsend Ranger District | Roy Barkley Mike Walker | Acting District Ranger | roy.barkley@usda.gov | o: 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) ; o: 406-495-3913 |
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| Lincoln Ranger District | Dave KempPat Shanley | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6) ; o: 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | c: (b) (6) ; o: 406-466-5341 |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6) ; o: 406-466-5341 |

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Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|---------------------------------------|--------------------|---------------------------|-----------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
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| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6) @gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |

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Commented [L16R15]: You bet. Once we get everyone on board I will add that column in.

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| | | | |
|-----------------|--------------------------------|--|--|
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jajonkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |
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| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|--|----------------------------|--|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | T1N R15W S19 | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | T1S R13W S1 | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | T2S R11W S15 | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | T5S R11W S28 | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | T4N R5W S29 | Jefferson Butte | - Whitetail-Pipestone OHV Area | | Zone 2/ R3 |
| Moose Creek | - Moose Lake on Pintler? T5N R5W S29 | JeffersonButte | - Unclear where this is - if it is in the Highlands, this is not an approved spot | | Zone 2/ R3 |
| Galena Park | | JeffersonButte | - Proximity to Boulder | | Zone 2/ R3 |

Commented [AK17]: This is just an example but we find it would be very helpful.

Commented [PDF18R17]: yes

Commented [CBB-19]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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| | T6N R5W S33 | | | | |
| Cataract Meadows | T8N R5W S32 | JeffersonButte | -Private inholdings – close to HLC boundary | | Zone 2/ R3 |
| N.F. Red Rock | T7N R6W S31 | JeffersonButte | - USFS Trail system | | Zone 2/ R3 |
| Gold Creek | T8N R12W S1 | Pintler | - Private residences | | Outside NCDE/ R2 |
| Standard | R1W T11S sec 12 | Madison | | | GYE |
| Geyser | R2W T102 sec 30* | Madison | | | GYE |
| Bogus | R1E T11S sec 16* | Madison | | | GYE |
| Wigwam | R2W T8S sec 16* | Madison | | | GYE |
| Cherry | R2W T9S sec 3* | Madison | | | GYE |

| Helena-Lewis and Clark NF | | | | | |
|-----------------------------|---|-----------------------|--------------------------|--|------------------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Bison Peak, Telegraph Creek | T8N, R6W, Sections 30, 31, | Helena | | | NCDE Zone 2 |
| Headwaters Canyon Creek | | Lincoln | | No access beyond private land | NCDE Zone 1 |
| Headwaters Trout Creek | -T13N, R7W, Sec 9 (intersect with | Lincoln | | Access from above on 1827 Page Gulch road east off | NCDE Zone 1- |

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| | Stemple Pass rd) end of rd T14, R7W, Sec 25- | | | Stemple Pass (T14, R7W, Sec 25)- | |
| Marsh Creek | Access of Stemple Pass road T13N, R7W, Sec or off 279 485 intersect T12N, R6W, Sec 16- | Lincoln | | Marsh Creek road #485, two track at 485D (T13N, R7W, 34) - | NCDE Zone 1- |
| Meyers Hill | T11n, 7W, Sections 3, 10- | Helena | | Access via road #136- | NCDE Zone 2 |
| Priest Pass | T10N, 5W, Section 18- | Helena | | Access via road #335- | NCDE Zone 2- |
| Beaver Creek | T8N, R5W, Sections 3, 10- | Helena | | Access via road #299- | NCDE Zone 2- |
| Limburger Spring | T8N, R7W, Section 16- | Helena | | Access via road #227 or #1870- | NCDE Zone 2- |
| Big Tizer | T7N, R2W, Sections 31, 32- | Helena | | Access via road #164- | NCDE Zone 2- |
| Staubach | T8N, R1W, Section 8- | Townsend/Helena | Private ranches adjacent to Forest boundary- | Access via road #491- | NCDE Zone 2- |
| Upper Whitehorse | T7N, R1W, Section 3- | Townsend | Private ranches adjacent to Forest boundary- | Access via road #360- | NCDE Zone 2- |
| Upper Carpenter Creek | T11N, R7W, Sections 20, 21- | Helena | | Access via road #136 to #136A- | NCDE Zone 2- |
| Esmerelda | T11N, R7W, Sections 23, 24- | Helena | | Access via road #708 to #4005E- | NCDE Zone 2- |
| Hog Back | T12N, R1W, Section 3- | Helena | | Access via road #138 to #298- | NCDE Zone 2- |
| Cherry | - | Madison | - | - | - |

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| Lolo NF | | | | | |
|---------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |

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|--------------------------------|--|------------------|--|------------------------------------|----------|
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

| | | | | | |
|----------------------|-------------------------------|------------------------------|---------------------------------|---------------------------|-------------|
| Bitterroot NF | | | | | |
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
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Appendix A: this will include the MOA with FWP

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XX Lolo National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Lolo XX-National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX-Lolo National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger, Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
- ~~6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously identified release site is high due to a special uses event or other reasons.~~
- ~~7. travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

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Commented [JKF3]: This seems redundant, please delete.

Commented [GJF4]: If the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

Commented [FNJK5R4]: Each forest wants it's own agreement so we will separate and make this more of a template

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Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK6]: Still need Bitterroot NF contacts

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|-----------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6), o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6), o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | 406-466-5341 |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6), o: 406-466-5341 |

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|---------------------|---------------|---------------------------|--|-----------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |

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|---------------------------------------|--------------------|-------------------------|-----------------------------|-------------------------------|
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olerger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--------------------------|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6) @gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6) o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |

Commented [FNJK8]: We should include a column here with each persons area or base location?

Commented [L9R8]: You bet. Once we get everyone on board I will add that column in.

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|-------------|--------------------------------|--|--------------|
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|------------------------|-----------------------|--------------------------|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | | Jefferson | | | Zone 2/ R3 |
| Moose Creek | | Jefferson | | | Zone 2/ R3 |
| Galena Park | | Jefferson | | | Zone 2/ R3 |
| Cataract Meadows | | Jefferson | | | Zone 2/ R3 |
| N.F. Red Rock | | Jefferson | | | Zone 2/ R3 |
| Gold Creek | | Pintler | | | Outside NCDE/ R2 |
| Standard | | Madison | | | GYE |
| Geyser | | Madison | | | GYE |
| Bogus | | Madison | | | GYE |
| Wigwam | | Madison | | | GYE |
| Cherry | | Madison | | | GYE |

Commented [AK10]: This is just an example but we find it would be very helpful.

Commented [PDF11R10]: yes

Commented [CBB-12]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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| Helena-Lewis and Clark NF | | | | | |
|-----------------------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Bison Peak, Telegraph Creek | | Helena | | | |

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|-------------------------|--|-----------------|--|--|--|
| Headwaters Canyon Creek | | Lincoln | | | |
| Headwaters Trout Creek | | Lincoln | | | |
| Marsh Creek | | Lincoln | | | |
| Meyers Hill | | Helena | | | |
| Priest Pass | | Helena | | | |
| Beaver Creek | | Helena | | | |
| Limburger Spring | | Helena | | | |
| Big Tizer | | Helena | | | |
| Staubach | | Townsend/Helena | | | |
| Upper Whitehorse | | Townsend | | | |
| Upper Carpenter Creek | | Helena | | | |
| Esmerelda | | Helena | | | |
| Hog Back | | Helena | | | |
| Cherry | | Madison | | | |

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| Lolo NF | | | | | |
|----------------------------------|---------------------------|-----------------------|-----------------------------|---------------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |

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| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

| Bitterroot NF | | | | | |
|---------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

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1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

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- Communication with their district's Staff to discuss work locations and any safety concerns.
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|-----------------------|---------------------------|--|------------------------------|
| Supervisor's Office | Lisa Timchak | Forest Supervisor | Lisa.timchak@usda.gov | C: (b) (6) ; o: 406-683-3973 |
| Supervisor's Office | Jennifer (Jay) Gatlin | Forest Wildlife Biologist | Jennifer.gatlin@usda.gov | c: (b) (6) ; o: 406-683-3916 |
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Rose | Wildlife Biologist | jenna.rose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK6]: Still need Bitterroot NF contacts

Commented [FNJK7]: Does the forest supervisor's office need to be added here for the Beaverhead-Deerlodge?

Commented [GJF8R7]: Yes, I would add.

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|------------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6) ; o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6) ; o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) ; o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) ; o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6) ; o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | 406-466-5341 |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6) ; o: 406-466-5341 |

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|--------|---------|----------|-------|--------------|
|--------|---------|----------|-------|--------------|

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|---------------------------------------|--------------------|---------------------------|-----------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wrobleski | District Ranger | david.wrobleski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

Commented [RA-13]: Deerlodge

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6)@gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |

Commented [FNJK14]: We should include a column here with each persons area or base location?

Commented [L15R14]: You bet. Once we get everyone on board I will add that column in.

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|------------------|--------------------------------|-------------------------|-----------------|
| Wesley Sarmiento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|--|-----------------------|--|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | T1N R15W S19 | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | T1S R13W S1 | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | T2S R11W S15 | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | T5S R11W S28 | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | T4N R5W S29 | JeffersonButte | Whitetail-Pipestone OHV Area | | Zone 2/ R3 |
| Moose Creek | Moose Lake on Pintler? T5N R5W S29 | JeffersonButte | Unclear where this is if it is in the Highlands, this is not an approved spot | | Zone 2/ R3 |
| Galena Park | T6N R5W S33 | JeffersonButte | Proximity to Boulder | | Zone 2/ R3 |

Commented [AK16]: This is just an example but we find it would be very helpful.

Commented [PDF17R16]: yes

Commented [CBB-18]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

Commented [FNJK19]: USFS – Please fill this out

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| | | | | | |
|------------------|----------------------------------|--------------------------------|--|--|------------------|
| Cataract Meadows | T8N R5W S32 | JeffersonButte | Private inholdings – close to HLC boundary | | Zone 2/ R3 |
| N.F. Red Rock | T7N R6W S31 | JeffersonButte | USFS Trail system | | Zone 2/ R3 |
| Gold Creek | T8N R12W S1 | Pintler | Private residences | | Outside NCDE/ R2 |
| Standard | R1W T11S sec 12 | Madison | | | GYE |
| Geyser | R2W T102 sec 30* | Madison | | | GYE |
| Bogus | R1E T11S sec 16* | Madison | | | GYE |
| Wigwam | R2W T8S sec 16* | Madison | | | GYE |
| Cherry | R2W T9S sec 3* | Madison | | | GYE |

| Helena-Lewis and Clark NF | | | | | |
|-----------------------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Bison Peak, Telegraph Creek | | Helena | | | |
| Headwaters Canyon Creek | | Lincoln | | | |
| Headwaters Trout Creek | | Lincoln | | | |
| Marsh Creek | | Lincoln | | | |
| Meyers Hill | | Helena | | | |
| Priest Pass | | Helena | | | |
| Beaver Creek | | Helena | | | |

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|-----------------------|--|-----------------|--|--|--|
| Limburger Spring | | Helena | | | |
| Big Tizer | | Helena | | | |
| Staubach | | Townsend/Helena | | | |
| Upper Whitehorse | | Townsend | | | |
| Upper Carpenter Creek | | Helena | | | |
| Esmerelda | | Helena | | | |
| Hog Back | | Helena | | | |
| Cherry | | Madison | | | |

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| Lolo NF | | | | | |
|--------------------------------|------------------------|-----------------------|--------------------------|------------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

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|---------------|---------------------------|-----------------------|-----------------------------|--------------------|------|
| Bitterroot NF | | | | | |
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| | | | | | |

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Appendix A: this will include the MOA with FWP

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XX National Forest Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger may choose to temporarily restrict public use of an area for public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.
7. ~~Travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

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Commented [GJF2]: IF the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

Commented [FNJK3R2]: Each forest wants it's own agreement so we will separate and make this more of a template

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This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, ~~XX~~ National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

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Contacts

Beaverhead Deer Lodge National Forest Contacts

| Office | Contact | Position | Email | Number |
|---------------------------|----------------|--------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jamie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

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Commented [FNJK4]: Still need Bitterroot NF contacts

Commented [FNJK5]: Does the forest supervisor's office need to be added here for the Beaverhead-Deerlodge?

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Helena-Lewis and Clark National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------------------------------------|------------------|---------------------------|--|-----------------------------|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | c: (b) (6), o: 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6), o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Townsend Ranger District | Roy Barkley | Acting District Ranger | roy.barkley@usda.gov | o: 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6), o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6), o: 406-362-7002 |
| Lincoln Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6), o: 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | c: (b) (6), o: 406-466-5341 |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6), o: 406-466-5341 |

Commented [PDF6]: Roy will be acting Ranger for 2-4 months beginning May 9

Lolo National Forest Contacts

| Office | Contact | Position | Email | Phone number |
|--------|---------|----------|-------|--------------|
|--------|---------|----------|-------|--------------|

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|---------------------------------------|--------------------|---------------------------|-----------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6)@gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6)@gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |

Commented [FNJK7]: We should include a column here with each persons area or base location?

Commented [L8R7]: You bet. Once we get everyone on board I will add that column in.

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|------------------|--------------------------------|--|-----------------|
| Wesley Sarmiento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Beaverhead-Deerlodge NF | | | | | |
|-------------------------|------------------------|-----------------------|--------------------------|--------------------|------------------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| East Fork Thompson | | Wisdom | | | Outside NCDE/ R3 |
| Alder Creek | | Wisdom | | | Outside NCDE/ R3 |
| Buffalo Head | | Wisdom | | | Outside NCDE/ R3 |
| Sawlog Gulch | | Dillon | | | Outside NCDE/ R3 |
| Whitetail Reservoir | | Jefferson | | | Zone 2/ R3 |
| Moose Creek | | Jefferson | | | Zone 2/ R3 |
| Galena Park | | Jefferson | | | Zone 2/ R3 |
| Cataract Meadows | | Jefferson | | | Zone 2/ R3 |
| N.F. Red Rock | | Jefferson | | | Zone 2/ R3 |
| Gold Creek | | Pintler | | | Outside NCDE/ R2 |
| Standard | | Madison | | | GYE |
| Geyser | | Madison | | | GYE |
| Bogus | | Madison | | | GYE |
| Wigwam | | Madison | | | GYE |
| Cherry | | Madison | | | GYE |

Commented [AK9]: This is just an example but we find it would be very helpful.

Commented [PDF10R9]: yes

Commented [CBB-11]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

Commented [FNJK12]: USFS – Please fill this out

Helena-Lewis and Clark NF

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| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
|-----------------------------|---|-----------------------|---|---|------------------------------|
| Bison Peak, Telegraph Creek | T8N, R6W, Sections 30, 31 | Helena | | | NCDE Zone 2 |
| Headwaters Canyon Creek | | Lincoln | | No access beyond private land | NCDE Zone 1 |
| Headwaters Trout Creek | -T13N, R7W, Sec 9 (intersect with Stemple Pass rd) end of rd T14, R7W, Sec 25 | Lincoln | | Access from above on 1827 Page Gulch road east off Stemple Pass (T14, R7W, Sec 25)- | NCDE Zone 1- |
| Marsh Creek | Access of Stemple Pass road T13N, R7W, Sec or off 279 485 intersect T12N, R6W, Sec 16 | Lincoln | | Marsh Creek road #485, two track at 485D (T13N, R7W, 34)- | NCDE Zone 1- |
| Meyers Hill | T11n, 7W, Sections 3, 10 | Helena | | Access via road #136 | NCDE Zone 2 |
| Priest Pass | T10N, 5W, Section 18 | Helena | | Access via road #335 | NCDE Zone 2- |
| Beaver Creek | T8N, R5W, Sections 3, 10 | Helena | | Access via road #299 | NCDE Zone 2- |
| Limburger Spring | T8N, R7W, Section 16 | Helena | | Access via road #227 or #1870 | NCDE Zone 2- |
| Big Tizer | T7N, R2W, Sections 31, 32 | Helena | | Access via road #164 | NCDE Zone 2- |
| Staubach | T8N, R1W, Section 8 | Townsend/Helena | Private ranches adjacent to Forest boundary | Access via road #491 | NCDE Zone 2- |
| Upper Whitehorse | T7N, R1W, Section 3 | Townsend | Private ranches adjacent to Forest boundary | Access via road #360 | NCDE Zone 2- |
| Upper Carpenter Creek | T11N, R7W, Sections 20, 21 | Helena | | Access via road #136 to #136A | NCDE Zone 2- |
| Esmerelda | T11N, R7W, Sections 23, 24 | Helena | | Access via road #708 to #4005E | NCDE Zone 2- |

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|----------|-----------------------------|---------|--|-------------------------------------|---------------------|
| Hog Back | <u>T12N, R1W, Section 3</u> | Helena | | <u>Access via road #138 to #298</u> | <u>NCDE Zone 2-</u> |
| Cherry | | Madison | | | |

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Commented [PDF13]: This isn't on the Helena-Lewis and Clark. Maybe the Custer-Gallatin or Beaverhead-Deerlodge?

| Lolo NF | | | | | |
|--------------------------------|------------------------|-----------------------|--------------------------|------------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
| Crescent Lake | | FS-LNF Plains/TF | | 7555 from 7562 | CYRZ |
| West Fork Crow A | | FS-LNF Plains/TF | | 877 from 7709 | Outlying |
| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Lolo Creek | | FS-LNF Missoula | | | Outlying |

| Bitterroot NF | | | | | |
|---------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
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Appendix A: this will include the MOA with FWP

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XX National Forest Communication Plan for the Relocation of Grizzly Bears

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June XX, 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Wildlife Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
NAME, Supervisor, XX National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Contacts

Commented [FNJK2]: Still need Bitterroot NF contacts

Bitterroot National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------|---------|----------|-------|-------|
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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-----------------------|------------------------------------|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| | Grizzly Bear Conflict Coordinator | | |
| Amber Kornak (acting) | Grizzly Bear Specialist, Kalispell | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Helena | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Roamer | (b) (6) @gmail.com | c: 406-217-4962 |
| Amber Kornak (acting) | Grizzly Bear Specialist, Wyoming | (b) (6) @gmail.com | c: 406-217-4962 |
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaJonkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |

Commented [FNJK3]: We should include a column here with each persons area or base location?

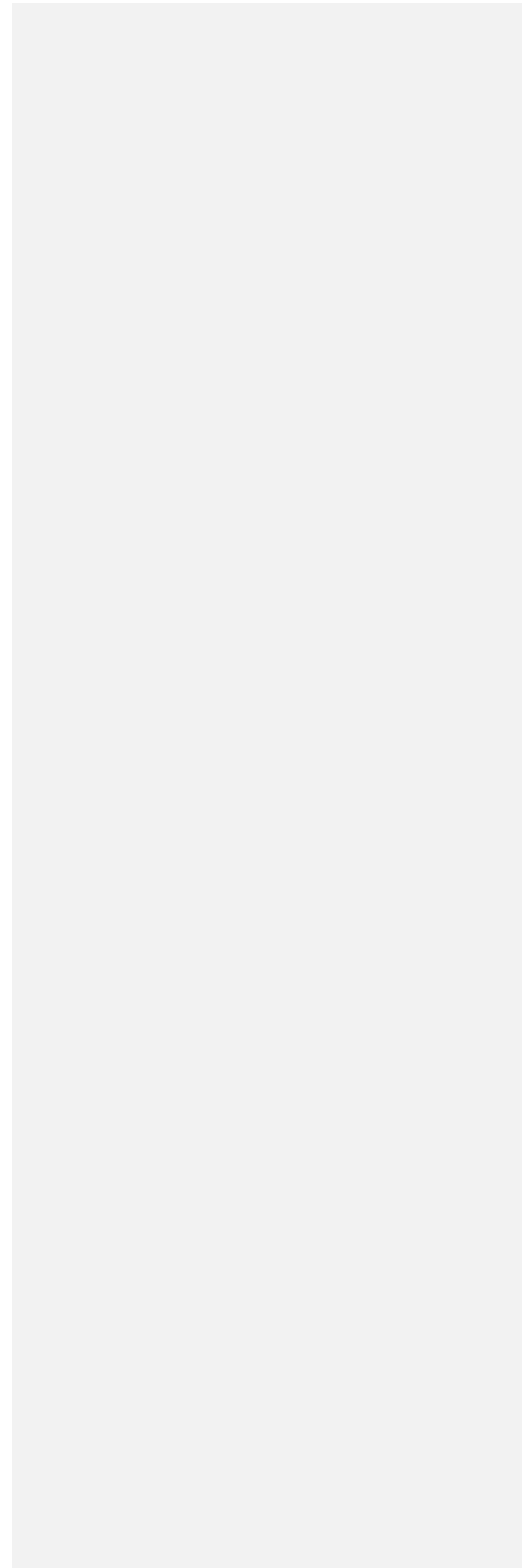
Commented [L4R3]: You bet. Once we get everyone on board I will add that column in.

| | | | |
|-------------|--------------------------------|--|--------------|
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Bitterroot NF | | | | | |
|----------------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| | | | | | |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Bitterroot National Forest Communication Plan for the Relocation of Grizzly Bears

September 22, 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Bitterroot National Forest in areas where grizzly bears “may be present” in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the Bitterroot National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not

be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

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- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
Matt Anderson, Supervisor, Bitterroot National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Contacts

Commented [FNUK1]: Still need Bitterroot NF contacts

Bitterroot National Forest Contacts

| Office | Contact | Position | Email | Phone |
|--------|---------|----------|-------|-------|
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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

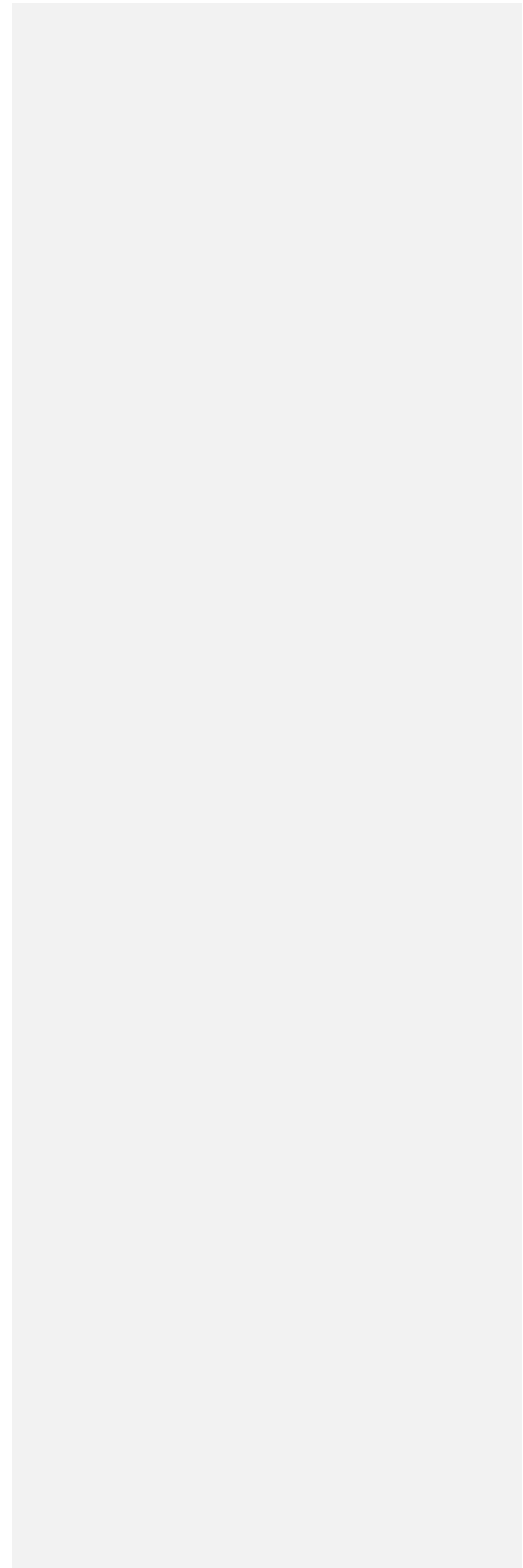
| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jaionkel@mt.gov | c, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist, Conrad | Wesley.Sarmento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist, Red Lodge | Kylie.Kembel@mt.gov | 406-850-1131 |

| | | | |
|------------------|--|--|--------------|
| Bruce Montgomery | Wildlife Management Specialist, Bitterroot | Bruce.montgomery@mt.gov | 406-422-6184 |
| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
| Brad Balis | Wildlife Management Specialist, Anaconda | Brad.balis@mt.gov | 406-465-9343 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Bitterroot NF | | | | | |
|---------------|------------------------|-----------------------|--------------------------|--------------------|------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| | | | | | |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Lolo National Forest Communication Plan for the Relocation of Grizzly Bears

September 22, 2022

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Bears relocated onto the Lolo National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

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- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____
Carolyn Upton, Supervisor, Lolo National Forest

Date: _____

Signed: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Date: _____

Contacts

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jajonkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmiento | Wildlife Management Specialist, Conrad | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist, Red Lodge | Kylie.Kembel@mt.gov | 406-850-1131 |
| Bruce Montgomery | Wildlife Management Specialist, Bitterroot | Bruce.montgomery@mt.gov | 406-422-6184 |
| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
| Brad Balis | Wildlife Management Specialist, Anaconda | Brad.balis@mt.gov | 406-465-9343 |

| Office | Contact | Position | Email | Phone number |
|--------------------------|-----------------------|---------------------------|--|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson District | Falls Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |

| | | | | |
|---------------------------------------|--------------------|-------------------------|-------------------------------|-------------------------------|
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | p: 406-626-5408 c: (b) (6) |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | District Ranger | crystal.s.stonesifer@usda.gov | p: 406-329-3948 c: (b) (6) |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Lolo MF | | | | | |
|------------------|------------------------|-----------------------|--------------------------|------------------------------|----------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description | Zone |
| Four Lakes | | FS-LNF Plains/TF | | 18774 from 7671 | CY RZ |
| Liver Peak | | FS-LNF Plains/TF | | 7658 from 7657 | CY RZ |
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| West Fork Crow B | | FS-LNF Plains/TF | | 878 from 7709 Alternate to A | Outlying |

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|--------------------------------|--|------------------|--|------------------------------------|-------------|
| CC Divide | | FS-LNF Plains/TF | | 378/352/419 Int, at 419 gravel pit | CY RZ |
| Ninemile Divide area | | FS-LNF Plains/TF | | | DCA |
| Siegel Pass, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| Soldier Creek, Ninemile Creek | | FS-LNF Ninemile | | | DCA |
| McCormick Peak | | FS-LNF Ninemile | | | DCA |
| Cinnabar Point, Sapphire Range | | FS-LNF Missoula | | | Outlying |
| Point 118, Lolo Creek | | FS-LNF Missoula | | | Outlying |
| Shoofly Meadows | | FS-LNF Missoula | | | NCDE-Zone 1 |
| Sheep Mountain | | FS-LNF Missoula | | | NCDE-Zone 1 |
| Wisherd Ridge | | FS-LNF Missoula | | | Outlying |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337

Bitterroot, ~~Beaverhead-DeerLodge~~, Helena-Lewis and Clark, Lolo, ~~Beaverhead-Deer Lodge~~ and ~~Helena-Lewis and Clark~~ National Forests Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks (MTFWP).

Objectives of the communication plan are to:

1. ~~4.~~ Provide for management and recovery of grizzly bears within the Bitterroot, Lolo, Beaverhead-~~Deer~~Lodge, and Helena-Lewis Clark National Forests and the Northern Continental Divide Ecosystem (NCDE), ~~Cabinet-Yaak Ecosystem~~, and Bitterroot Ecosystem in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. ~~Outline the sideboards for FWS and USFWS regarding Grizzly Bear release sites~~
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Signed: _____ Date: _____
Signed: _____
Signed: Bitterroot NFForest Supervisor, _____ Date: _____

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Commented [GJF2]: Corrected our Forest spelling – Beaverhead-Deerlodge

Commented [PDF3]: The technical name of the Forest is Helena-Lewis and Clark National Forest. We will want to update throughout

Commented [CBB-4]: Given how this might be viewed by the public, would 'relocation' be seen as something including translocation? I am thinking we might need to define relocation to avoid any confusion or misinterpretation.

Commented [CBB-5]: Will FWP be signing this agreement? If so, do we need to wait until FWP has a list of the Commission approved sites so we have a complete list in the final table of this agreement?
Having a single agreement between FWS, FWP, and FS might be a good approach and more efficient.

Commented [GJF6]: Is another objective to outline the sideboards for FWS and USFS regarding g bear release sites?

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Commented [CBB-7]: We have sites in the CYE Recovery Zone.

Commented [L8]: Added this per Jay's suggestion

Commented [AK9]: Signature or no signature?

Commented [PDF10R9]: We would like to have the Forest Supervisor sign off on this and we will have the common plan in lieu of an MOU.

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~~Lolo NF Forest Supervisor~~ ~~Beaverhead-Deerlodge NF Supervisor~~
Signed: _____ Date: _____
~~Helena-Lewis and Clark NF Supervisor~~ ~~Beaverhead-Deerlodge NF Forest Supervisor~~

Signed: _____ Date: _____
~~Forest Supervisor Lolo NF Supervisor~~ ~~Helena-Lewis and Clark NF Supervisor~~
Signed: _____ Date: _____
Hilary Cooley-?
USFWS Grizzly Bear Recovery Coordinator?

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have established agency roles and response process in an MOA (appendix A).

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the Bitterroot, ~~Beaverhead-Deerlodge~~, ~~Helena-Lewis and Clark~~, Lolo, ~~Beaverhead-Deerlodge~~, and ~~Helena-Lewis and Clark~~ National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.

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Commented [AK11]: We will attach the MOA

Commented [AK12]: Would you still like to have these bear handling and relocation procedures below the title?

Commented [GJF13R12]: I would keep this here, yes

Commented [CBB-14]: It would be good to briefly describe how release sites may be chosen in context of the bear's capture location. In other words, bears captured near the NCDE are likely to be relocated near or within the NCDE... not relocated to the Bitterroot Ecosystem.

Commented [CBB-15]: Would USDA Wildlife Services need to be included here?

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2. All persons on site at the time of the release will be in a secure position.
3. ~~If the release site is in a roaded area, the~~ District Ranger may choose to temporarily restrict public use of an area for the road system to protect the bear and the public safety.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by FWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. ~~District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.~~
7. ~~If the site is within a mile of the Kootenai National Forest (i.e. Bitterroot, Lolo, Beaverhead-Deerlodge, and Helena-Lewis and Clark National Forest's (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai Bitterroot, Lolo, Beaverhead-Deerlodge, and Helena-Lewis and Clark National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai Bitterroot, Lolo, Beaverhead-Deerlodge, and Helena-Lewis and Clark National Forest's Forest Supervisor.~~
5. ~~If the release would require motorized travel behind a closed USFS gate, FWS will discuss this need with the District Ranger, designated "Acting", or Forest Supervisor at the time when a release site has been identified the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This ~~information will~~ information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

~~Distributed to: Montana FWP~~

~~USDI FWS~~

~~USDI NPS~~

~~Montana DNRC~~

~~USDA FS Bitterroot NF~~

~~USDA FS Beaverhead-Deer Lodge NF~~ Chad Bell, Scott Tomson

~~USDA FS Helena-Lewis and Clark NF~~

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Commented [OD-16]: Will the manager for the other adjacent agency be able to veto the release if they have concerns?

Commented [CBB-17]: Number 4 already address this point.

Commented [GJF18]: IF the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

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Commented [PDF19]: They are on the Lolo

Commented [PDF20]: Not sure who we should be listing here? Is it the Forest bio and district bios where there are relocation sites?

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~~USDA-FS Lolo-~~

~~USDA-FS RO/WO—Lydia Allen, Scott Jackson; Amy Jacobs-~~

~~US Border Patrol?~~

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

| <u>Office</u> | <u>Contact</u> | <u>Position</u> | <u>Email</u> | <u>Number</u> |
|---|--------------------------------|------------------------------------|--|----------------------------|
| Wisdom Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Wisdom Ranger District | Molly Ryan | District Ranger | molly.ryan@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jaime Trivette | District Biologist | jaime.trivette@usda.gov | c: (b) (6) |
| Dillon Ranger District | Jamie Tripp | District Ranger | jaimie.tripp@usda.gov | c: (b) (6) |
| Jefferson Ranger District | Anne Roberts | District Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Jefferson Ranger District | Tim Lahey | District Ranger | timothy.lahey@usda.gov | c: (b) (6) |
| Pintler Ranger District | Anne Roberts | Wildlife Biologist | anne.roberts@usda.gov | o: 406-494-0238/c: (b) (6) |
| Pintler Ranger District | Cameron Rasor | District Ranger | cameron.rasor@usda.gov | c: (b) (6) |
| Madison Ranger District | Jenna Roose | Wildlife Biologist | jenna.roose@usda.gov | c: (b) (6) |
| Madison Ranger District | Dale Olson | District Ranger | dale.olson2@usda.gov | c: (b) (6) |

~~...Supervisor's Office~~

~~...Ranger District~~

~~...Ranger District~~

Helena-Lewis and Clark Contacts

| <u>Office</u> | <u>Contact</u> | <u>Position</u> | <u>Email</u> | <u>Phone</u> |
|------------------------------------|----------------------------------|---|--|---|
| Supervisors Office | Emily Platt | Forest Supervisor | emily.platt@usda.gov | 406-449-5201 |
| Supervisors Office | Denise Pengeroth | Forest Wildlife Biologist | denise.pengeroth@usda.gov | c: (b) (6), o: 406-495-3736 |

| | | | | |
|--|--------------------------------|------------------------------------|---|------------------------------|
| Helena Ranger District | Kathy Bushnell | District Ranger | katherine.bushnell@usda.gov | c: (b) (6) , o: 406-495-3924 |
| Helena Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) , o: 406-495-3913 |
| Townsend Ranger District | Mike Welker | District Ranger | michael.welker@usda.gov | 406-495-3851 |
| Townsend Ranger District | Ted Snyder | Wildlife Biologist | theodore.a.snyder@usda.gov | c: (b) (6) , o: 406-495-3913 |
| Lincoln Ranger District | Rob Gump | District Ranger | robert.gump@usda.gov | c: (b) (6) , o: 406-362-7002 |
| Lincoln Ranger District | Pat Shanley | Wildlife Biologist | patrick.shanley@usda.gov | 406-362-7006 |
| Rocky Mountain Front Ranger District | Mike Munoz | District Ranger | michael.munoz@usda.gov | (b) (6) |
| Rocky Mountain Front Ranger District | Dave Kemp | Wildlife Biologist | david.kemp@usda.gov | c: (b) (6) , o: 406-466-5341 |

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Lolo Forest Contacts

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Supervisor's Office

| <u>Office</u> | <u>Contact</u> | <u>Position</u> | <u>Email</u> | <u>Phone number</u> |
|---|------------------------------------|---|---|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 |
| Supervisor's Office | Brvson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | Acting -District Ranger | christopher.gauger@usda.gov | P: 406-542-3249 |

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Commented [L21]: I like the chart style type for organization. I left both on here to see what your thoughts might be. I am going to make booklets for an 5 new staff that will have the MOU, contacts, drug charts etc.

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|---------------------------------|---------------------|--------------------------------|------------------------------|------------------------|
| <u>Missoula Ranger District</u> | <u>Scott Tomson</u> | <u>Zone Wildlife Biologist</u> | <u>scott.tomson@usda.gov</u> | <u>p: 406-677-3925</u> |
|---------------------------------|---------------------|--------------------------------|------------------------------|------------------------|

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...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

| <u>Office</u> | <u>Contact</u> | <u>Position</u> | <u>Email</u> | <u>Phone</u> |
|---|-------------------------|----------------------------------|------------------------------------|-----------------------------------|
| <u>Supervisors Office</u> | <u>Emily Platt</u> | <u>Forest Supervisor</u> | <u>emily.platt@usda.gov</u> | <u>406 449 5201</u> |
| <u>Supervisors Office</u> | <u>Denise Pengereth</u> | <u>Forest Wildlife Biologist</u> | <u>denise.pengereth@usda.gov</u> | <u>e: (b) (6) o: 406 495-3736</u> |
| <u>Helena Ranger District</u> | <u>Kathy Bushnell</u> | <u>District Ranger</u> | <u>katherine.bushnell@usda.gov</u> | <u>e: (b) (6) o: 406 495-3924</u> |
| <u>Helena Ranger District</u> | <u>Ted Snyder</u> | <u>Wildlife Biologist</u> | <u>theodore.a.snyder@usda.gov</u> | <u>e: (b) (6) o: 406 495-2913</u> |
| <u>Townsend Ranger District</u> | <u>Mike Welker</u> | <u>District Ranger</u> | <u>michael.welker@usda.gov</u> | <u>406 405 3851</u> |
| <u>Townsend Ranger District</u> | <u>Ted Snyder</u> | <u>Wildlife Biologist</u> | <u>theodore.a.snyder@usda.gov</u> | <u>e: (b) (6) o: 406 495-2913</u> |
| <u>Lincoln Ranger District</u> | <u>Rob Gump</u> | <u>District Ranger</u> | <u>robert.gump@usda.gov</u> | <u>e: (b) (6) o: 406 362-7002</u> |
| <u>Lincoln Ranger District</u> | <u>Pat Shanley</u> | <u>Wildlife Biologist</u> | <u>patrick.shanley@usda.gov</u> | <u>406 362 7006</u> |
| <u>Rocky Mountain Front Ranger District</u> | <u>Mike Munoz</u> | <u>District Ranger</u> | <u>michael.munoz@usda.gov</u> | <u>(b) (6)</u> |
| <u>Rocky Mountain Front Ranger District</u> | <u>Dave Kemp</u> | <u>Wildlife Biologist</u> | <u>david.kemp@usda.gov</u> | <u>e: (b) (6) o: 406 466-5341</u> |

Commented [PDF22]: I am assuming we may want cell phone numbers too? For now I'll just provide office numbers. I'm only adding the rangers/bios where we have sites.

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| <u>Office</u> | <u>Contact</u> | <u>Position</u> | <u>Email</u> | <u>Phone</u> |
|---------------------------------|-------------------------|----------------------------------|------------------------------------|---------------------|
| <u>Supervisors Office</u> | <u>Emily Platt</u> | <u>Forest Supervisor</u> | <u>emily.platt@usda.gov</u> | <u>406 449 5201</u> |
| <u>Supervisors Office</u> | <u>Denise Pengereth</u> | <u>Forest Wildlife Biologist</u> | <u>denise.pengereth@usda.gov</u> | <u>406 495 3736</u> |
| <u>Helena Ranger District</u> | <u>Kathy Bushnell</u> | <u>District Ranger</u> | <u>katherine.bushnell@usda.gov</u> | <u>406 495 3924</u> |
| <u>Helena Ranger District</u> | <u>Ted Snyder</u> | <u>Wildlife Biologist</u> | <u>theodore.a.snyder@usda.gov</u> | <u>406 495 2913</u> |
| <u>Townsend Ranger District</u> | <u>Mike Welker</u> | <u>District Ranger</u> | <u>michael.welker@usda.gov</u> | <u>406 405 3851</u> |

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|---|--------------------|---------------------------|-----------------------------------|---------------------|
| <u>Townsend Ranger District</u> | <u>Ted Snyder</u> | <u>Wildlife Biologist</u> | <u>theodore.a.snyder@usda.gov</u> | <u>406 495 3913</u> |
| <u>Lincoln Ranger District</u> | <u>Rob Gump</u> | <u>District Ranger</u> | <u>robert.gump@usda.gov</u> | <u>406 362 7002</u> |
| <u>Lincoln Ranger District</u> | <u>Pat Shanley</u> | <u>Wildlife Biologist</u> | <u>patrick.shanley@usda.gov</u> | <u>406 362 7006</u> |
| <u>Rocky Mountain Front Ranger District</u> | <u>Mike Munoz</u> | <u>District Ranger</u> | <u>michael.munoz@usda.gov</u> | <u>406 466 5341</u> |
| <u>Rocky Mountain Front Ranger District</u> | <u>Dave Kemp</u> | <u>Wildlife Biologist</u> | <u>david.kemp@usda.gov</u> | <u>406 466 5341</u> |

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Supervisor's Office

Emily Platt, Forest Supervisor, emily.platt@usda.gov, 406 449 5201

Denise Pengereth, Forest Wildlife Biologist, denise.pengereth@usda.gov, 406 495 3736

...Helena Ranger District

Kathy Bushnell, District Ranger, katherine.bushnell@usda.gov, 406 495 3924

Ted Snyder, Wildlife Biologist (Helena and Townsend), theodore.a.snyder@usda.gov, 406 495 3913

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...Townsend Ranger District

Mike Welker, District Ranger, michael.welker@usda.gov, 406 495 3951 (this will change May 1)

Commented [PDF23]: Mike will be in a new job on another Forest starting May 1

Lincoln Ranger District

Rob Gump, District Ranger, robert.gump@usda.gov, 406 362 7002

Pat Shanley, Wildlife Biologist, patrick.shanley@usda.gov, 406 362 7006 (May 1 Dave Kemp takes over Front and Lincoln)

Commented [PDF24]: Until April 30, then it's Dave Kemp

Rocky Mountain Front Ranger District

Mike Munoz, District Ranger, michael.munoz@usda.gov, 406 466 5341

Dave Kemp, Wildlife Biologist, david.kemp@usda.gov, 406 466 5341

Commented [PDF25]: Dave starts 5/1 and will be the biologist for Lincoln and the Front

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deer Lodge, Helena-Lewis and Clark, and Lolo and Helena-Lewis and Clark National Forest

| Contact | Position | Email | Phone |
|------------------------------|---|------------------------------|------------------------------------|
| <u>Hilary Cooley</u> | <u>Grizzly Bear Recovery Coordinator</u> | <u>hilary_cooley@fws.gov</u> | <u>c: (b) (6), o: 406-293-4903</u> |
| - | <u>Grizzly Bear Conflict Coordinator</u> | - | - |
| <u>Amber Kornak (acting)</u> | <u>Grizzly Bear Specialist, Kalispell</u> | <u>(b) (6) @gmail.com</u> | <u>c: 406-217-4962</u> |
| <u>Amber Kornak (acting)</u> | <u>Grizzly Bear Specialist, Helena</u> | <u>(b) (6) @gmail.com</u> | <u>c: 406-217-4962</u> |
| <u>Amber Kornak (acting)</u> | <u>Grizzly Bear Specialist, Roamer</u> | <u>(b) (6) @gmail.com</u> | <u>c: 406-217-4962</u> |
| <u>Amber Kornak (acting)</u> | <u>Grizzly Bear Specialist, Wyoming</u> | <u>(b) (6) @gmail.com</u> | <u>c: 406-217-4962</u> |

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| | | | |
|-----------------------------------|--|--|--|
| Erik Wenum | Wildlife Management Specialist | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist | jaionkel@mt.gov | c, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist | Charles.White@mt.gov | c: (b) (6) o: 406-788-4755 |
| Wesley Sarmiento | Wildlife Management Specialist | Wesley.Sarmiento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist | Kylie.Kembel@mt.gov | 406-850-1131 |
| Rory Trimbo | Wildlife Management Specialist | rory.trimbo@mt.gov | 406-465-9343 |
| Eli Hampson | Wildlife Management Specialist | eli.hampson@mt.gov | 406-210-3213 |

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~~Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator, c: 406-273-8002, o: 406-293-4903.~~

~~TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator, c: xxxxx~~

~~TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell~~

~~TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena~~

~~Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist~~

~~C: O:~~

~~Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,~~

~~c, pers. cell:~~

~~Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,~~

~~c: 406-291-1320, o: 406-293-4161 x207~~

~~Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,~~

~~c: 406-542-5508.~~

~~Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,~~

~~c: 406-466-5100, c: (b) (6).~~

~~Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.~~

~~Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,~~

~~c: 406-751-4585, c: 406-270-9372.~~

~~(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, c: (b) (6), (b) (7)(C), c: (b) (6)~~

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Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified~~is decided on~~ with ~~FWSP~~FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns~~of their section's employees and other concerns~~,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist). An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the FWS and USFS to review the year's relocations and update any process needs.

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Commented [AK26]: Could you please confirm what is written below this header?

Commented [PDF27]: Can we add the district bios as well? I know it might be cumbersome but sometimes we don't hear from the Ranger.

Commented [PDF28]: This is similar to the comment above about the Kootenai. Here it looks like it's all/any Forest? But up above it's specific to the Kootenai?

Commented [CBB-29]: This might be redundant from #4 above.

Commented [GJF30]: If this is the special circumstance outlined above, I would break each forest's special requirements into small sections and just refer to that here. If that's the way this is going to roll. ☺

Commented [I31]: Jennifer makes a good point here. We may want to delete this and if each forest has specifics that's fine.

Commented [CBB-32]: If this agreement covers both FWS and FWP, then we may need to add FWP.

Commented [CBB-33]: Possibly FWP too?

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Table 12. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township-Range-Section | District and Forest ² | Concerns and Constraints | Access Description |
|---|----------------------------------|--|--|--|
| Four Lakes Beaver Cr (SL) | T.18N R.17W Sec.12 | FS-LNF Plains/TFS LRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.4 miles to junc RD# 9570 and RD# 9656. |
| Liver Peak | | FS-LNF Plains/TFS | | |
| Crescent Lake | | FS-LNF Plains/TFS | | |
| West Fork Crow A Benchmark Basin | T.35N R.22W Sec.22 | FS-LNF Plains/TFS VRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| West Fork Crow PB Big Bill Cr | T.25N R.14W Sec.10 | FS-LNF Plains/TFS BRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| GG Divide Blesse d Cr (KNF) | T.32N R.25W Sec.15 | FS-LNF Plains/TFS RD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Ninemile Divide area Bowen Pit | T.32N R.26W Sec. PB59 | FS-LNF Plains/TFS RD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Cr (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Siegel Pass, Ninemile Creek Bruce Cr | T.25N R.16W Sec.24 | FS-LNF Ninemile SB RD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| McCormick Peak Cedar Cr (SL) | T.22N R.18W Sec.11 | FS-LNF Ninemile SL RD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 OR open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cinnabar Point | | FS-LNF Ninemile | | |

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Commented [PDF35R34]: yes

Commented [CBB-36]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

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| Name | Township-Range-Section | District and Forest* | Concerns and Constraints | Access Description |
|--|--------------------------------------|--|---|---|
| Sapphire Range | | | | |
| Lolo-Creek Cedar-North (SB) | T.24N R.15W- Sec PB38 | FS-LNF Missoula SB RD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Rec), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to June RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W- Sec 29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3653. Off open RD# 3553, take gated RD# 3560 (Cliff Cr) to upper |

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Beaverhead-Deerlodge National Forest

| Ranger District | Site Name | Latitude | Long | Description | Inside/Outside |
|-----------------|---------------------|---------------------|-------------|-------------|---------------------|
| Wisdom | East Fork Thompson | 45.8167400 | 113.5107400 | - | Outside NCDE/ R3 |
| Wisdom | Alder Creek | 45.7769900 | 113.1472800 | - | Outside NCDE/ R3 |
| Wisdom | Buffalo Head | 45.6608900 | 112.9501800 | - | Outside NCDE/ R3 |
| Dillon | Sawlog Gulch | 45.3703300 | 112.9654800 | - | Outside NCDE/ R3 |
| Jefferson | Whitetail Reservoir | 46.0703900 | 112.2615600 | - | Zone 2/ R3 |
| Jefferson | Moose Creek | 46.1567500 | 112.2551700 | - | Zone 2/ R3 |
| Jefferson | Galena Park | 46.2305000 | 112.2246900 | - | Zone 2/ R3 |
| Jefferson | Cataract Meadows | 46.4063900 | 112.2554700 | - | Zone 2/ R3 |
| Jefferson | N.F. Red Rock | 46.3143300 | 112.3963900 | - | Zone 2/ R3 |
| Pintler | Gold Creek | 46.4803513 | 113.0404497 | - | Outside NCDE/ R2 |
| Madison | Standard | R1W T11S sec 12* | - | - | GYE |

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| | | | | | |
|------------------------------------|--|---------------------------|-----------------------------|--|------------------------------|
| Helena | Beaver Creek | 46.466353 | -112.20834 | - | - |
| Helena | Limburger Spring | 46.448931 | -112.477869 | - | - |
| Helena | Big Tizer | 46.316977 | -111.887829 | - | - |
| Townsend/Helena | Staubach | 46.46867 | -111.761939 | - | - |
| Townsend | Upper Whitehorse | 46.389192 | -111.717723 | - | - |
| Helena | Upper Carpenter Creek | 46.696536 | -112.497361 | - | - |
| Helena | Esmerelda | 46.689091 | -112.431904 | - | - |
| Helena | Hog Back | 46.826713 | -111.716629 | - | - |
| <u>Lolo National Forest</u> | | | | | |
| <u>Ranger District</u> | <u>Site name</u> | <u>Latitude</u> | <u>Longitude</u> | <u>Description</u> | <u>Inside/Outside</u> |
| - | Four Lakes | 47.699695 | -115.239668 | 18774 from 7671 | Inside |
| - | Liver Peak | 47.642500 | -115.210391 | 7658 from 7657 | Inside |
| - | Crescent Lake | 47.894708 | -115.199003 | 7555 from 7562 | Outside |
| - | West Fork Crow A | 47.509361 | -115.586252 | 877 from 7709 | Outside |
| - | West Fork Crow B | 47.520015 | -115.600859 | 878 from 7709 Alternate to A | Outside |
| - | CC Divide | 47.746019 | -115.239784 | 378/352/419 Int, at 419 gravel pit | Outside |
| - | Ninemile Divide area | 47.260230 | -114.726520 | - | - |
| - | Siegel Pass, Ninemile Creek | 47.259960 | -114.693170 | - | - |
| - | Soldier Creek, Ninemile Creek | 47.227940 | -114.605540 | - | - |
| - | McCormick Peak | 47.193820 | -114.476220 | - | - |
| - | Cinnabar Point, Sapphire Range | 46.555730 | -113.790870 | - | - |
| - | Lolo Creek | 46.705430 | -114.425800 | - | - |

[Appendix A: this will include the MOA with FWP](#)

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| Name | Mtn. Range | Latitude | Long |
|---------------------|-------------------|------------------|--------------|
| East Fork Thompson | Anaconda Range | 45.8167400 | -113.5107400 |
| Alder Creek | Pioneer Range | 45.7769900 | -113.1472800 |
| Buffalo Head | Pioneer Range | 45.6608900 | -112.9501800 |
| Sawlog Gulch | Pioneer Range | 45.3703300 | -112.9654800 |
| Whitetail Reservoir | Boulder Range | 46.0703900 | -112.2615600 |
| Moose Creek | Boulder Range | 46.1567500 | -112.2551700 |
| Galena Park | Boulder Range | 46.2305000 | -112.2246900 |
| Cataract Meadows | Boulder Range | 46.4063900 | -112.2554700 |
| N.F. Red Rock | Boulder Range | 46.3143300 | -112.3963900 |
| Gold Creek | Flint Creek Range | 46.4803513 | -113.0404497 |
| Standard | | R1W T11S sec 12* | |
| Geyser | | R2W T102 sec 30* | |
| Bogus | | R1E T11S sec 16* | |
| Wigwam | | R2W T8S sec 16* | |
| Cherry | | R2W T9S sec 3* | |

*release sites on the Madison RD have been used for research purpose by FWP. For specific locations, ple

| Ranger District | Zone | Contact Biologist |
|------------------------|------------------|--------------------------|
| Wisdom | Outside NCDE/ R3 | Jaime Trivette |
| Wisdom | Outside NCDE/ R3 | Jaime Trivette |
| Wisdom | Outside NCDE/ R3 | Jaime Trivette |
| Dillon | Outside NCDE/ R3 | Jaime Trivette |
| Jefferson | Zone 2/ R3 | Anne Roberts |
| Jefferson | Zone 2/ R3 | Anne Roberts |
| Jefferson | Zone 2/ R3 | Anne Roberts |
| Jefferson | Zone 2/ R3 | Anne Roberts |
| Jefferson | Zone 2/ R3 | Anne Roberts |
| Pintler | Outside NCDE/ R2 | Anne Roberts |
| Madison | GYE | Jenna Roose |
| Madison | GYE | Jenna Roose |
| Madison | GYE | Jenna Roose |
| Madison | GYE | Jenna Roose |
| Madison | GYE | Jenna Roose |

ase contact FWP.

| Number | | email | Contact Ranger |
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Petition for a Revised Reintroduction Rule for the Grizzly Bear in the Selway-Bitterroot Ecosystem



PETITIONER

CENTER FOR BIOLOGICAL DIVERSITY

“There seems to be a tacit assumption that if grizzlies survive in Canada and Alaska, that is good enough. It is not good enough for me.... Relegating grizzlies to Alaska is about like relegating happiness to heaven; one may never get there.”

– Aldo Leopold

December 18, 2014

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Dan Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240

Re: Petition to the U.S. Department of Interior and U.S. Fish and Wildlife Service to Establish Regulations to Reinitiate the Grizzly Bear Reintroduction Program in the Selway-Bitterroot Ecosystem under Section 10(j) of the Endangered Species Act.

Dear Secretary Jewell and Director Ashe:

Pursuant to 16 U.S.C. § 1533(f) of the Endangered Species Act and section 5 U.S.C. § 553(e) of the Administrative Procedure Act (“APA”), the Center for Biological Diversity (“Center”) hereby petitions the U.S. Department of the Interior (“DOI”), by and through the U.S. Fish and Wildlife Service (“Service”), to establish new regulations consistent with 50 C.F.R. § 17.84(l), as revised below, establishing the Selway-Bitterroot Grizzly Bear Experimental Population Area under Section 10(j) of the Endangered Species Act (“ESA”) and to reinitiate the process to restore grizzly bears to central Idaho and western Montana.

The Selway-Bitterroot ecosystem is one of six grizzly bear recovery areas established by the 1993 recovery plan for the species, and is unique in that it is the only one that currently lacks any bears.¹ Under Section 10(j) of the ESA, the Service may authorize the release of an “experimental population” of an endangered species outside its current range if it determines that such release will further the conservation of such species.² To encourage these reintroductions, an experimental population can be designated as “essential” or “nonessential,” thereby providing additional layers of management flexibility to address potential conflicts during the reintroduction process.³

The Service determined that release of an experimental population would further the conservation of grizzly bears in the lower 48, and thus in 1996 the Service developed a recovery chapter for the Selway-Bitterroot ecosystem that called for issuing a proposed rule under section 10(j) (“10(j) rule”) of the ESA to create an experimental nonessential population through reintroduction of bears to the area.⁴ In 2000, the Service issued a 10(j) rule establishing a nonessential experimental population and completed the required analysis under the National Environmental Policy Act.⁵

¹ SERVHEEN, CHRISTOPHER, U.S. FISH AND WILDLIFE SERV., GRIZZLY BEAR RECOVERY PLAN SUPPLEMENT: BITTERROOT ECOSYSTEM RECOVERY PLAN CHAPTER (SEPT. 11, 1996).

² 16 U.S.C. § 1539(j)(2).

³ *Id.* § 1539(j)(2)(B).

⁴ GRIZZLY BEAR RECOVERY PLAN SUPPLEMENT, *supra* note 1.

⁵ Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana, Final Rule, 65 Fed. Reg. 69,624 (Nov. 17, 2000) (codified at 50 C.F.R. § 17.84(l)).

With the change in administration in 2001, however, Gail Norton, the new Secretary of Interior, issued a proposed rule to remove the 10(j) rule from the Code of Federal Regulations.⁶ Although this rule was never finalized, the Service nevertheless put the reintroduction program on hold indefinitely. Fourteen years after the 10(j) rule was issued, not a single action has been taken to reintroduce bears into one of the largest areas of suitable habitat in the western United States.

The regulatory language to restore grizzlies to the Selway-Bitterroot ecosystem, currently found at 50 C.F.R. § 17.84(*l*), is still technically in effect. However, the regulatory provisions are outdated and thus may be invalid. Additionally, the provisions call for unwieldy implementation measures that will cause further delay to an already defunct reintroduction process. Accordingly, we hereby petition the Service to issue a new 10(j) rule to create an experimental population of grizzly bears to begin the process of returning bears to the Selway-Bitterroot ecosystem.

The Service recently reaffirmed its commitment to “recovery in all six ecosystems identified and covered by individual chapters in the recovery plan,” including the Selway-Bitterroot ecosystem.⁷ This petition merely requests the Service to move forward with the rulemaking necessary to effectuate this commitment.

We ask you to respond to this petition expeditiously to inform us that you are commencing a process to complete a new experimental population regulation in the Selway-Bitterroot ecosystem for the grizzly bear species, and moreover, that you include a timeline by which you will conduct and complete this process and commence implementation of all necessary recovery strategies for the grizzly bear species with all deliberate speed.

Sincerely,



Andrea Santarsiere
Staff Attorney
Center for Biological Diversity

⁶ Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana; Removal of Regulations, 66 Fed. Reg. 121 (proposed June 22, 2001).

⁷ Letter from Acting Regional Director, Region 6, U.S. Fish and Wildlife Service to Noah Greenwald, Center for Biological Diversity (Sept. 22, 2014).

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EXECUTIVE SUMMARY

Grizzly bears once ranged throughout most of western North America, from the high Arctic to the Sierra Madre Occidental of Mexico, and from the coast of California across most of the Great Plains.⁸ By the middle of the 20th Century, grizzly bears had been nearly extirpated from the lower 48 States, with the last populations confined to Yellowstone National Park in Wyoming and the northern Rocky Mountains of Montana and Idaho. As a result of its precipitous decline, the grizzly bear was listed in the lower 48 states as a threatened species under the Endangered Species Act in 1975.⁹

Today there are only 1,500 to 1,800 grizzly bears left in the lower 48 states—less than 4 percent of the species' likely historic abundance. And while some progress has been made recovering two populations of grizzly bears - Greater Yellowstone and Northern Continental Divide ecosystems - very little progress has been made recovering grizzly bears elsewhere in the United States. More importantly, the grizzly bear populations in the United States remain largely isolated, with no connectivity between populations to enhance genetic diversity.

Reintroducing bears to the Selway-Bitterroot region provides a promising opportunity to regain the connectivity that is needed to truly recover the species. Totaling at least 16 million acres and centered around the Selway-Bitterroot Wilderness Area and the Frank Church-River of No Return Wilderness Area, the Selway-Bitterroot represents one of the largest, contiguous areas of suitable habitat for grizzly bears in the lower 48 States, and could easily support hundreds of grizzly bears today. Within the species' historic range, this area also provides the most likely path for genetic connectivity between grizzly bears in the Northern Continental Divide and Greater Yellowstone ecosystems, where the bear populations have been isolated from each other for over 100 years.

Restoring grizzly bears to the Selway-Bitterroot ecosystem is integral to the long-term viability of grizzly bears in the western United States. Without the Selway-Bitterroot, it is likely that the Service will need to periodically move grizzly bears into Yellowstone through artificial translocations to prevent the loss of genetic diversity and inbreeding within that population. The Selway-Bitterroot also would provide a potential path for grizzly bears to move north into two other highly imperiled grizzly bear ecosystems: the Cabinet-Yaak and the Selkirk.

The Service has consistently identified the Selway-Bitterroot ecosystem, including in the Service's original 1982 grizzly bear recovery plan and again in the 1993 revision of the plan, as important for grizzly bear recovery. The 1993 plan, for example, noted that "the Bitterroot evaluation area contains sufficient amounts of quality habitat to warrant grizzly bear recovery" and recommended that a reintroduction program be implemented there to enhance grizzly bear recovery opportunities.¹⁰

Following the publication of the Recovery Plan in 1993, the Service produced the Bitterroot Ecosystem Recovery Plan Chapter, which called for the reintroduction of grizzly bears into the

⁸ SERVHEEN, CHRISTOPHER, U.S. FISH AND WILDLIFE SERVICE, GRIZZLY BEAR RECOVERY PLAN 9 (SEPT. 10, 1993).

⁹ 40 Fed. Reg. 31,734 (July 28, 1975).

¹⁰ GRIZZLY BEAR RECOVERY PLAN, *supra* note 8, at 12.

Selway-Bitterroot ecosystem as an experimental, nonessential population under section 10(j) of the ESA.¹¹ A public participation and interagency coordination program was developed to identify issues and alternatives to be considered and a Notice of Intent concerning grizzly bear recovery in the Selway-Bitterroot ecosystem was published on January 9, 1995.¹²

After a series of public meetings, in 1997 the Service published a proposed rule and a draft environmental impact statement (DEIS) that presented a range of alternatives for reintroduction under Section 10(j) of the ESA.¹³ Following the release of the DEIS, the Service held additional hearings on the proposed reintroduction and solicited public comment. A final environmental impact statement and regulatory structure for the reintroduction was published on March 24, 2000, setting forth a reintroduction plan to rebuild a population of at least 280 grizzly bears that, by its own account, would take 50-100 years to fully accomplish. The Service, however, abandoned the project in 2001 before it ever started due to political interference. Following the switch of administrations in 2001, Secretary of Interior Norton ordered the 10(j) regulations revoked.¹⁴ Despite this order, however, the regulations never were revoked and remain on the books today. See 50 C.F.R. § 17.84(l).

For a variety of reasons, however, we are petitioning for a new rule. First, the environmental analysis and public outreach were completed more than 14 years ago and thus much of the information and many of the key players from state, tribal and federal agencies have changed. The environmental analysis therefore is stale and outdated. A new revised version of the rule and new environmental analysis could incorporate new information about the bear's status and reengage the public and key stakeholders in reintroduction.

Second, increased threats to the grizzly bear from climate change and continued human population growth and development, as well as the continued poor status and isolation of some existing grizzly bear populations, underscore the immediate need for reintroduction of bears to the Selway-Bitterroot ecosystem to ensure the resiliency, representation and redundancy of the grizzly bear in the lower 48 states. New information as to the occupancy of grizzly bears in the northwest will further demonstrate why the Selway-Bitterroot may provide a critical connectivity corridor for bears to help maintain genetic diversity.

Third, the previous rule relied on a "citizen management committee" to oversee the reintroduction—an approach that has never been utilized for any other reintroduction under the ESA in 40 years and threatens to stall reintroduction efforts. Under the current regulations, this committee was given a wide range of authority and power for shaping the reintroduction program. Although we recognize that the Service will need partners to move reintroduction forward, the composition of this committee or the committee structure itself may no longer be appropriate.

Finally, based on new modeling, there is new information on the extent of suitable grizzly bear habitat surrounding the Selway- Bitterroot, which may call for extending the boundaries of the

¹¹ GRIZZLY BEAR RECOVERY PLAN SUPPLEMENT, *supra* note 1.

¹² 60 Fed. Reg. 2399 (Jan. 9, 1995).

¹³ 62 Fed. Reg. 35,762 (July 2, 1997).

¹⁴ 66 Fed. Reg. 121 (proposed June 22, 2001).

originally delineated experimental population area. Giving reintroduced bears a larger area to roam in and around Idaho will promote more opportunities for connectivity and genetic exchange.

For all of these reasons, a new reintroduction rule is needed to guide reintroduction of the grizzly bear to the Selway-Bitterroot ecosystem.

STANDING TO FILE

The Center for Biological Diversity (“Center”) is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy and environmental law. The Center has more than 800,000 members and supporters dedicated to the protection and restoration of endangered species and wild places. The Center has worked for many years to protect imperiled plants and wildlife — including grizzly bears — as well as open space, air and water quality, and overall quality of life.

The Center and its members are “interested persons” within the meaning of the APA, and hence petition the Service for a comprehensive recovery strategy for the grizzly bear pursuant to the APA and in accordance with the ESA. See 5 U.S.C. § 553(e) (granting any “interested person the right to petition for the issuance, amendment, or repeal of a rule”); id. § 551(4) (a “rule” is “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy”). For all of the reasons set forth in this petition and as a matter of law, the Service is required to respond to this petition by updating and completing 50 CFR 17.84 (*I*), establishing an experimental grizzly bear population in the Selway-Bitterroot ecosystem.

Should the Service fail to comply with these mandatory obligations, the Center may pursue relief from a federal district court. 5 U.S.C. § 702 (“A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.”); id. § 551(13) (“agency action” includes “the whole or a part of an agency rule, ... or the equivalent or denial thereof, or failure to act”); id. § 706(1) and (2)(A) (granting a reviewing court the authority to “compel agency action unlawfully withheld or unreasonably delayed” and/or to “hold unlawful and set aside agency action ... found to be ... arbitrary, capricious, an abuse of discretion”); see also 16 U.S.C. § 1540(g)(1)(C) (“any person may commence a civil suit on his own behalf” “against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 4 which is not discretionary with the Secretary”).

A NEW RULE IS NECESSARY TO REINTRODUCE GRIZZLY BEARS TO THE SELWAY-BITTERROOT ECOSYSTEM

A. The Current Regulations That Provide for Reintroduction of Grizzly Bears to the Selway-Bitterroot Ecosystem are Stale and Outdated.

According to a 2011 five-year review, the 2000 reintroduction rule for the Selway-Bitterroot ecosystem “remains in effect.”¹⁵ Much has changed, however, in the 14 years since the rule was passed, including changes in the status of existing populations, improved understanding of effective grizzly bear management and suitable habitat, changes in key players in federal, state and tribal agencies that will participate in reintroduction, and changes in threats to grizzly bears, such as increased human population growth and development and impacts from climate change on grizzly bear food sources.

Populations in both the Northern Continental Divide and Greater Yellowstone ecosystems have seen steady growth since 2000 and have expanded to new areas where they were not found in 2000.¹⁶ This new information is critical to understanding the capacity of bears to expand to suitable habitat and highlights the opportunity for the Selway-Bitterroot area to serve as a critical connectivity corridor for bears.

Additionally, since 2000, dozens of studies on the status, ecology and management of grizzly bears have been published ([see http://nrmsc.usgs.gov/science/igbst/detailedpubs](http://nrmsc.usgs.gov/science/igbst/detailedpubs)). In particular, much has been learned about managing bear-human conflicts. As but one example, Gunther et al. (2004) evaluated all documented bear-human conflicts from 1992-2000 in the Greater Yellowstone ecosystem and determined among other things that incidents involving bears obtaining anthropogenic foods were an important source of conflict and were concentrated to particular areas during portions of the year, leading the authors to recommend that orders for food and garbage storage be expanded to include additional areas.¹⁷ This research could and should inform a new reintroduction rule. For example, a new rule will be developed with the recognition that human-bear conflict areas are likely to be very location specific, and thus regulations should ensure that ordinances for storing food and garbage are developed.

The Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, the Nez Perce Tribe and the Forest Service all participated in the development of the previous rule and are hopefully still interested in supporting reintroduction, but it is quite likely that many of the agency staff involved in the past rule have since turned-over. Development of a new rule would allow reengagement of the various agencies in the reintroduction effort. Additionally, a new rule with a new environmental process will offer members of the public the opportunity to reengage in the reintroduction efforts.

¹⁵ U.S. FISH AND WILDLIFE SERVICE, GRIZZLY BEAR 5 YEAR REVIEW: SUMMARY AND EVALUATION 5 (AUG. 2011).

¹⁶ "When the grizzly bear was listed in 1975, the population estimate in the GYA ranged from 136 to 312 individuals." 72 Fed. Reg. 14866, 14869 (Mar. 27, 2009) (citations omitted); *see also* NCDE Grizzly Bear Conservation Strategy (DRAFT April 2013), at ii (noting increasing population from 2004-2011).

¹⁷ Gunther et al. (2004).

B. New Information on the Distribution of and Threats to Grizzly Bears Underscores the Need for a Timely Implementation of a New Reintroduction Rule.

1) New and Increased Threats to Grizzly Bears

Threats to grizzly bears, and our knowledge of what may threaten grizzly bear survival and recovery, have increased since 2000. In particular, the human population has grown substantially in the northern Rockies region. Hernandez (2004) notes, for example, that the human population surrounding the Greater Yellowstone ecosystem grew by 60% to approximately 370,000 people since 1970, and that much of this development consisted of rural subdivisions with large-lots that magnify habitat loss.¹⁸ Similar growth has likely occurred in and around the Selway-Bitterroot and will need to be accounted for in any reintroduction rule.

Likewise, scientists have a better understanding of the threat of climate change to bears and their habitat since 2000. The effects of climate change are already being seen in the Greater Yellowstone ecosystem, where one of the grizzly bears' most important food sources, whitebark pine seeds, have seen catastrophic declines.¹⁹ An estimated 80 percent to 90 percent of current whitebark pine range is expected to be lost over the next 100 years due to climate change, with further losses catalyzed by disease, insects, fire and failed recruitment.²⁰ A revised reintroduction rule needs to consider the impacts of ongoing changes in habitat caused by climate change.

Finally, some grizzly bear populations have been fraught with lethal removal due to an increase in livestock conflicts as grizzly bears try to expand into new areas. In the Upper Green River drainage of the Greater Yellowstone ecosystem, for example, there have been 445 recorded conflicts with livestock since 1999, leading to 36 bear relocations and 17 lethal removals.²¹ In response to these conflicts, the Service has issued several renditions of a Biological Opinion and Incidental Take Statement for the region, each time increasing the anticipated amount of take of grizzly bears. This is just one example of the increased threats that bears are facing as they try to expand their habitat.

2) The Genetic Diversity of Grizzly Bears is at Risk

At the time of passage of the ESA and the listing of the grizzly bear as a threatened species in 1975, bears were known to still be present in Wyoming, Montana, and Idaho, including the Selway-Bitterroot ecosystem.²² No resident grizzly bears have been found in the Selway-Bitterroot ecosystem in Idaho and Montana since the time of listing, although the Service considers it to be one of the six grizzly bear recovery ecosystems where bears persisted and should be recovered. The last verified grizzly bear death in the Selway-Bitterroot ecosystem was

¹⁸ Hernandez (2004).

¹⁹ Mattson et al. (2004); Felicetti, et al. (2003).

²⁰ Chang et al. (2013); Warwell et al. (2007); Bartelain et al. (1997); Romme & Turner (1991).

²¹ U.S. Forest Service and U.S. Fish and Wildlife Service, Endangered Species Act Section 7 Consultation Biological Opinion for the 2014 Supplement to the 2013 Supplement and 2010 Amendment to the 1999 Biological Assessment for Livestock Grazing on the Northern Portions of the Pinedale Ranger District (Sept. 3, 2014), Appendix A at A-7, Table A-1.

²² 40 Fed. Reg. 31,734 (July 28, 1975).

in 1932, and the last confirmed indication of occupancy was tracks found in 1946.²³ Since 2000, there have been verified reports of two grizzly bears crossing from occupied grizzly bear habitat in the western portion of Montana into the western portion of the Selway-Bitterroot ecosystem in Montana.²⁴ Of these two reported grizzlies, one was killed and the other disappeared.²⁵

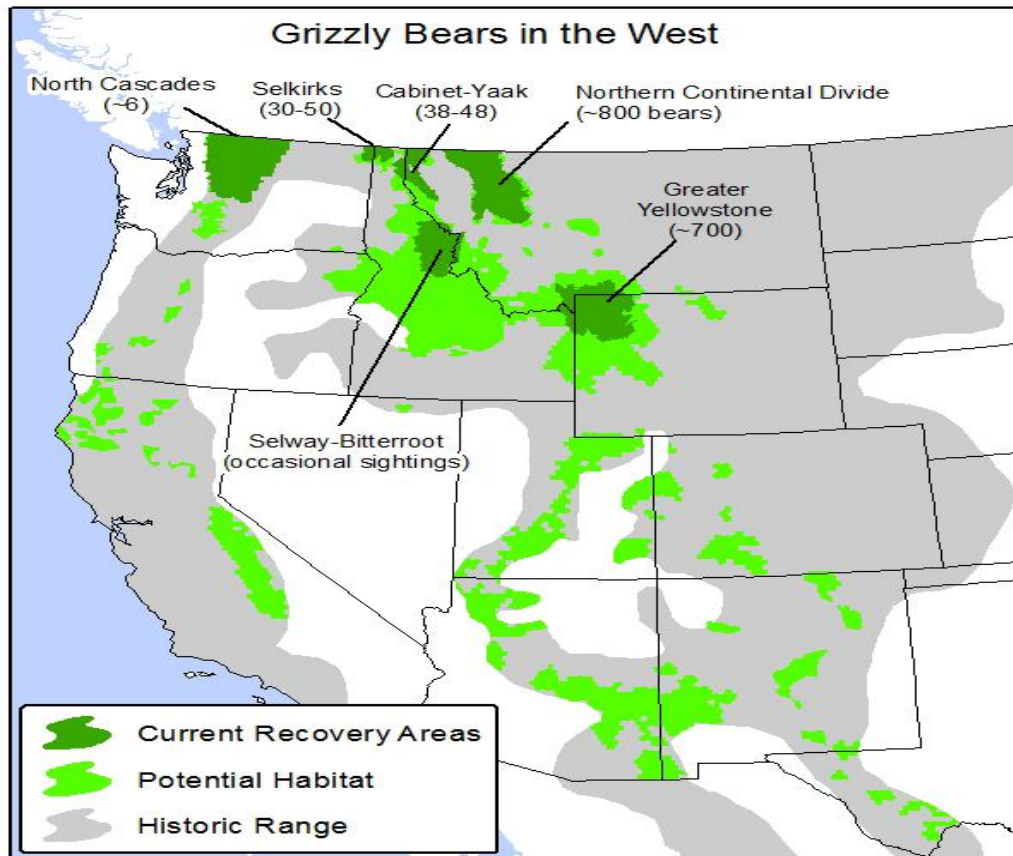


Figure 1. Map displaying historic range, potential habitat, and current recovery areas for grizzly bears in the lower 48 states.

Today, grizzly bears survive in just five ecosystems, which harbor at most between 1,500 and 1,800 bears, and occupy less than one percent of the species' historic range in the lower 48 States. The vast majority of remaining bears are confined to the Greater Yellowstone and North Continental Divide ecosystems (Table 1). The other four recovery areas identified in the 1993 recovery plan are 50 percent larger than Greater Yellowstone and North Continental Divide combined, and at least across the northern Rockies have the potential to create an interconnected meta-population that provides greater security for the species as a whole and a buffer against the projected adverse effects of climate change, nonnative species, and genetic depression.

²³ Interagency Grizzly Bear Committee, Bitterroot Subcommittee (Sept. 14, 2012, 10:14 PM), found at <http://www.igbconline.org/index.php/who-we-are/igbc-membership/ecosystem-subcommittees/bitterroot> (last visited Dec. 17, 2014).

²⁴ Id.

²⁵ Id.

Table 1. Modeled area of suitable habitat and estimated grizzly populations for the grizzly bear recovery areas identified by the 1993 recovery plan.

| Recovery Zone | States | Habitat Area (sq mi) | Abundance | Trend Since Listing |
|--------------------------|------------|----------------------|-----------------------------|---------------------|
| Greater Yellowstone | MT, WY, ID | 27,599 | 741 (660-821) ²⁶ | Increased |
| North Continental Divide | MT | 8,836 | 765 (715-831) ²⁷ | Increased |
| Selkirk Mountains | ID, WA | 1,739 | 30-50 | Unchanged |
| Cabinet-Yaak | ID, MT | 2,747 | 38-48 | Unchanged |
| North Cascades | WA | 8,638 | ~6 | Unchanged |
| Selway-Bitterroot | ID, MT | ~41,403 | 0 | Unchanged |

Perhaps the most troubling aspect of grizzly bear recovery is the fact that the Greater Yellowstone and North Cascades ecosystems remain completely isolated from other populations, creating significant concerns about genetic diversity and the survival of these populations. The 2007 Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area noted that genetic issues were "of concern for the Yellowstone grizzly bear population" due to its isolation.²⁸ While the Interagency Conservation Strategy Team noted that "[n]atural gene flow involving bears moving across the landscape and entering the GYA may be several years away" because "[t]he obstacles to achieving natural connectivity are substantial," the team found that reintroduction in the Selway-Bitterroot area would help establish a necessary connectivity corridor.²⁹ It concluded:

A sound policy to ensure the survival of the Yellowstone grizzly bears is to focus on maintaining the Yellowstone area and NCDE grizzly populations at or above their current sizes and to encourage range expansion through natural dispersal and/or reintroduction in suitable areas such as the Bitterroot Ecosystem. This approach will improve the demographic security of grizzly bears south of the Canadian border as well as address long-term genetic concerns.³⁰

Without connectivity and dispersal, "artificial transplantation" may be necessary to maintain genetic diversity.³¹

In addition to concerns about the genetic diversity of these populations, the Cabinet-Yaak and Selkirk populations are small enough to be at risk of extinction without increased connectivity with other populations. Unlike the populations in the Greater Yellowstone and North Continental Divide ecosystems, the Cabinet-Yaak and Selkirk have not seen steady population growth to alleviate these concerns. These realities highlight the critical need for reintroduction

²⁶ Interagency Grizzly Bear Study Team, *Yellowstone Grizzly Bear Investigations 2013* (2013 Annual Report), at 17, Table 7. at <http://www.nrmssc.usgs.gov/files/norock/products/IGBST/2013report.pdf>.

²⁷ Kendall et al. (2009).

²⁸ Interagency Conservation Strategy Team, *Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area* (March 2007), at 37.

²⁹ Id.

³⁰ Id.

³¹ Id.

to the Selway-Bitterroot on an aggressive timeline because of its potential to connect existing populations and serve as a large source population and connectivity corridor to support these smaller populations to the north.

The Selway-Bitterroot ecosystem is the lynchpin to this potential meta-population because it is critical to connecting the Greater Yellowstone population to other populations. As depicted by the map below (Figure 2), if grizzly bears were to inhabit the Selway-Bitterroot area, it may be possible for the Greater Yellowstone population to regain connectivity with the Selkirk, Cabinet-Yaak, and Northern Continental Divide populations. Several scientific studies show the area could support a robust population ranging from 300-600 bears, depending on the extent of the area considered.³² With more than 16 million acres of potential habitat, it is the biggest remaining area of suitable yet unoccupied bear habitat not just in the northern Rockies, but in the entire range of the grizzly bear in the western lower 48 states.³³

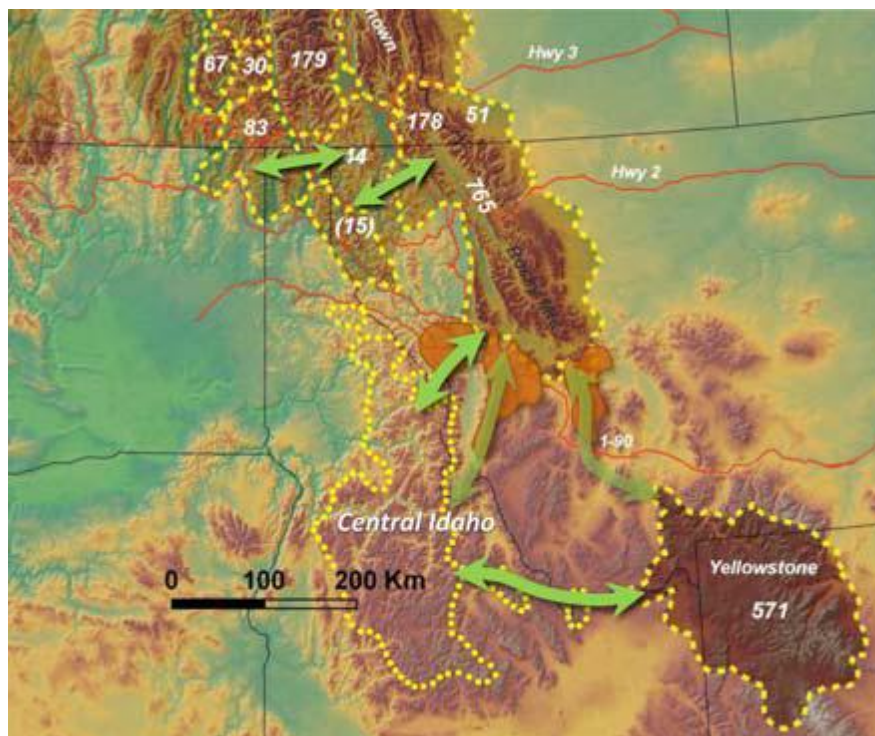


Figure 2. Grizzly bear population fragments identified by Proctor et al. (2012) and potential linkages shown in green together with potential grizzly bear habitat in central Idaho.

C. A Citizen Management Committee is Unnecessary and Impractical for Grizzly Bear Reintroduction Efforts in the Selway-Bitterroot Ecosystem.

The 2000 reintroduction rule called for formation of a citizen management committee to oversee the reintroduction, although a committee was never formed. The Service has never before or since utilized such a committee to oversee reintroduction of a species. The rule specified that the committee would be comprised of 15 members, including seven members recommended by the

³² Mowat et al. (2013); Boyce & Waller (2003); Merrill et al. (1991).

³³ Id.

Governor of Idaho, five recommended by the Governor of Montana, one member representing the Nez Perce Tribe, one member representing the Forest Service, and one member representing the Service. We have serious concerns that such a large committee, in which a majority of members are appointed by the Governors of Idaho and Montana, who may or may not support grizzly bear recovery or have the requisite scientific knowledge to properly manage grizzly bear reintroduction efforts, will preclude the Service from executing a successful and legally valid reintroduction effort. Reintroduction of grizzly bears to the Selway-Bitterroot has already been met with significant delay and political interference, and such a committee threatens to further halt reintroduction efforts. The following flow chart from the original 2000 Rule demonstrates just how difficult and unmanageable this committee process would be:

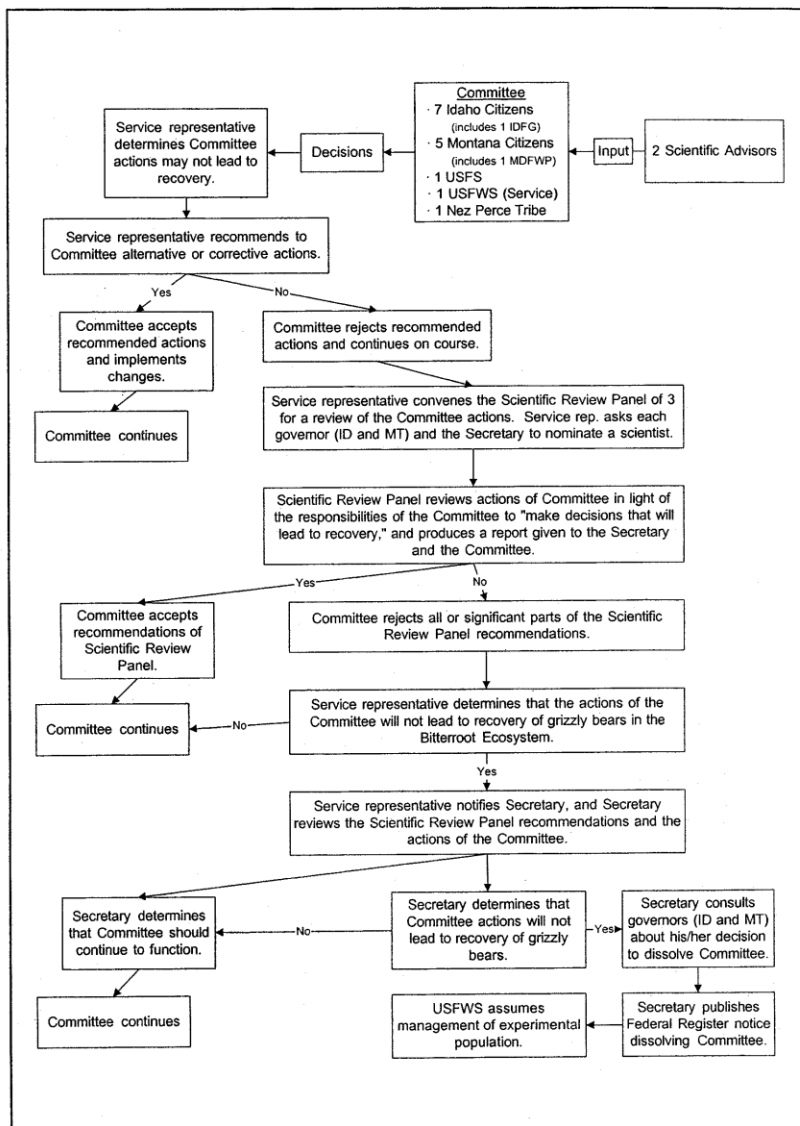


Figure 1. Scientific Review Panel process.

We therefore request development of a new rule with a reconceived management structure.

D. The Boundaries of the Original Experimental Population Area Should Be Expanded.

Since the original rule was finalized in 2000, several scientists have modeled suitable grizzly bear habitat in the western United States. Figure 3 below, for example, depicts potential habitat as determined by several scientists.

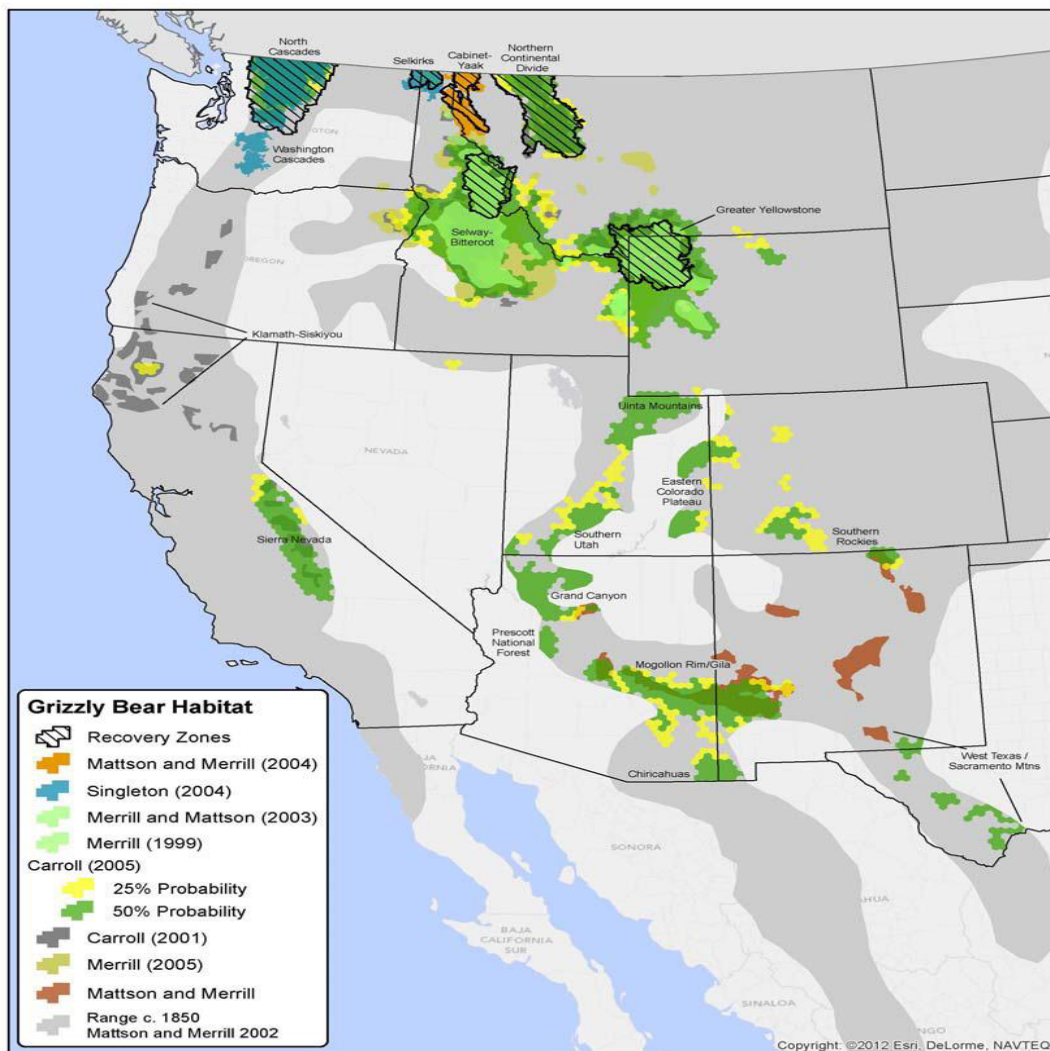


Figure 3. Map displaying recovery zones, including the Selway-Bitterroot, along with probable, potential, and historic grizzly bear habitat as analyzed by a range of scientists.

This modeling demonstrates that there is suitable habitat surrounding the original Selway-Bitterroot experimental population area that should be included in a new reintroduction rule. The Service should consider expanding the boundary to include more suitable lands in the Salmon-Challis, Boise, Sawtooth, and the Idaho Panhandle National Forests in Idaho. The Service should also determine whether there is suitable habitat in the Lolo National Forest in Montana and the Wallowa-Whitman National Forest in Oregon and Washington that should be

included in the experimental population area. Figure 4 below depicts possible expanded boundaries of the Selway-Bitterroot experimental population area.



Figure 4. Map showing suitable habitat surrounding the original 2000 experimental population area that should be included in the new Selway-Bitterroot reintroduction rule.

A PROPOSED NEW RULE

The Center requests that the Service replace the regulatory language currently found in 50 C.F.R. § 17.84(I) and in its place, include the following language to guide a future reintroduction program in the Selway-Bitterroot ecosystem:

(I) Grizzly bear (*Ursus arctos horribilis*). (1) *Where does this special rule apply?* The special rule in this paragraph (I) applies to the designated Bitterroot Grizzly Bear Experimental Population Area (Experimental Population Area), which is found within the species' historic range and is defined as follows:

The boundaries of the Experimental Population Area are ~~to be determined based on further analysis, delineated by U.S. 93 from its junction with the Bitterroot River near Missoula, Montana, to Challis, Idaho; Idaho 75 from Challis to Stanley, Idaho; Idaho 21 from Stanley to Lowman, Idaho; State Highway 17 from Lowman to Banks, Idaho; Idaho 55 from Banks to New Meadows, Idaho; U.S. 95 from New Meadows to Coeur d'Alene, Idaho; Interstate 90 from Coeur d'Alene, Idaho, to its junction with the Clark Fork River near St. Regis, Montana; the Clark Fork River from its junction with Interstate 90 near St. Regis to its confluence with the Bitterroot River near Missoula, Montana; and the Bitterroot River from its confluence with the Clark Fork River to its junction with U.S. Highway 93, near Missoula, Montana (See map at the end of this paragraph (I)).~~

(2) *What is the legal status of the grizzly bear?* (i) The grizzly bear is listed as "threatened" in §17.11 (h) and protected under this part. However, the grizzly bear population to which this paragraph (I) applies is considered a nonessential experimental population in accordance with section 10(j) of the Act.

(ii) We have determined that, as of December 18, 2014, no grizzly bear population exists in the Experimental Population Area. We find, in accordance with §17.81 (b), that the reintroduction of grizzly bears as a nonessential experimental population, as defined in §17.81 (b), will further the conservation of the species and will be consistent with provisions of section 10(j) of the Act, which requires that an experimental population be geographically separate from other nonexperimental populations of the same species. We also find, in accordance with §17.81 (c)(2), that the experimental population of grizzly bears in the Experimental Population Area is not essential to the survival of the species in the wild.

(iii) Grizzly bears within the Experimental Population Area and the Recovery Area will be accommodated through management provisions provided for in this paragraph (I) and through management plans and policies developed by the ~~Secretary~~Citizen Management Committee (Committee; see paragraph (I)(6) of this section). After reintroduction, every grizzly bear found within the Experimental Population Area will be considered a member of the nonessential experimental population.

(iv) In the conterminous United States, a grizzly bear that is outside the Experimental Population Area identified in paragraph (I)(1) of this section will be considered as threatened.

(3) *Where will grizzly bears be released, and where will recovery be emphasized?* The Bitterroot Grizzly Bear Recovery Area identifies the area of recovery emphasis within the Experimental Population Area. The Recovery Area consists of the Selway-Bitterroot Wilderness and the Frank Church-River of No Return Wilderness (See map at the end of paragraph (I) of this section). ~~Reintroductions may take place in the Selway-Bitterroot Wilderness and the Frank Church River of No Return Wilderness. All reintroductions will take place in the Selway-Bitterroot Wilderness unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate.~~ If, in the future, new wilderness areas are designated adjacent to the Recovery Area, the ~~Service Committee~~ may recommend to the Secretary their addition to the Recovery Area. The Secretary would have to amend this paragraph (I) to change the definition of the Recovery Area.

(4) *What activities are prohibited in the Experimental Population Area?* (i) You may not take (see definition in §10.12 of this subchapter) any grizzly bear in the Experimental Population Area, except as provided in this paragraph (I). We may refer unauthorized take of grizzly bears to the appropriate authorities for prosecution.

(ii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any grizzly bear or parts thereof that are taken from the Experimental Population Area or possessed in violation of the regulations in this paragraph (I) or in violation of applicable State wildlife conservation laws or regulations or the Act.

(iii) You may not attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this paragraph (I).

(5) *What activities are allowed in the Experimental Population Area?* (i) For purposes of this paragraph (I), except for persons engaged in hunting or shooting activities, you will not be in violation of the Act for “unavoidable and unintentional take” (see definition in paragraph (I)(16) of this section) of grizzly bears within the Experimental Population Area when such take is incidental to a legal activity and is not a result of negligent conduct lacking reasonable due care, and when due care was exercised to avoid the taking. Any taking must be reported within 24 hours to appropriate authorities as listed in paragraph (I)(5)(iii) of this section. Persons lawfully engaged in hunting or shooting activities must correctly identify their target before shooting in order to avoid illegally shooting a grizzly bear. Shooting a grizzly bear as a result of mistaking it for another species is considered a lack of reasonable due care. The act of taking a grizzly bear that is wrongly identified as another species may be referred to appropriate authorities for prosecution.

(ii) Any person with a valid permit issued by us may take grizzly bears in the Experimental Population Area for scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes. Such permits must be consistent with the Act, with management plans adopted for the nonessential experimental population, and with applicable State wildlife conservation laws and regulations.

(iii) You may take grizzly bears in the Experimental Population Area in self-defense or in defense of the lives of others. Such taking must be reported within 24 hours as to date, exact location, and circumstances to the Grizzly Bear Recovery Coordinator, University Hall, Room 309, University of Montana, Missoula, Montana 59812 (406-243-4903); or the Assistant Regional Director for Law Enforcement, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (503-231-6125); or the Assistant Regional Director for Law Enforcement, P.O. Box 25486, DFC, Denver, Colorado 80225 (303-236-7540); and either the Idaho Department of Fish and Game, P.O. Box 25, Boise Idaho 83707 (208-334-3700); or the Montana Department of Fish, Wildlife and Parks, 1420 E. Sixth Avenue, Helena, Montana 59620 (406-444-2535); and Nez Perce Tribal authorities (208-843-2253) (as appropriate).

(iv) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, or appropriate Tribal authorities to harass (see definition in §17.3) grizzly bears found in the Experimental Population Area that are actually pursuing or killing livestock (to include permitting the use of livestock guard dogs around livestock to harass such grizzly bears). Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. All such harassment must be accomplished by an opportunistic, noninjurious method (see definition of “opportunistic, noninjurious harassment” in paragraph (I)(16) of this section) to the grizzly bear, and such harassment must be reported within 24 hours as to date, exact location, and circumstances to the authorities listed under paragraph (I)(5)(iii) of this section.

(v) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks or appropriate Tribal authorities to take grizzly bears on private lands found in the Experimental Population Area in a manner other than harassment as defined in this paragraph (I), in order to protect livestock actually pursued or being killed on private property. Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. Any response protocol established by the [Service Committee](#) must have been satisfied and efforts to capture depredating grizzly bears by Service or State or Tribal wildlife agency personnel must have proven unsuccessful. All such taking must be reported as to date, exact location, and circumstances within 24 hours to the authorities listed under paragraph (I)(5)(iii) of this section.

(vi) Any authorized employee or agent of the Service or appropriate State wildlife agency or Nez Perce Tribe who is lawfully designated for such purposes, when acting in the course of official duties, may take a grizzly bear from the wild in the Experimental Population Area if such action is necessary to:

(A) Aid a sick, injured, or orphaned grizzly bear;

(B) Dispose of a dead grizzly bear, or salvage a dead grizzly bear that may be useful for scientific study;

(C) Take a grizzly bear that constitutes a demonstrable but nonimmediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if otherwise eliminating such depredation or loss of personal property has not been possible, and after eliminating such threat by live-capturing and releasing the grizzly bear unharmed in the area defined in paragraph (1)(2) of this section or other areas approved by the [Service Committee](#) has been demonstrated not to be possible;

(D) Move a grizzly bear for genetic management purposes;

(E) Relocate grizzly bears within the Experimental Population Area to improve grizzly bear survival and recovery prospects; or (F) Relocate a grizzly bear to avoid conflict with human activities. However, grizzly bears in the Experimental Population Area will not be disturbed unless they demonstrate a real and imminent threat to human safety, livestock, or bees. ~~Unless the Committee determines otherwise, this rule provides that on private lands outside the national forest boundary in the Bitterroot Valley, Montana (exclusion area), any human/grizzly conflicts will be considered unacceptable. Grizzly bear occupancy will be discouraged in the exclusion area, and grizzly bears found there will be captured and returned to the Recovery Area, or placed in captivity, or destroyed, depending on the history of each bear. If a grizzly bear enters the exclusion area, State and Federal wildlife management agencies will attempt to capture it immediately and notify the public of its presence as soon as possible. The public will be kept updated until the bear is caught. Further, any grizzly bear that occupies inhabited human settlement areas on private land within the Experimental Population Area that, in the judgment of the management agencies or Committee, presents a clear threat to human safety or whose behavior indicates that it may become habituated to humans, will be relocated or destroyed by management agencies.~~

(6) ~~How will local citizens be involved in the management of the Bitterroot nonessential experimental grizzly bear population?~~ How will the recovery efforts be implemented and monitored? (i) The Service shall assume the lead role in management implementation responsibility and will consult with affected State and tribal representatives on management decisions where practicable.

(ii) Within six months following the publication of a final rule, the Service shall:

- (A) Identify specific reintroduction locations for grizzly bears in the Selway-Bitterroot Wilderness Area and Frank Church-River of No Return Wilderness Area.
- (B) Develop a timeline for the reintroduction of 50 grizzly bears within five years. Reintroductions will be divided roughly evenly between the two Wilderness Areas described in subsection (A) of this paragraph and roughly evenly for male and female grizzly bears.
- (C) Develop a process for obtaining the best biological, social, and economic data, which shall include an explicit mechanism for peer-reviewed, upon which to base decisions for all components of management plans for grizzly bear recovery.
- (D) Review and, if necessary, revise existing grizzly bear guidance for proper camping and sanitation within the Experimental Population Area.
- (E) Develop response protocols for responding to grizzly/human encounters, livestock depredations, damage to lawfully present property, and other grizzly/human conflicts within the Experimental Population Area.

(iii) Within one year following the publication of a final rule, the Service shall reintroduce 5-15 grizzly bears into the Experimental Population Area. The Service shall reintroduce a similar number of grizzly bears each year into the Experimental Population Area until the target of 50 grizzly bears is reached.

(iv) At the conclusion of the first five year period and each five year period after that, the Service shall:

- (A) Review whether additional grizzly bears should be introduced into the Recovery Area in addition to the original 50 individuals required to increase the likelihood of recovery.
- (B) Review mortality limits, population determinations, and other criteria for recovery as appropriate.
- (C) Review all human-caused mortalities to determine whether new measures for avoiding future occurrences are required.
- (D) Review existing guidelines and strategies to assess recovery obstacles within the Recovery Area and Experimental Population Area.

(7) How will the Bitterroot grizzly bear population be monitored? The reintroduced population will be monitored closely by Federal and State agencies in cooperation with the Service for the duration of the recovery process, generally by use of radio telemetry as appropriate.

(8) How will success or failure of the project be evaluated? The status of Bitterroot grizzly bear recovery will be reevaluated separately by the Service and by the Secretary at 5-year intervals. This review will take into account the reproductive success of the grizzly bears released, human-caused mortality, movement patterns of individual bears, food habits, and overall health of the population and will recommend changes and improvements in the recovery program. Evaluating these parameters will assist in determining success or failure of the restoration.

(9) Recovery Goal. The Bitterroot Chapter of the Grizzly Bear Recovery Plan identifies a tentative recovery goal of 280 grizzly bears. Upon reaching this goal, the Service will conduct a status review to assess whether the species merits delisting in the Experimental Population Area.

(106) What are the definitions of key terms used in the special rule in this paragraph (I)? In addition to terms defined in §10.12 and 17.3 of this subchapter, the following terms apply to this paragraph (I):

Accommodate means allowing grizzly bears that move outside the Recovery Area onto public land in the Experimental Population Area to remain undisturbed unless they demonstrate a real and imminent threat to human safety or livestock.

~~*Citizen Management Committee (Committee)* means that Committee described in paragraph (I)(6) of this section.~~

Current range means the area inside or within 10 miles of the recovery zone line of currently occupied grizzly bear recovery zones or any area where there is a grizzly bear population, as defined in this paragraph (I)(16).

Exclusion area (Bitterroot Valley) means those private lands in Montana lying within the Bitterroot Experimental Population Area in the Bitterroot Valley outside the Bitterroot National Forest boundary south of U.S. Highway 12 to Lost Trail Pass and west of Highway 93.

Experimental Population Area (Bitterroot Grizzly Bear Experimental Population Area) means that area delineated in paragraph (I)(1) of this section within which management plans developed as part of the Recovery Team Committee described in paragraph (I)(9) of this section will be in effect. This area includes the Recovery Area. The Experimental Population Area is within the historic range of the grizzly bear, but geographically separate from the current range of the grizzly bear.

Geographically separate means separated by more than 10 miles. The term refers to “wholly separate geographically” in section 10(j)(2) of the Act. The Experimental Population Area and the recovery zone boundary of any existing grizzly bear population must be geographically separate.

Grizzly bear population is defined by verified evidence within the previous 6 years which consists of photos within the area, verified tracks, or sightings by reputable scientists or agency personnel of at least two different female grizzly bears with young or one female with different litters in 2 different years in an area geographically separate from other grizzly bear populations. Verifiable evidence of females with young, to be geographically separate, would have to occur greater than 10 miles from the nearest nonexperimental grizzly bear population recovery zone boundary.

Opportunistic, noninjurious harassment means harassment (see definition of “harass” in §17.3) that occurs when the grizzly bear presents itself (for example, the bear travels onto and is observed on private land or near livestock). This paragraph (I) permits only this type of harassment. You cannot track, attract, search out, or chase a grizzly bear and then harass it. Any harassment must not cause bodily injury or death to the grizzly bear. The intent of harassment permitted by this definition is to scare bears away from the immediate area.

Recovery Area (Bitterroot Grizzly Bear Recovery Area) means the area of recovery emphasis within the Experimental Population Area, and is delineated in paragraph (I)(2) of this section. This area consists of the Selway-Bitterroot and Frank Church-River of No Return Wilderness areas. The Recovery Area is within the historic range of the species.

Recovery emphasis means grizzly bear management decisions in the Recovery Area will favor bear recovery so that this area can serve as core habitat for survival, reproduction, and dispersal of the recovering population. Reintroduction of grizzly bears is planned to occur within the Selway-Bitterroot Wilderness [and the Frank Church-River of No Return Wilderness](#) portions of the Recovery Area ~~unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate.~~

Unavoidable and unintentional take means accidental, unintentional take (see definition of take in §10.12 of this subchapter) that occurs despite reasonable care, is incidental to an otherwise lawful activity, and is not done on purpose. An example would be striking a grizzly bear with an automobile. Taking a grizzly bear by shooting will not be considered unavoidable and unintentional take. Shooters have the responsibility to be sure of their targets.

CONCLUSION

The Center hereby petitions the Service to publish a new regulation designating the Selway-Bitterroot Grizzly Bear Experimental Population Area in the Selway-Bitterroot ecosystem. These should reflect the current realities of grizzly bear recovery in the lower 48 states, an expanded experimental population area boundary to reflect new information about suitable habitat, and ensure timely reintroduction to aid connectivity and recovery for bears.

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NOTES

During business hours contact Supervisor's office to see if the person you are looking for is in the of

Flathead National Forest

Swan Lake Ranger District

First contact

cell

Mark Ruby, acting Wildlife Biologist

(b) (6)

Secon contact (only if Mark is not around)

Chris Dowling, District Ranger

(b) (6)

Phone

Spotted Bear Ranger District

First Contact

Scott Snelson, District Ranger

(b) (6)

Second Contact

Cas Waters, Wildlife Biologist,

(b) (6)

Hungry Horse/Glacier View Ranger District

First Contact

Rob Davies, District Ranger

(b) (6)

Second Contact

Cas Waters, Wildlife Biologist

(b) (6)

Tally Lake Ranger District

First Contact

Bill Mulholland, Distrcit Ranger

(b) (6)

Second Contact

Laura Strong, Wildlife Biologist

(b) (6)

Stillwater/Coal Creek State Forests

Dave Ring, Unit Manager

Glacier National Park

Walter?

Kootenai National Forest

First Contact

Chad Benson

(b) (6)

Three Rivers Ranger District

First Contact

Kirtsen Kaiser, District Ranger

(b) (6)

Second Contact

Wildlife Biologist,

Libby Ranger District

First Contact

Nate Gassman, District Ranger

(b) (6)

Second Contact

Ed Morgan, Wildlife Biologist

Cabinet Ranger District

First Contact

Michael Feiger, District Ranger

(b) (6)

(personal)

Second Contact

, Wildlife Biologist

Rexford/Fortine Ranger District

Seth Carbonari, District Ranger

(b) (6)

Second Contact

Lauren Michelsen, Wildlife Biologist

(b) (6)

Lolo National Forest

Supervisors Office

Carolyn Upton, Forest Supervisor

(b) (6)

Bryson Bell, Forest Wildlife Biologist

(b) (6)

Plains/Thompson Falls Ranger District

First Contact

Dave Wrobleski, District Ranger

(b) (6)

Second Contact

Derrick Olinger, Wildlife Biologist

Seeley Lake Ranger District

First Contact

Quinn Carver, District Ranger

(b) (6)

Second Contact

Scott Tomson, Wildlife Biologist

Ninemile Ranger District

First Contact

Chris Gauger, District Ranger

Second Contact

Scott Tomson, Wildlife Biologist

Missoula Ranger District

First Contact

Crystal Stonesifer, Acting District Ranger

Second Contact

Scott Tomson, Wildlife Biologist

fice or out of service. I

2

office

406-837-7531

406-837-7501

406-387-3804

406-387-3801

406-387-3804

406-758-3527

406-758-3501

406-754-2301

406-293-6211

406-295-4693

406-293-7773

406-283-7598

406-283-7558

406-827-3533

406-291-7097(work)

406-296-2536

406-296-7145

406-296-7102

406-329-3797

406-826-3821

406-826-4308

406-826-4321

406-677-3925

406-677-3925

406-677-3925

406-542-3249

406-677-3925

n the evenings and on weekends call their cell numbers.

Notes from FWP Bear Biologists:

There are a lot of attractants here. Rarely relocate usually release site on scene

Summer office: 406-758-6464, winter office: 406-387-3851, Spotted Bear residence: (b) (6)

Don't know if FWS will relocate here but it might be a good option.

Again as a just in case

home: (b) (6)

Contacts are listed as backups to the District contacts

Have not relocated a bear in this area but it is a possibility



Bitterroot, Lolo, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks (MTFWP).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena Lewis Clark National Forests and the Northern Continental Divide Ecosystem (NCDE) and Bitterroot Ecosystem in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [AK2]: Signature or no signature?

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have establish agency roles and response process in an MOA (appendix A).

Commented [AK3]: We will attach the MOA

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Commented [AK4]: Would you still like to have these bear handling and relocation procedures below the title?

Bears relocated onto the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena and Lewis and Clark National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel..

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.

Commented [OD-5]: Will the manager for the other adjacent agency be able to veto the release if they have concerns?

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will ~~should~~ be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

Distributed to: *Montana FWP –*

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-‘

USDA-FS Lolo-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor’s Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor’s Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
c: xxxxx

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell.:

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6).

Wesley Sarmento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C) US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C), c: (b) (6)

Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

Commented [AK6]: Could you please confirm what is written below this header?

Commented [AK7]: This is just an example but we find it would be very helpful.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper |

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

ALLIANCE FOR THE WILD
ROCKIES, et al.,
Plaintiffs,

vs.

HILARY COOLEY, in her official
capacity as U.S. Fish and Wildlife
Service Grizzly Bear Recovery
Coordinator, et al.,
Defendants,

and

STATE OF IDAHO,
Intervenor-Defendant.

Case No. CV 21-136-M-DWM

**DEFENDANT-INTERVENOR
STATE OF IDAHO'S
MEMORANDUM IN SUPPORT
OF CROSS-MOTION FOR
SUMMARY JUDGMENT AND IN
OPPOSITION TO PLAINTIFFS'
MOTIONS FOR SUMMARY
JUDGMENT**

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Note on Administrative Record Citations

Intervenor-Defendant State of Idaho cites documents from the United States Fish and Wildlife Service record using the bates numbered pages for the cited material. These documents use the prefix “FWS.”

INTRODUCTION

The United States Fish and Wildlife Service (Service) is vested with broad discretion to make the scientific and management judgment calls in determining what methods work best in species conservation. It is well within the Service's discretion to prioritize recovery of existing populations over the re-establishment of historical populations. Ignoring this well-established principle, Alliance for the Wild Rockies and Native Ecosystems Council (collectively "Alliance") ask the Court to impose Alliance's current priorities for grizzly bear management by reviving an unused, discretionary, and experimental rule from over twenty years ago. Alliance asks this Court to assume a role that is firmly vested with the Service. The Court should reject this lawsuit and grant summary judgment in favor of defendants.¹

FACTUAL AND PROCEDURAL BACKGROUND

A. Grizzly Bear Recovery Efforts

In 1975, the Service listed grizzly bears in the conterminous 48 States as a threatened species. 40 Fed. Reg. 31734 (July 28, 1975). The Service adopted a recovery plan in 1993 that addressed recovery zones and evaluation areas related to this listing. FWS010262. Four of these zones/areas partially occur in Idaho: the

¹ Defendant-Intervenor State of Idaho has limited this brief to issues of specific concern to Idaho and has conferred with the the federal defendants to avoid repetitive briefing.

Yellowstone Grizzly Bear Recovery Zone, Cabinet/ Yaak Recovery Zone, Selkirk Recovery Zone, and the Bitterroot Evaluation Area. FWS010267, FWS010283.

Idaho has played an integral role for decades in the recovery, conservation, and management of grizzly bears. Idaho Memo. In Supp. Of Intervention at 2 (ECF 9). The Idaho Department of Fish and Game (Department), under supervision of the Idaho Fish and Game Commission, is the agency primarily responsible for wildlife management in the State. *See* I.C. §§ 36-102, 36-104. The Idaho Governor's Office of Species Conservation is dedicated to planning, coordinating, and implementing actions within the State of Idaho that will preserve, protect, and restore species categorized as candidate, threatened, endangered, or proposed to be listed under the Endangered Species Act (ESA) while taking into consideration the State's economic vitality and values. *See* I.C. § 67-818.

Following listing, Idaho supported grizzly bear recovery efforts as a member of the Interagency Grizzly Bear Committee and participated in the preparation of the 1982 and 1993 grizzly bear recovery plans. Idaho Memo. In Supp. Of Intervention at 3 (ECF 9). Indeed, the 1993 Recovery Plan recognizes the important contributions of Idaho to grizzly recovery. FWS010270. The plan recognizes the critical efforts undertaken by state wildlife agencies, including education programs; proactive livestock and garbage management projects that reduce bear attractants on private land; nuisance bear control efforts; and maintaining local contact for fostering tolerance and positive attitudes critical to grizzly recovery in areas where humans

and bears must coexist. FWS010282, FWS010302. The Plan also recognizes the importance of state coordination in enforcing wildlife-related laws. FWS010318.

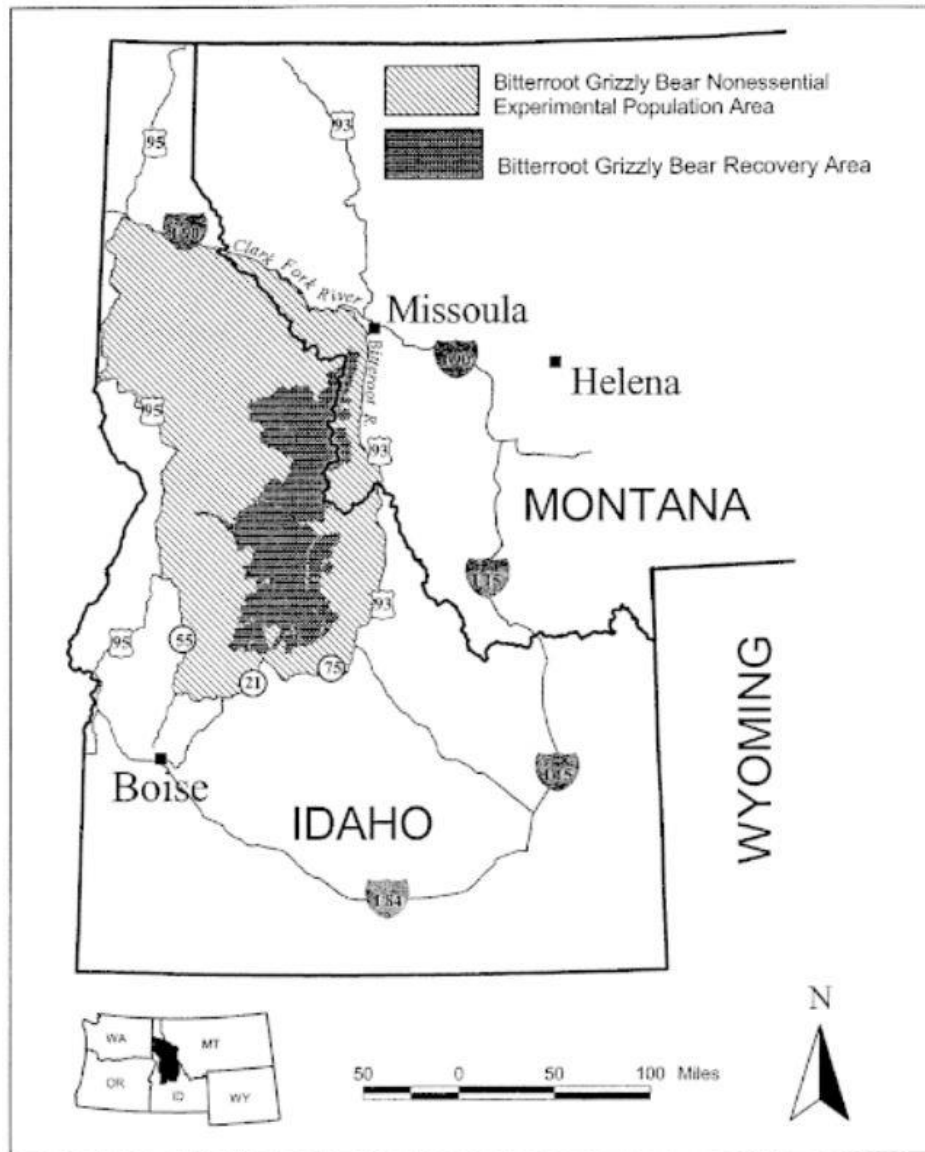
Regarding the Bitterroot Evaluation Area, no population of grizzly bears has been confirmed occupying the area, despite extensive monitoring. ECF 9-1, ¶ 60. There is a difference between “occurrence” and “occupancy,” with the few grizzly bears documented in the Bitterroot Evaluation Area being transient young males that have not permanently stayed in the area. *Id.* No female grizzly bears have been documented in the area. *Id.* Studies of Greater Yellowstone grizzly bears and other literature indicate movements of subadult males are stochastic (random), and may involve travel hundreds or thousands of miles, commonly leading subadult males to lower quality or unsuitable habitat where they will not remain or persist. *Id.* In the absence of other habitat quality indicators or repeated use of an area by transitory bears, subadult movement does not predict future presence in an area, or along a particular random travel route by that individual bear or other bears. *Id.*

The 2019 subadult grizzly bear that was seen near Lolo Pass, whose history is incompletely discussed by Alliance, provides an example. *See* Alliance Complaint at 19-20 (ECF 1); Alliance br. at 33 (ECF 24). While Alliance discusses a portion of the 2019 summer travels of what is known as Augmentation Bear 927, a more complete history is illustrative. ECF 12, ¶ 62. The bear was a subadult male that was transplanted from the Northern Continental Divide Ecosystem in Montana to the Cabinet Mountains in 2018. *Id.* As is often the case with both transplanted and

subadult male grizzlies, the bear wandered extensively during the summers of 2018 and 2019. *Id.* While the bear did spend some time in Idaho, it ultimately returned to Montana. *Id.* Every indication is that the young bear made forays to Idaho but never returned. *Id.*

B. Nonessential Experimental Population of Grizzly Bears in the Bitterroot

Over twenty years ago, on December 18, 2000, the Service designated a nonessential experimental population of grizzly bears pursuant to section 10(j) of the ESA, encompassing an area surrounding the Bitterroot Evaluation Area, otherwise known as the Bitterroot Recovery Area (hereinafter “Experimental Population Rule”). 65 Fed. Reg. 69,624 (November 17, 2000); FWS000951. Before issuing the Experimental Population Rule, the Service prepared a Final Environmental Impact Statement (issued on March 24, 2000) and issued a Record of Decision selecting an alternative labeled “Restoration of Grizzly Bears as a Nonessential Experimental Population with Citizen Management.” 65 Fed. Reg. 69,624, 69,626; FWS000026; FWS000865. Most of the Bitterroot Grizzly Bear Nonessential Experimental Population Area occurs in Idaho, as depicted in the following Experimental Population Rule map:



50 C.F.R. §17.84(l); FWS000971. As can be seen on the map, the Experimental Population Area extends across a broad swath of Idaho, Southwest to Banks (close to Boise) and Northwest to Coeur d’Alene. 50 C.F.R. §17.84(l); FWS000971.

On June 22, 2001, the Service proposed removing the Experimental Population Rule, stating “[w]e, the U.S. Fish and Wildlife Service (Service) are reevaluating our decision with respect to grizzly bear recovery in the Bitterroot

Ecosystem.” 66 Fed. Reg. 33620 (June 22, 2001); FWS001217. The Service proposed selecting the No Action Alternative, resulting in not releasing grizzly bears in the Experimental Population Area. FWS001218. The Service stated it wanted to prioritize recovery and ensure viability of ongoing recovery efforts in ecosystems where the grizzly bear populations currently exist, rather than diverting resources towards reintroduction of grizzlies. FWS001217. The Service stated “it is neither prudent nor consistent with our recovery priorities to expend our limited recovery funds and staff effort on establishment of a nonessential, experimental grizzly bear population in the [Bitterroot Ecosystem] at this time.” *Id.* The Service recognized objections from states that would be affected by grizzly bear reintroduction. *Id.* The Service also recognized that human safety concerns should be adequately considered, stating “[w]e must be cognizant of the possibility that humans may be killed or injured as grizzly bears are introduced.” *Id.* The Service did not take further action on its proposal.

Over twenty years later, Plaintiffs seek to advance their current organizational belief that reestablishing grizzly bears in the Bitterroot is the “lynchpin” to recovery and delisting of grizzly bears in the lower-48 States. Alliance Br. at 36 (ECF 24). Plaintiffs ask this Court to order that the Service reprioritize administrative actions in favor of reestablishing grizzly bears in the Bitterroot over other actions for grizzly bears and other species. Plaintiffs specifically request the Court to reprioritize the Service’s conservation resources for the next calendar year to prepare a supplemental

Environmental Impact Statement (EIS) for Bitterroot grizzly recovery; issue a Record of Decision; and commence implementation of the new Record of Decision. *Id.* The Court should uphold the Service’s discretion regarding experimental populations, and rule in defendants’ favor on cross-motions for summary judgment.

STANDARD OF REVIEW

Alliance’s Administrative Procedure Act (APA) and National Environmental Policy Act (NEPA) claims are reviewed under the APA. 5 U.S.C. § 706; *San Luis v. Jewell*, 747 F.3d 581, 601 (9th Cir. 2014). Under the applicable standards, a reviewing court shall “compel agency action unlawfully withheld or unreasonably delayed” and set aside agency action “not in accordance with law.” 5 U.S.C. § 706(1), (2). A reviewing court shall also hold unlawful and set aside final agency action that is “arbitrary and capricious.” *Marsh v. Oregon Nat. Res. Council*, 490 U.S. 360, 376 (1989) (citing 5 U.S.C. § 706(2)(A)). “Deference to an agency’s technical expertise and experience is particularly warranted with respect to questions involving ... scientific matters.” *United States v. Alpine Land and Reservoir Co.*, 887 F.2d 207, 213 (9th Cir. 1989). Judicial review under this standard remains “narrow,” and a court should not substitute its judgment for that of the agency. *Mt. Graham Red Squirrel v. Espy*, 986 F.2d 1568, 1571 (9th Cir. 1993).

ARGUMENT

A. The Court should grant summary judgment in favor of defendants on Alliance’s first cause of action because the APA does not require the issuance of a final rule removing the Experimental Population Rule.

Regarding Alliance’s APA claims for unreasonable delay, the APA provides a reviewing court shall “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). “A § 706(1) claim can proceed only where a plaintiff asserts that an agency failed to take a *discrete* agency action that it is *required to take*.” *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 55 (2004) (emphasis added). This Court has summarized: “A court may compel agency action under the APA when the agency (1) has a clear, certain, and mandatory duty, and (2) has unreasonably delayed in performing such duty.” *Friends of the Flathead River v. U.S. Forest Serv.*, No. CV 22-90-M-DWM, 2022 WL 2751772, at *2 (D. Mont. July 14, 2022) (quoting *Vaz v. Neal*, 33 F.4th 1131, 1136 (9th Cir. 2022)). Such relief is tantamount to seeking a writ of mandamus, which “is an extraordinary remedy reserved for extraordinary circumstances.” *In re Am. Rivers & Idaho Rivers United*, 372 F.3d 413, 418 (D.C. Cir. 2004).

In this case, the Service has no clear, certain, and mandatory duty to finalize its June 22, 2001 proposed withdrawal of the Experimental Population Rule. *See* 66 Fed. Reg. 33620 (June 22, 2001). Nothing in the APA or ESA requires the Service to finalize a proposed rule when the rulemaking is not mandatory (*i.e.*, when the agency does not have a duty to conduct rulemaking). While Section 553 contains various

procedural rulemaking requirements such as notice, an opportunity to participate, and the right to petition for rulemaking, nothing in the APA provides a requirement to finalize a proposed rule instigated by an agency. *See* 5 U.S.C. § 553.

The cases cited by Alliance are inapplicable. *See* Alliance br. at 6 (ECF 24). Five of the cases cited by Alliance involve petitions for rulemaking and writs of mandamus to remedy delays in performing the agency's statutory duty to answer petitions for rulemaking under the APA.² Alliance has not petitioned for rulemaking, and has not petitioned for a writ of mandamus, so these cases do not apply here.

Friends of the Wild Swan v. Ashe is likewise distinguishable from the present case, because it involves a statutory mandatory duty. *See* 18 F. Supp. 3d 1077 (D. Mont. 2014). There, this Court held the Service's twelve-year delay in developing and implementing recovery plan for lynx was unreasonable. *Id.* at 1081. The ESA

² *In re Am. Rivers & Idaho Rivers United* involved the D.C. Circuits holding that a writ of mandamus was appropriate when there was a six-year delay in answering a petition for rulemaking. 372 F.3d 413. *In re Int'l Chem. Workers Union* likewise concerned a six- year delay in acting on a petition for rulemaking and a court's grant of a writ of mandamus. 958 F.2d 1144, 1145 (D.C. Cir. 1992). *In re A Cmty. Voice* dealt with another writ of mandamus and an eight-year delay in responding to a rulemaking petition. 878 F.3d 779, 781 (9th Cir. 2017). In *In re Pesticide Action Network N. Am., Nat. Res. Def. Council, Inc.* the Ninth Circuit upheld mandamus relief regarding another eight-year delay on a petition for rulemaking. 798 F.3d 809 (9th Cir. 2015). Along a similar vein, in *In re Nat. Res. Def. Council, Inc.*, the Ninth Circuit held that a 10-year delay in responding to a rulemaking petition warranted the extraordinary remedy of mandamus. 956 F.3d 1134 (9th Cir. 2020). Alliance's citation to these cases as applicable is simply off-base in the present action as Alliance has failed to cite to a clear, certain, and mandatory duty, such as responding to a petition for rulemaking.

identifies a generalized, flexible duty for the Service to develop recovery plans once a species is listed. *See* 16 U.S.C. § 1533(f) The applicable provision provides: “The Secretary shall develop and implement plans (hereinafter in this subsection referred to as “recovery plans”) for the conservation and survival of endangered species and threatened species listed pursuant to this section, unless he finds that such a plan will not promote the conservation of the species.” *Id.* In contrast, Alliance does not identify a generalized requirement for federal agencies to complete a proposed rulemaking initiated at an agency’s discretion and not mandated by statute.

Failing to identify an applicable case, Alliance fares no better in its argument that 5 U.S.C. § 555(b) provides a generalized requirement for finalization of the proposed rulemaking, decades after-the-fact. Although Alliance implies that 5 U.S.C. § 555(b) provides a generalized requirement for finalization of *any* proposed rulemaking in “a reasonable timeframe,” it does not. *See* Alliance br. at 15, 16 (ECF 24). Section 555(b) involves “ancillary matters” and provides: “With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” 5 U.S.C. § 555(b). Alliance did not petition for rulemaking under § 553(e) or otherwise present this rulemaking to the Service, so statutory provisions regarding agency response to matter presented to the agency are not applicable. Section 555(b) does not provide a generalized cause of action to challenge uncompleted agency action 21 years after-the-fact.

In sum, the Court should grant defendants' motion for summary judgment on Alliance's first cause of action. Alliance has failed to establish any clear, certain, and mandatory duty for the Service to finalize its proposed rule, issued at the discretion of the Service.

B. The Court should grant summary judgment in favor of the defendants on Alliance's second cause of action because the implementation of the Experimental Population Rule is within the discretion of the Service.

Summary judgment is appropriate because the APA does not provide a means for Alliance to compel the Service to implement the Experimental Population Rule. Section 10(j) provides the Service with broad discretion to designate experimental populations, providing:

The Secretary *may authorize* the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.

16 U.S.C. § 1539(2)(A) (emphasis added); *see also* 50 C.F.R. § 17.81 (Section 10(j) regulations providing similar discretion).³ Courts have recognized that Congress's purpose in enacting Section 10(j) was to "give greater flexibility to the Secretary . . . so that the Secretary has more managerial discretion." *United States v. McKittrick*, 142 F.3d 1170, 1174 (9th Cir. 1998).

³ The Secretary of the Interior has delegated her ESA role to the Service for many listed species, including grizzly bears. *See Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 651 (2007).

Similarly, the Experimental Population Rule itself reflects discretion on the part of the Service, stating that the Service “intend[s]” to establish an experimental population, but that intent is obviously contingent upon obtaining individual animals from other populations and available funding. FWS000952. The Record of Decision provides that: “Implementation of this decision is contingent upon the Service receiving adequate appropriations, so that the current level of funding for Service activities in other grizzly bear recovery areas will not be compromised.” FWS000872. The Record of Decision also recognized that “section 10(j) of the ESA will allow for flexible and responsive management,” and that reintroduction could occur in 2002 at the earliest, again contingent upon available funding. FWS000870-71.

The Service has broad discretion to determine what methods work best in species conservation. *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 708 (1995). Recovery in historical but unoccupied range is one method of species conservation left to the discretion of the Service. While Alliance may desire that the Service implement specific actions in historical grizzly bear range in the Bitterroot, this is simply a matter of Service discretion. Nothing in the ESA obligates the Service to put resources towards recovering grizzly bears in the bear’s historical range if a focus on current range will ultimately result in a population that meets the delisting requirements of Section § 4(a)(1). 16 U.S.C. 1533(a)(1). Thus, the Service’s Significant Portion of the Range Policy describes

how species reintroduction in historic range is an option available to the Service, but the policy does not mandate reintroduction to historic range. 79 Fed. Reg. 37,578, 37,610 (July 1, 2014). The Ninth Circuit has held the Service’s interpretation of “range” in 16 U.S.C. § 1532(6) and (20) as “current range” and not “historical range” warrants deference. *Ctr. for Biological Diversity v. Zinke*, 900 F.3d 1053, 1067 (9th Cir. 2018).

Regarding a related aspect of species recovery, recovery plans, the Ninth Circuit and other federal courts have held that section 4(f) and the ESA as a whole give agencies significant latitude in determining when, how, and even if recovery plans are created and implemented. The Ninth Circuit has recognized that “recovery plans are not mandatory;” the ESA “does not mandate compliance with recovery plans for endangered species;” and “recovery plans are for guidance purposes only.” *Cascadia Wildlands v. Bureau of Indian Affairs*, 801 F.3d 1105, 1114 n.8 (9th Cir. 2015). It is also well established that although recovery plans provide guidance for the conservation of species, they are not binding authorities. *Conservation Cong. v. Finley*, 774 F.3d 611, 614 (9th Cir. 2014). Recovery plans do “not create any legal rights or obligations for the Service or any third parties.” *Friends of the Wild Swan, Inc. v. Dir. of United States Fish & Wildlife Serv.*, 745 F. App’x 718, 721 (9th Cir. 2018) (unpublished opinion) (citations omitted). “By providing general guidance as to what is required in a recovery plan, the ESA ‘breathe[s] discretion at every pore.’” *Fund for Animals, Inc. v. Rice*, 85 F.3d 535, 547 (11th Cir. 1996) (quoting

Strickland v. Morton, 519 F.2d 467, 469 (9th Cir. 1975)). “[C]ourts have uniformly refused to make such plans enforceable.” Lawrence R. Liebesman, L. of Env’tl. Prot., *The enforceability of recovery plans*, 3 L. of Env’tl. Prot. § 21:22. “A plan is a statement of intention, not a contract. If the plan is overtaken by events, then there is no need to change the plan; it may simply be irrelevant.” *Friends of Blackwater v. Salazar*, 691 F.3d 428, 434 (D.C. Cir. 2012). It would make little sense to hold a recovery plan is not mandatory, yet the Service has a duty to implement a 10(j) experimental population rule.

While Alliance characterizes the Bitterroot as the “lynchpin” of grizzly recovery on numerous occasions, this is just Alliance’s view. Alliance Br. at 13 (ECF 24). It is well within the Service’s discretion to prioritize recovery of existing populations and not pursue recovery of historical populations that would take significant resources.

C. Defendants are entitled to summary judgement on Alliance’s NEPA claim as there is no major federal action requiring supplemental analysis.

Alliance’s NEPA claim fails because there is no major federal action requiring supplemental analysis. Under NEPA, a federal agency is required to prepare an EIS for all “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). Supplementing an EIS is necessary “only if there remains major Federal action to occur.” *Norton*, 542 U.S. at 73 (quotations omitted). “Inaction” is not action for NEPA purposes. *State of Alaska v. Andrus*, 591

F.2d 537, 540 (9th Cir. 1979). Thus, applicable regulations exempt “[a]ctivities or decisions that do not result in final agency action under the Administrative Procedure Act or other statute that also includes a finality requirement.” 40 C.F.R. § 1508.1(q)(1)(iii). “Major Federal actions tend to fall within one of the following categories:” (i) formal policies, rules, and regulations; (ii) formal plans prescribing the use of federal resources; (iii) programs implementing a policy or plan; and (iv) project approvals such as permits. 40 C.F.R. § 1508.1(q)(3).

Consistent with these regulations, courts have observed “NEPA procedures do not apply to federal actions that maintain the environmental status quo.” *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1114 (9th Cir. 2002), *abrogated on other grounds by Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011). Thus, “[d]iscretionary agency action that does not alter the status quo does not require an EIS.” *Nat’l Wildlife Fed’n v. Espy*, 45 F.3d 1337, 1344 (9th Cir. 1995).

Here, the Experimental Population Rule did not commit the Service to introduce grizzly bears into the Bitterroot. Implementation of the Experimental Population Rule was always contingent upon the discretion granted to the Service and was never set in stone. *See* FWS000872. As the Service has exercised its discretion and chose not to introduce bears, there is no ongoing major federal action to trigger a duty to prepare a supplemental EIS. Major Federal action does not exist since the Service has not implemented the Experimental Population rule in favor of simply maintaining the status quo.

Should the Court reach Alliance’s argument that significant new circumstances exist requiring a supplemental EIS under 40 C.F.R. § 1502.9(d)(1)(ii), a review of Alliance’s argument shows it lacks context. *See* Alliance br. at 22 (ECF 24). Alliance relies heavily on the sporadic movements of a few grizzly bears, although a female or resident grizzly has never been confirmed in the Bitterroot Recovery Area. Alliance’s characterization that “grizzly bears are present in the Bitterroot Ecosystem” lacks context. *See* Alliance Br. at 4 (ECF 24). As previously explained, despite extensive monitoring no permanent population of grizzly bears has been found in the Bitterroot ecosystem and no females have been confirmed in the ecosystem. *Supra* at 3-4. The few grizzly bears that have traveled through the ecosystem have been transient young males that, by themselves, do not indicate the ecosystem is occupied. *Id.*

In one example, Alliance contends a “May Be Present” map indicates “significant new circumstances.” *See* Alliance Br. at 25 (ECF 24). It is important to put this map within its proper context. There is a limited amount of information in

the record on this map, which represents a precautionary approach.⁴ *See* FWS010600. The “may be present” standard is a broad statutory construct, see 16 U.S.C. § 1536(a)(3), (c)(1), used in the context of Section 7 consultations. *See Friends of Clearwater v. Petrick*, No. 2:20-CV-00243-BLW, 2022 WL 622460, at *7 (D. Idaho Mar. 2, 2022) (“the ‘may be present’ standard does not require actual occurrence or occupancy”). The map itself, explains its limitations, providing that it is “derived from current distributions and verified location data outside of current distributions; *not all areas that are designated as “may be present” meet the criteria to be included in current distributions.*” FWS010600 (emphasis added). The map itself distinguishes between areas it deems the “[e]stimated current distribution” and areas where “[g]rizzly bears ‘may be present.’ ” *Id.*

⁴ Idaho has similarly always taken a precautionary approach to protecting grizzly bears anytime it has had reason to know a grizzly bear could be present in the Bitterroot or other new or sporadic location. To promote awareness, the Idaho Department of Fish and Game has issued media statements and done other public outreach. For example, in 2019 the Idaho Department of Fish and Game released a press release regarding Augmentation Bear 927. *See* <https://idfg.idaho.gov/press/black-bear-hunters-urged-use-increased-caution-after-grizzly-spotted-unit-10> (describing wandering of grizzly bear into Selway-Bitterroot recovery area in Idaho in June 2019 after being transplanted to the Cabinet-Yaak Recovery Area in Montana from the Northern Continental Divide Ecosystem). These statements, issued out of caution to protect lone transient members of a listed species, should not be stretched so far as confirming a population of grizzly bears exists in the Bitterroot.

In sum, the Court should grant summary judgment in favor of defendants on Alliance's third cause of action as the mere maintenance of the status quo on grizzly bears in the Bitterroot does not constitute "major Federal action."

D. The Court should reject Alliance's request for mandatory injunctive relief.

At the end of its briefing, Alliance makes a brief request that the Court order the Service to: (1) prepare a supplemental EIS for Bitterroot grizzly recovery; (2) issue a new Record of Decision after the supplemental EIS is complete; and (3) commence implementation of the new Record of Decision within one calendar year of signing the Record of Decision. Alliance Br. at 29 (ECF 24). The Court should reject this cursory request for mandatory injunctive relief for several reasons.

First, the Court should consider this request for mandatory injunctive relief waived, as Alliance does not support its requested relief with fact and argument. *See Indep. Towers of Washington v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) ("[W]e 'review only issues which are argued specifically and distinctly in a party's opening brief.' "). If the Court were going to entertain a request for mandatory injunctive relief, it would be appropriate to order briefing on the issue so that the Court could be fully informed.

Second, Alliance has not met the stringent standard required for mandatory injunctive relief. In this case, the Service has simply not exercised its discretion in the way Alliance would prefer. A mandatory injunction "orders a responsible party to

take action.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Mandatory injunctions are “particularly disfavored” and may not be granted “unless extreme or very serious damage will result.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). In general, mandatory injunctions “are not issued in doubtful cases” *Id.* at 879. To obtain injunctive relief, Alliance must demonstrate irreparable injury. *Cottonwood Env’t L. Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1088 (9th Cir. 2015) (discussing permanent injunction standard in the context of the ESA).

The mandatory injunctive relief requested by Alliance would result in an end-run around the administrative processes and discretion delegated to the Service. Such mandatory injunctive relief is the equivalent of a writ of mandamus, which is an extraordinary remedy reserved for extraordinary circumstances. In this case, it is unclear how the simple maintenance of the status quo—on a matter firmly within the Service’s discretion—results in irreparable injury to Alliance. Although Alliance would like the Service to prioritize reestablishing grizzly bears in the Bitterroot, it is firmly within the Service’s discretion to prioritize recovery of existing populations.

For these reasons, the Court should deny the mandatory injunctive relief requested by Alliance.

CONCLUSION

For the foregoing reasons, the Court should grant the State of Idaho's motion for summary judgment and deny Plaintiffs' motion for summary judgment.

Respectfully submitted this 17th day of November 2022.

/s/ Owen Moroney_____

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing memorandum complies with the 6,500 word limit of Local Rule 7.1(d)(2)(A), in that it consists of 4,933 words, excluding the caption, tables of contents and authorities, and certificates of service and compliance, as calculated by the word count function of the word processor used to prepare the memorandum; and further certify the foregoing memorandum complies with Local Rule 1.5(a)(2) in that it is double spaced in a 14-point font typeface.

/s/ Owen Moroney
OWEN MORONEY

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2022, I caused the foregoing to be electronically filed with the Court using the CM/ECF system, which caused all attorneys of record to be served by electronic means.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

ALLIANCE FOR THE WILD
ROCKIES, et al.,
Plaintiffs,

vs.

HILARY COOLEY, in her official
capacity as U.S. Fish and Wildlife
Service Grizzly Bear Recovery
Coordinator, et al.,
Defendants,

and

STATE OF IDAHO,
Intervenor-Defendant.

Case No. CV 21–136–M–DWM

**DEFENDANT-INTERVENOR
STATE OF IDAHO'S REPLY
MEMORANDUM IN SUPPORT
OF CROSS-MOTION FOR
SUMMARY JUDGMENT (Dkt No.
31)**

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INTRODUCTION

Alliance for the Wild Rockies and Native Ecosystems Council (collectively “Alliance”) ask the Court to impose Alliance’s current priorities for grizzly bear management by reviving an unused, discretionary, and experimental rule that is over two decades old. In doing so, Alliance asks this Court to assume a role that is firmly vested with the United States Fish and Wildlife Service (Service). It is the prerogative of that agency to prioritize recovery of existing populations over the re-establishment of historical populations. The Court should reject this lawsuit and grant summary judgment in favor of defendants.

ARGUMENT

A. The Administrative Procedure Act does not require a final rule removing the Experimental Population Rule.

Regarding Alliance’s Administrative Procedure Act (APA) claims for unreasonable delay, the APA provides a reviewing court shall “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). To state a claim for agency inaction under the APA, a plaintiff must show the agency had a nondiscretionary duty to act and that the agency’s delay in acting was unreasonable. *See Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004). Such relief is essentially a writ of mandamus, which “is an extraordinary remedy reserved for extraordinary circumstances.” *In re Am. Rivers & Idaho Rivers United*, 372 F.3d 413, 418 (D.C. Cir. 2004). Accordingly, this Court has summarized: “A court may compel

agency action under the APA when the agency (1) has a clear, certain, and mandatory duty, and (2) has unreasonably delayed in performing such duty.” *Friends of the Flathead River v. U.S. Forest Serv.*, No. CV 22-90-M-DWM, 2022 WL 2751772, at *2 (D. Mont. July 14, 2022) (quoting *Vaz v. Neal*, 33 F.4th 1131, 1136 (9th Cir. 2022)).

In this case, the Service has no clear, certain, and mandatory duty to finalize its June 22, 2001 proposed withdrawal of the Experimental Population Rule. *See* 66 Fed. Reg. 33,620 (June 22, 2001). Nothing in the APA or ESA requires the Service to finalize a proposed rule when the rulemaking is not mandatory (*i.e.*, when the agency does not have a duty to conduct rulemaking). While Section 553 contains various procedural rulemaking requirements such as notice, an opportunity to participate, and the right to petition for rulemaking, nothing in the APA provides a requirement to finalize a proposed rule instigated by an agency. *See* 5 U.S.C. § 553.

In its response and reply, Alliance once again fails to point to a clear, certain, and mandatory duty. Like other cases cited by Alliance, the *TRAC* factors that Alliance discusses still require such a clear, certain, and mandatory duty. *See* Alliance Reply Br. at 1-5. Indeed, the *TRAC* case cited by Alliance is no different than the petition for rulemaking or lynx recovery plan case addressed earlier, in that, at its core, the *TRAC* revolves around a clear, certain, and mandatory duty.¹ Similar

¹ These cases were addressed in Idaho’s prior briefing. Idaho Memorandum in Supp. of Cross Mot. for Summary Judgment at 9-10.

to these cases, *TRAC* involved the Federal Communication Commission’s delay in resolving a ratepayer petition against AT&T. *Telecommunications Research and Action Center (“TRAC”) v. F.C.C.*, 750 F.2d 70, 73 (D.C. Cir.1984). Under the applicable statute, ratepayers could bring a complaint to the Federal Communications Commission. *Id.* (citing the Communications Act of 1934, 47 U.S.C. § 205). The dispute in that case was whether a writ of mandamus could be issued when the Federal Communications Commission delayed almost five years in resolving a complaint styled as a “Petition for Enforcement of Accounting.” *Id.* The District of Columbia Circuit’s decision and the *TRAC* factors must be read in the context of the the Federal Communications Commission’s failure to resolve the petition presented to that agency. Contrary to Alliance’s argument, federal agencies do not have a generalized duty to act in the absence of a clear, certain, and mandatory duty. Alliance never submitted a petition in this case—all that is at issue is a discretionary experimental population rule. In the absence of such a mandatory duty, the *TRAC* factors are inapplicable. The APA does not require a final rule removing the Experimental Population Rule.

B. Implementation of the Experimental Population Rule is within the discretion of the Service.

Alliance fares no better in its argument that the Service’s November 2000 Record of Decision somehow binds future federal agency action. *See Alliance Reply* br. at 4-5. To the contrary, “a claim under § 706(1) can proceed only where a

plaintiff asserts that an agency failed to take a *discrete* agency action that it is *required to take*.” *Norton*, 542 U.S. at 64 (emphasis original). As addressed previously, case law has recognized that establishing experimental populations under Section 10(j) is an area where the Service has a great deal of flexibility. Idaho Opening Br. at 11-14 (ECF 32); *United States v. McKittrick*, 142 F.3d 1170, 1174 (9th Cir. 1998) (Congress’s purpose in enacting Section 10(j) was to “give greater flexibility to the Secretary . . . so that the Secretary has more managerial discretion.”). Simply put, the ESA does not require the Service to conduct an experiment.

By its own terms, implementation for the Experimental Population Rule was contingent on agency prioritization and funding, and was always meant to be flexible. Idaho Opening Br. at 12 (ECF 32). The Record of Decision provides that: “Implementation of this decision is contingent upon the Service receiving adequate appropriations, so that the current level of funding for Service activities in other grizzly bear recovery areas will not be compromised.” FWS000872. The Record of Decision also recognized that “section 10(j) of the ESA will allow for flexible and responsive management,” and that reintroduction could occur in 2002 at the earliest, again contingent upon available funding. FWS000870-71.

Alliance’s citations in its response and reply regarding this issue are inapplicable. *See* Alliance Reply at 6. As support for its position, Alliance cites 40 C.F.R. §1505.3, which provides: “Mitigation (§ 1505.2(a)(3)) and other *conditions*

established in the environmental impact statement or during its review and *committed* as part of the decision shall be implemented by the lead agency or other appropriate consenting agency.” (emphasis added). This provision is distinguishable from the present case, as it deals with “conditions” in an environmental impact statement that are “committed” to by a federal agency. In contrast, in this case the Record of Decision described a plan for releasing an experimental population of grizzly bears in the Bitterroot that was contingent on funding and not compromising grizzly recovery efforts in other areas. The plan described in the Record of Decision was never a commitment.

Alliance also makes a flawed contention that a 1981 document labeled the “Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations” makes anything within a record of decision final and enforceable. *See* Alliance Reply at 6 (citing 46 Fed. Reg. 18,026, 18,037 (March 23, 1981)). While the “terms” of a record of decision may be enforceable, enforceability depends on whether the particular provision of the record of decision creates a clear, certain, and mandatory duty. *Supra* at 1, 2. The central question is whether there is a “discrete” agency action that the Service is “required to take.” *Norton*, 542 U.S. at 64. There is simply no legal support for the premise that federal agencies must implement the Experimental Population Rule in the absence of a clear, certain, and mandatory duty to do so.

C. No major federal action exists in this case requiring supplemental National Environmental Policy Act analysis.

Alliance fails to point to any pending major federal action that would require supplemental National Environmental Policy Act (NEPA) analysis. NEPA requires federal agencies to prepare an environmental impact statement for “*major Federal actions* significantly affecting the quality of the human environment” 42 U.S.C. § 4332(2)(C) (emphasis added). While “[t]he subject of postdecision supplemental environmental impact statements is not expressly addressed in NEPA,” the Supreme Court has recognized that “preparation of such statements, however, is at times necessary to satisfy the Act’s ‘action-forcing’ purpose.” *Marsh v. Oregon Nat. Res. Council*, 490 U.S. 360, 370–71 (1989).

Thus, the Supreme Court has recognized that supplementing an EIS is necessary “only if there remains major Federal action to occur.” *Norton*, 542 U.S. at 73 (quotations omitted). The Council on Environmental Quality regulations likewise condition the need to prepare a supplemental EIS on whether “major Federal action remains to occur.” 40 C.F.R. § 1502.9(d)(1). Applicable regulations exempt “[a]ctivities or decisions that do not result in final agency action under the Administrative Procedure Act or other statute that also includes a finality requirement.” 40 C.F.R. § 1508.1(q)(1)(iii). “Major Federal actions tend to fall within one of the following categories:” (i) formal policies, rules, and regulations; (ii)

formal plans prescribing the use of federal resources; (iii) programs implementing a policy or plan; and (iv) project approvals such as permits. 40 C.F.R. § 1508.1(q)(3).

“Discretionary agency action that does not alter the status quo” is not major federal action. *Nat’l Wildlife Fed’n v. Espy*, 45 F.3d 1337, 1344 (9th Cir.1995).

Major federal action does not exist when federal agencies “leave nature alone.”

Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094, 1114 (9th Cir.2002) (internal quotation marks and citation omitted). Similarly, major federal action does not exist “where the government has not irretrievably committed resources.” *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 782 (9th Cir. 2006).

In this case, the Service has not made a binding commitment regarding grizzly bears in the Bitterroot. *Supra* at 4. By not implementing the Experimental Population Rule, the Service has simply left nature alone and not altered the status quo. Alliance seems to argue that no action somehow equates to action. Alliance Response and Reply at 10 (ECF 35) (“None of those four actions that the Service committed to in the Record of Decision have been implemented; thus, there is still pending major federal action under the Record of Decision and EIS.”). As previously pointed out, the Record of Decision did not make a binding commitment. *Supra* at 4; Idaho Opening Br. at 12 (ECF 32). The Service has stated it “never implemented” the “dated” Record of Decision/ Experimental Population Rule. FWS001458. All that exists is a maintenance of the status quo, with nature following its own path, which is not major federal action.

This lack of any pending major federal action is dispositive of the Alliance's argument that supplementation of the EIS is required. Should the Court consider the Alliance's argument about "significant new circumstances," Alliance's characterization that "grizzly bears are present in the Bitterroot Ecosystem" lacks context. *See* Alliance Br. at 4 (ECF 24). Likewise, Alliance's position in disputing Idaho's Statement of Undisputed Facts similarly deserves clarification. *See* ECF 37 at 3. As Idaho explained in its answer, only solitary, transient male bears have been documented in the Bitterroot. ECF 9-1, ¶ 60. This statement is consistent with the record.

Despite extensive monitoring, no known population² of grizzly bears has been documented in recent decades in the Bitterroot, although there have been a handful of instances where transitory individual bears have been sighted. The Service's Species

² In the ESA and biological context, the term "population" has always required multiple animals capable of reproducing. Hence, the ESA's definition of "species" includes "any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." 16 U.S.C. § 1532(16). The Service has defined "population" under the ESA to mean "a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature." 50 C.F.R. 17.3. Similarly, the Service's Distinct Population Segment Policy references that fact that the term "population" generally references multiple organisms with breeding opportunities. *Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act*, 61 Fed. Reg. 4,722 (February 7, 1996). By definition, one individual animal, or zero animals, is not a population. *Wyoming Farm Bureau Fed'n v. Babbitt*, 199 F.3d 1224, 1234 (10th Cir. 2000) (discussing how "individual dispersing wolves" are not a population).

Status Assessment documents that there is “no known population in the Bitterroot.”

FWS010605. The Service’s 2021 5-Year Status Review similarly concludes there is no population in the Bitterroot, although solitary bears have been documented.

FWS010605, FWS010610. Likewise, the Service’s “May Be Present” map provides that it is “derived from current distributions and verified location data outside of current distributions; not all areas that are designated as “may be present” meet the criteria to be included in current distributions.” FWS010600 (emphasis added). The purpose of the map is for determining the federal agency consultation under Section 7 of the ESA, which applies the expansive standard of where an individual of a listed species “may be present.” The map itself distinguishes between areas it deems the “[e]stimated current distribution” and areas where “[g]rizzly bears ‘may be present.’” *Id.* Notably, none of the Bitterroot recovery zone is included within the map’s “estimated current distribution” of grizzly bears. *Id.*

As the Service has found, the Bitterroot has no known population of grizzly bears, despite a few recent sightings, and is “functionally extirpated.” FWS010605, FWS010610. Alliance cites to no instances where a bear has permanently stayed within the ecosystem. Alliance cites no instance in which a female grizzly bear has been documented in the ecosystem. Alliance also cites no instances where a population, i.e., multiple individual grizzly bears capable of reproducing, have been documented in the Bitterroot. Although Alliance seeks to make a significant deal out

of sporadic documentations of highly transient and mobile grizzly bears, no population has been confirmed in the Bitterroot.

In sum, the Court should grant summary judgment in favor of defendants on Alliance's third cause of action as the mere maintenance of the status quo on grizzly bears in the Bitterroot does not constitute "major Federal action."

D. The Court should reject Alliance's request for mandatory injunctive relief.

At the end of its response and reply, Alliance once again makes a request for sweeping mandatory injunctive relief. Alliance Response and Reply at 17-18 (ECF 35). Alliance requests "that this Court order the following actions: (1) the Service must file a notice in the Federal Register notifying the public that the Service (a) will not implement the 2001 Proposed Rule, (b) will remove the 10(j) rule from the C.F.R., and (c) will prepare a supplemental EIS for Bitterroot grizzly recovery; (2) the Service will issue a new Record of Decision after the supplemental EIS is complete; and (3) the Service will commence implementation of the new Record of Decision within one calendar year of signing the Record of Decision." *Id.*

Once again, Alliance provides no fact or argument for its request for mandatory injunctive relief. *See Indep. Towers of Washington v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) ("[W]e 'review only issues which are argued specifically and distinctly in a party's opening brief.' "). Idaho and the Service have requested the opportunity to brief remedy if the Court rules in Alliance's favor on

any of their claims. Idaho Opening Br. at 18 (ECF 32); Service Opening Br. at 35 (ECF 35).

Alliance has not met the heightened standard for mandatory injunctive relief. A mandatory injunction “orders a responsible party to take action.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Mandatory injunctions are “particularly disfavored” and may not be granted “unless extreme or very serious damage will result.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). In general, mandatory injunctions “are not issued in doubtful cases” *Id.* at 879. To obtain injunctive relief, Alliance must demonstrate irreparable injury. *Cottonwood Env’t L. Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1088 (9th Cir. 2015) (discussing permanent injunction standard in the context of the ESA).

In this case, it is unclear how the maintenance of the status quo results in irreparable injury to Alliance. Under this status quo, any grizzly bear that may travel to the Bitterroot is still protected by the ESA in the same way as another grizzly bear in the lower-48 states. As clarified by the Service in its January 21, 2020 letter, any bear that travels through the Bitterroot is a threatened species and the Experimental Population Rule does not apply. FWS001455. As previously discussed, there is no known population of grizzly bears in the Bitterroot. *Supra* at 8-10. Although Alliance would like the Service to prioritize reestablishing grizzly bears in the Bitterroot, it is firmly within the Service’s discretion to prioritize recovery of existing populations.

For these reasons, the Court should deny the mandatory injunctive relief requested by Alliance.

CONCLUSION

For the foregoing reasons, the State of Idaho respectfully requests that the Court grant its motion for summary judgment and deny Plaintiffs' motion for summary judgment.

Respectfully submitted this 3rd day of February 2023.

/s/ Owen Moroney

OWEN MORONEY

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing memorandum complies with the 3,250 word limit of Local Rule 7.1(d)(2)(B), in that it consists of 3,001 words, excluding the caption, tables of contents and authorities, and certificates of service and compliance, as calculated by the word count function of the word processor used to prepare the memorandum; and further certify the foregoing memorandum complies with Local Rule 1.5(a)(2) in that it is double spaced in a 14-point font typeface.

/s/ Owen Moroney
OWEN MORONEY

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2023, I caused the foregoing to be electronically filed with the Court using the CM/ECF system, which caused all attorneys of record to be served by electronic means.

/s/ Owen Moroney
OWEN MORONEY

Bitterroot, Lolo, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks (MTFWP).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena Lewis Clark National Forests and the Northern Continental Divide Ecosystem (NCDE) and Bitterroot Ecosystem in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [PDF1]: The technical name of the Forest is Helena-Lewis and Clark National Forest. We will want to update throughout

Commented [AK2]: Signature or no signature?

Commented [PDF3R2]: We would like to have the Forest Supervisor sign off on this and we will have the common plan in lieu of an MOU.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have establish agency roles and response process in an MOA (appendix A).

Commented [AK4]: We will attach the MOA

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Commented [AK5]: Would you still like to have these bear handling and relocation procedures below the title?

Bears relocated onto the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena and Lewis and Clark National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel..

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.

Commented [PDF6]: Why is the Kootenai called out separately?

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

Distributed to: *Montana FWP* –

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-

USDA-FS Lolo-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Commented [PDF7]: They are on the Lolo

Commented [PDF8]: Not sure who we should be listing here?
Is it the Forest bio and district bios where there are relocation sites?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor's Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

Supervisor's Office

Emily Platt, Forest Supervisor, emily.platt@usda.gov, 406-449-5201 (o);
Denise Pengeroth, Forest Wildlife Biologist, denise.pengeroth@usda.gov, 406-495-3736 (o); (b) (6) (c)

Helena Ranger District

Kathy Bushnell, District Ranger, katherine.bushnell@usda.gov, 406-495-3924 (o); (b) (6) (c)
Ted Snyder, Wildlife Biologist (Helena and Townsend), theodore.a.snyder@usda.gov; 406-495-3913 (o); (b) (6)

Townsend Ranger District

Mike Welker, District Ranger, michael.welker@usda.gov; 406-495-3851 (o)
Ted Snyder (contact info above)

Lincoln Ranger District

Rob Gump, District Ranger, robert.gump@usda.gov; 406-362-7002 (o); (b) (6) (c)
Pat Shanley, Wildlife Biologist, patrick.shanley@usda.gov; 406-362-7006 (o)
Dave Kemp, Wildlife Biologist, david.kemp@usda.gov; 406-466-5341 (o); (b) (6) (c)

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.
TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
c: xxxxx

Commented [PDF9]: I am assuming we may want cell phone numbers too? For now I'll just provide office numbers. I'm only adding the rangers/bios where we have sites.

Commented [PDF10]: Will provide cell once Emily arrives on Forest, she's new.

Commented [PDF11]: Mike will be in a new job on another Forest starting May 1.

Commented [PDF12]: Until April 30, then it's Dave Kemp

Commented [PDF13]: Dave starts 5/1 and will be the biologist for Lincoln and the Front

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell:.

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6).

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C) 1, c: (b) (6)

Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that

Commented [AK14]: Could you please confirm what is written below this header?

Commented [PDF15]: Can we add the district bios as well? I know it might be cumbersome but sometimes we don't hear from the Ranger.

Commented [PDF16]: This is similar to the comment above about the Kootenai. Here is looks like it's all/any Forest? But up above it's specific to the Kootenai?

district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|------------------------|-----------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper |

Commented [AK17]: This is just an example but we find it would be very helpful.

Commented [PDF18R17]: yes

Bitterroot, Lolo, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks (MTFWP).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena Lewis Clark National Forests and the Northern Continental Divide Ecosystem (NCDE) and Bitterroot Ecosystem in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [PDF1]: The technical name of the Forest is Helena-Lewis and Clark National Forest. We will want to update throughout

Commented [AK2]: Signature or no signature?

Commented [PDF3R2]: We would like to have the Forest Supervisor sign off on this and we will have the common plan in lieu of an MOU.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have establish agency roles and response process in an MOA (appendix A).

Commented [AK4]: We will attach the MOA

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Commented [AK5]: Would you still like to have these bear handling and relocation procedures below the title?

Bears relocated onto the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena and Lewis and Clark National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel..

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.

Commented [PDF6]: Why is the Kootenai called out separately?

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

Distributed to: *Montana FWP* –

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

USDA- FS Helena Lewis and Clark NF-

USDA-FS Lolo-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Commented [PDF7]: They are on the Lolo

Commented [PDF8]: Not sure who we should be listing here?
Is it the Forest bio and district bios where there are relocation sites?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor's Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

Supervisor's Office

Emily Platt, Forest Supervisor, emily.platt@usda.gov, 406-449-5201

Denise Pengeroth, Forest Wildlife Biologist, denise.pengeroth@usda.gov, 406-495-3736

Helena Ranger District

Kathy Bushnell, District Ranger, katherine.bushnell@usda.gov, 406-495-3924

Ted Snyder, Wildlife Biologist (Helena and Townsend), theodore.a.snyder@usda.gov, 406-495-3913

Townsend Ranger District

Mike Welker, District Ranger, michael.welker@usda.gov, 406-495-3851

Lincoln Ranger District

Rob Gump, District Ranger, robert.gump@usda.gov, 406-362-7002

Pat Shanley, Wildlife Biologist, patrick.shanley@usda.gov, 406-362-7006

Rocky Mountain Front Ranger District

Mike Munoz, District Ranger, michael.munoz@usda.gov, 406-466-5341

Dave Kemp, Wildlife Biologist, david.kemp@usda.gov, 406-466-5341

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.

Commented [PDF9]: I am assuming we may want cell phone numbers too? For now I'll just provide office numbers. I'm only adding the rangers/bios where we have sites.

Commented [PDF10]: Mike will be in a new job on another Forest starting May 1

Commented [PDF11]: Until April 30, then it's Dave Kemp

Commented [PDF12]: Dave starts 5/1 and will be the biologist for Lincoln and the Front

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,

c: XXXXX

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell:.

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6).

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C), c: (b) (6)

Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).

Commented [AK13]: Could you please confirm what is written below this header?

Commented [PDF14]: Can we add the district bios as well? I know it might be cumbersome but sometimes we don't hear from the Ranger.

Commented [PDF15]: This is similar to the comment above about the Kootenai. Here it looks like it's all/any Forest? But up above it's specific to the Kootenai?

- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|------------------------|-----------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
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| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper |

Commented [AK16]: This is just an example but we find it would be very helpful.

Commented [PDF17R16]: yes

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Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [GJF1]: Corrected our Forest spelling –
Beaverhead-Deerlodge

Commented [GJF2]: Is another objective to outline the
sideboards for FWS and USFS regarding g bear release sites?

Commented [AK3]: Signature or no signature?

Roles and Responsibilities

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Commented [AK5]: Would you still like to have these bear handling and relocation procedures below the title?

Commented [GJF6R5]: I would keep this here, yes

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

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5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.

Formatted: Font: (Default) Arial, 12 pt

~~5-6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.~~

~~6. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.~~

Commented [GJF7]: IF the forests are all doing one single document – I think we would need small separate sections to outline specifics for certain forests rather than all general guidelines. I took this out for that reason.

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Montana DNRC

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USDA- FS Helena Lewis and Clark NF-‘

USDA-FS Lolo-

***USDA-FS RO/WO* – Lydia Allen, Scott Jackson; Amy Jacobs**

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor’s Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor’s Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

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Helena Lewis and Clark Forest Contacts

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c: (b) (6), o: 406-293-4903.

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Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Justine Vallieres, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c:, pers. cell.:

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,

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Wesley Sarmento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist, c: 406-450-1097.
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(b) (6), (b) (7)(C), US Border Patrol, Patrol Agent in Charge, o: (b) (6), (b) (7)(C)(b) (6)

Forest Service Communication Plan

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Commented [AK8]: Could you please confirm what is written below this header?

Commented [GJF9]: If this is the special circumstance outlined above, I would break each forest's special requirements into small sections and just refer to that here. If that's the way this is going to roll. 😊

Commented [AK10]: This is just an example but we find it would be very helpful.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|---------------------------|-----------------------------|---|---|
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2. Provide for human safety when relocating bears, and
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Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [CBB-1]: Given how this might be viewed by the public, would 'relocation' be seen as something including translocation? I am thinking we might need to define relocation to avoid any confusion or misinterpretation.

Commented [CBB-2]: Will FWP be signing this agreement? If so, do we need to wait until FWP has a list of the Commission approved sites so we have a complete list in the final table of this agreement? Having a single agreement between FWS, FWP, and FS might be a good approach and more efficient.

Commented [CBB-3]: We have sites in the CYE Recovery Zone.

Commented [AK4]: Signature or no signature?

Roles and Responsibilities

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Commented [AK5]: We will attach the MOA

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Commented [AK6]: Would you still like to have these bear handling and relocation procedures below the title?

Commented [CBB-7]: It would be good to briefly describe how release sites may be chosen in context of the bear's capture location. In other words, bears captured near the NCDE are likely to be relocated near or within the NCDE... not relocated to the Bitterroot Ecosystem.

Commented [CBB-8]: Would USDA Wildlife Services need to be included here?

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
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3. ~~If the release site is in a roaded area, the~~ The District Ranger may choose to temporarily restrict public use of an area for the road system to protect the bear and the public safety.
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6. ~~If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.~~
7. If the release would require motorized travel behind a closed USFS gate, FWS will discuss this need with the District Ranger, designated "Acting", or Forest Supervisor at the time when a release site has been identified.

Commented [CBB-9]: Number 4 already address this point.

~~Office must be contacted first. In the NCDE, I~~ this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

Contacts

Distributed to: Montana FWP –

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

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USDA- FS Helena Lewis and Clark NF-‘

USDA-FS Lolo-

USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor’s Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor’s Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, Lolo and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
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o: 406-751-4585, c: 406-270-9372.

(b) (6), US Border Patrol, Patrol Agent in Charge, o: (b) (6), c: (b) (6)

Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified~~is decided on~~ with FWSP. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concern~~of their section's employees and other concerns~~,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist). An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the FWS and USFS to review the year's relocations and update any process needs.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

Commented [AK10]: Could you please confirm what is written below this header?

Commented [CBB-11]: This might be redundant from #4 above.

Commented [CBB-12]: If this agreement covers both FWS and FWP, then we may need to add FWP.

Commented [CBB-13]: Possibly FWP too?

Commented [AK14]: This is just an example but we find it would be very helpful.

Commented [CBB-15]: This is correct for the LNF – sites are accessed by roads. We have historic helicopter sites in the NCDE but none have been identified outside the NCDE.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---|------------------------------|---|--------------------------|--------------------|
| <u>Four Lakes</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>Liver Peak</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>Crescent Lake</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>West Fork Crow A</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>West Fork Crow B</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>CC Divide</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>Ninemile Divide area</u> | | <u>FS-LNF Plains/TF</u> | | |
| <u>Siegel Pass, Ninemile Creek</u> | | <u>FS-LNF Ninemile</u> | | |
| <u>McCormick Peak</u> | | <u>FS-LNF Ninemile</u> | | |
| <u>Cinnabar Point, Sapphire Range</u> | | <u>FS-LNF Ninemile</u> | | |
| <u>Lolo Creek</u> | | <u>FS-LNF Missoula</u> | | |

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Bitterroot, Lolo, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests Communication Plan for the Relocation of Grizzly Bears

April 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS) and Montana Fish, Wildlife and Parks (MTFWP).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena Lewis Clark National Forests and the Northern Continental Divide Ecosystem (NCDE) and Bitterroot Ecosystem in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

Signed: _____

Signed: _____

Signed: _____

Signed: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Date: _____

Date: _____

Commented [AK1]: Signature or no signature?

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MTFWP involvement in grizzly bear relocations. Beginning in 2022, FWS will establish a field presence to relocate grizzly bears causing conflict in areas outside recovery zones. FWS and FWP have establish agency roles and response process in an MOA (appendix A).

Commented [AK2]: We will attach the MOA

FWS, in collaboration with FWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made to relocate a grizzly bear, FWS will contact the USFS to request permission to relocate and discuss potential release sites. A trapped bear cannot be held for more than one day; therefore, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Commented [AK3]: Would you still like to have these bear handling and relocation procedures below the title?

Bears relocated onto the Bitterroot, Lolo, Beaverhead-Deer Lodge, and Helena and Lewis and Clark National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel..

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

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USDA-FS RO/WO – Lydia Allen, Scott Jackson; Amy Jacobs

US Border Patrol ?

Bitterroot Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Beaverhead Deer Lodge National Forest Contacts

...Supervisor's Office

... Ranger District

...Ranger District

Lolo Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Helena Lewis and Clark Forest Contacts

Supervisor's Office

...Ranger District

...Ranger District

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: (b) (6), o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
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o: 406-751-4585, c: 406-270-9372.

(b) (6), US Border Patrol, Patrol Agent in Charge, o: (b) (6), c: (b) (6)

Forest Service Communication Plan

FWS (Hilary Cooley and to follow new Conflict Coordinator) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the ...National Forest (i.e. the Bowen Pit or LeBeau sites), the ...National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the ...National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|-------------------|---------------------------|-----------------------------|--|--|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc |

Commented [AK4]: Could you please confirm what is written below this header?

Commented [AK5]: This is just an example but we find it would be very helpful.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| | | | on RD# 906. | RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper |

Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark NATIONAL FORESTS GRIZZLY BEAR RELOCATION COMMUNICATION PLAN

UPDATED April 2022

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Bitterroot, Beaverhead-Deer Lodge and Helena Lewis and Clark National Forests.

Commented [AK1]: I felt we might still want to keep this part but I am coming from a different side. Let me know if I need to cut it out completely and just write something about it being a communication plan. Also signatures or no signatures?

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the communication guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, other agency contacts, guidelines for appropriate identification of and responses to management grizzly bears, management bear release sites, and criteria and guidelines for pre-emptive grizzly bear relocations and aversive conditioning.

Commented [AK2]: Again not sure this is necessary...

Signed: _____
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: _____
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Date: _____

Signed: _____
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Date: _____

Signed: _____

Date: _____

Hilary Cooley ?

USFWS Grizzly Bear Recovery Coordinator?

Distributed to: *Montana FWP –*

USDI-FWS

USDI-NPS

Montana DNRC

USDA-FS Bitterroot NF

USDA-FS Beaverhead-Deer Lodge NF – Chad Bell, Scott Tomson

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Beaverhead Deer Lodge National Forest Contacts

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Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deer Lodge, and Helena Lewis and Clark National Forest

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(b) (6) US Border Patrol, Patrol Agent in Charge, o: (b) (6), c: (b) (6)

Decision Process and Criteria to Determine Appropriate Actions

A diagram showing the decision process is shown in Figure 1. Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfoot Nation or Confederated Salish and Kootenai Tribes, and the U.S. Forest Service (FS) evaluate and determine if the bear should be relocated or removed from the population.

Table 1 presents the guidelines for management grizzly bear control actions (also see section below on pre-emptive relocations). Table 1 follows the Interagency Grizzly Bear Guidelines control action plan that considers the offense condition, sex and age of the bear, and the number of times the bear has committed the offense. The three offense conditions are:

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

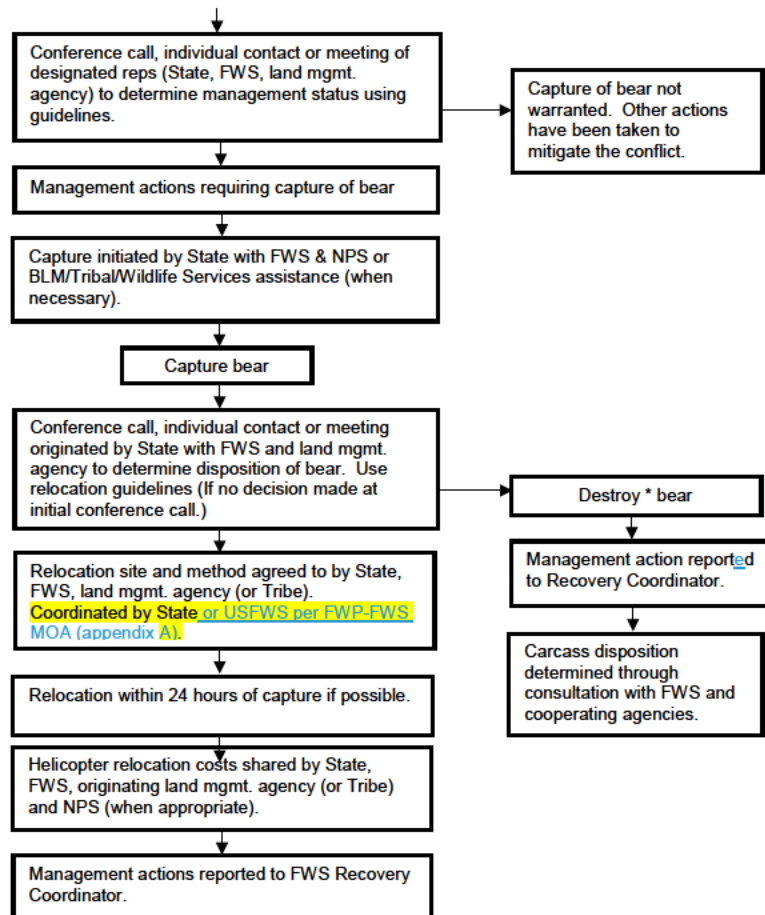
Condition B: The bear has displayed aggressive (not defensive) behavior toward humans which constitutes a demonstrable immediate or potential threat to human safety and/or minor human injury resulted from a human/bear encounter.

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. It is possible that a bear that was involved in a human injury was acting in defense of young, defense of a food source, or was involved in a surprise encounter. Note: In some cases, no management action will be taken for bears acting in defense of young, defense of food, or involved in a surprise encounter.

Figure 1. Action Procedures for Determining Bear Conflict Status and Management Action on USFS Lands

(Adapted from Interagency Grizzly Bear Guidelines)

USFS agency reports to MTFW&P, who calls FWS designated representative and land mgmt. agency representatives.



* Alternative may include transport to a zoo or research facility. Decision made at second phone call.

Commented [AK3]: I was going to delete this but wanted to check first...

Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

Commented [AK4]: I will touch base with Hilary on this..when I spoke to her earlier she said we would be the initial contact?

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.
4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP /FWS Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
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3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their

Acting. If they cannot be reached, FWP/[FWS](#) will notify the Kootenai National Forest's Forest Supervisor.

7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/[FWS](#) if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Criteria and Guidelines for Pre-Emptive Grizzly Bear Relocations

The Interagency Grizzly Bear Guidelines (IGBG) outlined definitions, criteria and processes for dealing with human-bear conflicts. The IGBG describes situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases.

A pre-emptive situation may exist when any or all of the following occur:

1. A bear's behavior does not lead to a management action requiring capture of the bear, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented.
3. The bear frequents areas that are outside of the Grizzly Bear Recovery Area, in areas of human development.
4. The bear utilizes orchard or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured and/or are not contested by the owner as damage.
5. Previous conflict and/or pre-emptive actions involving individual bears may alter the conflict/preemptive classification.
6. The landowner implements preventative actions that eliminate availability of attractants.

Considerations for the pre-emptive relocation of grizzly bears, outside of GNP, will be decided and implemented through a cooperative consultation process that includes affected local wildlife and land management units and FWS. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication of implemented actions reported to the program level representatives of the [USFWS](#) and involved wildlife and land management agencies.

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP or FWS, or under their direction.

Commented [AK5]: I was going to delete this but I wanted to double check. This falls into the too much for a communication plan document correct?

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

Commented [AK6]: Personally I think this chart would be super helpful but does this fall outside of the scope of their public outreach....?

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

**ALLIANCE FOR THE WILD
ROCKIES, et al.,**

Plaintiffs,

v.

**HILARY COOLEY, U.S. Fish &
Wildlife Service Grizzly Bear
Recovery Coordinator, et al.,**

Federal Defendants

and

THE STATE OF IDAHO

Defendant-Intervenor.

9:21-CV-136-M-DWM

**FEDERAL DEFENDANTS’
CROSS-MOTION FOR
SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFFS’
MOTION FOR SUMMARY
JUDGMENT**

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INTRODUCTION

Plaintiffs filed this case seeking judicial review under the Administrative Procedure Act (“APA”) of the U.S. Fish and Wildlife Service’s (“FWS”) alleged failure to act and unreasonable delay in implementing grizzly bear reintroduction measures in the Bitterroot area of Montana and Idaho. Federal Defendants cross-move for summary judgment on all three of the claims for relief outlined in Plaintiffs’ complaint because they lack standing and fail to state valid claims for relief.

As a threshold matter, Plaintiffs have failed to (i) provide specific facts demonstrating that their claimed injuries are linked to any action taken by FWS; and (ii) establish that the Court may issue relief capable of redressing those injuries. As to the merits of Plaintiffs’ claims, they allege that Federal Defendants’ failure to finalize a proposed rule constitutes unreasonable delay and violates the APA. But the APA does not require federal agencies to finalize proposed rules initiated at the discretion of the agency, such as a rule rescinding authorization to establish an experimental population of a species listed under the Endangered Species Act (“ESA”). Plaintiffs further allege that Federal Defendants’ failure to comply with the terms of a final rule and regulation authorizing the establishment of an experimental population of grizzly bears constitutes unreasonable delay and violates the APA. But whether, and when, to exercise its authority to release an ESA-listed

species pursuant to ESA Section 10(j), 16 U.S.C. § 1539(j), is left to the sole discretion of FWS. Plaintiffs' claim ignores the clear direction from Congress that neither litigants, nor the courts, should commandeer FWS's discretion in this area. Finally, Plaintiffs allege that Federal Defendants' failure to prepare a supplemental environmental impact statement ("EIS") violates the National Environmental Policy Act ("NEPA") and the APA. However, the requirement to conduct supplemental NEPA analysis is predicated on pending major federal action. Because there is currently no pending major federal action, supplemental NEPA analysis is not required. For the foregoing reasons, and as explained in detail below, Federal Defendants are entitled to summary judgment on all of Plaintiffs' claims.

LEGAL BACKGROUND

I. Administrative Procedure Act

The APA provides for judicial review of final agency actions. 5 U.S.C. §§ 701–706; *see also Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 882-83 (1990). Section 706(1) authorizes courts to “compel agency action unlawfully withheld or unreasonably delayed[.]” 5 U.S.C. § 706(1). A claim brought under this provision is effectively one for a writ of mandamus, which “is an extraordinary remedy” to be used “only in extreme situations.” *Clorox Co. v. U.S. Dist. Court for N. Dist. of Cal.*, 779 F.2d 517, 519 (9th Cir. 1985). It may “proceed only where a plaintiff asserts that an agency failed to take a discrete agency action,” as defined by 5 U.S.C. § 551(13),

“that it is required to take.” *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004) (“*SUWA*”). Section 706(1) thus “empowers a court only to compel an agency ‘to perform a ministerial or non-discretionary act,’ or ‘to take action upon a matter, without directing how it shall act.’” *Id.*

II. The Endangered Species Act

Congress enacted the ESA in 1973 “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved” and to bring such species “to the point at which the measures provided pursuant to [the ESA] are no longer necessary.” 16 U.S.C. §§ 1531(b), 1532(3). An endangered species is one that “is in danger of extinction throughout all or a significant portion of its range.” *Id.* § 1532(6). A threatened species is one that “is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” *Id.* § 1532(20). The term “species” includes “any subspecies of . . . wildlife.” *Id.* § 1532(16).

Section 10(j) of the ESA allows the Secretary of the Interior to “authorize the release ... of any population ... of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.” 16 U.S.C. § 1539(j)(2)(A). Such designated populations are referred to as “experimental” populations. 50 C.F.R. § 17.80. FWS must identify whether the population is “essential to the continued

existence” of the species. 16 U.S.C. § 1539(j)(2)(B). An “essential experimental population” is one “whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild.” 50 C.F.R. § 17.80(b). “All other experimental populations are to be classified as nonessential.” *Id.*

The rules designating experimental populations are referred to as “10(j) rules” and codified at *Id.* § 17.84. Any 10(j) rule must provide:

- (1) Appropriate means to identify the experimental population, including, but not limited to, its actual or proposed location, actual or anticipated migration, number of specimens released or to be released, and other criteria appropriate to identify the experimental population(s);
- (2) A finding, based solely on the best scientific and commercial data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species in the wild;
- (3) Management restrictions, protective measures, or other special management concerns of that population, which may include but are not limited to, measures to isolate and/or contain the experimental population designated in the regulation from natural populations; and
- (4) A process for periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species.

Id. § 17.81(c). FWS must consult with appropriate State fish and wildlife agencies, local governmental entities, affected federal agencies, and affected private landowners in developing and implementing experimental population rules. *Id.* § 17.81(d).

III. The National Environmental Policy Act

NEPA is a procedural statute that requires federal agencies to consider the impacts of, and alternatives to, federal actions significantly affecting the environment. 42 U.S.C. §§ 4321, 4331. The purpose of NEPA is to ensure that agencies take a “hard look” at potential environmental consequences before approving any major federal action. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989). Because NEPA does not provide a cause of action, judicial review of Plaintiff’s NEPA claim is governed by the APA, 5 U.S.C. §§ 702, 704; *Bennett v. Spear*, 520 U.S. 154, 174 (1997); *Or. Nat. Desert Ass’n v. Bureau of Land Mgmt.*, 625 F.3d 1092, 1109 (9th Cir. 2010). Under NEPA, federal agencies must prepare a detailed environmental impact statement (“EIS”) for “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C); *Northcoast Env’t Ctr. v. Glickman*, 136 F.3d 660, 668 (9th Cir. 1998) (noting that “NEPA places three requirements on actions subject to its procedures”—the action must “(1) be federal, (2) ‘major’, and (3) have a significant environmental impact.”); *see also Karst Env’t Educ. & Prot., Inc. v. EPA*, 475 F.3d 1291, 1295 (D.C. Cir. 2007) (“In the NEPA context, the ‘final agency action’ required by the APA must also be a ‘major federal action’ under NEPA.”). An EIS is not necessary where a proposed federal action would not change the status quo. *Nat’l Wildlife Fed’n v. Espy*, 45 F.3d 1337, 1343 (9th Cir. 1995).

Although NEPA establishes procedures by which agencies must consider the

environmental impacts of their actions, it does not dictate substantive results. *Methow Valley Citizens Council*, 490 U.S. at 350. Rather, NEPA is an “essentially procedural” statute and does not require an agency to follow the most environmentally sound course of action. *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council*, 435 U.S. 519, 558 (1978); *see also Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989) (“NEPA does not work by mandating that agencies achieve particular substantive environmental results.”).

Regulations promulgated by the Council on Environmental Quality (“CEQ”) provide guidance for compliance with NEPA. *See* 40 C.F.R. §§ 1500-1508. Relevant here, once an EIS is completed, NEPA regulations require a “supplemental” EIS if: (i) the agency makes substantial changes to the proposed action; or (ii) there are significant new circumstances bearing on a proposed action or its impacts. 40 C.F.R. § 1502.9(c)(1)(i) and (ii); *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 372 (1989).

FACTUAL BACKGROUND

In 1995, FWS commenced the NEPA process to evaluate options for reestablishing the species within this portion of its historical range. Final Environmental Impact Statement (“Final EIS”) at FWS000036. The draft EIS was released in 1997, followed by an opportunity for public comment and seven public hearings/open houses. FWS000038. FWS received comments from over 24,000 individuals, organizations, and government agencies. FWS000039. FWS released

the final EIS on March 24, 2000, and provided a 30-day public comment period. FWS000028. The final EIS analyzed six alternatives: (1) restoration of grizzly bears as a nonessential experimental population with citizen management (the “preferred alternative”); (2) restoration of grizzly bears as a nonessential experimental population with FWS management; (3) natural recovery (the “no action alternative”); (4) no grizzly bear alternative (preventing recovery in the Bitterroot) ; (5) restoration of grizzly bears as a threatened population with full protection of the ESA and habitat restoration; and (6) restoration of grizzly bears as a threatened population with full protection of the ESA and FWS management. FWS000040. FWS issued a record of decision selecting the preferred alternative on November 13, 2000, which was published in the Federal Register in conjunction with the 2000 Final Rule on November 17, 2000. *See* 65 Fed. Reg. 69644 (Nov. 17, 2000); FWS000867–884.

The Record of Decision explicitly stated many contingencies that, if unmet, led FWS to exercise its discretion to not translocate bears. For example, the preferred alternative was contingent on adequate funding: “*Subject to availability of funding, grizzly bears will be reintroduced into the Selway-Bitterroot Wilderness portion of the Recovery Area during the second year of implementation.*” FWS000870 (emphases added). “Implementation of this decision is *contingent upon the Service receiving adequate appropriations*, so that the current level of funding for Service

activities in other grizzly bear recovery areas will not be compromised.” FWS000872 (emphasis added). “[I]f the Service receives adequate funding, grizzly bears *could be* reintroduced in 2002” FWS000881 (emphasis added). The Record of Decision identified another contingency. Although the reintroduction plan was expected to translocate a minimum of 25 grizzly bears into the Bitterroot Ecosystem, the Record of Decision stated that bears would be translocated from source populations “*only if* there is no significant impact to population health or recovery.” FWS000870–FWS000871. The Record of Decision also stated that the “ultimate authority to make decisions to implement the ESA is that of the Secretary [of the Interior]” and “[n]othing in the Special Rule or the FEIS can subjugate the authority of the Secretary to the Scientific Review Panel” or citizen management committee. FWS000879–FWS000880 (discussing Issue 13). The stated funding and environmental contingencies, means that the Record of Decision did not state a binding commitment to translocate grizzly bears to establish the nonessential experimental population in the Bitterroot Ecosystem.

In November 2000, FWS published a final rule stating its intent to reintroduce a grizzly bear population into east-central Idaho and a portion of western Montana known as the Bitterroot by translocating grizzly bears from existing populations. *See* 65 Fed. Reg. 69,624 (Nov. 17, 2000) (“2000 Final Rule”); *see also* FWS000886–931. The grizzly bears reintroduced into this region would be designated as a

“nonessential experimental population” under Section 10(j) of the ESA. *Id.* The purpose of the reintroduction was to reestablish a viable population of grizzly bears in the Bitterroot Ecosystem and its associated recovery zone—one of six recovery zones identified in FWS’s grizzly bear recovery plan. FWS010261; *see also* FWS010664 (current recovery zones for ecosystems identified in the recovery plan).

On June 22, 2001, FWS published a notice of intent stating that it was reevaluating its prior decision, proposing to select the no action alternative as its preferred alternative, and announcing the start of a 60-day public comment period. FWS001220. On the same day, FWS published a proposed rule to remove the regulation designating the experimental population, codified at 50 C.F.R. § 17.84(*l*), if it finalized the 2001 Proposed Rule. FWS001217 (“2001 Proposed Rule”). Among the agency’s stated reasons for publishing the 2001 Proposed Rule were its recovery priorities at that time for grizzly bears in other areas of the country and its available resources, as well as objections from the States that would have been affected by the reintroduction of grizzly bears into the Bitterroot Ecosystem. *Id.* More specifically, FWS explained that its highest priority for grizzly bears was supporting recovery efforts in ecosystems where grizzly bear populations already existed rather than diverting resources towards reintroduction in areas otherwise uninhabited by grizzlies. *Id.* In other words, FWS made a judgment call that it was more important, at that time, to ensure the continued viability of its ongoing recovery efforts in the

occupied ecosystems. *Id.* This was consistent with the 2000 Record of Decision’s statement that “implementation of this decision is contingent upon the Service receiving adequate appropriations, so that the current level of funding for Service activities in other grizzly bear recovery areas will not be compromised.” FWS000872. Aside from prioritizing its limited recovery resources elsewhere, FWS also noted that reintroduction was strongly opposed by some citizens that believed they would be potentially adversely affected by reintroduction into the Bitterroot Ecosystem. FWS001217. FWS stated its intent to reexamine concerns raised about the safety of human inhabitants in or near the Bitterroot Ecosystem. *Id.* FWS did not finalize the 2001 Proposed Rule.

STANDARD OF REVIEW

Plaintiffs’ APA and NEPA claims are reviewed under the APA, 5 U.S.C. §§ 701-706. *See San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581, 601-02 (9th Cir. 2014). The APA authorizes courts to compel a discrete, legally required agency action that has been “unlawfully withheld or unreasonably delayed” and to “hold unlawful and set aside” final agency actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(1), (2)(A); *Norton v. S. Utah Wilderness All. (“SUWA”)*, 542 U.S. 55, 62-64 (2004). Under the highly deferential “arbitrary and capricious” standard, a court is “not to

substitute its judgment for that of the agency.” *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (citation omitted).

ARGUMENT

I. Plaintiffs lack Article III standing.

Plaintiffs have not met their burden to set forth through declarations specific facts establishing the required elements of Article III standing. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992) (explaining that the “constitutional minimum of standing” contains three elements: (1) injury in fact; (2) causation; and (3) redressability). This burden is particularly high where, as here, FWS’s actions related to the reintroduction of an experimental population of grizzly bears in the Bitterroot Ecosystem do not directly regulate Plaintiffs. *See id.* at 562. (“[W]hen the plaintiff is not himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily ‘substantially more difficult’ to establish.” (citations omitted)). Plaintiffs’ lone declarant alleges that he is injured because FWS’s purported refusal to implement specific grizzly bear reintroduction measures in the Bitterroot Ecosystem, and to update the NEPA analysis, impairs his chances of observing grizzly bears in the area. *See, e.g.*, ECF No. 24-1 ¶¶ 5-6. Even assuming that this injury is sufficiently concrete and imminent—a fact FWS does

not concede¹—the agency actions and inactions that Plaintiffs challenge in this case are not the cause of that alleged injury. It is undisputed that FWS has not taken affirmative steps to reintroduce grizzly bears in the Bitterroot Ecosystem. However, that inaction did not cause Plaintiffs’ alleged harm because FWS did not *remove* grizzly bears from the Bitterroot area, prevent natural recolonization, or take any other action that diminished the declarant’s chances of observing grizzly bears in the area. And FWS maintains the discretion to take any future actions it deems necessary for conservation of the species. Plaintiffs thus fail to demonstrate the requisite causal connection between the alleged undue delay in implementing the 10(j) rule and their injuries. *Lujan*, 504 U.S. at 560 (“there must be a causal connection between the injury and the conduct complaint of—the injury has to be ‘fairly traceable to the challenged action of the defendant...’”).

Nor can Plaintiffs show redressability.² In general, species-specific recovery planning measures are non-binding and do not impose legal obligations on any party,

¹ To the extent that Plaintiffs allege procedural harm resulting from FWS’s alleged failure to finalize its 2001 Proposed Rule, Plaintiffs must still demonstrate a concrete injury-in-fact caused by the failure to do so. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 335 (2006) (“[P]laintiff must demonstrate standing for each claim he seeks to press.”).

² Although redressability is less strict for procedural injuries, Plaintiffs have also failed to meet this burden. *Summers v. Earth Island Inst.*, 555 U.S. 488, 496 (2009) (“[D]eprivation of a procedural right without some concrete interest that is affected by the deprivation—a procedural right in vacuo—is insufficient to create Article III

including FWS. *See Conservation Cong. v. Finley*, 774 F.3d 611, 614 (9th Cir. 2014). Indeed, how FWS goes about recovering ESA-listed species is left to the sole discretion of the agency. *See, e.g., United States v. McKittrick*, 142 F.3d 1170, 1176 (9th Cir. 1998) (rejecting a claim challenging a gray wolf recovery plan’s determination about where to reintroduce the species and noting that FWS “has broad discretion to determine what methods to use in species conservation”). Thus, even if the Court were to find that FWS *has* unreasonably delayed final agency action here and orders the agency to revisit its 2000 Final Rule or its 2001 Proposed Rule, it is not certain that FWS would decide to implement grizzly bear reintroduction in the Bitterroot Ecosystem. In short, Plaintiffs have failed to show that a favorable decision by this Court is substantially likely to redress their alleged injuries. *See Juliana v. United States*, 947 F.3d 1159, 1170 (9th Cir. 2020) (“To establish Article III redressability, the plaintiffs must show that the relief they seek is both (1) substantially likely to redress their injuries; and (2) within the district

standing.”); *Wilderness Soc’y v. Rey*, 622 F.3d 1251, 1260 (9th Cir. 2010); *Sturgeon v. Masica*, 768 F.3d 1066, 1075 (9th Cir. 2014) (denial of a rulemaking petition does not automatically confer standing), *vacated and remanded on other grounds sub nom. Sturgeon v. Frost*, 577 U.S. 424 (2016).

court’s power to award.³”); *see also Cnty for Creative Non-Violence v. Pierce*, 814 F.2d 663, 670 (D.C. Cir. 1987).

II. Federal Defendants are entitled to summary judgment on Plaintiffs’ first claim because FWS was not required to issue a final rule removing the 10(j) regulation.

Plaintiffs’ first claim for relief fails because FWS was not required to finalize a proposed rule that was discretionary in the first instance. On June 22, 2001, FWS published a proposed rule to withdraw an earlier final rule and regulation authorizing FWS to establish a nonessential experimental population of grizzly bears in the Bitterroot Ecosystem. *See* 66 Fed. Reg. 33,620 (June 22, 2001); *see also* FWS_1216-19. In an exercise of agency discretion, FWS issued the 2001 proposal to rescind its previous authorization based on its evaluation of the recovery needs for grizzly bears in other areas of the country, available agency resources, and the objections of States and some citizens that would be affected by grizzly bear reintroduction in the Bitterroot area. FWS001217. Plaintiffs are not entitled to relief under the APA for “unreasonable delay” because there was no legal requirement for FWS to finalize its proposal.

The APA does not require FWS—or any other federal agency—to finalize a proposed rule initiated at the discretion of the agency. Section 553 states, in relevant

³ As discussed further below, the Court cannot order FWS to finalize a proposed rule initiated at the discretion of the agency, or to implement specific recovery measures reserved to the sole discretion of the agency.

part, that a general notice of *proposed* rulemaking must be published in the federal register along with (i) a statement of the time, place, and nature of public rulemaking proceedings; (ii) reference to the legal authority under which the rule is proposed; and (iii) a description of the subjects or issues implicated by the proposed rule. *See* 5 U.S.C. § 553(b). Subsection 553(c) requires that, following notice of a proposed rulemaking, the agency shall give interested parties an opportunity to participate in the rulemaking through a public comment process. *Id.* § 553(c). It also states that after consideration of the public comments received, “the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose.” *Id.* § 553(c). This language directs agencies to provide a brief explanation of a rule’s basis and purpose but only for those rules actually adopted by the agency (i.e., finalized). Subsection 553(d) directs agencies to publish substantive rules no less than 30 days before they go into effect. *Id.* § 553(d). Finally, subsection 553(e) requires agencies to give interested parties the right to petition for the issuance, amendment, or repeal of a rule. *Id.* § 553(e).

In other words, Section 553 of the APA requires (1) publication of a proposed rule; (2) an opportunity for public participation in the rulemaking process; and (3) *if the agency adopts a rule*, a statement of its basis and purposes. And finally, if the agency proposes but does not finalize a rule, then an interested party may file a

petition under Section 553(e) requesting that the rule be issued (finalized), amended, or repealed.

Plaintiffs cite to APA Section 555(b) for the proposition that “within a reasonable time, each agency shall proceed to conclude a matter presented to it.” *Id.* § 555(b). But this subsection relates to appearances before the agency and not to rulemakings initiated by the agency. Subsection 555(b) in its entirety states:

A person compelled to appear in person before an agency or representative thereof is entitled to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. A party is entitled to appear in person or by or with counsel or other duly qualified representative in an agency proceeding. So far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible employees for the presentation, adjustment, or determination of an issue, request, or controversy in a proceeding, whether interlocutory, summary, or otherwise, or in connection with an agency function. *With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.* This subsection does not grant or deny a person who is not a lawyer the right to appear for or represent others before an agency or in an agency proceeding.

Id. § 555(b) (emphasis added). Plaintiffs misapply this language to suggest it imposes an obligation on agencies to finalize proposed rules. Indeed, missing from this subsection is any mention of rulemaking of any kind—proposed or final. That the APA directs agencies to conclude matters requiring personal appearances within a “reasonable time” does not also require agencies to finalize proposed rulemaking.

Plaintiffs point to several cases for the proposition that FWS was under a duty to finalize its 2001 Proposed Rule, but each is distinguishable. For instance, *In re Community Voice*, 878 F.3d 779 (9th Cir. 2017), involved a number of environmental groups who *petitioned* for a writ of mandamus compelling the Environmental Protection Agency (“EPA”) to act upon a rulemaking petition it had granted years earlier concerning lead-based paint standards. After public notice and comment, EPA sent a letter to the petitioners granting the request for a rulemaking but the agency did not commit to a date for promulgating a final rule. Petitioners filed a mandamus petition asking the court “to hold that EPA has unreasonably delayed promulgation of the promised rule, and asking that this court compel EPA to issue a proposed and final rule in the near future.” *Id.* at 783.

The court found both a statutory duty under the substantive statutes to update the lead-based paint standards as well as a duty under the APA to respond to the petition for rulemaking. *Id.* at 786. (“We thus conclude the EPA is under a duty stemming from the [Toxic Substances Control Act] and the Paint Hazard Act to update lead-based paint and dust-lead hazard standards in light of the obvious need, and a duty under the APA to fully respond to Petitioners’ rulemaking petition. A writ of mandamus is appropriate if Petitioners have made a showing that the delay has been unreasonable.”). EPA had a clear duty to “respond to matters that are presented to it under its internal processes,” in the context of a *petition* for rulemaking. *Id.* at

785. In that case, environmental groups had petitioned EPA, under APA Section 553(e), to engage in rulemaking concerning lead-based paint standards. *Id.* Because EPA began this rulemaking process by initiating a “proceeding,” it had a duty to conclude the process within a reasonable time after granting the petition. *Id.*

By contrast, this case does not involve a petition for a rulemaking under Subsection 553(e), and FWS has not initiated a proceeding under Subsection 555(b) requiring any personal appearances. Therefore, those provisions of the APA do not apply here and Plaintiffs have failed to identify any statutory provision requiring an agency to finalize a proposed rule initiated at the discretion of the agency. *See San Francisco Baykeeper v. EPA*, 297 F.3d 877, 885 (9th Cir. 2002) (“However, for a claim of unreasonable delay to survive, the agency must have a statutory duty in the first place”).

Nor do the D.C. Circuit cases cited by Plaintiffs support their argument that the Court may compel FWS to finalize the 2001 Proposed Rule. Like *In re Community Voice*, both cases are distinguishable because they involved petitions for rulemaking. In *Public Citizen Health Research Group v. Auchter*, a group petitioned the Occupational Safety and Health Administration to issue an emergency temporary standard regulating workplace exposure to ethylene oxide, a synthetic organic compound. 702 F.2d 1150, 1151 (D.C. Cir. 1983) (per curiam). The agency initially denied the petition but subsequently published an advance notice of proposed

rulemaking in June 1983, along with a projection that a final regulation would be issued in the fall of 1984. *Id.* at 1152-53. But some 18 months after announcing its intention to commence rulemaking, the agency had yet to issue an actual notice of proposed rulemaking—much less a final regulation. The court relied on the Occupational Safety and Health Act and APA Subsection 555(b), finding that it had the authority to compel the agency to conclude this rulemaking within a reasonable time and issued an order for the agency to do so by a date certain. *Id.* at 1153-54.

In re International Chemical Workers Union involved a substantially similar set of facts. Petitioners filed a rulemaking petition, again with the Occupational Safety and Health Administration, requesting that the agency issue an emergency temporary standard for exposure to cadmium. *See generally* 958 F.2d 1144 (D.C. Cir. 1992) (per curiam). After a full year passed without any agency action on their petition, petitioners filed for a writ of mandamus to the D.C. Circuit asking the court to compel the agency to issue a rule establishing an emergency standard. Shortly thereafter, the agency acknowledged the need to “embark promptly on further rulemaking” and issued an announcement of its intention to initiate rulemaking, along with a plan to publish a final standard within 18 months of the proposed standard. *Id.* at 1146. Nearly six years after petitioners first filed for an emergency standard, the agency had not yet issued a final rule. On a renewed motion for a writ

of mandamus, the court ordered the agency to issue a final rule by a date certain. *Id.* at 1150.

Neither case is binding authority on this Court, and both are factually distinguishable from the present case because they involved affirmative petitions for rulemaking. Significantly, the APA requires that agencies give “prompt notice of the denial of a petition,” creating an obligation for the agency to respond in one form or another. 5 U.S.C. § 555(e) (“prompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any agency proceeding”). Here, Plaintiffs could have availed themselves of APA Subsection 553(e), asking FWS to finalize the 2001 Proposed Rule and, in the event FWS failed to respond within a reasonable period, brought their unreasonable delay claim. But Plaintiffs opted to seek relief that is unavailable to them under the APA because the statute does not require FWS to finalize a proposed rule that it issued in its sole discretion. Accordingly, the Court should grant summary judgment in favor of Federal Defendants on Plaintiffs’ first claim for relief.

III. Federal Defendants are entitled to summary judgment on Plaintiffs’ second claim because FWS has sole discretion to determine whether to implement the 2000 Final Rule.

The APA does not provide a vehicle for Plaintiffs to compel FWS to implement its November 14, 2000 final rule, FWS000951-971, because that rule was an exercise of the agency’s discretion under ESA Section 10(j). Section 10(j) states

that the Secretary “may authorize the release ... of any population ... of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.” 16 U.S.C. § 1539(j)(2)(A); *see also Defs. of Wildlife v. Hall*, 807 F. Supp. 2d 972, 977 (D. Mont. 2011) (“Section 10(j) of the ESA is a way to provide greater management flexibility to those charged with the reintroduction of a species on an experimental basis.”). Under Section 10(j), FWS may designate reintroduced populations established outside the species’ current range but within its historical range as “experimental.” Reintroduction of experimental populations must further the conservation of the listed species and be geographically separate from non-experimental populations of the same species. 16 U.S.C. § 1539(j)(1); (2)(A).

The ability to designate experimental populations is a tool that Congress provided to increase FWS’s flexibility and discretion in managing reintroduced listed species.⁴ *Id.*; *see also McKittrick*, 142 F.3d at 1174 (“Congress’ specific purpose in enacting Section 10(j) was to give greater flexibility to the Secretary.”); *Wy. Farm Bureau Fed’n v. Babbitt*, 199 F.3d 1224, 1233 (10th Cir. 2000)

⁴ House Report No. 97-567 confirms this. “Section 5 of H.R. 6133 adds a new subsection (j) to Section 10 of the [ESA]. This new provision is intended to give greater flexibility to the Secretary in the treatment of populations of endangered or threatened species that are introduced into areas outside their current range.” H.R. Rep. No. 97–567, at 33 (1982), 1982 U.S.C.C.A.N. 2807, 2833.

(“Congress purposely designed Section 10(j) to provide the Secretary *flexibility and discretion* in managing the reintroduction of endangered species”) (emphasis added). This is reflected in the statutory language that directs that the Secretary—acting through FWS—“*may* authorize” the release of an experimental population “*if the Secretary determines* that such release will further conservation of the species.” 16 U.S.C. § 1539(j)(2)(A) (emphases added). The discretionary nature of the Secretary’s authority is also reflected in FWS’s implementing regulations. “The Secretary *may designate* as an experimental population a population of endangered or threatened species that has been or will be released in suitable natural habitat outside the species’ current natural range...” 50 C.F.R. § 17.81(a). “The Secretary *may issue a permit* under Section 10(a)(1)(A) of the Act ... to allow acts necessary for the establishment and maintenance of an experimental population.” *Id.* § 17.81(b).

ESA Section 11 provides for a limited waiver of sovereign immunity for citizen suits against FWS. 16 U.S.C. § 1540(g)(1)(C). But to invoke this provision, a plaintiff must identify a non-discretionary, statutory duty under the ESA that FWS has failed to perform. Plaintiffs here do not—and cannot—invoke the ESA citizen-suit provision. The promulgation of a Section 10(j) rule is entirely discretionary; the Secretary “may” establish an experimental population. Plaintiffs’ attempt to make an end run around the ESA by invoking the APA as a basis for their claim

fares no better. They cannot rely on the APA to compel or enforce a discretionary action. *SUWA*, 542 U.S. at 64 (“a claim under § 706(1) can proceed only where a plaintiff asserts that an agency failed to take a discrete agency action that it is *required* to take”) (emphasis added). The text of the ESA and its implementing regulations reflect that FWS has discretion to decide whether to establish and maintain experimental populations.

Despite this discretion, Plaintiffs argue that FWS is legally required to implement its Record of Decision (“ROD”). *See* Brief in Support of Plaintiffs’ Motion for Summary Judgment (“Pl.’s Br.”), ECF No. 24 at 8-9 (citing *Friends of Animals v. Sparks*, 200 F. Supp. 3d 1114, 1123 (D. Mont. 2016)). But *Sparks* is distinguishable both factually and legally. *First*, in *Sparks*, the court found that the United States Bureau of Land Management (“BLM”) was bound to a commitment it made when it stated in a 2009 ROD that it would recalculate the appropriate management level of a wild horse herd management area within five years. BLM did not recalculate the appropriate management level, instead reaffirming the previous management level before conducting a wild horse gather operation. 200 F. Supp. 3d at 1123. In other words, BLM issued a Record of Decision committing itself to specific, affirmative action and, rather than abide by its commitment, BLM took a different course of action not contemplated by the Record of Decision.

By contrast, here the 2000 Final Rule authorizing FWS to establish a nonessential, experimental population of grizzly bears in the Bitterroot Ecosystem provides a framework for *potential* future action in the event FWS chooses to introduce bears. But the Rule does not compel future action, consistent with the discretionary nature of FWS's authority under Section 10(j). For instance, the Rule states that FWS "*intend[s]* to restore [grizzly bears] ... into east-central Idaho and a portion of western Montana." FWS000952 (emphasis added). *Cf. Sparks*, 200 F. Supp. 3d at 1123 ("BLM stated 'the AML *will be recalculated* within five years ...'" (emphasis added)). It also states that "[i]ndividual animals used in establishing an experimental population *may* be obtained from other populations *if* their removal is not likely to jeopardize the continued existence of the species *and a permit has been issued* in accordance with 50 C.F.R. part 17.22 prior to their removal." FWS000952 (emphasis added). By contrast, in *Sparks* the court found that the language of the ROD at issue imposed a binding commitment on BLM. *See* 200 F. Supp. 3d at 1125 (arguing that, if "the [appropriate management level] *will* be recalculated" does not constitute a commitment, then no language would suffice) (emphasis added). Thus, that case is factually distinguishable.

Sparks is also legally distinguishable. There the plaintiff sought relief under APA Section 706(2)(A), challenging BLM's action as arbitrary and capricious. Here, Plaintiffs bring their claim under APA Section 706(1) challenging action

“unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). The underlying agency action giving rise to this claim, the promulgation of the section 10(j) rule, has been completed and the “inaction” that Plaintiffs challenge, an alleged failure to carry out the reintroduction, is a wholly discretionary action that cannot be challenged under APA Section 706(1).

At bottom, the contingent language of the 2000 Final Rule, paired with the discretion Congress afforded to FWS in authorizing Section 10(j) of the ESA, underscore that the APA does not support Plaintiffs’ unreasonable delay claim. Accordingly, the Court should grant summary judgment in favor of Federal Defendants on Plaintiffs’ second claim for relief.

IV. Federal Defendants are entitled to summary judgment on Plaintiffs’ NEPA claim because there is no pending major federal action requiring supplemental NEPA analysis.

Plaintiffs’ assertion that Federal Defendants have violated NEPA by failing to undertake a supplemental NEPA analysis must fail because there is no pending agency action that could trigger such an obligation. A supplemental EIS is required only when federal action remains, and significant new circumstances or information bear on that action or its impacts. As discussed above, there is no pending federal action with respect to experimental reintroduction of grizzly bears in the Bitterroot Ecosystem. FWS has no present plans to reintroduce grizzly bears into the Bitterroot Ecosystem and there is no requirement for it to do so under the ESA and the 2000

Final Rule. In other words, there has been no change to the status quo that gives rise to a need for additional NEPA analysis. Indeed, Plaintiffs’ first two claims challenge agency *inaction*. Although Federal Defendants dispute that Plaintiffs are entitled to relief on those claims, *see* Sections I and II, *supra*, it is undisputed that FWS has not translocated grizzly bears to the Bitterroot Ecosystem or taken other steps to implement the reintroduction, and Plaintiffs do not identify any pending action that could trigger a need for supplemental NEPA analysis. Therefore, summary judgment should be granted in favor of Federal Defendants on Plaintiffs’ third claim for relief.

A. There is no pending major federal action to trigger the requirement to supplement the EIS.

NEPA’s statutory text does not directly address when a supplemental EIS is required. *See, e.g., Friends of Animals v. U.S. Fish & Wildlife Serv.*, 28 F.4th 19, 33 (9th Cir. 2022); *Marsh*, 490 U.S. at 370–71. CEQ regulations address the requirement to supplement, stating that agencies shall prepare supplements to an EIS “if a major Federal action remains to occur.” 40 C.F.R. § 1502.9(d)(1). Section 1502.9(d) also provides that agencies shall supplement if the “agency makes substantial changes *to the proposed action* that are relevant to environmental concerns” or “[t]here are significant new circumstances or information relevant to environmental concerns and bearing *on the proposed action or its impacts*.” *Id.* (emphasis added). Those provisions further indicate that future *action* drives the requirement for supplementation (as opposed to *inaction*). In addition, 40 C.F.R. §

1508.1(q) defines “[m]ajor Federal action,” and states, *inter alia*, that major federal action does not include “[a]ctivities or decisions that do not result in final agency action under the [APA],” and that major federal actions tend to fall within one of several categories including “adoption of” “official policy, such as rules [and] regulations,” “formal plans,” and “programs, such as a group of concerted actions to implement a specific policy or plan,” as well as “approval of specific projects.”

Both the Supreme Court and the Ninth Circuit have recognized that “NEPA cases have generally required agencies to file [a Supplemental EIS] when *the remaining governmental action* would be environmentally ‘significant.’” *Friends of Animals*, 28 F.4th at 33 (alteration in original) (emphasis added) (quoting *Marsh*, 490 U.S. at 371). The Supreme Court’s decision in *SUWA* is instructive. The Court found that there was no ongoing major federal action or need for a supplemental EIS; rather, there was only “completed” action, which was the approval of a land use plan. *Id.* at 73. There was no ongoing major action despite the possibility that BLM *might* take future action under the land use plan. Off-road vehicle use had increased in the time since the plan’s approval and, under the plan, BLM was continuing to monitor sensitive areas to determine if damage resulting from the vehicles might necessitate a change. *Id.* at 68–69. But, without a “binding commitment” in the plan for agency action and where the plans only “projected” present and future action, *id.* at 69, 72, the Court found no basis for requiring a

supplemental EIS, *id.* at 73 (finding “no ongoing ‘major Federal action’”). *See also id.* at 69 (noting that a statement in the plan that BLM “will” take this, that, or another action was not, on its own, an indication of binding commitment in terms of the plan).

Here, as in *SUWA*, there is no ongoing major federal action requiring a supplemental NEPA analysis. Under ESA Section 10(j), FWS issued the 2000 Final Rule authorizing the agency to establish a nonessential, experimental population of grizzly bears, intended for the Bitterroot Ecosystem. 2000 Final Rule; 65 Fed. Reg. 69,644. But FWS made no binding commitment to a particular course of action with respect to the establishment of the experimental grizzly bear population in the Bitterroot Ecosystem. FWS exercised the discretion Congress delegated to it not to proceed with an experimental population in 2000 and, to date, the agency has not chosen to take further steps to reintroduce grizzly bears into the Bitterroot Ecosystem. Therefore, as in *SUWA*, since the 2000 Rule was finalized, there has been no ongoing “major Federal action” that “remains to occur,” triggering the duty to supplement the EIS. Nothing in the administrative record supports either of the theories presented in Plaintiffs’ opening brief: (1) Federal Defendants have made substantial changes to the proposed action; or (2) significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts necessitates a supplemental EIS. Pls.’ Br. at 20, 22; Compl. ¶ 97. For

example, the possibility of new circumstances based on a grizzly bear entering the Bitterroot Ecosystem, as noted in FWS’s 2020 letter, does not constitute pending action by the government with respect to introducing bears into the Bitterroot Ecosystem—a necessary predicate for the requirement to supplement the EIS.⁵

Nor is there any pending rulemaking action. With respect to the 2001 Proposed Rule to withdraw the 2000 Final Rule, FWS reasonably exercised its discretion not to finalize that proposal, thereby merely leaving the 2000 Final Rule and regulation in place. Thus, there is no ongoing major federal action in connection with the 2001 Proposed Rule.

B. The purpose of NEPA is not served by compelling a supplemental EIS for maintenance of the status quo.

Because there is no ongoing major federal action, requiring FWS to prepare a supplemental EIS does not further NEPA’s purpose: to ensure that agencies “take a ‘hard look’ at the environmental consequences of proposed agency actions before those actions are undertaken.” *All. for the Wild Rockies v. Pena*, 865 F.3d 1211, 1215 (9th Cir. 2017). Where an agency is not “actively preparing to make a decision” for

⁵ Federal Defendants acknowledge that were FWS to seek to implement the 2000 Final Rule now and translocate grizzly bears as authorized, it might then need to evaluate if new information or changed circumstances require supplemental NEPA analysis. But that is not before the court today. Instead, Plaintiffs seek to compel additional analysis based on FWS not implementing reintroduction, within its authorized discretion—something NEPA does not require.

“accomplishing [a] goal,” there is no proposed action to justify an EIS, or a supplemental EIS.⁶ 40 C.F.R. § 1508.1(x) (defining “proposal”). *Cf. League of Wilderness Defs. v. Connaughton*, 752 F.3d 755, 762 (9th Cir. 2014) (finding, in the context of cumulative impacts, no “proposal” where the agency “may have a goal, but the likelihood of proceeding on that goal and a timetable on any such action are not yet defined”). Therefore, “[d]iscretionary agency action that *does not alter the status quo* does not require an EIS.” *Nat’l Wildlife Fed’n*, 45 F.3d at 1344 (emphasis added).

To require an EIS every time an agency took an action that simply maintains the status quo would “grind agency decisionmaking to a halt.” *Idaho Conservation League v. Bonneville Power Admin.*, 826 F.3d 1173, 1177–78 (9th Cir. 2016). Aware of this, the Ninth Circuit has held that there was no EIS required for maintaining the “operational status quo,” even though operations included distinctly varying actions. *Id.* at 1177 (maintaining the “operational status quo” included the option of holding winter lake levels constant for years or reverting to flexible levels, but did not require an EIS); *see also Upper Snake River Chapter of Trout Unlimited v. Hodel*, 921 F.2d 232, 235 (9th Cir. 1990).

⁶ *See Marsh*, 490 U.S. at 374 (“[T]he decision whether to prepare a supplemental EIS is similar to the decision whether to prepare an EIS in the first instance[,]” that “turns on the value of the new information to the *still pending decisionmaking process*.” (emphasis added)).

This case presents an even easier example of maintaining the status quo: there were no grizzly bears in the Bitterroot Ecosystem before the 2000 rulemaking; the agency has not reintroduced grizzly bears in any of the intervening years since finalizing the 2000 rulemaking; and, at this time, the agency has no active plans to carry out an experimental reintroduction of bears in the Bitterroot Ecocystem. In addition, the 2000 Final Rule and associated regulations remain in place, and FWS has not finalized any decision to rescind the Rule. Under the 2000 Final Rule, FWS continues to retain sole discretion under ESA Section 10(j) to decide whether to translocate grizzly bears to create an experimental population in the Bitterroot Ecosystem.

It would be an unnecessary burden, an unjustified expenditure of resources, contrary to the law, and not further the purposes of NEPA to require FWS to prepare a supplemental EIS to evaluate the environmental impacts of maintaining this status quo. Plaintiffs essentially ask the Court to preemptively require supplemental NEPA analysis for a choice that FWS has yet to make—and indeed may never make, as it is not required to do so.

C. FWS’s inaction under the 2000 Final Rule is not a retroactive selection of the “no-action” alternative from the EIS.

That Plaintiffs’ central grievance hinges on agency inaction reflects the clear absence of ongoing major federal action needed to trigger supplemental NEPA analysis. Plaintiffs cannot avoid this fundamental problem with their NEPA claim

by arguing that FWS’s discretionary inaction under the 2000 Final Rule is in fact a selection of the no-action alternative of the original EIS. Pls.’ Br. at 19–22.

That argument ignores the fact that the 2000 Final Rule *authorizes* FWS to establish an experimental population of bears but does not *obligate* it to do so. Put another way, the agency’s exercise of its discretion under the ESA to determine whether and when to reintroduce bears is wholly consistent with the preferred alternative selected in the 2000 Record of Decision and is not, as Plaintiffs assert, an improper retroactive selection of another alternative. Pls.’ Br. at 21; *see also id.* at 14.

Plaintiffs’ arguments, moreover, misrepresent the function of the no-action alternative: that is, a baseline against which to measure the government’s proposed actions. “No action” is not a choice that takes effect only if expressly selected by the agency. Rather, it represents the default state-of-affairs in the absence of government action. *Ctr. for Biological Diversity v. U.S. Dep’t of Interior*, 623 F.3d 633, 642 (9th Cir. 2010) (“A no action alternative in an EIS allows policymakers and the public to compare the environmental consequences of the status quo to the consequences of the proposed action. The no action alternative is meant to ‘provide a baseline against which the action alternative[]’ . . . is evaluated.” (alteration in original)); *see also* Record of Decision at FWS000873 (“A description of this course of no action provides a reference point to compare and evaluate environmental consequences

associated with other alternative plans.”); 65 Fed. Reg. at 69646. Plaintiffs’ assertion that the FWS has decided “to implement” the no-action scenario is an attempted end-run to save their flawed legal theory that maintaining the status quo requires supplemental NEPA analysis. But, as explained at length, FWS has so far chosen not to reintroduce grizzly bears into the Bitterroot Ecosystem as a permissible, discretionary decision within the scope of the 2000 Final Rule. Even if this choice of inaction resembles a baseline situation where the government never finalized its 2000 proposal (*i.e.*, selecting the no-action alternative), that does not mean that FWS is now “implementing” a previously rejected alternative. Pls.’ Br. 21.⁷

Inaction is, by definition, the absence of action. Any attempt to reframe it as some other type of affirmative action is misleading and incorrect. Although inaction *can* have legal consequences that resemble affirmative action, for example, when there is a mandatory duty to take action, that is plainly not the case here. More typically, inaction entails a decision not to act, often in favor of competing priorities. Supporting this distinction, the Ninth Circuit has “not been receptive to arguments that impact statements must accompany inaction,” noting in particular that where “federal funding is not present, [the] court has generally been unwilling to impose

⁷ Another agency’s informal opinion, contained in internal meeting notes, that “the alternative that wasn’t selected seems to be the default” has no bearing on the legal character and implication of FWS’s choice not to introduce grizzly bears into the Bitterroot Ecosystem. Pl.’s Br. 21 (quoting FWS_1465).

the NEPA requirement.” *Sierra Club v. Penfold*, 857 F.2d 1307, 1314 (9th Cir. 1988) (quoting *State of Alaska v. Andrus*, 591 F.2d 537, 541 (9th Cir. 1979)). None of the cases cited by Plaintiffs involved agency inaction, which required the agency to perform further NEPA analysis for supposedly implementing the no-action alternative. *See* Pls.’ Br. at 21 (citing *Klamath Siskiyou Wildlands Ctr. v. Boody*, 468 F.3d 549, 562 (9th Cir. 2006); and then *Connaughton*, 752 F.3d at 761).

D. Summary

Supplemental NEPA analysis requires a pending major federal action. *SUWA*, 542 U.S. at 73. The 2000 Final Rule does not commit FWS to introduce an experimental population of grizzly bears into the Bitterroot Ecosystem. Thus far, FWS has chosen not to do so, and because it has not to date committed to taking that action, there is currently no ongoing major federal action under the 2000 Final Rule. *See SUWA* at 69, 72–73. Nor does proposed rulemaking constitute major federal action. In this case, FWS’s exercise of its discretion delegated by Congress has done no more than maintained the status quo. *See Nat’l Wildlife Fed’n*, 45 F.3d at 1344; *Idaho Conservation League*, 826 F.3d at 1177–78. Consequently, there is no duty to prepare a supplemental EIS, either because of an alleged change in the proposed action or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. A claim under APA Section 706(1) can proceed only where “an agency failed to take a *discrete* agency

action that it is *required to take*.” *SUWA*, 542 U.S. at 64; *see also Friends of the Clearwater v. Dombeck*, 222 F.3d 552, 560 (9th Cir. 2000) (“An action to compel an agency to prepare an SEIS, however, is not a challenge to a final agency action, but rather an action arising under 5 U.S.C. § 706(1), to ‘compel agency action unlawfully withheld or unreasonably delayed.’”).

Accordingly, the court should enter summary judgment in favor of Federal Defendants on Plaintiffs’ third claim for relief.

V. Remedy

For the reasons stated above, Plaintiffs are not entitled to any relief in this case. If, however, the Court rules in Plaintiffs’ favor on one or more of their claims, it should decline to order the relief requested by Plaintiffs in their opening brief. First, the requested relief exceeds the relief Plaintiffs requested in their complaint. Plaintiffs’ complaint requested the following relief: (1) a declaration that Defendants violated the APA and/or NEPA; (2) an order requiring Defendants to prepare a supplemental EIS and issue a new final rule and record of decision; and (3) award costs and fees. ECF No. 1 at 31. In their opening brief, Plaintiffs ask the Court to order FWS to: (1) file a notice in the Federal Register notifying the public that the Service (a) will not implement the 2001 Proposed Rule, (b) will remove the ESA Section 10(j) rule from the C.F.R., and (c) will prepare a supplemental EIS for grizzly bear recovery in the Bitterroot Ecosystem; (2) issue a new Record of

Decision after the supplemental EIS is complete; and (3) commence implementation of the new Record of Decision within one calendar year of signing the Record of Decision. *See* Pls.’ Br. at 29.

Second, the requested relief is beyond the scope of relief that this Court can order under the APA or NEPA. As discussed, whether, and when, to implement reintroduction of an ESA-listed species is reserved to the sole discretion of FWS. And the APA does not require federal agencies to finalize proposed rules for discretionary action. For the reasons stated above, Plaintiffs have failed to show that the Court can compel FWS to take these actions.

But, should the Court find that FWS *has* unreasonably delayed in taking a legally required action, “the [C]ourt’s decision to grant or deny injunctive or declaratory relief under the APA is controlled by principles of equity.” *Nat’l Wildlife Fed’n*, 45 F.3d at 1343. Because the appropriate remedy depends upon the legal violations identified by the Court, Federal Defendants respectfully request the opportunity to brief remedy if the Court rules in Plaintiffs’ favor on any of their claims.

CONCLUSION

As a threshold matter, Plaintiffs have failed to allege specific facts linking their asserted harm to action taken by FWS or to establish that the Court may issue relief capable of redressing those injuries. Beyond that, Plaintiffs assert three claims,

none of which are cognizable under the APA or NEPA. The APA does not require federal agencies to finalize proposed rules issued at the discretion of the agency. Nor does the APA allow for challenges to otherwise discretionary actions such as the introduction of experimental populations under Section 10(j) of the ESA. Finally, in the absence of any further major federal action with respect to experimental grizzly bear reintroduction in the Bitterroot Ecosystem, NEPA does not require a supplemental EIS or any additional analysis for that matter. All three of Plaintiffs' claims fail as a matter of law and as such, Federal Defendants respectfully request that the Court grant their motion for summary judgment in full.

Dated: November 7, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word limit set by the Court's case management order, ECF No. 21. Excluding the caption, tables of contents and authorities, signature block, and certificates of service and compliance, this brief contains 9,019 words.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

**ALLIANCE FOR THE WILD
ROCKIES, et al.,**

Plaintiffs,

v.

**HILARY COOLEY, U.S. Fish &
Wildlife Service Grizzly Bear
Recovery Coordinator, et al.,**

Federal Defendants

and

THE STATE OF IDAHO

Defendant-Intervenor.

9:21-CV-136-M-DWM

**FEDERAL DEFENDANTS’
REPLY IN SUPPORT OF THEIR
CROSS-MOTION FOR
SUMMARY JUDGMENT**

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INTRODUCTION

The U.S. Fish and Wildlife Service (“FWS” or “Service”) manages a robust program to promote the conservation and recovery of threatened grizzly bears. These efforts have spurred substantial growth in grizzly bear numbers in the lower-48 United States and have stabilized several grizzly bear populations that were on the verge of collapse when FWS first listed the species under the Endangered Species Act (“ESA”).

At the crux of this case is FWS’s alleged failure to act and unreasonable delay in implementing grizzly bear reintroduction measures in the Bitterroot area of Montana and Idaho. As an initial matter, the ESA affords FWS broad discretion to decide how to promote the recovery of species and manage its limited resources. For example, although Section 4 of the ESA requires FWS to develop a recovery plan for listed species, the particular methods the agency relies on in species conservation are left to the sole discretion of FWS in its expertise. Likewise, Section 10(j) of the ESA authorizes FWS to establish experimental populations of listed species but whether, and when, to exercise that authority is again left to the sole discretion of FWS.

For their part, Plaintiffs advance a moving target of their theory of the case. In their complaint, Plaintiffs allege that FWS has “unreasonably delayed in complying with the terms of the Final Rule and Regulation” (the 2000 Final Rule

under ESA Section 10(j) establishing a non-essential experimental population of grizzly bears in the Bitterroot Ecosystem). Yet in their response/reply brief, Plaintiffs express confusion “why Defendants discuss only the 10(j) regulation rather than the Record of Decision,” which Plaintiffs then assert “is the major federal action actually at issue in this case.” *See* Plaintiffs’ Response to Defendants’ Cross-Motions for Summary Judgment & Reply in Support of Plaintiffs’ Motion for Summary Judgment (hereinafter “Pls.’ Reply”), ECF No. 35 at 17.

Setting aside this pivot, Plaintiffs’ reply does little to rebut FWS’s arguments. First, Plaintiffs fail to overcome FWS’s demonstration that Plaintiffs have not adequately established Article III standing. Not only do they fail to demonstrate that their claimed injuries are linked to any action taken by FWS, but they also do not show that the Court may issue relief that can redress any injury the Court may find they *have* shown. Second, Plaintiffs have failed to state valid claims for relief under either the Administrative Procedure Act (“APA”) or the National Environmental Policy Act (“NEPA”). Plaintiffs’ arguments reveal a fundamental misunderstanding of both: (i) FWS’s obligation to finalize proposed rules initiated at the discretion of the agency, and (ii) the necessary conditions under which FWS is required to conduct supplemental NEPA analysis. For these reasons, and as explained further below, Federal Defendants are entitled to summary judgment on all three of Plaintiffs’ claims for relief.

ARGUMENT

I. Plaintiffs have not established and cannot establish Article III standing.

Plaintiffs have not met their burden to set forth specific facts establishing the required elements of Article III standing. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992) (explaining that the “constitutional minimum of standing” contains three elements: (1) injury-in-fact; (2) causation; and (3) redressability). As Federal Defendants explained in their opening brief, this burden is particularly high where, as here, FWS’s actions (or inaction) related to the reintroduction of an experimental population of grizzly bears in the Bitterroot Ecosystem do not directly regulate Plaintiffs. *See id.* at 562. (“[W]hen the plaintiff is not himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily ‘substantially more difficult’ to establish.” (citations omitted)).

Plaintiffs rely on a single declaration to support their claim of injury based on the theory that FWS’s refusal to implement specific grizzly bear reintroduction measures in the Bitterroot Ecosystem impairs their chances of observing grizzly bears in the area. *See, e.g.*, ECF No. 24-1 ¶¶ 5-6. In an attempt to reinforce this claim, Plaintiffs also add (for the first time on reply and unsupported by affidavit) further alleged harms that “the public is not yet prepared for grizzly conflicts in the Bitterroot; potential conflict areas in the Bitterroot have not yet been bear-proofed; and the National Forests in the area are not prepared with grizzly bear management

standards to apply to their land management activities that are now occurring in areas where grizzly bears may be present.” Pls.’ Reply at 23.¹ The Court should reject Plaintiffs’ attempt to bolster their standing with such generalized grievances that fall short of the kind of concrete and particularized harm *to plaintiffs* that the Supreme Court requires. *See Lujan*, 504 U.S. at 563 (“To survive the Secretary’s summary judgment motion, respondents had to submit affidavits or other evidence showing, through specific facts, not only that listed species were in fact being threatened ... but also that one or more of respondents’ members would thereby be ‘directly’ affected apart from their ‘special interest’ in the subject.” (citation omitted)); *see also Sisley v. U.S. Drug Enf’t Admin.*, 11 F.4th 1029, 1034 (9th Cir. 2021) (“Because a generalized grievance is not a particularized injury, a suit alleging only generalized grievances fails for lack of standing.”).

Further unavailing is Plaintiffs’ new assertion that it is the lack of implementation of the Record of Decision for the Environmental Impact Statement that harms Plaintiffs. *See* Pls.’ Reply at 22. Plaintiffs’ speculation as to whether there

¹ Plaintiffs also refer to an October 2022 local news article describing action taken by the Montana Department of Fish, Wildlife, and Parks to capture and relocate two grizzly bears that had wandered into the Bitterroot Valley. Federal Defendants provide further context for this action in the attached declaration of Hilary Cooley—FWS’s Grizzly Bear Recovery Coordinator. However, Defendants dispute that the action is relevant to Plaintiffs’ standing in this case because the grizzly bears that were relocated had not entered the Bitterroot Recovery Zone. *See* Cooley Decl. ¶ 7.

would presently be a population of grizzly bears in the Bitterroot Ecosystem if FWS had chosen to implement the 2000 Record of Decision, *id.*, does not meet their burden to establish standing. *See, e.g., Summers v. Earth Island Inst.*, 555 U.S. 488, 499 (2009) (stating that, in determining standing, “speculation does not suffice”); *N.M. Off-Highway Vehicle All. v. U.S. Forest Serv.*, 645 Fed. Appx. 795, 804 (10th Cir. 2016) (“Federal courts scrupulously guard the boundaries of their jurisdiction; they are duty-bound not to permit a standing determination to rest on speculation or conjecture.”).

Even assuming that the Court were to find that Plaintiffs *have* adequately established an injury-in-fact which is fairly traceable to FWS’s inaction, Plaintiffs have not met their burden to show that the Court can remedy that injury. Amid the raft of relief Plaintiffs request, at bottom they seek an order for FWS to issue a new Record of Decision and commence its implementation within one year after it is signed. Pls.’ Reply at 25. But this ignores the clear direction from Congress that neither litigants, nor the courts, may commandeer FWS’s discretion in this area. Plaintiffs ask this Court to order FWS to establish and maintain an experimental population of grizzly bears in the Bitterroot Ecosystem. But this is plainly a matter that Congress has left to FWS’s discretion. *See Wyoming Farm Bureau Fed’n v. Babbitt*, 199 F.3d 1224, 1233 (10th Cir. 2000) (...“Congress purposely designed section 10(j) to provide the Secretary flexibility and discretion in managing the

reintroduction of endangered species.”). Absent such relief, the alleged injury Plaintiffs complain of will not be remedied. In short, Plaintiffs have failed to show that a favorable decision by this Court is substantially likely to redress their alleged injuries. *See Juliana v. United States*, 947 F.3d 1159, 1170 (9th Cir. 2020) (“To establish Article III redressability, the plaintiffs must show that the relief they seek is both (1) substantially likely to redress their injuries; and (2) within the district court’s power to award.” (citation omitted)).

II. The Court need not consider the *TRAC* factors because they do not apply when FWS is not obligated to act.

Section 706(1) of the APA instructs reviewing courts to “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). But “a claim under [Section] 706(1) can proceed only where a plaintiff asserts that an agency failed to take a *discrete* agency action that it is *required to take*.” *Vaz v. Neal*, 33 F.4th 1131, 1135-36 (9th Cir. 2022) (quoting *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004) (“*SUWA*”)). Indeed, the Ninth Circuit has clarified that the “agency action must be pursuant to a legal obligation ‘so clearly set forth that it could traditionally have been enforced through a writ of mandamus.’” *Plaskett v. Wormuth*, 18 F.4th 1072, 1082 (9th Cir. 2021) (quoting *Viet. Veterans of Am. v. CIA*, 811 F.3d 1068, 1075-76 (9th Cir. 2016)). Thus, a court may compel agency action under the APA only when the agency has (1) “a clear, certain, and mandatory duty,” *Plaskett*, 18 F.4th at 1082, and (2) unreasonably delayed in performing such duty.

Plaintiffs correctly note that Federal Defendants did not address the six-factor balancing test announced in *Telecommunications Research & Action Center* (“*TRAC*”) v. *FCC*, 750 F.2d 70, 79-80 (D.C. Cir. 1984), in their opening brief.² And for good reason: *TRAC*’s analysis only applies if an agency has failed to take a *discrete* agency action that it is *required to take*. See *In re A Cmty. Voice*, 878 F.3d 779, 783–84 (9th Cir. 2017) (“Of course, an agency cannot unreasonably delay that which it is not required to do, so the first step before applying the *TRAC* factors is necessarily to determine whether the agency is required to act, that is whether it is under a duty to act.”). Only if a court determines that an agency was required to act should it move on to the second step of considering the *TRAC* factors to determine whether the delay is unreasonable under the APA. See *Vaz*, 33 F.4th at 1137.

As discussed in Federal Defendants’ opening brief, and further below, FWS need not finalize a proposed rulemaking initiated at the discretion of the agency. See Fed. Defs.’ Br., ECF No. 28 at 22-28. Nor is it required to implement a Record of

² The six factors are: (i) the time agencies take to make decisions must be governed by a “rule of reason”; (ii) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason; (iii) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (iv) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (v) the court should also take into account the nature and extent of the interests prejudiced by delay; and (vi) the court need not “find any impropriety lurking behind agency lassitude in order to hold that agency action is ‘unreasonably delayed.’” *TRAC*, 750 F.2d at 80.

Decision for an otherwise discretionary action such as proceeding with an experimental population of grizzly bears under ESA Section 10(j). Because FWS is under no legal obligation to take a discrete action, the Court need not consider *TRAC*'s balancing test.

III. FWS is not required to issue a final rule removing the 10(j) regulation.

Plaintiffs' first claim for relief fails because FWS was not required to finalize a proposed rule to rescind a rule that was discretionary at the outset. In 2001, FWS issued a proposed rule to withdraw its final rule and regulation authorizing the establishment of a nonessential experimental population of grizzly bears in the Bitterroot Ecosystem. *See* 66 Fed. Reg. 33,620 (June 22, 2001); *see also* FWS_1216-19. In an exercise of agency discretion, FWS issued the 2001 proposal to rescind its previous authorization based on its evaluation of the recovery needs for grizzly bears in other areas of the country, available agency resources, and the objections of States and some citizens that would be affected by grizzly bear reintroduction in the Bitterroot area. FWS_1217. Plaintiffs are not entitled to relief under the APA for "unreasonable delay" because there was no legal requirement for FWS to finalize its proposal. In effect, by not completing a rulemaking to rescind the current section 10(j) regulation, the FWS retains the ability to implement a reintroduction of grizzly bears to the Bitterroot Ecosystem in accordance with its existing Section 10(j)

regulation should it chose to do so in the future, subject to any necessary updates to its environmental analysis under NEPA.

Plaintiffs assert that FWS assumed a duty to finalize its rulemaking simply by virtue of starting the process through a *proposed* rulemaking. Plaintiffs rely on two sources to support this theory. As detailed in Federal Defendants’ opening brief—arguments entirely unacknowledged by Plaintiffs in their reply brief—neither source bears on the Court’s analysis here.

First, Plaintiffs misapply Section 555(b) to suggest it obligates agencies to finalize proposed rules. Pls.’ Reply at 18 (relying on 5 U.S.C. § 555(b) for the proposition that the APA requires an agency to “conclude a matter presented to it”). But Section 555(b) is irrelevant to the facts of this case because it relates to *appearances* before the agency and not to rulemakings *initiated* by the agency. *See* Federal Defendants’ Cross-Motion for Summary Judgment & Opposition to Plaintiffs’ Motion for Summary Judgment (hereinafter “Fed. Defs.’ Opening Br.”), ECF No. 28 at 24. Indeed, missing from this subsection is any mention of rulemaking of any kind—proposed or final. The APA’s direction that agencies must conclude matters requiring personal appearances within a “reasonable time” does not also require agencies to finalize proposed rulemakings initiated at the discretion of the agency. Plaintiffs fail to address this distinction and explain why the subsection nonetheless applies here.

Second, Plaintiffs rely on cases involving petitions for rulemaking, which are distinguishable from this case. For example, Plaintiffs discuss *In re A Community Voice*, 878 F.3d 779 (9th Cir. 2017), a case which involved a number of environmental groups that *petitioned* for a writ of mandamus compelling the Environmental Protection Agency to act on a rulemaking petition the agency had granted years earlier concerning lead-based paint standards. After public notice and comment, EPA sent a letter to the petitioners granting the request for a rulemaking, but the agency did not commit to a date for promulgating a final rule. Petitioners filed a mandamus petition asking the court “to hold that EPA has unreasonably delayed promulgation of the promised rule, and asking that this court compel EPA to issue a proposed and final rule in the near future.” *Id.* at 783.

The court found both a statutory duty under the substantive statutes to update the lead-based paint standards as well as a duty under the APA to respond to the petition for rulemaking. *Id.* at 786. (“We thus conclude the EPA is under a duty stemming from the [Toxic Substances Control Act] and the Paint Hazard Act to update lead-based paint and dust-lead hazard standards in light of the obvious need, and a duty under the APA to fully respond to Petitioners’ rulemaking petition. A writ of mandamus is appropriate if Petitioners have made a showing that the delay has been unreasonable.”). EPA had a clear duty to “respond to matters that are presented to it under its internal processes,” in the context of a *petition* for rulemaking. *Id.* at

784. In that case, environmental groups had petitioned EPA, under APA Subsection 553(e), to engage in rulemaking concerning lead-based paint standards. *Id.* Because EPA began this rulemaking process by initiating a “proceeding,” it had a duty to conclude the process within a reasonable time after granting the petition. *Id.* at 785.

By contrast, Plaintiffs have not petitioned for a rulemaking under Subsection 553€, and FWS has not initiated a proceeding under Subsection 555(b) requiring any personal appearances. Those provisions of the APA do not apply here, and Plaintiffs offer no statutory provision, or other authority, requiring an agency to finalize a proposed rule initiated at the discretion of the agency.³ *Cf. San Francisco BayKeeper v. Whitman*, 297 F.3d 877, 885 (9th Cir. 2002) (“[F]or a claim of unreasonable delay to survive, the agency must have a statutory duty in the first place”). Accordingly, the Court should grant summary judgment for Federal Defendants on Plaintiffs’ first claim for relief.

³ Notably, Congress did not prescribe substantive rulemaking timelines for the FWS under section 10(j), as compared with, for example, the FWS’s obligation to complete rulemaking for determining listing decisions under section 4, see, e.g., 16 U.S.C. § 1532(b)(5) and 1532(b)(6).

IV. The Record of Decision does not provide a basis for the Court to compel the action Plaintiffs demand.

A. The Record of Decision adopted a discretionary plan that does not provide an “unequivocal command” for a “discrete action”

Plaintiffs assert that NEPA compels the Service to proceed with a complex, discretionary plan that was selected as the preferred alternative in the Service’s 2000 Record of Decision. In support of this notion, Plaintiffs rely on Council on Environmental Quality (“CEQ”) regulation 40 C.F.R. § 1505.3 and published guidance (46 Fed. Reg. 18026, 18037), which state with generality that commitments made in a Record of Decision shall be implemented and complied with. Pls.’ Reply at 6. Plaintiffs assert that 40 C.F.R. § 1505.3, and associated guidance, provides the mandate to require FWS to take actions the Plaintiffs seek.

But Plaintiffs’ argument, taken to its conclusion, would require the government to take action exceeding what APA Section 706(1) empowers the Court to order. Under Section 706(1), the Court may compel agency action “only if” there is a “discrete agency action” for which there is an “unequivocal command” for the agency to take. *Viet. Veterans of Am.*, 811 F.3d at 1075, 1078 (quoting *SUWA*, 542 U.S. at 63–64). But the Record of Decision does not provide an unequivocal command for discrete action. Rather, the Record of Decision consummates a *process* by which the Service (i) evaluated a series of potential alternative courses of action, and (ii) memorialized its preferred alternative including a complex reintroduction

plan involving multiple moving parts, contingencies, and discretion. The Record of Decision does *not* represent an unequivocal commitment for FWS to take a discrete action. Indeed, the preferred alternative was selected pursuant to NEPA—a strictly procedural statute—that itself does not mandate particular results. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

Plaintiffs argue, without supporting case law, that the selection of a preferred alternative in a record of decision is binding on an action agency, notwithstanding the absence of substantive duty to undertake the proposed action decided on. In order to make this argument, Plaintiffs refer to the CEQ regulation, 40 C.F.R. § 1505.3, which states “[m]itigation (§ 1505.2(a)(3)) and other conditions established in the environmental impact statement or during its review and *committed as part of the decision* shall be implemented by the lead agency or other appropriate consenting agency” (emphasis added).⁴ However, Plaintiffs fail to demonstrate that, in the

⁴ The guidance document cited by Plaintiffs, 46 Fed. Reg. 18026, 18037 (Mar. 23, 1981) titled “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” is “merely an informal statement and is not controlling authority.” *Friends of the Earth v. Hintz*, 800 F.2d 822, 837 n.15 (9th Cir. 1986). The guidance states that “an agency must comply with its own decisions and regulations once they are adopted. Thus, the terms of a Record of Decision are enforceable by agencies and private parties. A Record of Decision can be used to compel compliance with or execution of the mitigation measures identified therein.” 46 Fed. Reg. at 18037. This begs the question, what are the terms of the Record of Decision? Here, the terms outline a plan to reintroduce grizzly bears into the Bitterroot Ecosystem contingent on adequate funding, the consent and cooperation of state and private partners, and the status of grizzly bears in other population segments, among others.

context of the Service's 2000 Record of Decision, the agency made a binding commitment, or an unequivocal command, to act on its preferred alternative. Rather, the agency determined its preferred approach to provide for the reintroduction and management of a nonexperimental population of grizzly bears, and set forth its final regulation to that effect. In the absence of a statutory obligation compelling reintroduction, Plaintiffs argument fails.

Even assuming, *arguendo*, that the Record of Decision were subject to compulsory order, whether a particular record of decision represents a binding commitment on any particular issue depends on the specific language of the decision. *See, e.g., Soda Mountain Wilderness Council v. Norton*, 424 F. Supp. 2d 1241, 1260 (E.D. Cal. 2006) (agreeing that certain "language [was] the binding commitment the Supreme Court said might be sufficient to allow for an enforcement action under § 706(1)," the language being "[t]his document represents [the Bureau of Land Management's] commitment to these public desires and constitutes a compact with the public."); *Friends of Animals v. Sparks*, 200 F. Supp. 3d 1114, 1125 (D. Mont. 2016) (finding the specific language in the Record of Decision constituted a commitment to recalculate the appropriate management level within a certain time); *Earth Island Inst. v. Carlton*, 626 F.3d 462, 473 (9th Cir. 2010) (analyzing the Record of Decision language to find that "[s]uch language does not make the guidelines enforceable" and binding); *Theodore Roosevelt Conservation*

P'ship v. Salazar, 661 F.3d 66, 74 (D.C. Cir. 2011) (noting the language did not serve as a binding mandate to prevent any and all decline in wildlife population). *Cf. SUWA*, 542 U.S. at 71 (noting, in the context of BLM's forest management plan, that whether there is a binding commitment on the agency depends on the language of the plan).

Plaintiffs chose not to address the specific language in the Service's Record of Decision, which Federal Defendants identified, clarifying that the selected alternative is flexible and subject to a host of contingencies. Fed. Defs.' Opening Br. at 15-16. For example, the Record of Decision states: "*Subject to availability of funding*, the grizzly bears will be reintroduced into the Selway-Bitterroot Wilderness portion of the Recovery Area during the second year of implementation." FWS_870 (emphasis added). "Implementation of this decision is *contingent upon the Service receiving adequate appropriations*, so that the current level of funding for Service activities in other grizzly bear recovery areas will not be compromised." FWS_872 (emphasis added). "[I]f the Services receives adequate funding, grizzly bears *could be reintroduced* in 2002 . . .". FWS_881 (emphasis added). The translocation of bears would occur "*only if there is no significant impact* to population health or recovery" of source populations. FWS_870–871 (emphasis added). Ultimately, the Record of Decision reflects *how* reintroduction may be carried out but stops short of a commitment that it *will* be carried out regardless of circumstance.

Plaintiffs’ argument that the Record of Decision commits the Service to “four specific actions,” Pls.’ Reply at 7-8, glosses over any analysis of the specific language of the Decision, including the explicit contingencies discussed above. For instance, the first “specific action” Plaintiffs note is “the release of 25 grizzlies under an ESA Section 10(j) rule.” *Id.* at 7. But the Record of Decision explicitly qualifies that the reintroduction of 25 grizzlies is “[s]ubject to availability of funding” or “adequate funding” and the availability of bears whose translocation has “no significant impact to population health or recovery” of the source population. Contrary to Plaintiffs’ representation, the Service’s target of releasing 25 grizzly bears is not a “discrete action” for which there is an “unequivocal command” for the agency to take. Rather, it is a goal that involves the assessment of adequate funding and the impact on surrounding grizzly bear populations and, depending on the Service’s evaluation of those factors, possibly translocating bears into the Bitterroot Ecosystem.⁵ Thus, release of grizzly bears in the Bitterroot Ecosystem is not “a *discrete* agency action that [the Service] is *required to take*” for a Section 706(1) claim. *Plaskett*, 18 F.4th at 1081 (quoting *SUWA*, 542 U.S. at 64).

⁵ The Service’s continued inaction not to translocate grizzly bears into the Bitterroot Ecosystem, consistent with the language of the Record of Decision, means other actions which depend on reintroduced bears in the area—such as formation of the committee that would have “management implementation responsibilities,” FWS_869, is also sensibly deferred.

B. Plaintiffs’ attempt to use a record of decision, and NEPA, to enforce substantive, discretionary action should be rejected.

If the Service were to reintroduce grizzly bears to the Bitterroot Ecosystem, it would not be an isolated project occurring in a vacuum. Rather, it would be part of a larger cooperative effort to promote the conservation and recovery of grizzly bears in other parts of the country. *See, e.g.*, FWS_888 (“Bitterroot ecosystem, . . . one of six grizzly recovery areas identified in the Grizzly Bear Recovery Plan”). The Service, as the lead agency supervising this effort, would have to balance its goals for the Bitterroot Ecosystem with recovery needs in other parts of the lower-48 United States. Since the adoption of the Record of Decision and the 2000 Final Rule, the Service has exercised the discretion accorded to it by Congress to ensure the continued viability of ongoing recovery efforts in other areas with existing populations. FWS_1217.

The Supreme Court has explained that it is not the role of the courts to interfere with such policy decisions by agencies, noting that the purpose of “APA limitations” is “to protect agencies from undue judicial interference with their lawful discretion, and to avoid judicial entanglement in abstract policy disagreements which courts lack both expertise and information to resolve.” *SUWA*, 542 U.S. at 66. Otherwise, “it would ultimately become the task of the supervising court, rather than the agency, to work out compliance with the broad statutory mandate, injecting the

judge into day-to-day agency management,” a level of oversight the Supreme Court held was not contemplated by the APA. *Id.* at 66-67.

The Supreme Court explained a similar rationale for resisting judicial review of an agency’s refusal to exercise discretionary enforcement authority. An “agency decision not to enforce often involves a complicated balancing of a number of factors which are peculiarly within its expertise.” *Heckler v. Chaney*, 470 U.S. 821, 831 (1985). “Thus, the agency must not only assess whether a violation has occurred, but whether agency resources are best spent on this violation or another, whether the agency is likely to succeed if it acts, whether the particular enforcement action requested best fits the agency’s overall policies, and, indeed, whether the agency has enough resources to undertake the action at all.” *Id.* “The agency is far better equipped than the courts to deal with the many variables involved in the proper ordering of its priorities.” *Id.* at 831–32.

The same concerns animate situations involving an agency, like the Service, working to fulfill its duties under the ESA. Where the Service’s Record of Decision explicitly contemplated this balancing act, it would require “undue judicial interference” to grant Plaintiffs’ request for relief. *SUWA*, 542 U.S. at 66.

Plaintiffs have now shifted their argument to focus singularly on the Record of Decision as the vehicle for compelling the Service's actions.⁶ Not only is this challenge time-barred, but the Record of Decision cannot on its own carry so much weight. An agency adopts a record of decision under NEPA, which is a procedural statute that "itself does not mandate particular results, but simply prescribes the necessary process." *Robertson*, 490 U.S. at 350. In fact, if "the adverse environmental effects of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh the environmental costs." *Id.* NEPA is designed to prevent uninformed agency action. *Id.* at 351. It cannot be that, by resting *solely* on this non-substantive requirement to make informed decisions, Plaintiffs and the Court may direct the United States to

⁶ Plaintiffs make this argument for the first time on reply. As Plaintiffs correctly point out in their brief: the Ninth Circuit has long refused to consider arguments withheld until the reply brief. *See, e.g., Thompson v. Comm'r of Internal Revenue*, 631 F.2d 642, 649 (9th Cir. 1980). The Court should reject Plaintiffs' late attempt to pivot the theory of their case—not only based on waiver but because any challenge to the 2000 Record of Decision is time-barred by the applicable statute of limitations. 28 U.S.C. § 2401(a) ("every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues."); *see also Save Our Skies L.A. v. Fed. Aviation Admin.*, 50 F.4th 854, 865 (9th Cir. 2022) (noting that the Ninth Circuit has never held that the continuing-violations doctrine tolls the six-year statute of limitations applicable to APA claims). To the extent Plaintiffs' challenge to the Record of Decision may be construed as a challenge under NEPA, that challenge is also time-barred. *See Sierra Club v. Penfold*, 857 F.2d 1307, 1315 (9th Cir. 1988); *Mont. Wilderness Ass'n v. Fry*, 310 F. Supp. 2d 1127, 1142 (D. Mont. 2004) (holding that claims brought under NEPA are subject to 28 U.S.C. § 2401(a)).

act in situations where the government has wide policy discretion.⁷ Nor have Plaintiffs provided a single case where a record of decision supports such an outcome.⁸ Plaintiffs cannot enforce a Record of Decision that does not include a binding commitment from the Service—especially where Plaintiffs have not identified any separate, substantive source that obligates the Service to take the actions they seek to compel. *See SUWA*, 542 U.S. at 71 (“Of course, an action called for in a plan may be compelled when the plan merely reiterates duties the agency is already obligated to perform, or perhaps when language in the plan itself creates a

⁷ For example, suppose the United States wishes to construct a building, either on site A, B, or C. The government analyzes the environmental impacts of construction on each of the three alternative locations as required by NEPA and, after considering the impacts, identifies site C as the selected alternative in a record of decision. The government, in its discretion, later decides not to construct the building at all (because, *e.g.*, there are no substantive statutes obligating it to do so). Plaintiffs’ arguments here would lead to the absurd result where litigants could require the government to proceed with construction on site C, premised solely on the fact that the government identified site C as the most appropriate in its record of decision.

⁸ The only cases Federal Defendants are aware of involved discrete action that the agency committed to take. *See, e.g., Friends of Animals*, 200 F. Supp. 3d at 1125 (finding the specific language in the record of decision constituted a commitment to recalculate the appropriate management level within a time certain); *Forest Serv. Emps. for Env’tl Ethics v. U.S. Forest Serv.*, No. Civ. 04-3061-CO-2005 WL 589609, at *2 (D. Or. Mar. 2, 2005) (noting that a failure to perform promised monitoring may be actionable for delay); *Soda Mountain Wilderness Council*, 424 F. Supp. 2d at 1247, 1260 (hypothesizing that the 1993 record of decision’s promise to consolidate BLM land ownership by acquiring land made available by willing sellers would have been subject to suit under § 706(1), but the claim was unasserted).

commitment binding on the agency. But allowing general enforcement of plan terms would lead to pervasive interference with BLM's own ordering of priorities."').⁹

V. There is no pending major federal action that requires supplemental NEPA analysis.¹⁰

Plaintiffs' position that there remains ongoing major federal action because none of the proposed actions identified in the Record of Decision have been implemented is contrary to Supreme Court case law. In *SUWA*, the Bureau of Land Management was continuing to implement a land use plan through continued monitoring of sensitive areas, but the Supreme Court did not find this constituted "ongoing" action requiring supplemental NEPA analysis. 542 U.S. at 73. Here, the argument is even weaker; Plaintiffs' complaint is that there is *no action* taking place under the 2000 Final Rule and accompanying Record of Decision. Plaintiffs appear

⁹ See also, e.g., *Sierra Club v. Jacobs*, No. CIV-A.H-04-374, 2005 WL 6247793, at *7 (S.D. Tex. Sept. 30, 2005) (rejecting the argument that the Forest Service was bound to comply with the record of decision in lieu of the Forest Plan itself, given that a record of decision is issued to satisfy procedural obligations under NEPA, and noting that "[n]o court has suggested, and no regulation implies, that NEPA obligations also serve to delineate the standards which govern activity within the national forests, or the Forest Service's duty to comply with the substantive environmental statutes."').

¹⁰ Plaintiffs take issue with Federal Defendants' opening brief as citing the 2000 Final Rule rather than the Record of Decision. Pls.' Reply at 17. The 2000 Final Rule adopts the plan selected in the Record of Decision. Federal Defendants' arguments, whether citing to the 2000 Final Rule or Record of Decision, address the Service's plan for grizzly bear reintroduction that is reflected in both documents. Under either, there is no pending major federal action occurring that requires the Service to conduct supplemental NEPA analysis.

to contend that the possibility of future implementation of the four actions they point to, Pls.’ Reply at 8-9, is enough to constitute ongoing federal action. But the Supreme Court rejected this argument in *SUWA* where there was only “projected” present and future action without a “binding commitment” for that action. *Id.* at 69, 72. Under Plaintiffs’ theory of ongoing action, “[n]o agency could meet its NEPA obligations if it had to prepare an environmental impact statement every time the agency had power to act but did not do so.” *Drakes Bay Oyster Co. v. Salazar*, 921 F. Supp. 2d 972, 989 (N.D. Cal. 2013) (quoting *Scarborough Citizens Protecting Res. v. FWS*, 674 F.3d 97, 102–03 (1st Cir. 2012); *Def. of Wildlife v. Andrus*, 627 F.2d 1238, 1246 (D.C. Cir. 1980)).

CONCLUSION

As a threshold matter, Plaintiffs have not—and cannot—overcome their failure to adequately establish the three elements of Article III standing: injury, causation, and redressability. Beyond that, Plaintiffs assert three claims, none of which are cognizable under the APA or NEPA. The APA does not require federal agencies to finalize proposed rules issued at the discretion of the agency. Nor does the APA allow for challenges to otherwise discretionary actions such as the introduction of experimental populations under Section 10(j) of the ESA. Finally, in the absence of any further major federal action with respect to experimental grizzly bear reintroduction in the Bitterroot Ecosystem, NEPA does not require a

supplemental analysis at any level. All three of Plaintiffs' claims fail as a matter of law and as such, Federal Defendants ask the Court to grant their motion for summary judgment in full.

Dated: January 20, 2023

Respectfully submitted,

TODD KIM, Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

/s/ Davis A. Backer

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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Davis A. Backer

DAVIS A. BACKER
Attorney for Federal Defendants

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word limit set by the Court's case management order, ECF No. 21. Excluding the caption, tables of contents and authorities, exhibit list, signature block, and certificates of service and compliance, this brief contains 5,839 words.

/s/ Davis A. Backer

DAVIS A. BACKER
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD ROCKIES,
NATIVE ECOSYSTEMS COUNCIL,

Plaintiffs,

vs.

HILARY COOLEY, U.S. Fish & Wildlife
Service Grizzly Bear Recovery Coordinator;
MARTHA WILLIAMS, Director, U.S. Fish &
Wildlife Service, DEB HAALAND, Secretary,
Department of Interior,

Defendants.

CV 21-136-M-DWM

DECLARATION OF
DR. HILARY COOLEY

I, Dr. Hilary Cooley, declare as follows:

1. I am the Grizzly Bear Recovery Coordinator for the United States Fish and Wildlife Service (Service) in Missoula, Montana. I am responsible for developing and coordinating the implementation of all activities relative to grizzly bear conservation and recovery in the lower 48 States. I have been in this position since March 2017.

2. I am a professional wildlife biologist. In 2008, I received a Ph.D. in Natural Resource Sciences/Wildlife Management from Washington State University. I also hold a M.S. in Natural Resource Sciences/Wildlife Management from Washington State University (2004) and a B.S. in Natural Resources from the University of Vermont (1997). I have 12 years of field experience handling large carnivores, including mountain lions, wolves, black bears, and polar bears.

3. I am submitting this declaration in response to Plaintiffs' Response to Defendants' Cross-Motions for Summary Judgment & Reply in Support of Plaintiffs' Motion for Summary Judgment, ECF No. 35. Specifically, I am providing background information for the Court on the relocation of two subadult grizzly bears that were captured in October 2022 in the Bitterroot Valley near Lolo, Montana. ECF No. 35 at 22.

4. As part of my duties as Grizzly Bear Recovery Coordinator I am involved in decisions on grizzly bear control actions in Montana and Idaho, including the area known as the Bitterroot Ecosystem located within east-central Idaho and western Montana. Grizzly bear control actions may include actions to condition grizzly bear behavior to avoid conflicts (i.e., hazing), relocate grizzly bears where they pose a threat to human life and property, and, lastly, remove bears by lethal means when necessary.

5. Beginning in early August 2022, two subadult grizzly bears, a male and a female, were observed traveling together in the vicinity of Highway 200, Interstate 90, and Highway 93 near Missoula, Montana. The bears moved south from the Northern Continental Divide Ecosystem, where there is an established population of grizzly bears. Although the bears had not yet been in conflict with humans, they were repeatedly crossing Highway 93, a high-traffic roadway. In addition to crossing the highway, they were in an area with high volumes of attractants, including fruit trees, gardens, and garbage. Out of concerns for the safety of the bears and to

avoid human-bear conflicts, in consultation with the Service, Montana Fish, Wildlife & Parks determined that it was appropriate to capture and relocate the bears.

6. The bears were captured between Florence and Lolo, Montana on October 1 and 3, 2022, by Montana Fish, Wildlife & Parks employees. The staff trapped, radio-collared, and transported the bears to a location within the Sapphire Mountains in Montana. The location was chosen because it had been pre-approved by the Montana Fish and Wildlife Commission in early 2022 as a relocation site for grizzlies. Under a Montana state law that became effective in March 2022, Montana Fish, Wildlife & Parks may only relocate bears to sites approved by the Commission. Relocating grizzly bears for their safety and to prevent human-bear conflicts requires consideration of a number of factors unique to each situation. These factors include the age, sex, and behavior of the particular bear(s), why they are being relocated, the time of year, travel time to transport the bear, current administrative or public use of an area (e.g., U.S. Forest Service trail maintenance, hunting camps), and especially the availability of remote and suitable habitat.

7. The area where the bears were captured (near Lolo, Montana) and the area where they were released by Montana Fish, Wildlife & Parks (the Sapphire Mountains) are both within the Bitterroot Valley. However, the bears never entered the Bitterroot Recovery Zone. *See* January 2022 species status assessment, Figure 9, FWS010664 (current recovery zones for ecosystems identified in the 1993 grizzly bear recovery plan).

I declare that the foregoing is true and correct.

Dated this 20th day of January, 2023, in Missoula, Montana.

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Dr. Hilary Cooley

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FOR THE DISTRICT OF MONTANA
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A handwritten signature in black ink, appearing to read 'Hilary Cooley', written in a cursive style.

Dr. Hilary Cooley

Lolo National Forest Communication Plan for the Relocation of Grizzly Bears

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). Further, Forest Service Manual 2676.17 recognizes the need for the U.S. Forest Service (USFS) to cooperate with State and other agencies to manage bears. This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the USFS and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Lolo National Forest in areas where grizzly bears “may be present” in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits Montana Fish, Wildlife & Parks (MFWP) involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS established a field presence to relocate grizzly bears as documented in an MOA between the USFWS and MFWP (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the Lolo National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's Office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Conflict Specialist) will first contact the District Ranger at the district where a bear is proposed for release or their "acting". If the District Ranger can't be contacted, then contact the Wildlife Biologist for this district. If neither can be reached, contact the Forest Wildlife Biologist or Forest Supervisor at the Supervisor's Office and they will contact district staff so the district staff can discuss potential release sites with the USFWS. If a site near district or forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

The USFWS will coordinate with other Federal and State agencies and Tribal Governments as appropriate. If a bear is proposed to be relocated in Montana near the Idaho and Montana State line or near tribal lands, USFWS will coordinate with Idaho Fish and Game or Tribal Government, respectively. The timing and frequency of this communication and coordination will be determined by the USFWS.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. At a minimum, this agreement will be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: **CAROLYN UPTON** Digitally signed by CAROLYN UPTON
Date: 2023.03.02 15:38:21 -07'00' Date: _____
Carolyn Upton, Forest Supervisor, Lolo National Forest

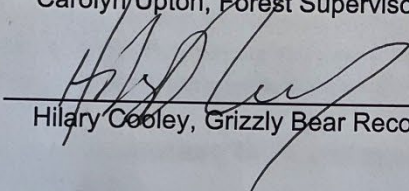
Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

The USFWS will coordinate with other Federal and State agencies and Tribal Governments as appropriate. If a bear is proposed to be relocated in Montana near the Idaho and Montana State line or near tribal lands, USFWS will coordinate with Idaho Fish and Game or Tribal Government, respectively. The timing and frequency of this communication and coordination will be determined by the USFWS.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. At a minimum, this agreement will be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: **CAROLYN UPTON** Digitally signed by CAROLYN UPTON
Date: 2023.03.02 15:38:21 -07'00' Date: _____
Carolyn Upton, Forest Supervisor, Lolo National Forest

Signed:  Date: 3/6/23
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Contacts

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead-Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jajonkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist, Conrad | Wesley.Sarmento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist, Red Lodge | Kylie.Kembel@mt.gov | 406-850-1131 |
| Bruce Montgomery | Wildlife Management Specialist, Bitterroot | Bruce.montgomery@mt.gov | (b) (6) |
| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
| Brad Balis | Wildlife Management Specialist, Anaconda | Brad.balis@mt.gov | 406-465-9343 |

| Office | Contact | Position | Email | Phone number |
|---------------------------------------|--------------------|---------------------------|-------------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | p: 406-626-5408 c: (b) (6) |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | District Ranger | crystal.s.stonesifer@usda.gov | p: 406-329-3948 c: (b) (6) |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Lolo MF | | | | |
|---------------|------------------------|-----------------------|--------------------------|-------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Zone |
| Four Lakes | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Liver Peak | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Crescent Lake | T.25N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CYRZ |

| | | | | |
|--------------------------------|------------------------|------------------|--------------------------------------|-------------|
| West Fork Crow A | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Communicate with Idaho Fish and Game | Outlying |
| West Fork Crow B | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Communicate with Idaho Fish and Game | Outlying |
| CC Divide | T.23N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CY RZ |
| Ninemile Divide area | T.17N, R.25W, Sec. 20 | FS-LNF Plains/TF | | DCA |
| Siegel Pass, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Soldier Creek, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| McCormick Peak | T. 17N, R.23W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Cinnabar Point, Sapphire Range | T. 9N, R.17W, Sec. 20 | FS-LNF Missoula | | Outlying |
| Point 118, Lolo Creek | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | Communicate with Idaho Fish and Game | Outlying |
| Shoofly Meadows | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Sheep Mountain | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Wisherd Ridge | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | Outlying |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Memorandum of Agreement
between
Montana Fish, Wildlife & Parks
and
U.S. Fish & Wildlife Service
regarding



Grizzly Bear Management in Relation to Montana Senate Bill 337

Senate Bill 337, Section 1. (3)(b) *The department may respond to a grizzly bear listed under the federal Endangered Species Act (ESA), 25 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear.*

Purpose. The purpose of this Memorandum of Agreement (MOA) is to document the agency response process for Montana Fish, Wildlife & Parks (MTFWP), the U.S. Fish & Wildlife Service (FWS) and Wildlife Services (WS), including agency roles and coordination, for grizzly bears causing conflict outside of a federal recovery zone in light of Senate Bill 337 which will become effective date on March 1, 2022.

For purposes of this MOA, grizzly bear conflicts are defined as: incidents in which bears either do or attempt to: injure or kill people; damage property; kill or injure lawfully present livestock or poultry; damage beehives; obtain reasonably secured anthropogenic foods and other attractants; or damage agricultural crops.

This MOA relies on the collaborative relationship that already exists between MTFWP, FWS and WS. All efforts to manage grizzly bear conflicts will be conducted in collaboration with the FWS Grizzly Bear Recovery Program (GBRP) Coordinator and will be consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

MTFWP and FWS agree that when managing grizzly bears in conflict:

- 1) For grizzly bears causing conflicts inside a federal recovery zone:
 - a) MTFWP and WS will handle all aspects of the response, including trapping, processing, and carrying out the agreed upon management action, including removal and relocation to Montana Fish and Wildlife Commission-approved release sites. WS will respond to livestock conflicts according to the Memorandum of Understanding between MTFWP and WS.
- 2) For grizzly bears causing conflicts outside a federal recovery zone:
 - a) MTFWP and/or WS (livestock) will respond to conflicts. MTFWP and WS will recommend management approach to FWS. If FWS approves trapping, MTFWP or WS will set traps. Traps will not be set until and unless approved by FWS.
 - b) When a bear is trapped, MTFWP and/or WS (livestock) will process (tranquilize, mark, collar, collect biological data) bear. Processing the bear is needed to confirm sex, conflict history, and whether bear is the target bear. This information will inform a management decision.
 - c) If the bear is determined to be in conflict:
 - i) If, after consultation with USFWS, a decision is made to remove the bear, MTFWP or WS will carry out the removal.

- ii) If, after consultation with FWS, a decision is made to relocate the bear, MTFWP or WS will place bear in trap for transport and hold the bear in a secure location as close to the capture site as possible. FWS will take possession of the bear within 6 hours and will relocate, unless otherwise explicitly agreed upon by agencies (bears are often held overnight to allow full recovery prior to relocating). MTFWP and WS agrees to ensure health and safety of bear until USFWS can take possession, including moving bear to protected area if/when needed due to exposure. FWS will notify MTFWP of the location where they relocated a bear within 12 hours of release.
- d) If the bear is determined to NOT be in conflict (incidental catch), MTFWP will maintain possession of bear and will relocate bear to an agreed upon Fish and Wildlife Commission-approved site or release on site.

Potential Scenarios

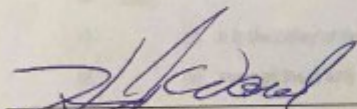
-conducted in collaboration with the FWS GBRP Coordinator and consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

- 1) Livestock depredation near Augusta (outside recovery zone)
WS responds and sets traps. Grizzly bear is trapped. WS and/or MTFWP processes bear.
 - a. If there is no information to confirm this bear is the target bear (or if it is known that this is not the target bear) and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear, MTFWP or WS will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 2) Chicken conflict near Whitefish (outside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 3) Site conflict outside Condon (inside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, MTFWP will relocate bear.

- 4) Dead cow being fed on by grizzly bears is reported (outside recovery zone).
Upon investigation, four bears are identified. It is unknown, which, if any, were involved in a depredation. Feeding on dead livestock is not a conflict, however WS sets traps because of recent depredations in the area.
- a. If bear(s) are captured and there is no information to determine whether these bears were involved in previous depredations, MTFWP may relocate.
 - b. If bear(s) are captured and there is information to suggest the bears were not involved in a depredation, MTFWP may relocate.
 - c. If bear(s) are captured and there is information to suggest the bears were involved in killing this cow or in recent depredations in the area, and the decision is made to relocate bear, FWS will relocate.

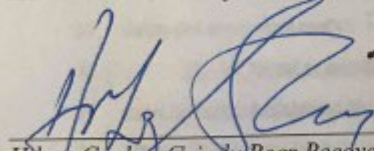
Effective Dates: This MOA is effective upon signature by both parties through October 31, 2023 and may be renewed annually.

Signatures



Hank Worsch, Director
Montana Fish, Wildlife and Parks

12/5/21
Date



Hilary Cooley, Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service

12/13/21
Date

Attachment: SB 337

SENATE BILL NO. 337
INTRODUCED BY M. LANG

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RELOCATION OF GRIZZLY BEARS; REVISING RULEMAKING AUTHORITY; AMENDING SECTION 87-5-301, MCA; AND PROMOTING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-301, MCA, is amended to read:

"87-5-301. Grizzly bear -- findings -- policy. (1) The legislature finds that:

(a) grizzly bears are a recovered population and thrive under responsive cooperative management

(b) grizzly bear conservation is best served under state management and the local, state, tribal, and federal partnerships that fostered recovery; and

(c) successful conflict management is key to maintaining public support for conservation of the grizzly bear.

(2) It is the policy of the state to:

(a) manage the grizzly bear as a species in need of management to avoid conflicts with humans and livestock; and

(b) ~~subject to the provisions of subsection (3),~~ use proactive management to control grizzly bear distribution and prevent conflicts, including trapping and lethal measures.

(3) (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously approved by the commission for relocation of grizzly bears.

(b) The department may respond to a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear."

*Legislative
Services
Division*

- 1 -

Authorized Print Version -- SB 337

FLATHEAD AND KOOTENAI NATIONAL FORESTS NCDE GRIZZLY BEAR RELOCATION PLAN

UPDATED April 2021

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Flathead National Forest and the Northern Continental Divide Ecosystem (NCDE) portion of the Kootenai National Forest.

Objectives of the relocation program are to:


1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the implementation guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, other agency contacts, guidelines for appropriate identification of and responses to management grizzly bears, management bear release sites, and criteria and guidelines for pre-emptive grizzly bear relocations and aversive conditioning.

Signed: **KURTIS STEELE** Digitally signed by KURTIS STEELE
Date: 2021.04.05 16:48:30 -06'00'
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: 
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Date: April 7, 2021

Signed: 
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Date: 4/5/2021

Distributed to: *Montana FWP* – Tim Manley, Erik Wenum, Kim Annis, Jamie Jonkel, Chad White, Wesley Sarmiento, Cory Loecker, Neil Anderson; *USDI-FWS* – Hilary Cooley; *USDI-NPS* – John Waller; *Confederated Salish Kootenai Tribes* – Dale Becker, Kari Eneas; *Blackfeet Tribe* – Gerald Cobell, Loren Monroe, Jr.; *Montana DNRC* – Chris Forristal, Leah Breidinger; *USDA-FS Flathead NF* – Kurt Steele, Will Young, Chris Frisbee, Rob Davies, Chris Dowling, Bill Mulholland, Scott Snelson, Amy Jacobs, Laura Strong, Mark Ruby, Cas Waters, Jess Swanson, Katie Eaton, Kathy Ake, Darren Borgen; *USDA-FS Kootenai NF* – Chad Benson, John Carlson, Jeremy Anderson, Bryan Donner, Lynn Johnson, Jess Swanson, Nate Gassmann, Ed Morgan, Shawn Ray-Delmas; *USDA-FS Lolo NF* – Chad Bell, Scott Tomson, *USDA-FS RO/WO* – Lydia Allen, Scott Jackson; *US Border Patrol* – Christopher Young.

Flathead National Forest Contacts

FNF Supervisor's Office

Will Young, Resources Staff Officer, c: (b) (6), o: 406-758-5322.
Darren Borgen, Forest Safety Officer, c: (b) (6), o: 406-758-5224.
Amy Jacobs, Forest Wildlife Biologist, o: 406-758-3544, h: (b) (6)

Swan Lake Ranger District

Chris Dowling, District Ranger, c: (b) (6), o: 406-837-7501.
Mark Ruby, Wildlife Biologist, c: (b) (6), o: 406-837-7531.

Spotted Bear Ranger District

Scott Snelson, District Ranger, c: (b) (6), summer office: 406-758-6464,
winter office: 406-387-3851, Spotted Bear residence: (b) (6).
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Hungry Horse/Glacier View Ranger Districts

Rob Davies, District Ranger, c: (b) (6), o: 406-387-3801.
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Tally Lake Ranger District

Bill Mulholland, District Ranger, c: (b) (6), o: 406-758-3527.
Laura Strong, Wildlife Biologist, c: (b) (6), o: 406-758-3501.

Kootenai National Forest Contacts

KNF Supervisor's Office

John Carlson, Resources Staff Officer, o: 406-283-7634, c: (b) (6).
Shawn Ray-Delmas, Forest Safety Officer, o: 406-283-7668.
Jeremy Anderson, Forest Wildlife Biologist, o: 406-283-7771.

Rexford/Fortine Ranger District

Bryan Donner, District Ranger, c: (b) (6), o: 406-296-7145.
Lynn Johnson, Wildlife Biologist, c: (b) (6), o: 406-296-7102.

Libby Ranger District

Nate Gassmann, District Ranger, c: (b) (6), o: 406-283-7598.
Ed Morgan, Wildlife Biologist, o: 406-283-7558.

Other contacts involved in grizzly bear relocations on the Flathead and the NCDE portion of the Kootenai National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: 406-273-8002, o: 406-293-4903.

Tim Manley, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-250-1265, pers. cell: (b) (6).

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,
o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
o: 406-466-5100, c: (b) (6) 5.

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,
o: 406-751-4585, c: 406-270-9372.

(b) (6), US Border Patrol, Patrol Agent in Charge, o: (b) (6), c: (b) (6)

Decision Process and Criteria to Determine Appropriate Actions

A diagram showing the decision process is shown in Figure 1. Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfeet Nation or Confederated Salish and Kootenai Tribes, and the U.S. Forest Service (FS) evaluate and determine if the bear should be relocated or removed from the population.

Table 1 presents the guidelines for management grizzly bear control actions (also see section below on pre-emptive relocations). Table 1 follows the Interagency Grizzly Bear Guidelines control action plan that considers the offense condition, sex and age of the bear, and the number of times the bear has committed the offense. The three offense conditions are:

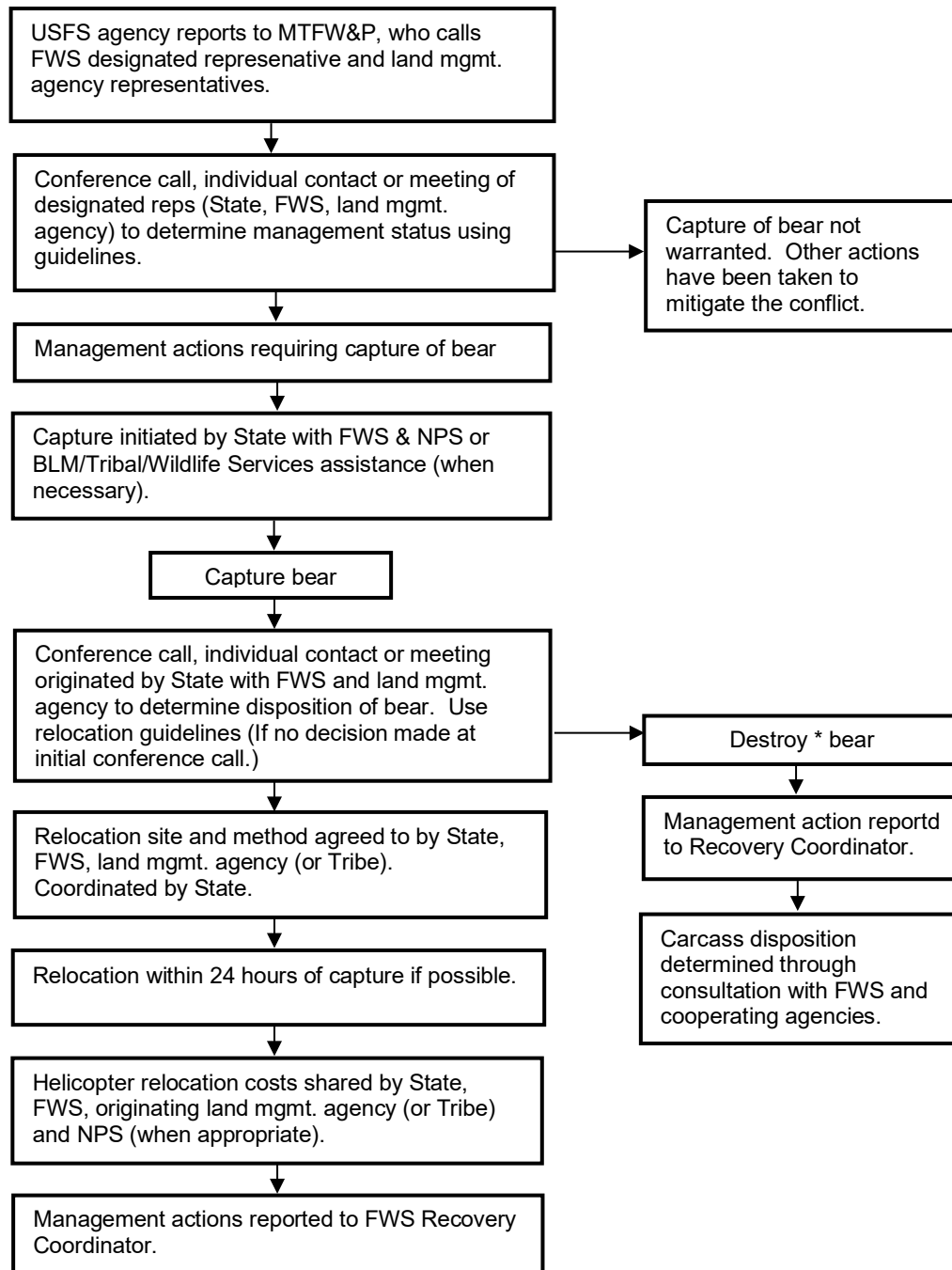
Condition A: The bear causes significant depredation to lawfully present livestock or uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning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

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. It is possible that a bear that was involved in a human injury was acting in defense of young, defense of a

food source, or was involved in a surprise encounter. Note: In some cases, no management action will be taken for bears acting in defense of young, defense of food, or involved in a surprise encounter.

Figure 1. Action Procedures for Determining Bear Conflict Status and Management Action on USFS Lands
(Adapted from Interagency Grizzly Bear Guidelines)



* Alternative may include transport to a zoo or research facility. Decision made at second phone call.

Table 1. Guidelines for Management Grizzly Bear Control Action. NOTE: These are only guidelines and are not directive of agency action. The specific decision on each bear is made by agencies in consultation with each other.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|-------------|-------------|
| | 1st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Representatives of the management agencies involved (including FWS, FWP, and the land management agency involved such as USFS, GNP, BIR, and/or FIR) will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Grizzly bears that are female or of a young age class will be relocated more often. Male bears, older age bears, or repeat offenders will more often be removed from the population.

Female grizzly bears are more valuable to the population than males, because they produce and care for the young. Relocation of male grizzly bears also presents more potential for social disruption of the resident population than relocation of females. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears.

Habituation occurs when a bear has lost its normal avoidance response to humans and begins to frequent developed areas, campsites, trails, or roadsides, but has retained its natural foraging behavior.

Food-conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Food-conditioned bears should be relocated to areas that have minimal opportunity to encounter situations similar to those that caused the food-conditioning, or aversive conditioning treatments may be applied.

Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their “Acting”. If neither can be reached, personnel at the Supervisor’s Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest’s District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest’s Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district’s Staff to discuss work locations of their section’s employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest’s intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone “Send Word” app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.

3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP will notify the Kootenai National Forest's Forest Supervisor.
7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Criteria and Guidelines for Pre-Emptive Grizzly Bear Relocations

The Interagency Grizzly Bear Guidelines (IGBG) outlined definitions, criteria and processes for dealing with human-bear conflicts. The IGBG describes situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases.

A pre-emptive situation may exist when any or all of the following occur:

1. A bear's behavior does not lead to a management action requiring capture of the bear, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented.
3. The bear frequents areas that are outside of the Grizzly Bear Recovery Area, in areas of human development.
4. The bear utilizes orchard or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured and/or are not contested by the owner as damage.

5. Previous conflict and/or pre-emptive actions involving individual bears may alter the conflict/preemptive classification.
6. The landowner implements preventative actions that eliminate availability of attractants.

Considerations for the pre-emptive relocation of grizzly bears, outside of GNP, will be decided and implemented through a cooperative consultation process that includes affected local wildlife and land management units and FWS. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication of implemented actions reported to the program level representatives of the USFWS and involved wildlife and land management agencies.

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP or under their direction.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|-----------------|---------------------------|-----------------------------|--|--|
| Deep Creek (HH) | T.29N R.17W Sec. PB48 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), up gated RD# 1624, continue to left on RD# 1624 at junction with RD# 1626, continue to end of RD#1624. |
| East Skyland | T.29N R.13W Sec.16 | HHRD FNF | End of road is trailhead; trails in area. | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to end of road. |
| Elelehum Cr | T.33N R.21W Sec.15 | GVRD FNF | Road open 7/1-8/31; use outside open dates. Recreation crews camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316, continue up seasonally open RD# 5272 to barrier at mp 3.5. |
| Elk Mountain | T.31N R.26W Sec.14 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access either via Farm to Market to Star Mdw (RD# 113) to RD# 2890 to RD# 2883 -OR- via Good Ck (RD# 60) to RD# 2883. From RD# 2883 (open yearlong), continue on gated RD# 9528 to junc RD# 9581 and RD# 9528. |
| Emery Creek | T.31N R.18W Sec.20 | HHRD FNF | Do not use after July 1 in 2021 due to crews working nearby. Be aware of weed spraying and tree planting during spring. Groomed oversnow route nearby is open until 3/31. | From RD# 38 (east side HH Reservoir), continue up open road RD# 546, about 1.5 mi past gate (mp 4.8) to berm at junc. with RD# 1614. |
| Firefighter | T.29N R.18W Sec.02 | HHRD FNF | | From junction RD# 38 (east side HH Reservoir) & RD# 38B, continue on gated RD# 896 approx. 4.1 miles to junc RD# 896 & RD# 896E. |
| Forks Westside | T.33N R.21W Sec.PB47 | GVRD FNF | Trails in area | From North Fork Road, up open RD# 316, continue on open RD# 315, then on open RD# 5207, then on gated RD# 5220 to barrier at mp 2.51. A large "J" hole turn around at that location. |
| Frozen Lake | T.37N R.24W Sec.PB37 | GVRD FNF | Access from open roads on Kootenai NF. Inform Border Patrol before releasing at this site. | Access from KNF; up RD# 114 (Grave Creek), continue up open RD# 319, continue on open RD# 114A, continue on open short spur RD# 10859 to end of road. |
| Goat Cr | T.23N R.16W Sec.PB37 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9530 approx 2.8 miles to physical barrier. |
| Hand Cr | T.29N R.25W Sec.09 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From Hwy 2 West, up open RD# 538 (Griffin Ck), continue on gated RD# 2814 to junc RD# 2813 and RD# 2814. May also access from RD# 538 to RD# 538B and continue on gated RD# 2813 to junc RD# 2813 and 2814. |
| Harris Cr | T.28N R.17W. Sec.10 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), continue on gated RD# 1631 approx 0.99 miles to end of drivable road. |
| Hay Cr | T.35N R.22W Sec.28 | GVRD FNF | ONLY use in early season; road open 7/1 - 11/30 | From North Fork road, up open RD# 376, continue past gate on seasonally open road to junc RD# 376 & RD# 5221. |
| Herrick Run | T.19W R.17W Sec.28 | SLRD FNF | Trailheads approx 1 mi NW and 1.5 mi SSE | From MT Hwy 83 (Swan Hwy), up open RD# 79 approx 8.1 miles, continue on gated RD# 9575 to junc RD# 9575 and RD# 9574. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------------|---------------------------|-----------------------------|---|--|
| Kah Mtn | T.26N R.16W Sec.22 | SBRD FNF | Not available during hunting season | From RD# 895 (west side HH Reservoir), continue on open RD# 2831 past road's yearlong gate at mp 4.1, continue on gated RD# 2831B to junc RD# 2831Y and RD# 2831B. |
| LeBeau | T.33N R.24W Sec.32 | TLRD FNF | Coordinate with KNF. | From US Hwy 93 North, up open RD# 60 (Good Ck), continue on open RD# 910 (Martin Ck) approx 5.2 miles, continue on gated RD# 1649, continue on gated RD# 2815 to junc RD# 5336 and RD# 2815. |
| Lower Whale Gravel Pit | T.36N R.22W Sec.20 | HHRD FNF | In 2021, only use before 6/15 due project work. Consider adding this as a regular site for 2022 and beyond. If snow blocks access, use the first gated road on the right off RD# 318. | From North Fork Road, up open RD# 318 (Whale Cr) to RD# 318P (Whale Creek Pit), go into gravel pit area. |
| North Fork Lost Cr | T.25N R.17W Sec.26 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 680, continue on open RD# 5260 to junc RD# 5206 and RD# 9821. |
| Pinkham Mtn. | T.34N R.27W Sec.34 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road is open to public Dec. 1 to June 30. | Can access from Eureka or Trego. From west, take RD# 1900 to RD# 433. From Trego take State Hwy 36 south to RD# 433. Off open RD# 433 (Edna Creek), take RD# 14230 to junction of RD# 14230/14231. |
| Pinnacle | T.30N R.16W Sec.30 | HHRD FNF | RD# 1638 is open yearlong; RD# 1637 is 7/1-10/15. Use when RD# 1637 is closed. Culvert wash-out is fixed. Snow concerns; check with nearby landowner | From Hwy 2, follow county roads to RD# 1638 (Paola Ck), continue on open RD# 1638, continue on seasonally open RD# 1637 approx 3.5 miles to end of road. |
| Pioneer Ridge | T.28N R.17W Sec.19 | HHRD FNF | Slump is developing on RD# 895. Campgrounds nearby. Possible use in spring | From RD# 895 (west side HH Reservoir), continue on gated RD# 895D to barrier approx 4.25 miles in, vic. junc RD# 895D & RD# 9796. |
| Puzzle Cr | T.28N R.13W Sec.11 | HHRD FNF | Groomed snowmobile route; trails. Crews working nearby in early July & Sept usually don't park there. Consider 25-mile or Skyland sites | From Hwy 2, up seasonally open RD# 569, continue past yearlong gate at mp 9.5 to end of drivable road, approx. mp 13.68. |
| Sheep Cr | T.33N R.27W Sec.33 | RRD KNF | If not releasing behind gate on RD# 3715, only use RD# 3714 from Jul 1 - Nov 30 when road is closed. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take open RD# 3550 to RD# 3714 to gate. Go past gate to either junc w/ RD# 3715 or RD# 3714A. |
| South Fork Coal | T.34N R.22W Sec.42 | GVRD FNF | | From North Fork road, up open RD# 316, continue on open RD# 317, past yearlong gate on RD# 317 at mp 12.44, continue on RD# 1686 to junc RD# 1686 & 1604. |
| Spotted Bear River | T.25N R.13W Sec.8 | SBRD FNF | Only use in early May; RD# 568 open 5/15-11/30 | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to end of road or as near as possible to end of road. |
| Squeezer Cr | T.23N R.17W Sec.12 | SLRD FNF | Access thru DNRC gates and roads. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9578, continue on gated RD# 70146 to other gated roads to half mile past junc RD# 91498 & 91511. |
| Sullivan Cr | T.26N R.17W. Sec.14 | SBRD FNF | | From RD# 895 (west side HH Reservoir), continue 2.7 miles on gated RD# 547, then continue 0.06 mile on gated RD# 975 to barrier. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|---------------------------|-----------------------------|---|--|
| Sutton Cr | T.34N R.28W Sec.2 | RRD KNF | Has a non-standard FS lock/key. May need contractors key until contractor removes lock. May need downed trees cut behind gate for turnaround. | Off east-side Lake Koocanusa road (State Hwy 37), take open RD# 619 east to gated portion of RD# 619. Turn-around at switchback, just behind gate at start of RD# 14093. |
| Twenty-Five Mile Cr | T.28N R.14W Sec.13 | HHRD FNF | May be possible to drive further along road | From Hwy 2, up seasonal open RD# 569, continue on gated RD# 1651 as far as it is possible to drive over divide into Twenty-five Mile Creek. |
| Upper Sheppard | T.30N R.26W Sec.23 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From either US Hwy 2 West to RD# 538 to RD# 538B to gated RD# 2885 -OR- from US Hwy 93 North to Farm to Market road to RD# 539 (Star Mdw) to RD# 538B to gated RD# 2885. Continue on RD# 2885 approx 2.6 miles to junc RD# 2885 and decommissioned RD# 2973. |
| US-CAN Border | T.37N R.22W Sec.5 | GVRD FNF | ONLY use in early spring. Inform Border Patrol before releasing at this site. | Up North Fork RD (FLTHD CNTY RD# 486) to US-Canada border. |
| Van Peak | T.22N R.17W Sec.01 | SLRD FNF | Access thru DNRC gates. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 9578, continue on gated RD# 70136, which continues as RD# 90686, continue on gated RD# 91395 approx 1.7 miles to second major switchback. |
| West Skyland | T.29N R.13W Sec.17 | HHRD FNF | | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to junc RD# 1653A & RD# 1653Y. |
| Whale Cr | T.36N R.23W Sec.29 | GVRD FNF | Site reactivated in 2021. Ninko Cabin rental is about 0.7 miles to the north but is used by public in winter only | From North Fork road, up open RD# 318 about 11.4 miles (past junc w/ RD# 1674), continue on open RD# 10843 for 0.1 to 0.2 miles to barrier at Shorty Creek. |
| Whitcomb Cr | T.25N R.14W Sec.12 | SBRD FNF | In fall, road is a primary trail for early rifle season users in Wilderness. RD# 568 open 5/15-11/30. No drivable road off Spotted Bear River road. | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to junc of RD# 568 and RD# 564. |
| Wild Bill Cr | T.26N R.22W Sec.29 | SLRD FNF | | From Hwy 2 West to Truman Creek (RD# 916), continue on open RD# 213 (Wild Bill Ck) approx 8.1 miles, continue on gated RD# 2997 to junc RD# 2997 and RD# 2997B. |
| Wounded Buck | T.29N R.18W. Sec.19 | HHRD FNF | Avoid Memorial Day through Labor Day due recreation nearby. Road open 7/1-11/30; trailhead approx 0.8 mi SSW | From RD# 895 (west side HH Reservoir), continue on seasonally open RD# 895C, continue on seasonally open RD# 5339 approx 0.1 miles to physical barrier at Wounded Buck Creek. |
| Yakinikak Cr | T.36N R.24W Sec.3 | GVRD FNF | Access from open roads on Kootenai NF. Coordinate with KNF. | From North Fork road, up open RD# 114, continue on open short spur RD# 10856 to end of road. From KNF, up open RD# 114 (Grave Creek), continue on RD# 114A over Whitefish Divide, continue on open short spur RD# 10656 to end of road. |

* Flathead National Forest (FNF) – Glacier View RD (GVRD), Hungry Horse RD (HHRD), Spotted Bear RD (SBRD), Swan Lake RD (SLRD), Tally Lake RD (TLRD).
Kootenai National Forest (KNF) – Fortine RD (FRD), Libby RD (LRD), Rexford RD (RRD).

FLATHEAD AND KOOTENAI NATIONAL FORESTS NCDE GRIZZLY BEAR RELOCATION PLAN

UPDATED April 2022

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Flathead National Forest and the Northern Continental Divide Ecosystem (NCDE) portion of the Kootenai National Forest.

Objectives of the relocation program are to:

1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the implementation guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, other agency contacts, guidelines for appropriate identification of and responses to management grizzly bears, management bear release sites, and criteria and guidelines for pre-emptive grizzly bear relocations and aversive conditioning.

Signed: _____
Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: _____
Chad W. Benson
Kootenai National Forest, Forest Supervisor

Date: _____

Signed: _____
Neil Anderson
Montana FWP Region 1 Wildlife Manager

Date: _____

Signed: _____
Hilary Cooley ?
USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Commented [CH1]: Yes. I'll sign.

Distributed to: *Montana FWP* – Tim Manley, Erik Wenum, Kim Annis, Jamie Jonkel, Chad White, Wesley Sarmento, Cory Loecker, Neil Anderson; *USDI-FWS* – Hilary Cooley; *USDI-NPS* – John Waller; *Confederated Salish Kootenai Tribes* – Dale Becker, Kari Eneas; *Blackfeet Tribe* – Gerald Cobell, Loren Monroe, Jr.; *Montana DNRC* – Chris Forristal, Leah Breidinger; *USDA-FS Flathead NF* – Kurt Steele, Will Young, Chris Frisbee, Rob Davies, Chris Dowling, Bill Mulholland, Scott Snelson, Laura Strong, Mark Ruby, Cas Waters, Jess Swanson, Katie Mally, Kathy Ake, Darren Borgen; *USDA-FS Kootenai NF* – Chad Benson, John Carlson, Jeremy Anderson, Bryan Donner, Lynn Johnson, Jess Swanson, Nate Gassmann, Ed Morgan, Shawn Ray-Delmas; *USDA-FS Lolo NF* – Chad Bell, Scott Tomson, *USDA-FS RO/WO* – Lydia Allen, Scott Jackson; Amy Jacobs *US Border Patrol* – Christopher Young.

Flathead National Forest Contacts

FNF Supervisor's Office

~~Will Young~~ Michele Draggoo, Resources Staff Officer, c: (b) (6), o: 406-758-5322.

Darren Borgen, Forest Safety Officer, c: (b) (6), o: 406-758-5224.

Amy Jacobs, Forest Wildlife Biologist, o: 406-758-3544, 406-758-5421, h: (b) (6)

Swan Lake Ranger District

Chris Dowling, District Ranger, c: (b) (6), o: 406-837-7501.

Mark Ruby, Wildlife Biologist, c: (b) (6), o: 406-837-7531.

Spotted Bear Ranger District

Scott Snelson, District Ranger, c: (b) (6), summer office: 406-758-6464.

winter office: 406-387-3851, Spotted Bear residence: (b) (6).

Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Hungry Horse/Glacier View Ranger Districts

Rob Davies, District Ranger, c: (b) (6), o: 406-387-3801.

Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Tally Lake Ranger District

Bill Mulholland, District Ranger, c: (b) (6), o: 406-758-3527.

Laura Strong, Wildlife Biologist, c: (b) (6), o: 406-758-3501.

Kootenai National Forest Contacts

KNF Supervisor's Office

John Carlson, Resources Staff Officer, o: 406-283-7634, c: (b) (6).

Shawn Ray-Delmas, Forest Safety Officer, o: 406-283-7668.

Jeremy Anderson, Forest Wildlife Biologist, o: 406-283-7771.

Rexford/Fortine Ranger District

Bryan Donner, District Ranger, c: (b) (6), o: 406-296-7145.

Lynn Johnson, Wildlife Biologist, c: (b) (6), o: 406-296-7102.

Libby Ranger District

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Nate Gassmann, District Ranger, c: (b) (6), o: 406-283-7598.
Ed Morgan, Wildlife Biologist, o: 406-283-7558.

Other contacts involved in grizzly bear relocations on the Flathead and the NCDE portion of the Kootenai National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: 406-273-8002, o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
c: XXXXX

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist
C: O:

Tim Manley, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-250-1265, pers. cell: (b) (6).

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,
c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,
o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
o: 406-466-5100, c: 406-788-4755.

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,
c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,
o: 406-751-4585, c: 406-270-9372.

(b) (6) US Border Patrol, Patrol Agent in Charge, o: (b) (6), c: (b) (6)

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Decision Process and Criteria to Determine Appropriate Actions

A diagram showing the decision process is shown in Figure 1. Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfoot Nation or Confederated Salish and Kootenai Tribes, and the U.S. Forest Service (FS) evaluate and determine if the bear should be relocated or removed from the population.

Table 1 presents the guidelines for management grizzly bear control actions (also see section below on pre-emptive relocations). Table 1 follows the Interagency Grizzly Bear Guidelines control action plan that considers the offense condition, sex and age of the bear, and the number of times the bear has committed the offense. The three offense conditions are:

Condition A: The bear causes significant depredation to lawfully present livestock or uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock

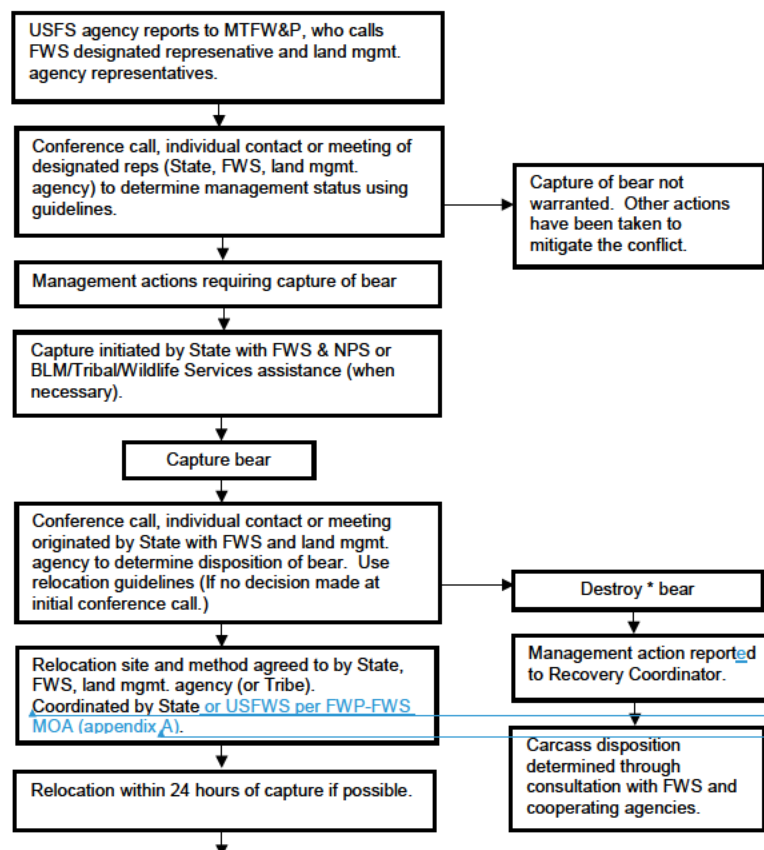
carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning of the bear or significant loss of property.

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. It is possible that a bear that was involved in a human injury was acting in defense of young, defense of a food source, or was involved in a surprise encounter. Note: In some cases, no management action will be taken for bears acting in defense of young, defense of food, or involved in a surprise encounter.

Figure 1. Action Procedures for Determining Bear Conflict Status and Management Action on USFS Lands

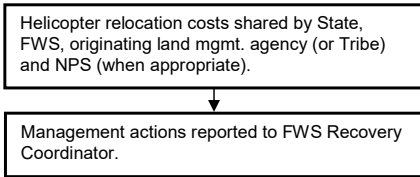
(Adapted from *Interagency Grizzly Bear Guidelines*)



Commented [RMF2]: Need to update based on changes in state law and with the inclusion of the usfws?

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* Alternative may include transport to a zoo or research facility. Decision made at second phone call.

Table 1. Guidelines for Management Grizzly Bear Control Action. NOTE: These are only guidelines and are not directive of agency action. The specific decision on each bear is made by agencies in consultation with each other.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|-------------|-------------|
| | 1st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Representatives of the management agencies involved (including FWS, FWP, and the land management agency involved such as USFS, GNP, BIR, and/or FIR) will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Grizzly bears that are female or of a young age class will be relocated more often. Male bears, older age bears, or repeat offenders will more often be removed from the population.

Female grizzly bears are more valuable to the population than males, because they produce and care for the young. Relocation of male grizzly bears also presents more potential for social disruption of the resident population than relocation of females. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears.

Habituation occurs when a bear has lost its normal avoidance response to humans and begins to frequent developed areas, campsites, trails, or roadsides, but has retained its natural foraging behavior.

Food-conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Food-conditioned bears should be relocated to areas that have minimal opportunity to encounter situations similar to those that caused the food-conditioning, or aversive conditioning treatments may be applied.

Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP/~~FWS~~ Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/~~FWS~~ for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.

3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.
7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Criteria and Guidelines for Pre-Emptive Grizzly Bear Relocations

The Interagency Grizzly Bear Guidelines (IGBG) outlined definitions, criteria and processes for dealing with human-bear conflicts. The IGBG describes situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases.

A pre-emptive situation may exist when any or all of the following occur:

1. A bear's behavior does not lead to a management action requiring capture of the bear, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented.
3. The bear frequents areas that are outside of the Grizzly Bear Recovery Area, in areas of human development.
4. The bear utilizes orchard or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured and/or are not contested by the owner as damage.

5. Previous conflict and/or pre-emptive actions involving individual bears may alter the conflict/preemptive classification.
6. The landowner implements preventative actions that eliminate availability of attractants.

Considerations for the pre-emptive relocation of grizzly bears, outside of GNP, will be decided and implemented through a cooperative consultation process that includes affected local wildlife and land management units and FWS. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication of implemented actions reported to the program level representatives of the [USFWS](#) and involved wildlife and land management agencies.

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP [or FWS](#), or under their direction.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|------------------------|-----------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|-----------------|---------------------------|-----------------------------|--|--|
| Deep Creek (HH) | T.29N R.17W Sec. PB48 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), up gated RD# 1624, continue to left on RD# 1624 at junction with RD# 1626, continue to end of RD#1624. |
| East Skyland | T.29N R.13W Sec.16 | HHRD FNF | End of road is trailhead; trails in area. | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to end of road. |
| Elelehum Cr | T.33N R.21W Sec.15 | GVRD FNF | Road open 7/1-8/31; use outside open dates. Recreation crews camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316, continue up seasonally open RD# 5272 to barrier at mp 3.5. |
| Elk Mountain | T.31N R.26W Sec.14 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access either via Farm to Market to Star Mdw (RD# 113) to RD# 2890 to RD# 2883 -OR- via Good Ck (RD# 60) to RD# 2883. From RD# 2883 (open yearlong), continue on gated RD# 9528 to junc RD# 9581 and RD# 9528. |
| Emery Creek | T.31N R.18W Sec.20 | HHRD FNF | Do not use after July 1 in 2021 due to crews working nearby. Be aware of weed spraying and tree planting during spring. Groomed oversnow route nearby is open until 3/31. | From RD# 38 (east side HH Reservoir), continue up open road RD# 546, about 1.5 mi past gate (mp 4.8) to berm at junc. with RD# 1614. |
| Firefighter | T.29N R.18W Sec.02 | HHRD FNF | | From junction RD# 38 (east side HH Reservoir) & RD# 38B, continue on gated RD# 896 approx. 4.1 miles to junc RD# 896 & RD# 896E. |
| Forks Westside | T.33N R.21W Sec.PB47 | GVRD FNF | Trails in area | From North Fork Road, up open RD# 316, continue on open RD# 315, then on open RD# 5207, then on gated RD# 5220 to barrier at mp 2.51. A large "J" hole turn around at that location. |
| Frozen Lake | T.37N R.24W Sec.PB37 | GVRD FNF | Access from open roads on Kootenai NF. Inform Border Patrol before releasing at this site. | Access from KNF; up RD# 114 (Grave Creek), continue up open RD# 319, continue on open RD# 114A, continue on open short spur RD# 10859 to end of road. |
| Goat Cr | T.23N R.16W Sec.PB37 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9530 approx 2.8 miles to physical barrier. |
| Hand Cr | T.29N R.25W Sec.09 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From Hwy 2 West, up open RD# 538 (Griffin Ck), continue on gated RD# 2814 to junc RD# 2813 and RD# 2814. May also access from RD# 538 to RD# 538B and continue on gated RD# 2813 to junc RD# 2813 and 2814. |
| Harris Cr | T.28N R.17W. Sec.10 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), continue on gated RD# 1631 approx 0.99 miles to end of drivable road. |
| Hay Cr | T.35N R.22W Sec.28 | GVRD FNF | ONLY use in early season; road open 7/1 - 11/30 | From North Fork road, up open RD# 376, continue past gate on seasonally open road to junc RD# 376 & RD# 5221. |
| Herrick Run | T.19W R.17W Sec.28 | SLRD FNF | Trailheads approx 1 mi NW and 1.5 mi SSE | From MT Hwy 83 (Swan Hwy), up open RD# 79 approx 8.1 miles, continue on gated RD# 9575 to junc RD# 9575 and RD# 9574. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------------|---------------------------|-----------------------------|---|--|
| Kah Mtn | T.26N R.16W Sec.22 | SBRD FNF | Not available during hunting season | From RD# 895 (west side HH Reservoir), continue on open RD# 2831 past road's yearlong gate at mp 4.1, continue on gated RD# 2831B to junc RD# 2831Y and RD# 2831B. |
| LeBeau | T.33N R.24W Sec.32 | TLRD FNF | Coordinate with KNF. | From US Hwy 93 North, up open RD# 60 (Good Ck), continue on open RD# 910 (Martin Ck) approx 5.2 miles, continue on gated RD# 1649, continue on gated RD# 2815 to junc RD# 5336 and RD# 2815. |
| Lower Whale Gravel Pit | T.36N R.22W Sec.20 | HHRD FNF | In 2021, only use before 6/15 due project work. Consider adding this as a regular site for 2022 and beyond. If snow blocks access, use the first gated road on the right off RD# 318. | From North Fork Road, up open RD# 318 (Whale Cr) to RD# 318P (Whale Creek Pit), go into gravel pit area. |
| North Fork Lost Cr | T.25N R.17W Sec.26 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 680, continue on open RD# 5260 to junc RD# 5206 and RD# 9821. |
| Pinkham Mtn. | T.34N R.27W Sec.34 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road is open to public Dec. 1 to June 30. | Can access from Eureka or Trego. From west, take RD# 1900 to RD# 433. From Trego take State Hwy 36 south to RD# 433. Off open RD# 433 (Edna Creek), take RD# 14230 to junction of RD# 14230/14231. |
| Pinnacle | T.30N R.16W Sec.30 | HHRD FNF | RD# 1638 is open yearlong; RD# 1637 is 7/1-10/15. Use when RD# 1637 is closed. Culvert wash-out is fixed. Snow concerns; check with nearby landowner | From Hwy 2, follow county roads to RD# 1638 (Paola Ck), continue on open RD# 1638, continue on seasonally open RD# 1637 approx 3.5 miles to end of road. |
| Pioneer Ridge | T.28N R.17W Sec.19 | HHRD FNF | Slump is developing on RD# 895. Campgrounds nearby. Possible use in spring | From RD# 895 (west side HH Reservoir), continue on gated RD# 895D to barrier approx 4.25 miles in, vic. junc RD# 895D & RD# 9796. |
| Puzzle Cr | T.28N R.13W Sec.11 | HHRD FNF | Groomed snowmobile route; trails. Crews working nearby in early July & Sept usually don't park there. Consider 25-mile or Skyland sites | From Hwy 2, up seasonally open RD# 569, continue past yearlong gate at mp 9.5 to end of drivable road, approx. mp 13.68. |
| Sheep Cr | T.33N R.27W Sec.33 | RRD KNF | If not releasing behind gate on RD# 3715, only use RD# 3714 from Jul 1 - Nov 30 when road is closed. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take open RD# 3550 to RD# 3714 to gate. Go past gate to either junc w/ RD# 3715 or RD# 3714A. |
| South Fork Coal | T.34N R.22W Sec.42 | GVRD FNF | | From North Fork road, up open RD# 316, continue on open RD# 317, past yearlong gate on RD# 317 at mp 12.44, continue on RD# 1686 to junc RD# 1686 & 1604. |
| Spotted Bear River | T.25N R.13W Sec.8 | SBRD FNF | Only use in early May; RD# 568 open 5/15-11/30 | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to end of road or as near as possible to end of road. |
| Squeezer Cr | T.23N R.17W Sec.12 | SLRD FNF | Access thru DNRC gates and roads. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9578, continue on gated RD# 70146 to other gated roads to half mile past junc RD# 91498 & 91511. |
| Sullivan Cr | T.26N R.17W. Sec.14 | SBRD FNF | | From RD# 895 (west side HH Reservoir), continue 2.7 miles on gated RD# 547, then continue 0.06 mile on gated RD# 975 to barrier. |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|------------------------|-----------------------|---|--|
| Sutton Cr | T.34N R.28W Sec.2 | RRD KNF | Has a non-standard FS lock/key. May need contractors key until contractor removes lock. May need downed trees cut behind gate for turnaround. | Off east-side Lake Koocanusa road (State Hwy 37), take open RD# 619 east to gated portion of RD# 619. Turn-around at switchback, just behind gate at start of RD# 14093. |
| Twenty-Five Mile Cr | T.28N R.14W Sec.13 | HHRD FNF | May be possible to drive further along road | From Hwy 2, up seasonal open RD# 569, continue on gated RD# 1651 as far as it is possible to drive over divide into Twenty-five Mile Creek. |
| Upper Sheppard | T.30N R.26W Sec.23 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From either US Hwy 2 West to RD# 538 to RD# 538B to gated RD# 2885 -OR- from US Hwy 93 North to Farm to Market road to RD# 539 (Star Mdw) to RD# 538B to gated RD# 2885. Continue on RD# 2885 approx 2.6 miles to junc RD# 2885 and decommissioned RD# 2973. |
| US-CAN Border | T.37N R.22W Sec.5 | GVRD FNF | ONLY use in early spring. Inform Border Patrol before releasing at this site. | Up North Fork RD (FLTHD CNTY RD# 486) to US-Canada border. |
| Van Peak | T.22N R.17W Sec.01 | SLRD FNF | Access thru DNRC gates. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 9578, continue on gated RD# 70136, which continues as RD# 90686, continue on gated RD# 91395 approx 1.7 miles to second major switchback. |
| West Skyland | T.29N R.13W Sec.17 | HHRD FNF | | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to junc RD# 1653A & RD# 1653Y. |
| Whale Cr | T.36N R.23W Sec.29 | GVRD FNF | Site reactivated in 2021. Ninko Cabin rental is about 0.7 miles to the north but is used by public in winter only | From North Fork road, up open RD# 318 about 11.4 miles (past junc w/ RD# 1674), continue on open RD# 10843 for 0.1 to 0.2 miles to barrier at Shorty Creek. |
| Whitcomb Cr | T.25N R.14W Sec.12 | SBRD FNF | In fall, road is a primary trail for early rifle season users in Wilderness. RD# 568 open 5/15-11/30. No drivable road off Spotted Bear River road. | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to junc of RD# 568 and RD# 564. |
| Wild Bill Cr | T.26N R.22W Sec.29 | SLRD FNF | | From Hwy 2 West to Truman Creek (RD# 916), continue on open RD# 213 (Wild Bill Ck) approx 8.1 miles, continue on gated RD# 2997 to junc RD# 2997 and RD# 2997B. |
| Wounded Buck | T.29N R.18W Sec.19 | HHRD FNF | Avoid Memorial Day through Labor Day due recreation nearby. Road open 7/1-11/30; trailhead approx 0.8 mi SSW | From RD# 895 (west side HH Reservoir), continue on seasonally open RD# 895C, continue on seasonally open RD# 5339 approx 0.1 miles to physical barrier at Wounded Buck Creek. |
| Yakinikak Cr | T.36N R.24W Sec.3 | GVRD FNF | Access from open roads on Kootenai NF. Coordinate with KNF. | From North Fork road, up open RD# 114, continue on open short spur RD# 10856 to end of road. From KNF, up open RD# 114 (Grave Creek), continue on RD# 114A over Whitefish Divide, continue on open short spur RD# 10656 to end of road. |

* Flathead National Forest (FNF) – Glacier View RD (GVRD), Hungry Horse RD (HHRD), Spotted Bear RD (SBRD), Swan Lake RD (SLRD), Tally Lake RD (TLRD).
Kootenai National Forest (KNF) – Fortine RD (FRD), Libby RD (LRD), Rexford RD (RRD).

FLATHEAD AND KOOTENAI NATIONAL FORESTS NCDE GRIZZLY BEAR RELOCATION PLAN

UPDATED April 2022

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear management status and for controlling management bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines objectives, procedures, and sites for relocation of management grizzly bears (both conflict and pre-emptive) specific for the Flathead National Forest and the Northern Continental Divide Ecosystem (NCDE) portion of the Kootenai National Forest.

Objectives of the relocation program are to:

1. Provide for management and recovery of grizzly bears within the Flathead and Kootenai National Forests and the Northern Continental Divide Ecosystem (NCDE) in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Provide for human safety when relocating bears, and
3. Minimize future potential for human-grizzly conflicts.

This document serves as the implementation guide for relocating management grizzly bears on the Flathead National Forest and the NCDE portion of the Kootenai National Forest. It retains direction from the IGBG, coordination with Montana Fish, Wildlife and Parks (FWP), U.S. Fish and Wildlife Service (FWS), and updates contact lists and relocation sites. This relocation plan contains the coordination and communication process, Forest and District contacts, other agency contacts, guidelines for appropriate identification of and responses to management grizzly bears, management bear release sites, and criteria and guidelines for pre-emptive grizzly bear relocations and aversive conditioning.

Signed: _____

Kurt Steele
Flathead National Forest, Forest Supervisor

Signed: _____

Chad W. Benson
Kootenai National Forest, Forest Supervisor

Date: _____

Signed: _____

Neil Anderson
Montana FWP Region 1 Wildlife Manager

Date: _____

Signed: _____

Hilary Cooley ?
USFWS Grizzly Bear Recovery Coordinator?

Date: _____

Commented [CH1]: Yes. I'll sign.

Distributed to: *Montana FWP* – Tim Manley, Erik Wenum, Kim Annis, Jamie Jonkel, Chad White, Wesley Sarmento, Cory Loecker, Neil Anderson; *USDI-FWS* – Hilary Cooley; *USDI-NPS* – John Waller; *Confederated Salish Kootenai Tribes* – Dale Becker, Kari Eneas; *Blackfeet Tribe* – Gerald Cobell, Loren Monroe, Jr.; *Montana DNRC* – Chris Forristal, Leah Breidinger; *USDA-FS Flathead NF* – Kurt Steele, Will Young, Chris Frisbee, Rob Davies, Chris Dowling, Bill Mulholland, Scott Snelson, Laura Strong, Mark Ruby, Cas Waters, Jess Swanson, Katie Mally, Kathy Ake, Darren Borgen; *USDA-FS Kootenai NF* – Chad Benson, John Carlson, Jeremy Anderson, Seth Carbonari, Lauren Michelsen, Nate Gassmann, Ed Morgan, Shawn Ray-Delmas; *USDA-FS Lolo NF* – Chad Bell, Scott Tomson, *USDA-FS ROWO* – Lydia Allen, Scott Jackson; Amy Jacobs *US Border Patrol* – Christopher Young.

Flathead National Forest Contacts

FNF Supervisor's Office

Michele Draggoo, Resources Staff Officer, c: (b) (6), o: 406-758-5322.
Darren Borgen, Forest Safety Officer, c: (b) (6), o: 406-758-5224.
Amy Jacobs, Forest Wildlife Biologist, o: 406-758-5421, h: (b) (6).

Swan Lake Ranger District

Chris Dowling, District Ranger, c: (b) (6), o: 406-837-7501.
Mark Ruby, Wildlife Biologist, c: (b) (6), o: 406-837-7531.

Spotted Bear Ranger District

Scott Snelson, District Ranger, c: (b) (6), summer office: 406-758-6464.
winter office: 406-387-3851, Spotted Bear residence: (b) (6).
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Hungry Horse/Glacier View Ranger Districts

Rob Davies, District Ranger, c: (b) (6), o: 406-387-3801.
Cas Waters, Wildlife Biologist, c: (b) (6), o: 406-387-3804.

Tally Lake Ranger District

Bill Mulholland, District Ranger, c: (b) (6), o: 406-758-3527.
Laura Strong, Wildlife Biologist, c: (b) (6), o: 406-758-3501.

Kootenai National Forest Contacts

KNF Supervisor's Office

John Carlson, Resources Staff Officer, o: 406-283-7634, c: (b) (6).
Shawn Ray-Delmas, Forest Safety Officer, o: 406-283-7668.
Jeremy Anderson, Forest Wildlife Biologist, o: 406-283-7771.

Rexford/Fortine Ranger District

Seth Carbonari, District Ranger, c: (b) (6), o: 406-296-7145.
Lauren Michelsen, Wildlife Biologist, c: (b) (6), o: 406-296-7102.

Libby Ranger District

Nate Gassmann, District Ranger, c: (b) (6), o: 406-283-7598.
Ed Morgan, Wildlife Biologist, o: 406-283-7558.

Commented [AK2]: Tim Manley mentioned not calling these folks in regards of relocations.

Other contacts involved in grizzly bear relocations on the Flathead and the NCDE portion of the Kootenai National Forest

Hilary Cooley, US Fish and Wildlife Service, Grizzly Bear Recovery Coordinator,
c: 406-273-8002, o: 406-293-4903.

TBD, US Fish and Wildlife Service, Grizzly Bear Conflict Coordinator,
c: xxxxx

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Kalispell

TBD, US Fish and Wildlife Service, Grizzly Bear Specialist, Helena

Erik Wenum, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist

C: O:

Tim Manley, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-250-1265, pers. cell: (b) (6)

Kim Annis, Montana Fish, Wildlife and Parks, FWP R1 Wildlife Management Specialist,

c: 406-291-1320, o: 406-293-4161 x207

Jamie Jonkel, Montana Fish, Wildlife and Parks, FWP R2 Wildlife Management Specialist,
o: 406-542-5508.

Chad White, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

o: 406-466-5100, c: (b) (6)

Wesley Sarmiento, Montana Fish, Wildlife and Parks, FWP R4 Wildlife Management Specialist,

c: 406-450-1097.

Neil Anderson, Montana Fish, Wildlife and Parks, FWP R1 Regional Wildlife Manager,

o: 406-751-4585, c: 406-270-9372.

(b) (6), US Border Patrol, Patrol Agent in Charge, o: 4 (b) (6) c: (b) (6)

(b) (6)

Decision Process and Criteria to Determine Appropriate Actions

A diagram showing the decision process is shown in Figure 1. Personnel at the Supervisor's and Ranger District Offices will participate in decisions as to relocation site and method when the Flathead or Kootenai National Forest has been identified as a possible relocation site.

Generally, NCDE representatives from FWP, the U.S. Fish and Wildlife Service (USFWS), the Blackfeet Nation or Confederated Salish and Kootenai Tribes, and the U.S. Forest Service (FS) evaluate and determine if the bear should be relocated or removed from the population.

Table 1 presents the guidelines for management grizzly bear control actions (also see section below on pre-emptive relocations). Table 1 follows the Interagency Grizzly Bear Guidelines control action plan that considers the offense condition, sex and age of the bear, and the number of times the bear has committed the offense. The three offense conditions are:

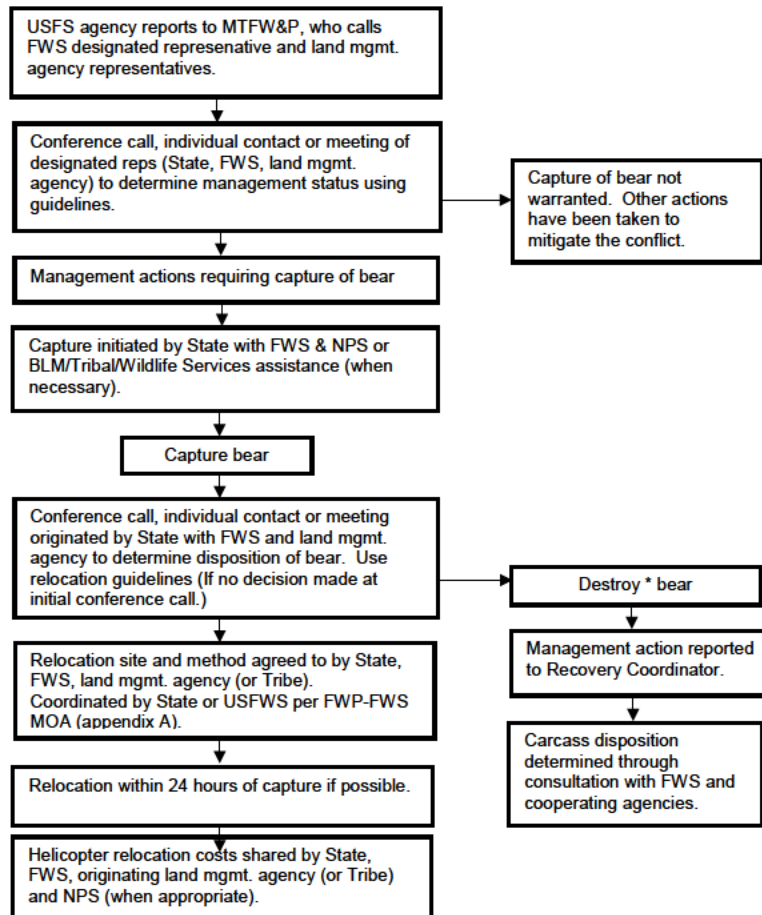
Condition A: The bear causes significant depredation to lawfully present livestock or uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning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

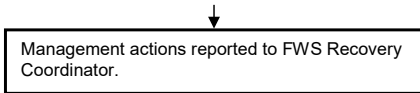
Condition B: The bear has displayed aggressive (not defensive) behavior toward humans which constitutes a demonstrable immediate or potential threat to human safety and/or minor human injury resulted from a human/bear encounter.

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. It is possible that a bear that was involved in a human injury was acting in defense of young, defense of a food source, or was involved in a surprise encounter. Note: In some cases, no management action will be taken for bears acting in defense of young, defense of food, or involved in a surprise encounter.

Figure 1. Action Procedures for Determining Bear Conflict Status and Management Action on USFS Lands
(Adapted from Interagency Grizzly Bear Guidelines)

Commented [RMF3]: Need to update based on changes in state law and with the inclusion of the usfws?





* Alternative may include transport to a zoo or research facility. Decision made at second phone call.

Table 1. Guidelines for Management Grizzly Bear Control Action. NOTE: These are only guidelines and are not directive of agency action. The specific decision on each bear is made by agencies in consultation with each other.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|-------------|-------------|
| | 1st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Representatives of the management agencies involved (including FWS, FWP, and the land management agency involved such as USFS, GNP, BIR, and/or FIR) will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Grizzly bears that are female or of a young age class will be relocated more often. Male bears, older age bears, or repeat offenders will more often be removed from the population.

Female grizzly bears are more valuable to the population than males, because they produce and care for the young. Relocation of male grizzly bears also presents more potential for social disruption of the resident population than relocation of females. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears.

Habituation occurs when a bear has lost its normal avoidance response to humans and begins to frequent developed areas, campsites, trails, or roadsides, but has retained its natural foraging behavior.

Food-conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Food-conditioned bears should be relocated to areas that have minimal opportunity to encounter situations similar to those that caused the food-conditioning, or aversive conditioning treatments may be applied.

Forest Service Communication Plan

FWP will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries is under consideration, personnel from both areas will be included. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), the Kootenai National Forest's District Ranger or their Acting will be notified. If they cannot be reached, the Kootenai National Forest's Forest Supervisor will be notified.

The District Ranger should attempt to notify employees of a planned release immediately after a location is decided on with FWP. This entails ensuring:

- Communication with their district's Staff to discuss work locations of their section's employees and other concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- An attempt to reach employees before they leave for the field. This can include placing an announcement on the Forest's intranet notices and/or SharePoint safety site, sending out a Forest-wide email message, using the cell phone "Send Word" app, using employee phone trees, leaving a notice where employees sign out before working on that district, and/or placing a radio call that will hit the repeater(s) most likely to reach employees that will be near the release site.

Flathead and Kootenai National Forest Guidelines

Forest Service personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
2. Any Wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other Wilderness resources. Food-conditioned bears normally will not be relocated into Wilderness. Preferred release periods are before July 1 and after October 1.
3. Relocation sites for pre-emptive bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

4. The District Ranger is responsible for ensuring that motorized travel for bear relocations behind gates would not exceed administrative use levels and that any use is entered in the administrative use logbook.

Table 2 below lists identified management grizzly bear release sites. Special seasonal and individual bear considerations may require relocation to unidentified sites, especially in the spring. Repeated use of sites in one year will be limited if practical.

Minimizing the Need for Relocations

It is our goal to minimize the need for grizzly bear relocations to the extent possible. Human-grizzly bear conflict situations occurring on the Forests will be assessed to determine whether pre-emptive and aversive conditioning management actions could reduce or alleviate the potential for future conflicts.

Preventive actions by the Flathead and Kootenai National Forests:

1. The Forests will participate in a variety of cooperative grizzly bear management actions with FWP and other agencies and organizations.
2. The Forests will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use in bear country. This effort will focus upon implementation of the attractant storage orders for forest users and installation of bear-resistant storage devices/buildings at permitted or administrative structures.
3. Forest personnel will interact with forest visitors and distribute informational brochures and other materials. Signs will be posted to inform visitors of recommended behavior and camping practices in bear country.
4. Forest wildlife biologists will provide annual training to field-going personnel on identification of grizzly bears, use of bear spray, and recommended practices for working in bear country.
5. Forest personnel will cooperate and provide support to FWP in development and implementation of local community workshops focused upon decreasing human food availability on private property.

FWP/FWS Bear Handling and Relocation Procedures

Bears relocated onto the Flathead and Kootenai National Forests will normally be handled by FWP or FWS according to their MOA (appendix A) and occasionally by Tribal personnel.

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the FWP/FWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.

3. If the release site is in a roaded area, the District Ranger may choose to temporarily restrict public use of the road system to protect the bear and the public.
4. If a bear is released in close proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. If the site is within a mile of the Kootenai National Forest (i.e. the Bowen Pit or LeBeau sites), FWP/FWS will notify the Kootenai National Forest's District Ranger or their Acting. If they cannot be reached, FWP/FWS will notify the Kootenai National Forest's Forest Supervisor.
7. If the release would require motorized travel behind a closed USFS gate, the USFS District Office must be contacted first. In the NCDE, this ensures that motorized travel does not exceed administrative use levels and that the use is entered in the administrative use logbook.

Follow-up monitoring information (bear location and movement pattern) will be provided by FWP/FWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist, and adjacent landowners as appropriate.

FWP maintains a website of bear, mountain lion, and wolf relocations (<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>). Annually, the bear specialists in FWP R1 prepare reports summarizing grizzly bear management actions and provide copies to the Forest. In addition, the NCDE Grizzly Bear Conservation Strategy states that all grizzly bear conflicts, relocations, and removals will be documented and reported annually."

Criteria and Guidelines for Pre-Emptive Grizzly Bear Relocations

The Interagency Grizzly Bear Guidelines (IGBG) outlined definitions, criteria and processes for dealing with human-bear conflicts. The IGBG describes situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases.

A pre-emptive situation may exist when any or all of the following occur:

1. A bear's behavior does not lead to a management action requiring capture of the bear, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented.
3. The bear frequents areas that are outside of the Grizzly Bear Recovery Area, in areas of human development.
4. The bear utilizes orchard or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured and/or are not contested by the owner as damage.

5. Previous conflict and/or pre-emptive actions involving individual bears may alter the conflict/preemptive classification.
6. The landowner implements preventative actions that eliminate availability of attractants.

Considerations for the pre-emptive relocation of grizzly bears, outside of GNP, will be decided and implemented through a cooperative consultation process that includes affected local wildlife and land management units and FWS. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication of implemented actions reported to the program level representatives of the FWS and involved wildlife and land management agencies.

Guidelines for Actions:

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site but attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be determined at the time of capture and customized to fit the expected bear use area, while limiting potential human/bear interactions. These sites may be the same as those previously identified in Table 2 or may be different based on coordination.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of pre-emptive bears is useful in the event of repeat offenders and actions but is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A preemptive relocation does not count as a conflict strike against the bear.

Hazing is another management technique that may be applied in certain situations. Bears that meet the definitions for pre-emptive moves may be selected for hazing based upon a site-specific evaluation. Hazing, or aversive conditioning, is normally applied by FWP or FWS, or under their direction.

Table 2. 2021 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|------------------|---------------------------|-----------------------------|---|---|
| Beaver Cr (SL) | T.18N R.17W Sec.12 | SLRD FNF | Active timber sale expected to operate June thru December 2021. Within 0.75 miles of trailheads on RD# 906. | From MT Hwy 83 (Swan Hwy), up open RD# 906 approx 7.5 miles, continuing on as gated RD# 9570 another approx 5.1 miles to junc RD# 9570 and RD# 9656. |
| Benchmark Basin | T.35N R.22W Sec.22 | GVRD FNF | | From North Fork road, up open RD# 376, continue on gated RD# 1685, continue on gated RD# 1681 approx 4.75 miles. |
| Big Bill Cr | T.25N R.14W. Sec.10 | SBRD FNF | Use only before July. RD #568 open 5/15-11/30; RD# 9856 open 6/1-8/31 (Labor Day) | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568, continue on seasonally open RD# 9856 past yearlong gate at mp 1.7 to turnaround where brushed in. |
| Blessed Cr (KNF) | T.32N R.25W Sec.15 | FRD KNF | On KNF close to FNF. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, up open RD# 315, continue on open RD# 3710, continue on gated RD# 3711 to junc RD# 3711 & RD# 3739. |
| Bowen Pit | T.32N R.26W Sec.PB59 | TLRD FNF | On open road. Sometimes used as campsite for volunteer or research crews. Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access via Good Ck (RD# 60) to RD# 9806. Proceed 0.3 miles SW to short spur RD #9806 into the gravel pit. |
| Bruce Cr | T.25N R.16W Sec.24 | SBRD FNF | Trailhead at end of road; road serves as trail | From RD# 895 (west side HH Reservoir), continue on open RD# 2826, continue on gated RD# 2827 approx 2.7 miles to end of drivable road. |
| Cedar Cr (SL) | T.22N R.18W Sec.11 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), either open or seasonally open RD# 10182 to seasonally open RD# 10381 -OR- open RD# 966 to seasonally open RD# 10381. From RD# 10381, continue on gated RD# 90619, continue on gated RD# 91147 to end of road. |
| Cedar North (SB) | T.24N R.15W. Sec.PB38 | SBRD FNF | Road is above Meadow Creek road. Site is about 1/4 to 1/2 mile from Meadow Creek | From RD# 895 (west side HH Res), continue on open RD# 2826, continue on open RD# 2829, continue on gated RD# 9531 to junc RD# 9531 and RD# 9534. |
| Cliff Cr | T.33N R.27W Sec.29 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road open to public Dec. 1 to June 30. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take gated RD# 3560 (Cliff Ck) to upper switchbacks. There are several potential sites off this road. |
| Coal Cr | T.34N R.23W Sec.42 | GVRD FNF | Trailhead, road opens 7/1. | From North Fork road, up open RD# 316, continue on open RD# 317, continue on seasonally open RD# 1684, past gate to end of drivable road. |
| Cold Cr | T.21N R.17W Sec.30 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 903 past road's yearlong gate at mp 5.3, continue on gated RD# 9589, continue on gated RD# 90502 to junc RD# 90502 and RD# 90503. |
| Dead Horse (GV) | T.33N R.21W Sec. PB41 | GVRD FNF | Road open 9/1 – 11/30. Recreation crews will be camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316 for 1 mi, then open RD# 317 for 9 miles, then RD# 1693 for 5 mi thru seasonally open gate to end of road where culvert was pulled. |
| Deep Creek | T.29N R.17W | HHRD | Use only before July. Many resources will be in | From RD# 38 (east side HH Reservoir), up gated RD# 1624, |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|----------------|---------------------------|-----------------------------|--|--|
| (HH) | Sec. PB48 | FNF | this area for field surveys for Dry Riverside Project. | continue to left on RD# 1624 at junction with RD# 1626, continue to end of RD#1624. |
| East Skyland | T.29N R.13W Sec.16 | HHRD FNF | End of road is trailhead; trails in area. | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to end of road. |
| Elelehum Cr | T.33N R.21W Sec.15 | GVRD FNF | Road open 7/1-8/31; use outside open dates. Recreation crews camping at trailheads and working on trails 194, 255, and 452 for 1-2 months during summer. Exact timing not yet known but spring and fall releases OK. | From North Fork Road, up open RD# 316, continue up seasonally open RD# 5272 to barrier at mp 3.5. |
| Elk Mountain | T.31N R.26W Sec.14 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From US Hwy 93 North, access either via Farm to Market to Star Mdw (RD# 113) to RD# 2890 to RD# 2883 -OR- via Good Ck (RD# 60) to RD# 2883. From RD# 2883 (open yearlong), continue on gated RD# 9528 to junc RD# 9581 and RD# 9528. |
| Emery Creek | T.31N R.18W Sec.20 | HHRD FNF | Do not use after July 1 in 2021 due to crews working nearby. Be aware of weed spraying and tree planting during spring. Groomed oversnow route nearby is open until 3/31. | From RD# 38 (east side HH Reservoir), continue up open road RD# 546, about 1.5 mi past gate (mp 4.8) to berm at junc. with RD# 1614. |
| Firefighter | T.29N R.18W Sec.02 | HHRD FNF | | From junction RD# 38 (east side HH Reservoir) & RD# 38B, continue on gated RD# 896 approx. 4.1 miles to junc RD# 896 & RD# 896E. |
| Forks Westside | T.33N R.21W Sec.PB47 | GVRD FNF | Trails in area | From North Fork Road, up open RD# 316, continue on open RD# 315, then on open RD# 5207, then on gated RD# 5220 to barrier at mp 2.51. A large "J" hole turn around at that location. |
| Frozen Lake | T.37N R.24W Sec.PB37 | GVRD FNF | Access from open roads on Kootenai NF. Inform Border Patrol before releasing at this site. | Access from KNF; up RD# 114 (Grave Creek), continue up open RD# 319, continue on open RD# 114A, continue on open short spur RD# 10859 to end of road. |
| Goat Cr | T.23N R.16W Sec.PB37 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9530 approx 2.8 miles to physical barrier. |
| Hand Cr | T.29N R.25W Sec.09 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From Hwy 2 West, up open RD# 538 (Griffin Ck), continue on gated RD# 2814 to junc RD# 2813 and RD# 2814. May also access from RD# 538 to RD# 538B and continue on gated RD# 2813 to junc RD# 2813 and 2814. |
| Harris Cr | T.28N R.17W. Sec.10 | HHRD FNF | Use only before July. Many resources will be in this area for field surveys for Dry Riverside Project. | From RD# 38 (east side HH Reservoir), continue on gated RD# 1631 approx 0.99 miles to end of drivable road. |
| Hay Cr | T.35N R.22W Sec.28 | GVRD FNF | ONLY use in early season; road open 7/1 - 11/30 | From North Fork road, up open RD# 376, continue past gate on seasonally open road to junc RD# 376 & RD# 5221. |
| Herrick Run | T.19W R.17W Sec.28 | SLRD FNF | Trailheads approx 1 mi NW and 1.5 mi SSE | From MT Hwy 83 (Swan Hwy), up open RD# 79 approx 8.1 miles, continue on gated RD# 9575 to junc RD# 9575 and RD# 9574. |
| Kah Mtn | T.26N R.16W | SBRD | Not available during hunting season | From RD# 895 (west side HH Reservoir), continue on open RD# |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------------|---------------------------|-----------------------------|---|--|
| | Sec.22 | FNF | | 2831 past road's yearlong gate at mp 4.1, continue on gated RD# 2831B to junc RD# 2831Y and RD# 2831B. |
| LeBeau | T.33N R.24W Sec.32 | TLRD FNF | Coordinate with KNF. | From US Hwy 93 North, up open RD# 60 (Good Ck), continue on open RD# 910 (Martin Ck) approx 5.2 miles, continue on gated RD# 1649, continue on gated RD# 2815 to junc RD# 5336 and RD# 2815. |
| Lower Whale Gravel Pit | T.36N R.22W Sec.20 | HHRD FNF | In 2021, only use before 6/15 due project work. Consider adding this as a regular site for 2022 and beyond. If snow blocks access, use the first gated road on the right off RD# 318. | From North Fork Road, up open RD# 318 (Whale Cr) to RD# 318P (Whale Creek Pit), go into gravel pit area. |
| North Fork Lost Cr | T.25N R.17W Sec.26 | SLRD FNF | | From MT Hwy 83 (Swan Hwy), up open RD# 680, continue on open RD# 5260 to junc RD# 5206 and RD# 9821. |
| Pinkham Mtn. | T.34N R.27W Sec.34 | RRD KNF | Use only Jul 1 - Nov 30, when road is closed. Road is open to public Dec. 1 to June 30. | Can access from Eureka or Trego. From west, take RD# 1900 to RD# 433. From Trego take State Hwy 36 south to RD# 433. Off open RD# 433 (Edna Creek), take RD# 14230 to junction of RD# 14230/14231. |
| Pinnacle | T.30N R.16W Sec.30 | HHRD FNF | RD# 1638 is open yearlong; RD# 1637 is 7/1-10/15. Use when RD# 1637 is closed. Culvert wash-out is fixed. Snow concerns; check with nearby landowner | From Hwy 2, follow county roads to RD# 1638 (Paola Ck), continue on open RD# 1638, continue on seasonally open RD# 1637 approx 3.5 miles to end of road. |
| Pioneer Ridge | T.28N R.17W Sec.19 | HHRD FNF | Slump is developing on RD# 895. Campgrounds nearby. Possible use in spring | From RD# 895 (west side HH Reservoir), continue on gated RD# 895D to barrier approx 4.25 miles in, vic. junc RD# 895D & RD# 9796. |
| Puzzle Cr | T.28N R.13W Sec.11 | HHRD FNF | Groomed snowmobile route; trails. Crews working nearby in early July & Sept usually don't park there. Consider 25-mile or Skyland sites | From Hwy 2, up seasonally open RD# 569, continue past yearlong gate at mp 9.5 to end of drivable road, approx. mp 13.68. |
| Sheep Cr | T.33N R.27W Sec.33 | RRD KNF | If not releasing behind gate on RD# 3715, only use RD# 3714 from Jul 1 - Nov 30 when road is closed. | From Trego, take State Hwy 36 to 48, then RD# 494 to RD# 3553. Off open RD# 3553, take open RD# 3550 to RD# 3714 to gate. Go past gate to either junc w/ RD# 3715 or RD# 3714A. |
| South Fork Coal | T.34N R.22W Sec.42 | GVRD FNF | | From North Fork road, up open RD# 316, continue on open RD# 317, past yearlong gate on RD# 317 at mp 12.44, continue on RD# 1686 to junc RD# 1686 & 1604. |
| Spotted Bear River | T.25N R.13W Sec.8 | SBRD FNF | Only use in early May; RD# 568 open 5/15-11/30 | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to end of road or as near as possible to end of road. |
| Squeezer Cr | T.23N R.17W Sec.12 | SLRD FNF | Access thru DNRC gates and roads. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 554, continue on open RD# 9578, continue on gated RD# 70146 to other gated roads to half mile past junc RD# 91498 & 91511. |
| Sullivan Cr | T.26N R.17W. Sec.14 | SBRD FNF | | From RD# 895 (west side HH Reservoir), continue 2.7 miles on gated RD# 547, then continue 0.06 mile on gated RD# 975 to barrier. |
| Sutton Cr | T.34N R.28W | RRD | Has a non-standard FS lock/key. May need | Off east-side Lake Koocanusa road (State Hwy 37), take open RD# |

| Name | Township Range Section | District and Forest * | Concerns and Constraints | Access Description |
|---------------------|------------------------|-----------------------|---|--|
| | Sec.2 | KNF | contractors key until contractor removes lock. May need downed trees cut behind gate for turnaround. | 619 east to gated portion of RD# 619. Turn-around at switchback, just behind gate at start of RD# 14093. |
| Twenty-Five Mile Cr | T.28N R.14W Sec.13 | HHRD FNF | May be possible to drive further along road | From Hwy 2, up seasonal open RD# 569, continue on gated RD# 1651 as far as it is possible to drive over divide into Twenty-five Mile Creek. |
| Upper Sheppard | T.30N R.26W Sec.23 | TLRD FNF | Coordinate with both Flathead NF and Kootenai NF. | From either US Hwy 2 West to RD# 538 to RD# 538B to gated RD# 2885 -OR- from US Hwy 93 North to Farm to Market road to RD# 539 (Star Mdw) to RD# 538B to gated RD# 2885. Continue on RD# 2885 approx 2.6 miles to junc RD# 2885 and decommissioned RD# 2973. |
| US-CAN Border | T.37N R.22W Sec.5 | GVRD FNF | ONLY use in early spring. Inform Border Patrol before releasing at this site. | Up North Fork RD (FLTHD CNTY RD# 486) to US-Canada border. |
| Van Peak | T.22N R.17W Sec.01 | SLRD FNF | Access thru DNRC gates. Check with DNRC first | From MT Hwy 83 (Swan Hwy), up open RD# 9578, continue on gated RD# 70136, which continues as RD# 90686, continue on gated RD# 91395 approx 1.7 miles to second major switchback. |
| West Skyland | T.29N R.13W Sec.17 | HHRD FNF | | From Hwy 2, up seasonally open RD# 569, continue on seasonal open RD# 1653 past yearlong gate at mp 2.5, continue on RD# 1653A to junc RD# 1653A & RD# 1653Y. |
| Whale Cr | T.36N R.23W Sec.29 | GVRD FNF | Site reactivated in 2021. Ninko Cabin rental is about 0.7 miles to the north but is used by public in winter only | From North Fork road, up open RD# 318 about 11.4 miles (past junc w/ RD# 1674), continue on open RD# 10843 for 0.1 to 0.2 miles to barrier at Shorty Creek. |
| Whitcomb Cr | T.25N R.14W Sec.12 | SBRD FNF | In fall, road is a primary trail for early rifle season users in Wilderness. RD# 568 open 5/15-11/30. No drivable road off Spotted Bear River road. | From RD# 38 (east side HH Reservoir), continue on seasonally open RD# 568 to junc of RD# 568 and RD# 564. |
| Wild Bill Cr | T.26N R.22W Sec.29 | SLRD FNF | | From Hwy 2 West to Truman Creek (RD# 916), continue on open RD# 213 (Wild Bill Ck) approx 8.1 miles, continue on gated RD# 2997 to junc RD# 2997 and RD# 2997B. |
| Wounded Buck | T.29N R.18W Sec.19 | HHRD FNF | Avoid Memorial Day through Labor Day due recreation nearby. Road open 7/1-11/30; trailhead approx 0.8 mi SSW | From RD# 895 (west side HH Reservoir), continue on seasonally open RD# 895C, continue on seasonally open RD# 5339 approx 0.1 miles to physical barrier at Wounded Buck Creek. |
| Yakinikak Cr | T.36N R.24W Sec.3 | GVRD FNF | Access from open roads on Kootenai NF. Coordinate with KNF. | From North Fork road, up open RD# 114, continue on open short spur RD# 10856 to end of road. From KNF, up open RD# 114 (Grave Creek), continue on RD# 114A over Whitefish Divide, continue on open short spur RD# 10656 to end of road. |

* Flathead National Forest (FNF) – Glacier View RD (GVRD), Hungry Horse RD (HHRD), Spotted Bear RD (SBRD), Swan Lake RD (SLRD), Tally Lake RD (TLRD).
Kootenai National Forest (KNF) – Fortine RD (FRD), Libby RD (LRD), Rexford RD (RRD).

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

Northern Region Grizzly Bear Relocation Communication Contacts (August 1, 2022).

| Forest | District/SO | Contact | Name | Phone | | Email |
|---------------------------|------------------------|----------------------------|------------------|--------------|---------|---------------------------|
| | | | | Desk | Mobile | |
| Beaverhead - Deerlodge | Butte | District Ranger | Tim Lahey | 406-494-0250 | (b) (6) | |
| | | District Biologist | Anne Roberts | 406-494-0238 | (b) (6) | |
| | Dillon | District Ranger | Jamie Tripp | 406-683-3988 | (b) (6) | |
| | | District Biologist | Jaime Trivette | 406-683-3970 | (b) (6) | |
| | Madison | District Ranger | Dale Olson | 406-682-4253 | (b) (6) | |
| | | District Biologist | Jenna Roose | 406-682-4253 | (b) (6) | |
| | Pintler | District Ranger | Cameron Rasor | 406-859-8235 | (b) (6) | |
| | | District Biologist | Anne Roberts | 406-494-0238 | (b) (6) | |
| | Wisdom | District Ranger | Molly Ryan | 406-689-3243 | (b) (6) | |
| | | District Biologist | Jaime Trivette | 406-683-3970 | (b) (6) | |
| | | District Biologist | Matt Lacey | 406-683-3895 | (b) (6) | |
| | SO | Forest Biologist | Jay Gatlin | 406-683-3916 | (b) (6) | |
| Bitterroot | Stevensville | District Ranger | Steve Brown | 406-777-7410 | (b) (6) | steve.brown2@usda.gov |
| | | District Biologist | Vacant | | | |
| | Darby/Sula | District Ranger | Abbie Josie | 406-821-4244 | (b) (6) | abbie.jossie@usda.gov |
| | | District Biologist | Vacant | | | |
| | West Fork | District Ranger | Dan Pliley | 406-821-1212 | (b) (6) | daniel.pliley@usda.gov |
| | | District Biologist | Justin Martens | 406-821-1213 | (b) (6) | Justin.martens@usda.gov |
| | Supervisor's Office | Developmental Biologist | Jeremy Pickle | | (b) (6) | jeremy.pickle@usda.gov |
| | | Forest Biologist | Vacant | | | |
| Custer – | Hebgen Lake | District Ranger | Jason Brey | 406-823-6963 | (b) (6) | jason.brey@usda.gov |
| | | District Biologist | Randy Scarlett | 406-823-6967 | (b) (6) | randall.scarlett@usda.gov |
| | Bozeman | District Ranger | Corey Lewellen | 406-522-2531 | (b) (6) | corey.lewellen@usda.gov |
| | | District Biologist | Randy Scarlett | 406-823-6967 | (b) (6) | randall.scarlett@usda.gov |
| | | District Ranger | Alex Sienkiewicz | 406-823-6066 | (b) (6) | alex.sienkiewicz@usda.gov |

| Forest | District/SO | Contact | Name | Phone | | Email |
|------------------------|--------------------------|--------------------|-------------------------|----------------------------|---------|--|
| | | | | Desk | Mobile | |
| Gallatin | Yellowstone | District Biologist | Lenora Dombro | 406-848-7375 x25 | (b) (6) | lenora.dombro@usda.gov |
| | | District Ranger | Mike Thom | 406-848-7375 x22 | (b) (6) | michael.thom@usda.gov |
| | Gardiner | District Biologist | Lenora Dombro | 406-848-7375 x25 | (b) (6) | lenora.dombro@usda.gov |
| | | District Ranger | Ken Coffin | 406-446-4529 | (b) (6) | kenneth.coffin@usda.gov |
| | Beartooth | District Biologist | Lenora Dombro | 406-848-7375 x25 | (b) (6) | lenora.dombro@usda.gov |
| | SO | Forest Biologist | Josh Hemenway | 406-587-6739 | (b) (6) | joshua.hemenway@usda.gov |
| Flathead | Tally Lake | District Ranger | Bill Mulholland | 406-758-3527 | | William.Mulholland@usda.gov |
| | | District Biologist | Jessica Swanson | 406-758-5255 | | jessica.swanson@usda.gov |
| | Swan Lake | District Ranger | Chris Dowling | 406-837-7501 | (b) (6) | Christopher.Dowling@usda.gov |
| | | District Biologist | Mark Ruby | 406-837-7531 | (b) (6) | mark.ruby@usda.gov |
| | HH/GV/SB | District Ranger | Rob Davies | 406-387-3801 | | robert.davies@usda.gov |
| | | District Biologist | Cas Waters | 406-387-3804 | | cas.waters@usda.gov |
| | SO | Forest Biologist | Trisha Johnson (detail) | N/A | (b) (6) | patricia.l.johnson@usda.gov |
| Helena – Lewis & Clark | Helena | District Ranger | Kathy Bushnell | 406-495-3924 | (b) (6) | Katherine.bushnell@usda.gov |
| | | District Biologist | Ted Snyder | 406-495-3913 | (b) (6) | Theodore.a.snyder@usda.gov |
| | Lincoln | District Ranger | Rob Gump | 406-362-7002 | (b) (6) | Robert.gump@usda.gov |
| | | District Biologist | Dave Kemp | 406-362-7006 | (b) (6) | David.kemp@usda.gov |
| | Townsend | District Ranger | Roy Barkley (acting) | 406-495-3851 | (b) (6) | Roy.barkley@usda.gov |
| | | District Biologist | Ted Snyder | 406-495-3913 | (b) (6) | Theodore.a.snyder@usda.gov |
| | Rocky Mountain | District Ranger | Mike Munoz | 406-466-5341 ext. 555-1121 | (b) (6) | Michael.munoz@usda.gov |
| | | District Biologist | Dave Kemp | 406-466-5341 | (b) (6) | David.kemp@usda.gov |
| Kootenai | Cabinet | District Ranger | Michael Feiger | 406-827-0714 | (b) (6) | Michael.feiger@usda.gov |
| | | District Biologist | Ron Torretta | 406-827-0741 | | Ronald.torretta@usda.gov |
| | Rexford/Fortine (Ksanka) | District Ranger | Seth Carbonari | 406-296-7145 | (b) (6) | Seth.carbonari@usda.gov |
| | | District Biologist | Lauren Michelsen | 406-296-7102 | | Lauren.michelsen@usda.gov |
| | Libby | District Ranger | Nate Gassmann | 406-283-7598 | (b) (6) | Nathan.gassmann@usda.gov |
| | | District Biologist | Ed Morgan | 406-283-7558 | | Edward.morgan@usda.gov |
| | Three Rivers | District Ranger | Kirsten Kaiser | 406-295-7438 | (b) (6) | Kirsten.a.kaiser@usda.gov |
| | | District Biologist | Sean Hill | 406-295-7463 | | Sean.hill@usda.gov |
| | SO | Forest Biologist | Jeremy Anderson | 406-283-7771 | | Jeremy.l.anderson@usda.gov |

| Forest | District/SO | Contact | Name | Phone | | Email |
|--------|----------------------|--------------------|--------------------|--------------|---------|--|
| | | | | Desk | Mobile | |
| Lolo | Ninemile | District Ranger | Chris Gauger | 406-626-5408 | (b) (6) | Christopher.Gauger@usda.gov |
| | | District Biologist | Scott Tomson | 406-677-3925 | | scott.tomson@usda.gov |
| | Plains/Thomson Falls | District Ranger | Dave Wrobleski | 406-826-4308 | (b) (6) | david.wrobleski@usda.gov |
| | | District Biologist | Derrick Olinger | 406-826-4321 | (b) (6) | derrick.olinger@usda.gov |
| | Missoula | District Ranger | Crystal Stonesifer | 406-329-3948 | (b) (6) | crystal.s.stonesifer@usda.gov |
| | | District Biologist | Scott Tomson | 406-677-3925 | | scott.tomson@usda.gov |
| | Seeley | District Ranger | Quinn Carver | 406-677-3905 | | quinn.carver@usda.gov |
| | | District Biologist | Scott Tomson | 406-677-3925 | | scott.tomson@usda.gov |
| | Superior | District Ranger | Vacant | | | |
| | | District Biologist | Derrick Olinger | 406-826-4321 | (b) (6) | derrick.olinger@usda.gov |
| | SO | Forest Biologist | Bryson Bell | 406-329-3750 | (b) (6) | chad.bell@usda.gov |

From: [Fortin-Noreus, Jennifer K](#)
To: [REDACTED]
Subject: FW: [EXTERNAL] Helena-Lewis and Clark Potential Relocation Sites
Date: Wednesday, April 6, 2022 5:12:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Potential Relocation Sites HelenaLewisClark v20220331.xlsx](#)
[dpDraft Communication GrizzlyRelocationPlan 2022.docx](#)

Information from the HLC. Sounds like they'll have a few more folks reviewing the comm plan. She also emailed that the Bear Trap site is no longer accessible so please remove it from the list they sent.

Thanks!

From: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Sent: Tuesday, April 5, 2022 7:37 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Cc: Kemp, David - FS <david.kemp@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara - FS <chiara.cipriano@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Subject: [EXTERNAL] Helena-Lewis and Clark Potential Relocation Sites

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi, good morning Jennifer!

Attached is the spreadsheet with the potential sites for our Forest that include areas outside of the recovery zone west of I-15 and the Elkhorns and Big Belts. I've also added cell phone info to the draft plan. Just to re-emphasize a few points: these are potential sites pending District Ranger approval prior to any release. Also, I would like to have the Rangers and Forest Supervisor review the communication plan. Should I have them review this version? Thanks!



Denise Pengeroth
Forest Wildlife Biologist and Elkhorn
Coordinator
Forest Service
Helena-Lewis and Clark National Forest
p: 406-495-3736
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From: [Servheen, Chris](#)
To: [Kasworm, Wayne](#); [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: Fw: [EXTERNAL] Re: FB bear
Date: Thursday, October 1, 2020 9:38:55 AM

From: Jonkel, James <JaJonkel@mt.gov>
Sent: Thursday, October 1, 2020 9:06 AM
To: Servheen, Chris <chris.servheen@mso.umt.edu>; (b) (6)
Cc: (b) (6) Chris Smith <csmith@wildlifemgt.org>
Subject: RE: [EXTERNAL] Re: FB bear
I had a good visit with (b) (6) and (b) (6) at (b) (6). The bear was there two nights ago and no activity since. They said the bear was a male, approximately 5 ½ feet tall and looked like a younger bear. The Wind River State Folks and my tech are heading up there to look for some hair samples and visit with folks in the neighborhood and Mill Creek.

From: Jonkel, James
Sent: Wednesday, September 30, 2020 9:19 PM
To: Servheen, Chris <chris.servheen@mso.umt.edu>; (b) (6)
Cc: (b) (6) Chris Smith <csmith@wildlifemgt.org>
Subject: RE: [EXTERNAL] Re: FB bear
I reached out to the family, have not heard back from them yet.
Sent from my Verizon, Samsung Galaxy smartphone
----- Original message -----
From: "Servheen, Chris" <chris.servheen@mso.umt.edu>
Date: 9/30/20 8:45 PM (GMT-07:00)
To: (b) (6) @msn.com>
Cc: (b) (6) "Jonkel, James" <JaJonkel@mt.gov>, Chris Smith <csmith@wildlifemgt.org>
Subject: [EXTERNAL] Re: FB bear
Claws are distinctive. Pretty amazing photos for a first time event.

On Sep 30, 2020, at 8:22 PM, (b) (6) wrote:

Yup, long white claws, and all the right characteristics except that it is eating human foods and will get in trouble. Jamie will be trapping soon and will have to decide where to relocate. I'd bring him to Idaho....another Bitterroot bear!
Sent from my Verizon 4G LTE smartphone

----- Original message -----
From: (b) (6)
Date: 9/30/20 8:02 PM (GMT-07:00)
To: "Servheen, Chris" <chris.servheen@mso.umt.edu>, Jamie Jonkel

<JaJonkel@mt.gov>, Chris Smith <csmith@wildlifemgt.org>, (b) (6)

Subject: Fwd: FB bear

Looks like a grizzly but no dished face. What do you think? I would say grizzly.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b) (6)

Date: 9/30/20 7:59 PM (GMT-07:00)

To: (b) (6)

Subject: FB bear

[https://www.facebook.com/groups/330100994082254/permalink/1013477919077888/\[facebook.com\]](https://www.facebook.com/groups/330100994082254/permalink/1013477919077888/[facebook.com])

Sent from my Verizon, Samsung Galaxy smartphone




From: [Fortin-Noreus, Jennifer K](#)
To: [REDACTED]
Subject: FW: [EXTERNAL] RE: GB relocation site plan
Date: Wednesday, April 6, 2022 5:14:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[dale edits_Draft Communication_GrizzlyRelocationPlan_2022.docx](#)

Another comment from the BD NF. Thanks!

From: Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>
Sent: Tuesday, April 5, 2022 9:41 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: FW: [EXTERNAL] RE: GB relocation site plan

Got another one for you!



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager
Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office
p: 406-683-3916
c: 406-596-1391
jennifer.gatlin@usda.gov
420 Barrett Street
Dillon, MT 59725
www.fs.fed.us
  
Caring for the land and serving people

From: Olson, Dale -FS <dale.olson2@usda.gov>
Sent: Monday, April 4, 2022 1:35 PM
To: Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi Jay. Passing along a couple edits I had. Thanks for the opportunity to review!

And, yep use my work cell as the contact number.

Thanks again,

Dale



Dale Olson
District Ranger
Forest Service
Madison Ranger District,
Beaverhead-Deerlodge National Forest

p: 406-682-4253
c: 406-925-0897
dale.olson2@usda.gov

5 Forest Service Road
Ennis, MT 59729

www.fs.fed.us



Caring for the land and serving people

From: Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>

Sent: Friday, April 1, 2022 8:34 AM

To: Rasor, Cameron -FS <cameron.rasor@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>;
Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Trivette,
Jaime - FS, DILLON, MT <jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Tripp,
Jamie -FS <jamie.tripp@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>

Cc: Hatfield, Carol- FS <carol.hatfield@usda.gov>; Timchak, Lisa - FS, DILLON, MT
<lisa.timchak@usda.gov>; Mcrae, Catherine - FS <Catherine.Mcrae@usda.gov>; Herrmann, Elizabeth
- FS <elizabeth.herrmann@usda.gov>

Subject: FW: [EXTERNAL] RE: GB relocation site plan

Hi everyone:

Just wanted to give you all a chance to comment on this (bios I already have your comments, but feel free to keep sending if you have more). I also sent to Betsy and Cat. Comments are due no later than **April 4** so please send them to me if you have any.

Also – see the note below – **they are looking for a contact number where you can be reached on the weekends**. If you want to change the number you submitted to me, please let me know. I will also list multiple numbers for you if it is your preference. If I don't hear from you, I'll submit your work cell number.

Sparkles,



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager
Forest Service
Beaverhead-Deerlodge National Forest,

Supervisor's Office

p: 406-683-3916

c: 406-596-1391

jennifer.gatlin@usda.gov

420 Barrett Street

Dillon, MT 59725

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Friday, April 1, 2022 8:14 AM

To: Amber Kornak <[REDACTED]>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>;
Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT
<chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS
<robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS
<denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT
<amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Good morning,

I wanted to send out a quick reminder to please provide comments on the draft Communication Plan for the Relocation of Grizzly Bears by Friday, April 8th if you have not already. Our impression is that each forest would like a separate plan but we'd like to confirm that? And if that's true, is there a desire by the USFS to have all of the plans be the same for format and content?

In addition, please send us your relocation sites and points of contact for each site if you haven't already. Please provide cell numbers for the contacts as relocations discussions may need to occur on evenings/weekends.

Thank you!
Jennifer

From: Amber Kornak <[REDACTED]>

Sent: Monday, March 21, 2022 3:12 PM

To: Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>;
Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS
<jennifer.gatlin@usda.gov>; robbie.piehl@usda.gov; Ruby, Mark -FS <mark.ruby@usda.gov>;
Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS
<gregory.w.gustina@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Cooley, Hilary
<hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: Re: [EXTERNAL] RE: GB relocation site plan

Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!
Amber Kornak
406-217-4962

On Tue, Mar 15, 2022 at 7:32 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hello everyone,

The initial feedback that I received from several of you is that it'd be helpful for our office to proceed with drafting an internal communication plan, a simplified version of the Flathead agreement (attached). We were able to hire Amber Kornak through the University to help with conflicts/relocations for the USFWS while we try to fill our permanent positions and she'll be helping with this. We will try to get something out to all of you by the end of the week.

In the meantime, it would be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!
Jennifer

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>

Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak <[REDACTED]>

Subject: [EXTERNAL] RE: GB relocation site plan

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, March 11, 2022 3:29 PM
To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak <[REDACTED]>
Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K
Sent: Friday, March 11, 2022 3:25 PM
To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak <[REDACTED]>
Subject: GB relocation site plan

Hi everyone,

I wanted to follow-up on previous discussions I've had with each of your forests regarding the agreement format between the USFS and USFWS for grizzly bear relocation sites. After discussions with many of you it sounds like an internal communication plan may be preferred over a formal agreement, such as what the Flathead NF has traditionally done. Our office is happy to take a first stab at drafting that to help get things moving if that'd be helpful? As bears begin to emerge from hibernation and with SB337 going into effect on March 1st, it is urgent to be ready when we need a relocation site, which hopefully won't be for a while! Each of you were identified as a POC for your forest and I hope that you can assist for your forest.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812*

406-243-4994

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From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#)
Subject: FW: [EXTERNAL] Re: GB relocation site plan
Date: Thursday, March 17, 2022 9:26:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[20220317 Draft Grizzly Relocation communication plan.docx](#)

Hilary,

I cleaned up what Amber did a bit but didn't have a lot of time because I didn't get it until this morning. I'm hoping you have some time to review while I'm gone to keep it moving.

Thanks!

Jennifer

From: Amber Kornak [\(b\) \(6\) @gmail.com](#)>
Sent: Wednesday, March 16, 2022 10:11 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Re: [EXTERNAL] Re: GB relocation site plan

Hi Jennifer!

I am so sorry this email got lost somewhere in my mail. I was thinking my email never made it to you! Please find attached a rough draft version of the communication plan. I added a few notes with questions. I have not received anyones contact's information so that has not been added yet. I also wasn't sure if they were wanting to cut out guideline information completely or if it was helpful for them..

I will be on the road tomorrow morning and have a meeting at 10 a.m. I can fix it up more after my meeting! Lastly, when I started commenting some of Hilary's previous comments kept reappearing with my comments..just a heads up.

I apologize again for not getting this over to you sooner.

Thank you!

Amber Kornak

406-217-4962

On Tue, Mar 15, 2022 at 7:54 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

One more thing. Is it possible for you to get that drafted by Thursday morning? I will be on leave from March 17 (around 11am)-22 but it'd be great if we could get something to everyone to review while I'm gone.

Thank you!!!

From: Amber Kornak [\(b\) \(6\) @gmail.com](#)>

Sent: Tuesday, March 15, 2022 6:16 AM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: [EXTERNAL] Re: GB relocation site plan

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Good morning Jennifer,

I have a few questions and wanted to check in. How can I help with this? Is Pat asking us to write something up first? Also, is the Flathead wanting to completely change their agreement or communication document? I was going to chat with Justine today about contacts but should I hold off?

Thank you!
Amber Kornak
406-217-4962

On Mon, Mar 14, 2022 at 8:33 AM Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov> wrote:

Hi everyone:

Yes, this works for me as well. Thank you for taking the first stab!



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager

Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office

p: 406-683-3916
c: 406-596-1391
jennifer.gatlin@usda.gov

420 Barrett Street
Dillon, MT 59725
www.fs.fed.us



Caring for the land and serving people

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak <(b) (6) @gmail.com>

Subject: RE: GB relocation site plan

Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

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Sent: Friday, March 11, 2022 3:29 PM

To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak <(b) (6) @gmail.com>

Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K

Sent: Friday, March 11, 2022 3:25 PM

To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak <(b) (6) @gmail.com>

Subject: GB relocation site plan

Hi everyone,

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Thank you!

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*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Fortin-Noreus, Jennifer K](#)
To: [REDACTED]
Subject: FW: [EXTERNAL] RE: GB relocation site plan
Date: Monday, April 4, 2022 9:28:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Draft Communication_GrizzlyRelocationPlan_2022_JG.docx](#)
[BDNF g bear relocation sites_2022.xlsx](#)

Amber – comments and contact info for the BDNF. JFN

From: Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>
Sent: Monday, April 4, 2022 8:37 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi hi:

Here are the comments I've collected so far. Not a ton at the moment – I was hoping people would have them to me today but no idea.

In any case, I am also sending our contact information for each site. Molly Ryan, the district ranger, wanted me to tell you all to please change "Wise River" to "Wisdom" as those districts have formally been combined.

If I get additional comments, I'll send them your way.

Sparkles,



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager
Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office

p: 406-683-3916
c: 406-596-1391
jennifer.gatlin@usda.gov

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Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, April 1, 2022 8:14 AM
To: Amber Kornak [\(b\) \(6\)](#) <[\[REDACTED\]@gmail.com](#)>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>;

Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>

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Jennifer

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Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

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Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

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Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: FW: GB relocation site plan

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Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: GB relocation site plan

Hi everyone,

I wanted to follow-up on previous discussions I've had with each of your forests regarding the agreement format between the USFS and USFWS for grizzly bear relocation sites. After discussions with many of you it sounds like an internal communication plan may be preferred over a formal agreement, such as what the Flathead NF has traditionally done. Our office is happy to take a first stab at drafting that to help get things moving if that'd be helpful? As bears begin to emerge from hibernation and with SB337 going into effect on March 1st, it is urgent to be ready when we need a relocation site, which hopefully won't be for a while! Each of you were identified as a POC for your forest and I hope that you can assist for your forest.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Fortin-Noreus, Jennifer K](#)
To: [REDACTED]
Subject: FW: [EXTERNAL] RE: GB relocation site plan
Date: Tuesday, April 12, 2022 9:34:00 AM
Attachments: [Draft Communication - GrizzlyRelocationPlan_2022_LNF_edits.docx](#)

A few last comments from the Lolo. Sorry for the delay in forwarding them!

From: Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>
Sent: Friday, April 8, 2022 12:21 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer,

Here are our comments on the agreement.

I have been thinking a bit more about these other sites and I am suspecting this is going to be challenging to resolve in a reasonable amount of time. Technically, I showed the Forest leadership the sites I sent you and they agreed to. Adding sites will require me to go back to the leadership which isn't easy – probably months to get on the agenda. I know the Missoula RD Ranger, from previous conversations, was very concerned with sites near the Rattlesnake Recreation Area (Edith Peak is not). How critical are these sites?

"The ones that are of most interest to us is Edith Peak (47.114914, -114.251883), Shoofly Meadows (46.989551, -113.751958), Sheep Mountain Trail (46.952654, -113.7667050), and Wisherd Ridge (46.9206617, -113.7866180)."

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, April 1, 2022 8:14 AM
To: Amber Kornak (b) (6) [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Good morning,

I wanted to send out a quick reminder to please provide comments on the draft Communication Plan for the Relocation of Grizzly Bears by Friday, April 8th if you have not already. Our impression is that each forest would like a separate plan but we'd like to confirm that? And if that's true, is there a desire by the USFS to have all of the plans be the same for format and content?

In addition, please send us your relocation sites and points of contact for each site if you haven't

already. Please provide cell numbers for the contacts as relocations discussions may need to occur on evenings/weekends.

Thank you!

Jennifer

From: Amber Kornak (b) (6) @gmail.com>
Sent: Monday, March 21, 2022 3:12 PM
To: Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>; robbie.piehl@usda.gov; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Re: [EXTERNAL] RE: GB relocation site plan

Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Amber Kornak

406-217-4962

On Tue, Mar 15, 2022 at 7:32 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hello everyone,

The initial feedback that I received from several of you is that it'd be helpful for our office to proceed with drafting an internal communication plan, a simplified version of the Flathead agreement (attached). We were able to hire Amber Kornak through the University to help with conflicts/relocations for the USFWS while we try to fill our permanent positions and she'll be helping with this. We will try to get something out to all of you by the end of the week.

In the meantime, it would be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Jennifer

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Sent: Friday, March 11, 2022 4:06 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: [EXTERNAL] RE: GB relocation site plan

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, March 11, 2022 3:29 PM
To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak <[REDACTED]>
Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K
Sent: Friday, March 11, 2022 3:25 PM
To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: GB relocation site plan

Hi everyone,

I wanted to follow-up on previous discussions I've had with each of your forests regarding the

agreement format between the USFS and USFWS for grizzly bear relocation sites. After discussions with many of you it sounds like an internal communication plan may be preferred over a formal agreement, such as what the Flathead NF has traditionally done. Our office is happy to take a first stab at drafting that to help get things moving if that'd be helpful? As bears begin to emerge from hibernation and with SB337 going into effect on March 1st, it is urgent to be ready when we need a relocation site, which hopefully won't be for a while! Each of you were identified as a POC for your forest and I hope that you can assist for your forest.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#)
Subject: FW: [EXTERNAL] Re: GB relocation site plan
Date: Thursday, March 17, 2022 9:26:30 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[20220317 Draft Grizzly Relocation communication plan.docx](#)

Hilary,

I cleaned up what Amber did a bit but didn't have a lot of time because I didn't get it until this morning. I'm hoping you have some time to review while I'm gone to keep it moving.

Thanks!

Jennifer

From: Amber Kornak [\(b\) \(6\) @gmail.com](#)>
Sent: Wednesday, March 16, 2022 10:11 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Re: [EXTERNAL] Re: GB relocation site plan

Hi Jennifer!

I am so sorry this email got lost somewhere in my mail. I was thinking my email never made it to you! Please find attached a rough draft version of the communication plan. I added a few notes with questions. I have not received anyones contact's information so that has not been added yet. I also wasn't sure if they were wanting to cut out guideline information completely or if it was helpful for them..

I will be on the road tomorrow morning and have a meeting at 10 a.m. I can fix it up more after my meeting! Lastly, when I started commenting some of Hilary's previous comments kept reappearing with my comments..just a heads up.

I apologize again for not getting this over to you sooner.

Thank you!

Amber Kornak

406-217-4962

On Tue, Mar 15, 2022 at 7:54 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

One more thing. Is it possible for you to get that drafted by Thursday morning? I will be on leave from March 17 (around 11am)-22 but it'd be great if we could get something to everyone to review while I'm gone.

Thank you!!!

From: Amber Kornak [\(b\) \(6\) @gmail.com](#)>

Sent: Tuesday, March 15, 2022 6:16 AM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: [EXTERNAL] Re: GB relocation site plan

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Good morning Jennifer,

I have a few questions and wanted to check in. How can I help with this? Is Pat asking us to write something up first? Also, is the Flathead wanting to completely change their agreement or communication document? I was going to chat with Justine today about contacts but should I hold off?

Thank you!
Amber Kornak
406-217-4962

On Mon, Mar 14, 2022 at 8:33 AM Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov> wrote:

Hi everyone:

Yes, this works for me as well. Thank you for taking the first stab!



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager

Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office

p: 406-683-3916
c: 406-596-1391
jennifer.gatlin@usda.gov

420 Barrett Street
Dillon, MT 59725
www.fs.fed.us



Caring for the land and serving people

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>

Subject: RE: GB relocation site plan

Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Friday, March 11, 2022 3:29 PM

To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak [REDACTED] >

Subject: FW: GB relocation site plan

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From: Fortin-Noreus, Jennifer K

Sent: Friday, March 11, 2022 3:25 PM

To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>

Subject: GB relocation site plan

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Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
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406-243-4994*

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From: [Fortin-Noreus, Jennifer K](#)
To: [Ruby, Mark -FS](#)
Subject: FW: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF
Date: Monday, March 7, 2022 1:43:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[FNF KNF NCDE GrizzlyRelocationPlan 2021 hcDOCX.DOCX](#)
[20211203 FINAL MFWO FWS MOA RE GB Mgmt and MSB 337 FWP FWS signed.pdf](#)

Hi Mark,
Hilary provided some suggestions to the draft relocation plan. I've also attached the MOA in case you haven't seen it. Any news from Lydia?
Thanks!
Jennifer

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Tuesday, March 1, 2022 3:22 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: Re: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

THanks Jen.
I reviewed and offer a few changes. I refer to the MOA and suggest it be included as an attachment. I'm fine with removing some of the conflict decision process text. That's all in the guidelines and doesn't necessarily need to be here. It's probably best if the USFS suggest what to remove, as they originated this doc.

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, March 1, 2022 8:38 AM
To: Cooley, Hilary <hilary_cooley@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: FW: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

For your initial review is the draft 2022 plan for the FNF/KNF relocation sites. See Mark's email below for further details. As we chat with the Lolo, Bitterroot, Beaverhead-Deerlodge and Helena-Lewis and Clark NFs, Lydia Allen for the USFS RO has raised some concerns about the agreement being construed as a final agency action. She is working on an alternative but I have not seen that yet.

Jennier

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 28, 2022 1:10 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Thanks Jennifer.

I connected with Neil Anderson at FWP and he didn't seem to have any concern with USFWS being added as a signatory on the 2022 griz relocation plan. However, I haven't yet connected with Lydia Allen at the Region to better understand her concerns around not signing any plans as they may serve as legal decisions without public input. I need more information from her to move forward.

Provided we can move forward with adding USFWS to the relocation plan, I attached an early working version of 2022 draft plan for the FNF/KNE. Based on the feedback from the Region, if we are able to add USFWS, I'm considering some updates to the relocation plan that better elucidates communication with the USFS during relocations that could be added to the document. I believe this may be helpful in the new USFWS role for relocation as well as needed for the new hire FWP is making to fill behind Tim Manley.

Just so you are aware, As part of the annual process for updating the draft annual document, sometime in March I'm planning to send it out to all the USFS districts, line officers, border patrol, tribes and others for feedback and review about sites (some sites change year to year etc.), concerns, updates for contacts, personnel etc.. Additionally, Neil and I are going to work through an initial review of the sites to see if they are all FWP commission approved.

I'll follow-up when I'm able to catch up with Lydia.

Please feel free to give me a shout if you have questions or concerns.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241
c: 406-207-7015
f: 406-837-7503
mark.ruby@usda.gov

650 Wolfpack Way
Kalispell, MT 59901
www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, February 28, 2022 9:19 AM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,

I chatted with Bryson Bell last week and realize that there may be new guidance on the format for a relocation agreement. Please keep me updated. I've also been in touch with Lydia Allen regarding this issue.

Thanks!

Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>

Sent: Friday, February 25, 2022 4:41 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Jennifer,

I apologize for the long delay in follow-up. I've been unable to connect with Neil which is my fault not his. Additionally, I have some guidance regarding the relocation plan from Region 1 that I'm trying to get clarification on. I'm hoping to iron this out early next week and I'll follow up with you.

Appreciate your patience.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241

c: 406-207-7015

f: 406-837-7503

mark.ruby@usda.gov

650 Wolfpack Way

Kalispell, MT 59901

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Tuesday, February 22, 2022 3:35 PM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,

I wanted to check in and see how your conversation with Neil went? Feel free to give me a call if

that's easier.
Thanks!
Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Tuesday, February 15, 2022 8:56 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Jennifer,

No problem. Just give my cell a call when you are available. 406-207-7015

Good luck!



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241
c: 406-207-7015
f: 406-837-7503
mark.ruby@usda.gov

650 Wolfpack Way
Kalispell, MT 59901
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Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, February 15, 2022 8:53 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Any chance we can push this to later this morning? Unexpected contractor availability on some home remodel stuff that I need to deal with. Thanks!

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:31 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Great. Thanks Jennifer. I'll plan on giving you a call about 9am tomorrow.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241
c: 406-207-7015
f: 406-837-7503
mark.ruby@usda.gov

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Kalispell, MT 59901
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Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, February 14, 2022 9:24 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,
Thanks for getting back to me so quickly. I am free all day tomorrow except for 1030-11. I'm still teleworking so please give me a call on my home phone: 406-493-1069.
Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:16 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

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Good morning Jennifer,

I'm am still detailed behind Amy. I should be the acting wildlife program manager on the Flathead through the end of April.

I do have time to chat. My schedule is fairly open this week. Any day except Wednesday would

work well. Is there a good time for me to give you a call?

Thanks,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241

c: 406-207-7015

f: 406-837-7503

mark.ruby@usda.gov

650 Wolfpack Way
Kalispell, MT 59901

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, February 14, 2022 8:50 AM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: grizzly bear relocation sites on the Flathead NF

Hi Mark,

Are you still acting for Amy? We have been chatting with the various forests in Montana about how the new state SB337 impacts relocations of grizzly bears. As a result of the bill, MFWP will continue to trap for and handle conflict bears outside of the recovery zone but any relocation outside of the recovery zone will be conducted by USFWS, for which we are working on hiring folks for as I'm sure you're aware. Do you have time to chat so I can get a sense of who and how to go about this for the Flathead NF?

Thanks!

Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

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From: [Jimenez, Benjamin S](#)
To: [Irwin, Jesse - FS, HAMILTON, MT](#); eli.hampson@mt.gov; [jajonkel](#); [Montgomery, Bruce](#)
Cc: [Harrod, Sara - FS, MT](#); [Foster, Michael - FS, MT](#); [Pickle, Jeremy - FS, MT](#); [Mayn, Cole -FS](#); [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: Griz Relocation Interagency Meeting - Draft Communication Plan
Date: Tuesday, February 28, 2023 2:35:14 PM
Attachments: [USFS_GB_Relocation_communication_plan_Feb2023_Draft.docx](#)

Hi all,

Thanks again for the conversation today. Attached is the latest version of a communication plan we have been working on with various forests. As I mentioned, the intent would be to have enough consistency between Forests so as not to make things too confusing when we cross jurisdictional lines, while allowing each Forest to have some discretion over aspects they deem important (e.g., lines of communication, special considerations, etc.). Let me know if you have any questions on this or anything else we're discussing, and certainly let us know as you have a sense of future opportunities to go over things in person (FLT meetings or otherwise).

Thank you all again,

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

-----Original Appointment-----

From: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>
Sent: Friday, February 24, 2023 8:30 AM
To: Jimenez, Benjamin S; eli.hampson@mt.gov; [jajonkel](#)
Cc: [Harrod, Sara - FS, MT](#); [Foster, Michael - FS, MT](#); [Pickle, Jeremy - FS, MT](#); [Mayn, Cole -FS](#)
Subject: [EXTERNAL] Griz Relocation Interagency Meeting
When: Tuesday, February 28, 2023 1:00 PM-2:00 PM (UTC-07:00) Mountain Time (US & Canada).
Where:

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From: [Jimenez, Benjamin S](#)
To: [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: LNF draft communication plan
Date: Tuesday, January 31, 2023 2:45:40 PM
Attachments: [LNF_FS_GB_Relocation_communication_plan_Jan2023.docx](#)

Hi you two,

As both of you know, I met with the LNF leadership team last week to go over the communication plan. I think things went well (helpful having Chris there!), and that it was a good opportunity to meet in person and get some questions and concerns sorted out. I spoke again with Greg Gustina and Bryson Bell this past Monday just to answer a couple remaining questions (I think particularly from Carolyn). At the end of all of that, they put forth the attached draft. I don't see any major issues with any of their edits, but I wanted to pass it along to both of you as well to get your thoughts. One place I was thinking of maybe trying to soften or diversify the language is in the paragraph about communicating with State, Federal, and Tribal entities. In my mind, I would like that to be a bit more inclusive, and perhaps less focused on Idaho. That said, I think we are all well aware of their concerns about Idaho, so maybe we just let it be? Whatever the case, I think we are in pretty good shape.

So, let me know if either of you have any comments or thoughts on this, and if there are others that should be included in the conversation.

Thanks!

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

Lolo National Forest Communication Plan for the Relocation of Grizzly Bears

September 22, 2022

Commented [BBFM1]: Needs to be updated before signature

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). Further, Forest Service Manual 2676.17 recognizes the need for the U.S. Forest Service (USFS) to cooperate with State and other agencies to manage bears. This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Lolo National Forest in areas where grizzly bears "may be present" in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits MFWP Montana Fish, Wildlife & Parks (MFWP) involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS will establish a field presence to relocate grizzly bears as documented in an MOA between the USFWS and MFWP Montana Fish, Wildlife & Parks (MFWP) (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the Lolo National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved

to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Wildlife Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's Staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

The USFWS will coordinate with other Federal and State agencies and Tribal Governments as appropriate. In particular, if a bear is proposed to be relocated in Montana near the Idaho and Montana State line, USFWS will coordinate with Idaho. The timing and frequency of this communication and coordination will be determined by the USFWS.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. At a minimum, ~~this agreement will~~should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
Carolyn Upton, Supervisor, Lolo National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Contacts

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6) o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jaJonkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6) o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist, Conrad | Wesley.Sarmento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist, Red Lodge | Kylie.Kembel@mt.gov | 406-850-1131 |
| Bruce Montgomery | Wildlife Management Specialist, Bitterroot | Bruce.montgomery@mt.gov | 406-422-6184 |
| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
| Brad Balis | Wildlife Management Specialist, Anaconda | Brad.balis@mt.gov | 406-465-9343 |

| Office | Contact | Position | Email | Phone number |
|---------------------------------------|--------------------|---------------------------|-------------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | C: (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | p: 406-626-5408 c: (b) (6) |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | District Ranger | crystal.s.stonesifer@usda.gov | p: 406-329-3948 c: (b) (6) |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Lolo MF | | | | |
|---------------|------------------------|-----------------------|--------------------------|-------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Zone |
| Four Lakes | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Liver Peak | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Crescent Lake | T.25N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CYRZ |

| | | | | |
|--------------------------------|------------------------|------------------|-------------------------------|-------------|
| West Fork Crow A | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Need to coordinate with Idaho | Outlying |
| West Fork Crow B | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Need to coordinate with Idaho | Outlying |
| CC Divide | T.23N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CY RZ |
| Ninemile Divide area | T.17N, R.25W, Sec. 20 | FS-LNF Plains/TF | | DCA |
| Siegel Pass, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Soldier Creek, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| McCormick Peak | T. 17N, R.23W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Cinnabar Point, Sapphire Range | T. 9N, R.17W, Sec. 20 | FS-LNF Missoula | | Outlying |
| Point 118, Lolo Creek | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | Need to coordinate with Idaho | Outlying |
| Shoofly Meadows | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Sheep Mountain | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Wisherd Ridge | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | Outlying |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Memorandum of Agreement between Montana Fish, Wildlife & Parks and U.S. Fish & Wildlife Service regarding



Grizzly Bear Management in Relation to Montana Senate Bill 337

Senate Bill 337, Section 1. (3)(b) *The department may respond to a grizzly bear listed under the federal Endangered Species Act (ESA), 25 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear.*

Purpose. The purpose of this Memorandum of Agreement (MOA) is to document the agency response process for Montana Fish, Wildlife & Parks (MTFWP), the U.S. Fish & Wildlife Service (FWS) and Wildlife Services (WS), including agency roles and coordination, for grizzly bears causing conflict outside of a federal recovery zone in light of Senate Bill 337 which will become effective date on March 1, 2022.

For purposes of this MOA, grizzly bear conflicts are defined as: incidents in which bears either do or attempt to: injure or kill people; damage property; kill or injure lawfully present livestock or poultry; damage beehives; obtain in reasonably secured anthropogenic foods and other attractants; or damage agricultural crops.

This MOA relies on the collaborative relationship that already exists between MTFWP, FWS and WS. All efforts to manage grizzly bear conflicts will be conducted in collaboration with the FWS Grizzly Bear Recovery Program (GBRP) Coordinator and will be consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

MTFWP and FWS agree that when managing grizzly bears in conflict:

- 1) For grizzly bears causing conflicts inside a federal recovery zone:
 - a) MTFWP and WS will handle all aspects of the response, including trapping, processing, and carrying out the agreed upon management action, including removal and relocation to Montana Fish and Wildlife Commission-approved release sites. WS will respond to livestock conflicts according to the Memorandum of Understanding between MTFWP and WS.
- 2) For grizzly bears causing conflicts outside a federal recovery zone:
 - a) MTFWP and/or WS (livestock) will respond to conflicts. MTFWP and WS will recommend management approach to FWS. If FWS approves trapping, MTFWP or WS will set traps. Traps will not be set until and unless approved by FWS.
 - b) When a bear is trapped, MTFWP and/or WS (livestock) will process (tranquilize, mark, collar, collect biological data) bear. Processing the bear is needed to confirm sex, conflict history, and whether bear is the target bear. This information will inform a management decision.
 - c) If the bear is determined to be in conflict:
 - i) If, after consultation with USFWS, a decision is made to remove the bear, MTFWP or WS will carry out the removal.

- ii) If, after consultation with FWS, a decision is made to relocate the bear, MTFWP or WS will place bear in trap for transport and hold the bear in a secure location as close to the capture site as possible. FWS will take possession of the bear within 6 hours and will relocate, unless otherwise explicitly agreed upon by agencies (bears are often held overnight to allow full recovery prior to relocating). MTFWP and WS agrees to ensure health and safety of bear until USFWS can take possession, including moving bear to protected area if/when needed due to exposure. FWS will notify MTFWP of the location where they relocated a bear within 12 hours of release.
- d) If the bear is determined to NOT be in conflict (incidental catch), MTFWP will maintain possession of bear and will relocate bear to an agreed upon Fish and Wildlife Commission-approved site or release on site.

Potential Scenarios

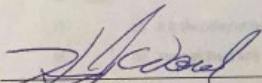
-conducted in collaboration with the FWS GBRP Coordinator and consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

- 1) Livestock depredation near Augusta (outside recovery zone)
WS responds and sets traps. Grizzly bear is trapped. WS and/or MTFWP processes bear.
 - a. If there is no information to confirm this bear is the target bear (or if it is known that this is not the target bear) and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear, MTFWP or WS will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 2) Chicken conflict near Whitefish (outside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 3) Site conflict outside Condon (inside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, MTFWP will relocate bear.

- 4) Dead cow being fed on by grizzly bears is reported (outside recovery zone).
Upon investigation, four bears are identified. It is unknown, which, if any, were involved in a depredation. Feeding on dead livestock is not a conflict, however WS sets traps because of recent depredations in the area.
- a. If bear(s) are captured and there is no information to determine whether these bears were involved in previous depredations, MTFWP may relocate.
 - b. If bear(s) are captured and there is information to suggest the bears were not involved in a depredation, MTFWP may relocate.
 - c. If bear(s) are captured and there is information to suggest the bears were involved in killing this cow or in recent depredations in the area, and the decision is made to relocate bear, FWS will relocate.

Effective Dates: This MOA is effective upon signature by both parties through October 31, 2023 and may be renewed annually.

Signatures


Hank Worsch, Director
Montana Fish, Wildlife and Parks

12/5/21
Date


Hilary Cooley, Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service

12/13/21
Date

Attachment: SB 337

1 SENATE BILL NO. 337
 2 INTRODUCED BY M. LANG
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RELOCATION OF GRIZZLY
 5 BEARS; REVISING RULEMAKING AUTHORITY; AMENDING SECTION 87-5-301, MCA; AND PROVIDING A
 6 DELAYED EFFECTIVE DATE."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9
 10 Section 1. Section 87-5-301, MCA, is amended to read:
 11 "87-5-301. Grizzly bear -- findings -- policy. (1) The legislature finds that:
 12 (a) grizzly bears are a recovered population and thrive under responsive cooperative management;
 13 (b) grizzly bear conservation is best served under state management and the local, state, tribal, and
 14 federal partnerships that fostered recovery; and
 15 (c) successful conflict management is key to maintaining public support for conservation of the grizzly
 16 bear.
 17 (2) It is the policy of the state to:
 18 (a) manage the grizzly bear as a species in need of management to avoid conflicts with humans and
 19 livestock; and
 20 (b) ~~subject to the provisions of subsection (3), use proactive management to control grizzly bear~~
 21 ~~distribution and prevent conflicts, including trapping and lethal measures.~~
 22 (3) (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear listed
 23 under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously
 24 approved by the commission for relocation of grizzly bears.
 25 (b) The department may respond to a grizzly bear listed under the federal Endangered Species Act,
 26 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated,
 27 the department may not relocate the bear."
 28



Lolo National Forest Communication Plan for the Relocation of Grizzly Bears

September 22, 2022

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the Lolo National Forest in areas where grizzly bears “may be present” in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

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The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

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Bears relocated onto the Lolo National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

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2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
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6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously-identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Bear Specialists) will first contact the District Ranger and Wildlife Biologist at the district where a bear is proposed for release or their "Acting". If neither can be reached, personnel at the Supervisor's Office will be contacted and they will contact District Staff to discuss potential release sites. If a site near District or Forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included

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- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. This agreement should be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____
Carolyn Upton, Supervisor, Lolo National Forest

Date: _____

Signed: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Date: _____

Contacts

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist, Conrad | Wesley.Sarmento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
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| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
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|---------------------------------------|--------------------|---------------------------|-------------------------------|-------------------------------|
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Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Lolo MF | | | | |
|---------------|------------------------|-----------------------|--------------------------|-------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Zone |
| Four Lakes | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Liver Peak | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Crescent Lake | T.25N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CYRZ |

| | | | | |
|--------------------------------|------------------------|------------------|-------------------------------|-------------|
| West Fork Crow A | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Need to coordinate with Idaho | Outlying |
| West Fork Crow B | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Need to coordinate with Idaho | Outlying |
| CC Divide | T.23N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CY RZ |
| Ninemile Divide area | T.17N, R.25W, Sec. 20 | FS-LNF Plains/TF | | DCA |
| Siegel Pass, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Soldier Creek, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| McCormick Peak | T. 17N, R.23W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Cinnabar Point, Sapphire Range | T. 9N, R.17W, Sec. 20 | FS-LNF Missoula | | Outlying |
| Point 118, Lolo Creek | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | Need to coordinate with Idaho | Outlying |
| Shoofly Meadows | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Sheep Mountain | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Wisherd Ridge | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | Outlying |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Memorandum of Agreement between Montana Fish, Wildlife & Parks and U.S. Fish & Wildlife Service regarding



Grizzly Bear Management in Relation to Montana Senate Bill 337

Senate Bill 337, Section 1.(3)(b) *The department may respond to a grizzly bear listed under the federal Endangered Species Act (ESA), 25 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear.*

Purpose. The purpose of this Memorandum of Agreement (MOA) is to document the agency response process for Montana Fish, Wildlife & Parks (MTFWP), the U.S. Fish & Wildlife Service (FWS) and Wildlife Services (WS), including agency roles and coordination, for grizzly bears causing conflict outside of a federal recovery zone in light of Senate Bill 337 which will become effective date on March 1, 2022.

For purposes of this MOA, grizzly bear conflicts are defined as: incidents in which bears either do or attempt to: injure or kill people; damage property; kill or injure lawfully present livestock or poultry; damage beehives; obtain reasonably secured anthropogenic foods and other attractants; or damage agricultural crops.

This MOA relies on the collaborative relationship that already exists between MTFWP, FWS and WS. All efforts to manage grizzly bear conflicts will be conducted in collaboration with the FWS Grizzly Bear Recovery Program (GBRP) Coordinator and will be consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

MTFWP and FWS agree that when managing grizzly bears in conflict:

- 1) For grizzly bears causing conflicts inside a federal recovery zone:
 - a) MTFWP and WS will handle all aspects of the response, including trapping, processing, and carrying out the agreed upon management action, including removal and relocation to Montana Fish and Wildlife Commission-approved release sites. WS will respond to livestock conflicts according to the Memorandum of Understanding between MTFWP and WS.
- 2) For grizzly bears causing conflicts outside a federal recovery zone:
 - a) MTFWP and/or WS (livestock) will respond to conflicts. MTFWP and WS will recommend management approach to FWS. If FWS approves trapping, MTFWP or WS will set traps. Traps will not be set until and unless approved by FWS.
 - b) When a bear is trapped, MTFWP and/or WS (livestock) will process (tranquilize, mark, collar, collect biological data) bear. Processing the bear is needed to confirm sex, conflict history, and whether bear is the target bear. This information will inform a management decision.
 - c) If the bear is determined to be in conflict:
 - i) If, after consultation with USFWS, a decision is made to remove the bear, MTFWP or WS will carry out the removal.

- ii) If, after consultation with FWS, a decision is made to relocate the bear, MTFWP or WS will place bear in trap for transport and hold the bear in a secure location as close to the capture site as possible. FWS will take possession of the bear within 6 hours and will relocate, unless otherwise explicitly agreed upon by agencies (bears are often held overnight to allow full recovery prior to relocating). MTFWP and WS agrees to ensure health and safety of bear until USFWS can take possession, including moving bear to protected area if/when needed due to exposure. FWS will notify MTFWP of the location where they relocated a bear within 12 hours of release.
- d) If the bear is determined to NOT be in conflict (incidental catch), MTFWP will maintain possession of bear and will relocate bear to an agreed upon Fish and Wildlife Commission-approved site or release on site.

Potential Scenarios

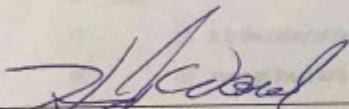
-conducted in collaboration with the FWS GBRP Coordinator and consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

- 1) Livestock depredation near Augusta (outside recovery zone)
WS responds and sets traps. Grizzly bear is trapped. WS and/or MTFWP processes bear.
 - a. If there is no information to confirm this bear is the target bear (or if it is known that this is not the target bear) and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear, MTFWP or WS will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 2) Chicken conflict near Whitefish (outside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 3) Site conflict outside Condon (inside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, MTFWP will relocate bear.

- 4) Dead cow being fed on by grizzly bears is reported (outside recovery zone).
Upon investigation, four bears are identified. It is unknown, which, if any, were involved in a depredation. Feeding on dead livestock is not a conflict, however WS sets traps because of recent depredations in the area.
- a. If bear(s) are captured and there is no information to determine whether these bears were involved in previous depredations, MTFWP may relocate.
 - b. If bear(s) are captured and there is information to suggest the bears were not involved in a depredation, MTFWP may relocate.
 - c. If bear(s) are captured and there is information to suggest the bears were involved in killing this cow or in recent depredations in the area, and the decision is made to relocate bear, FWS will relocate.

Effective Dates: This MOA is effective upon signature by both parties through October 31, 2023 and may be renewed annually.

Signatures



Hank Worsch, Director
Montana Fish, Wildlife and Parks

12/5/21
Date



Hilary Cooley, Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service

12/13/21
Date

Attachment: SB 337

SENATE BILL NO. 337

INTRODUCED BY M. LANG

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RELOCATION OF GRIZZLY BEARS; REVISING RULEMAKING AUTHORITY; AMENDING SECTION 87-5-301, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-301, MCA, is amended to read:

"87-5-301. Grizzly bear -- findings -- policy. (1) The legislature finds that:

(a) grizzly bears are a recovered population and thrive under responsive cooperative management

(b) grizzly bear conservation is best served under state management and the local, state, tribal, and federal partnerships that fostered recovery; and

(c) successful conflict management is key to maintaining public support for conservation of the grizzly bear.

(2) It is the policy of the state to:

(a) manage the grizzly bear as a species in need of management to avoid conflicts with humans and livestock; and

(b) subject to the provisions of subsection (3), use proactive management to control grizzly bear distribution and prevent conflicts, including trapping and lethal measures.

(3) (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously approved by the commission for relocation of grizzly bears.

(b) The department may respond to a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear."

*Legislative
Services
Division*

- 1 -

Authorized Print Version -- SB 337

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD
ROCKIES, et al.,

Plaintiffs,

vs.

HILARY COOLEY, U.S. Fish &
Wildlife Service Grizzly Bear
Recovery Coordinator, et al.,

Defendants,

and

STATE OF IDAHO,

Defendant-Intervenor.

CV-21-136-M-DWM

BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

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I. INTRODUCTION

This is a civil action for judicial review under the Administrative Procedure Act (APA) of the U.S. Fish and Wildlife Service's (Service) failure to act, unlawful withholding, and unreasonable delay regarding the Service's never-implemented November 2000 Record of Decision and Final Environmental Impact Statement (EIS) on Bitterroot grizzly bear recovery in the Bitterroot area of Montana and Idaho, and the Service's never-finalized Proposed Rule to revoke the same and implement the "no action" alternative from the EIS.

The Service's conduct and/or failure to act constitutes unlawful withholding and/or unreasonable delay. The Service's failure to comply with the existing Record of Decision, and the Service's failure to complete the decision-making process following the publication of its Proposed Rule to choose the "no action" alternative from the EIS, violate the APA. Additionally, the Service's failure to prepare a supplemental EIS in light of a significant change in circumstances, and a significant modification of the proposed action, violates the APA and the National Environmental Policy Act (NEPA).

II. STATEMENT OF FACTS

Pursuant to Local Rule 56.1, the relevant facts from the administrative record are set forth in Plaintiffs' Statement of Undisputed Facts.

III. STANDARDS OF REVIEW

Regarding Plaintiffs' APA claims, the APA mandates that a "reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed[.]" 5 U.S.C. §706(1). "Unreasonable delay" is determined by reference to six factors, known as the *TRAC* factors, which are discussed in more detail below. *See In re Pesticide Action Network*, 798 F.3d 809, 813 (9th Cir. 2015)(citing *Telecommunications Research and Action Center ("TRAC") v. F.C.C.*, 750 F.2d 70 (D.C. Cir.1984)).

Regarding Plaintiffs' NEPA claim, the Supreme Court holds that an agency's failure to prepare a supplemental EIS is reviewed under the "arbitrary and capricious" standard of the APA, 5 U.S.C. §706(2)(A). *Marsh v. Oregon Nat. Res. Council*, 490 U.S. 360, 376 (1989). "Arbitrary and capricious" means that "the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

IV. ARGUMENT

Recovery of grizzly bears in the Bitterroot Ecosystem is the lynchpin to recovery and delisting of grizzly bears in the lower 48 States. *See, e.g.*, FWS010505. Over 20 years ago, after years of public analysis and comment, the Service issued a Record of Decision and Final Rule to take action and recover Bitterroot grizzlies. FWS000882. The proposed action includes the designation of a Bitterroot Grizzly Recovery Area, the creation of a committee to recommend land use management standards for Bitterroot grizzlies, the implementation of a sanitation and information campaign to prepare the public for grizzly bears, and the release of a minimum of 25 grizzly bears into the Bitterroot Grizzly Recovery Area over a period of five years. FWS000870-873.

Nonetheless, over two decades have now passed without any Service action to implement this agency decision. FWS001458. While the Service did propose – in June 2001 – to change its Record of Decision and adopt a “no action” alternative, public comment on that proposed change was “overwhelmingly in support of the reintroduction alternative previously chosen, and the proposal for the no action alternative was never finalized.” FWS001511.

Thus, the 2000 Record of Decision is still in place, and still has remaining action that must be taken. In the past 20 years, however, circumstances have

changed – although there was no evidence of grizzly bears in the Bitterroot in 2000, today grizzly bears are present in the Bitterroot Ecosystem.

As set forth below, the Service’s refusal to implement its own November 2000 Record of Decision and Final Rule for Bitterroot grizzly recovery constitutes “agency action unlawfully withheld or unreasonably delayed” under the APA. Additionally, or alternatively, the Service’s refusal to finalize the decision-making process for its 2001 Proposed Rule also constitutes “agency action unlawfully withheld or unreasonably delayed” under the APA. Finally, because there is remaining action to be taken under the 2000 EIS and Record of Decision for Bitterroot grizzly bear recovery, and because there has been a significant change in circumstances and/or a significant modification of the action, the Service must prepare a supplemental EIS for Bitterroot grizzly bear recovery.

A. The Service’s refusal to implement the November 2000 Record of Decision, and the Service’s refusal to complete the decision-making process for the June 2001 Proposed Rule, violate the APA.

As the D.C. Circuit has long held: “There is a point when the court must let the agency know, in no uncertain terms, that enough is enough[.]” *In re Int’l Chem. Workers Union*, 958 F.2d 1144, 1150 (D.C. Cir. 1992)(internal punctuation and citation omitted). Accordingly, the APA mandates that a “reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed[.]” 5

U.S.C. §706(1). It is Congress’s view that “agencies should act within reasonable time frames” and that courts “play an important role in compelling agency action that has been improperly withheld or unreasonably delayed.” *TRAC*, 750 F.2d at 77.

To determine whether an agency has engaged in unreasonable delay, courts apply the six *TRAC* factors:

- (1) the time agencies take to make decisions must be governed by a “rule of reason,” [];
- (2) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason, [];
- (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; [];
- (4) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority, [];
- (5) the court should also take into account the nature and extent of the interests prejudiced by delay, []; and
- (6) the court need not “find any impropriety lurking behind agency lassitude in order to hold that agency action is ‘unreasonably delayed.’ ” [].

TRAC, 750 F.2d at 80 (internal citations omitted); *see also In re Pesticide Action Network*, 798 F.3d at 813 (same test in Ninth Circuit).

“[A] reasonable time for agency action is typically counted in weeks or months, not years.” *In re Am. Rivers*, 372 F.3d 413, 419 (D.C. Cir. 2004). The D.C. Circuit has found delays of six years to be unreasonable. *Id.*; *In re Int'l Chem. Workers Union*, 958 F.2d at 1145. The Ninth Circuit has found delays of eight years to be unreasonable. *In re A Cmty. Voice*, 878 F.3d 779, 787 (9th Cir. 2017); *see also In re Pesticide Action Network*, 798 F.3d at 813. More recently, the Ninth Circuit found an agency delay of ten years to be “nothing short of egregious.” *In re Nat. Res. Def. Council*, 956 F.3d 1134, 1142 (9th Cir. 2020).

In addressing the Service’s delay in promulgating a recovery plan for lynx, this Court held that a 14-year delay was unreasonable. *Friends of the Wild Swan v. Ashe*, 18 F.Supp.3d 1077, 1081 (D. Mont. 2014). As this Court noted in *Ashe*, “the Service’s justifications for the delay become less persuasive the longer the delay continues.” *Id.* at 1081 (citation and internal punctuation omitted).

Moreover, the “reasonableness of delay must be judged in the context of the statute which authorizes the agency’s action.” *Id.* at 1080 (citation omitted). Here, the Service’s recovery actions for grizzly bears are authorized under the Endangered Species Act (ESA). The Supreme Court holds that the ESA is “the most comprehensive legislation for the preservation of endangered species ever enacted by any nation.” *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 180 (1978). The

ESA reflects “a conscious decision by Congress to give endangered species priority over the ‘primary missions’ of federal agencies.” *Id.* at 185. “The plain intent of Congress in enacting this statute was to halt and reverse the trend toward species extinction, whatever the cost. This is reflected not only in the stated policies of the Act, but in literally every section of the statute.” *Id.* at 184.

For the reasons set forth below, in this case, the Service has unlawfully withheld and unreasonably delayed agency action on Bitterroot grizzly bear recovery. The Service has unlawfully withheld and unreasonably delayed implementation of the November 2000 Record of Decision and Final Rule. Alternatively, or in addition, the Service has unlawfully withheld and unreasonably delayed the final decision regarding the June 2001 Proposed Rule.

1. The Service has unlawfully withheld or unreasonably delayed implementation of the November 2000 Record of Decision and Final Rule.

The Council on Environmental Quality (CEQ) regulations, which implement NEPA, mandate the following: “Mitigation [] and other conditions established in the environmental impact statement or during its review and committed as part of the decision *shall be implemented* by the lead agency or other appropriate consenting agency.” 40 C.F.R. §1505.3 (emphasis added).

As the CEQ further explains in the Federal Register:

Q. What is the enforceability of a Record of Decision?

A. Pursuant to generally recognized principles of federal administrative law, *agencies will be held accountable* for preparing Records of Decision that conform to the decisions actually made and *for carrying out the actions set forth in the Records of Decision*. This is based on the principle that an *agency must comply with its own decisions* and regulations once they are adopted. Thus, *the terms of a Record of Decision are enforceable* by agencies and private parties. A Record of Decision can be used to compel compliance with or execution of the mitigation measures identified therein.

Forty Most Asked Questions Concerning CEQ's National Environmental Policy

Act Regulations, 46 Fed. Reg. 18026, 18037 (March 23, 1981)(emphases added).

As this Court has subsequently recognized:

Other courts that have analyzed this question agree that under § 1505.3, *an agency is bound to the commitments it makes in the ROD*. See also *Lee v. U.S. Air Force*, 220 F.Supp.2d 1229, 1236 (D.N.M. 2002), *aff'd*, 354 F.3d 1229 (10th Cir. 2004) (agencies are “legally bound” by decision document and were “obligated” to act as promised under 40 C.F.R. §1505.3 and are “subject to all recourse contemplated by federal law and ... regulations” for failure to comply); see also *Sierra Club v. Jacobs*, 2005 WL 6247793 at *7 (S.D. Tex., September 30, 2005) (any mitigation measures set out in an environmental impact statement are “directly binding” on Forest Service pursuant to 40 C.F.R. §1505.3); *Tyler v. Cisneros*, 136 F.3d 603, 608 (9th Cir. 1998) (agency must comply with mitigation measures agreed to by agency in NEPA review process).

Friends of Animals v. Sparks, 200 F.Supp.3d 1114, 1123 (D. Mont. 2016).

Accordingly, the Service “is bound to the commitments it makes in [a]

ROD,” *id.*; the Service “will be held accountable . . . for carrying out the actions set forth in [a] Record of Decision,” 46 Fed. Reg at 18037; and “the terms of a [Service] Record of Decision are enforceable by . . . private parties,” *id.*

In this case, after an exhaustive multi-year process, the Service issued a Record of Decision in November 2000 that commits the agency to (1) establish a Bitterroot Grizzly Recovery Area, (2) establish a committee to recommend land use management standards for Bitterroot grizzlies, (3) implement a sanitation and information campaign to prepare the public for grizzly bears, and (4) release a minimum of 25 grizzly bears into the Bitterroot Grizzly Recovery Area over a period of five years. FWS000870-873. Almost 22 years later, none of these actions have been implemented. FWS001458; FWS001465.

By withholding the legally-enforceable actions set forth in a Record of Decision, the Service has “unlawfully withheld” agency action under the APA. 5 U.S.C. §706(1); 40 C.F.R. §1505.3; 46 Fed. Reg at 18037; *Sparks*, 200 F.Supp.3d at 1123.

Moreover, the agency’s delay in implementing this Record of Decision is unreasonable. As noted above, the Ninth Circuit applies the six *TRAC* factors to claims of unreasonable delay under the APA. *In re A Cmty. Voice*, 878 F.3d at 787. Although there is no statutory timetable here under Factor (2), Factor (1)

demands application of a “rule of reason.” *Id.* The Service has delayed implementation of the Bitterroot grizzly Record of Decision for 22 years now; Plaintiffs are not aware of any court that has found a delay of 22 years to be reasonable. Instead, the Ninth Circuit has found eight-year delays to be unreasonable and a ten-year delay to be “nothing short of egregious.” *In re Nat. Res. Def. Council*, 956 F.3d at 1142; *In re A Cmty. Voice*, 878 F.3d at 787; *In re Pesticide Action Network*, 798 F.3d at 813. This Court has previously found a 14-year delay in implementing a recovery plan under the ESA to be unreasonable. *Ashe*, 18 F.Supp.3d at 1081. Accordingly, due to the egregious 22-year delay in this case, Factor (1) weighs heavily in favor of Plaintiffs.

Factor (3) emphasizes that delay is less tolerable when human health and welfare are at stake. *TRAC*, 750 F.2d at 80. In the November 2000 Record of Decision, the Service committed to a number of public education and safety actions to address human health and welfare concerns:

The second stage will be simultaneous with [Citizen Management Committee] formation and will include efforts to decrease the availability of human-related foods to wildlife by increasing the availability of bear-proof garbage storage containers in campgrounds and facilities in and around the Recovery Area. The sanitation program will include efforts by the Forest Service, permittees, and private landowners in and around the Recovery Area. The second stage also will include an enhanced information effort to inform people who recreate in the area how to minimize their chances of

encountering bears. Public education efforts will include – presentations at schools in and around the Recovery Area to teach children about grizzly bears and how to recreate safely in grizzly bear country; presentations to all civic clubs and interested organizations about grizzly bears and how to recreate safely in grizzly bear country; and placing of informative signs at all trail heads in and around the Recovery Area.

FWS000870-873. Now that grizzly bears are starting to venture into this region on their own, the chances of human-grizzly encounters are increasing, and the Service's failure to implement these safety measures 20 years ago as promised in the Record of Decision may have negative impacts on human health and welfare. Accordingly, Factor (3) weighs in favor of Plaintiffs.

Factor (4) calls for an assessment of how expediting a delayed action may impact actions with a higher priority. *TRAC*, 750 F.2d at 80. The only information in the record regarding purportedly higher priorities is found in the 2001 Proposed Rule:

The Service believes that addressing identified recovery needs in the ecosystems that already contain grizzly bears is a high priority. Examples of recovery activities in these ecosystems that should be given priority may include: ongoing mark-recapture population estimation studies in the [Yellowstone Grizzly Bear Ecosystem]; ongoing genetic studies for population size estimation in the [Northern Continental Divide Ecosystem]; or finalization and printing of the interagency Conservation Strategy for management of bears inside the [Yellowstone Grizzly Bear Ecosystem] recovery area after delisting occurs.

FWS001219. Plaintiffs’ understanding is that all three of these actions have been completed for some time. As this Court noted in *Ashe*, “the Service’s justifications for the delay become less persuasive the longer the delay continues.” 18 F.Supp.3d at 1081 (citation and internal punctuation omitted).

Furthermore, the record indicates that the Service abandoned this 2001 Proposed Rule: “we published a [Notice of Intent] in June 2001 to reevaluate the [Record of Decision] and final EIS and proposed the no action alternative. We accepted public comment, which was overwhelmingly in support of the reintroduction alternative previously chosen, and the proposal for the no action alternative was never finalized.” FWS001511. Therefore, even the Service appears to have been unpersuaded by the rationale it set forth in the 2001 Proposed Rule.

Factor (5) calls for an assessment of the “nature and extent of the interests prejudiced by delay[.]” *TRAC*, 750 F.2d at 80. It is appropriate to consider the purpose of the statute here because the “reasonableness of delay must be judged in the context of the statute which authorizes the agency’s action.” *See Ashe*, 18 F.Supp.3d at 1080 (citation omitted). As noted above, the Service’s recovery actions for grizzly bears are authorized under the ESA, and “[t]he plain intent of Congress in enacting this statute was to halt and reverse the trend toward species

extinction, whatever the cost. This is reflected not only in the stated policies of the Act, but in literally every section of the statute.” *Hill*, 437 U.S. at 184.

Thus, the primary interest prejudiced by the delay is the recovery of an ESA-listed species, which is an interest of paramount importance. *Id.* Recovery of the Bitterroot grizzly bear population is the lynchpin to recovery and delisting of the grizzly bear in the lower 48 States. FWS010505. Even the Service acknowledges that “viability for the grizzly bear in the lower-48 States as a whole only increases under the two optimistic future scenarios, which rely on increases in conservation efforts such that the [Bitterroot Ecosystem] and North Cascades support resilient populations.” Doc. 15-1¹ at 21. More specifically, in “Future Scenario 5,” “[t]he [Bitterroot Ecosystem] and North Cascades shift from functionally extirpated condition with no resiliency, to low resiliency under this scenario [], due to human-facilitated restoration of the North Cascades *and augmentation of the [Bitterroot Ecosystem]*[].” Doc. 15-1 at 14 (emphasis added). For these reasons, Factor (5) weighs heavily in favor of Plaintiffs.

Finally, Factor (6) states that a finding of impropriety is not required for a

¹This Court directed the Service to add this document to the administrative record. Doc. 19 at 8. It appears that the Service inadvertently added only a summary of this document to the record. FWS010601 – 010627. Thus, Plaintiffs cite to the version of this document filed with the Court at Doc. 15-1.

finding of unreasonable delay. *TRAC*, 750 F.2d at 80. Regardless, it is clear from the record that the Service simply has no intention to implement the 2000 Record of Decision and has never taken any action to implement the decision.

FWS001458 (“we never implemented it”); FWS001465 (“EIS has a Recovery Zone outlined, but has not been implemented”); FWS001465 (“the alternative that wasn’t selected seems to be the default”); FWS010494 (“Reintroduction has not occurred and there are currently no plans to do so”). Thus, the agency’s actions are improper here: if the Service wanted to select the “no-action” alternative from the EIS, then it should have taken that formal action in a Record of Decision, which then would have allowed the public to immediately challenge that decision in litigation. By leaving in place the Record of Decision that chose active recovery and reintroduction, but in practice implementing “no action” for the past 22 years, the agency has acted with impropriety here. Thus, Factor (6) also weighs in Plaintiffs’ favor.

For all of these reasons, all of the applicable *TRAC* factors weigh in favor of Plaintiffs; therefore, the Service’s delay is unreasonable in this case. *TRAC*, 750 F.2d at 80.

2. Alternatively, or additionally, the Service has unlawfully withheld or unreasonably delayed the issuance of a final decision following publication of the June 22, 2001 Proposed Rule.

The APA mandates: “With due regard for the convenience and necessity of the parties or their representatives and *within a reasonable time, each agency shall proceed to conclude a matter presented to it.*” 5 U.S.C. §555 (b) (emphasis added). The Ninth Circuit holds: “Under the applicable law, [an agency] has to reach some final decision. To ‘conclude [the] matter,’ [an agency] must enter a final decision subject to judicial review, and [it] must do so ‘within a reasonable time.’ 5 U.S.C. §555(b)[.]” *In re A Cmty. Voice*, 878 F.3d at 784–85.

Accordingly, “[a]n agency cannot simply refuse to exercise its discretion to conclude a matter. [] Having chosen to [undertake rulemaking], [an agency] came under a duty to conclude a rulemaking proceeding within a reasonable time.” *Id.* (citation omitted). If an agency does not “conclude a matter” “within a reasonable time,” a reviewing court shall compel the agency action that has been unlawfully withheld or unreasonably delayed under 5 U.S.C. §706 (1). *In re Int’l Chem. Workers Union*, 958 F.2d at 1149; *see also Pub. Citizen Health Rsch. Grp. v. Auchter*, 702 F.2d 1150, 1157–58 (D.C. Cir. 1983).

In this case, on June 22, 2001, the Service issued a Proposed Rule to cancel the Bitterroot grizzly recovery and reintroduction plan by withdrawing the Record

of Decision and issuing a new decision: “We are now proposing to select the No Action Alternative as our Preferred Alternative After receipt and review of all comments, the Service will make a final decision with regard to this proposal.”

FWS001217; FWS001220. Under the APA, once the Service issued the Proposed Rule, it was obligated by statute to issue a final rule and conclude the decision-making process. 5 U.S.C. §555(b); *In re A Cmty. Voice*, 878 F.3d at 784–85.

However, the Service never issued a final decision: “Defendants admit that [the Service] never finalized the Proposed Rule.” Doc. 6 ¶28; *see also* FWS001511 (“no final rule to that proposed rule was ever published” and “the proposal for the no action alternative was never finalized”); *see also* FWS001458 (“2001 proposed rule to select ‘no action’ alternative (do not introduce), but this was never finalized”); FWS00014459 (“Proposal to revise was never finalized. Never took the step of saying the original was invalidated”).

“This court must uphold adherence to the law, and cannot condone the failure of an executive agency to conform to express statutory requirements.” *Brower v. Evans*, 257 F.3d 1058, 1068 (9th Cir. 2001)(citation omitted). The Service’s undisputed failure to conclude the decision-making process with regard to the 2001 Proposed Rule violates the plain language of 5 U.S.C. §555(b) and therefore constitutes agency action “unlawfully withheld” under 5 U.S.C. §706

(1). *In re Int'l Chem. Workers Union*, 958 F.2d at 1149. Furthermore, for the same or similar reasons set forth above in Section IV (A)(1), the Service's delay of over 20 years in issuing a final rule constitutes unreasonable delay. *TRAC*, 750 F.2d at 80.

To be clear, Plaintiffs do not want the Service to select and implement the "no-action alternative" from the EIS, as proposed in the June 2001 Proposed Rule. Instead, Plaintiffs want the Service to issue a notice in the Federal Register that acknowledges that the public response to the 2001 Proposed Rule was "overwhelmingly in support of the reintroduction alternative previously chosen," FWS001511, and therefore the Service will not issue a new decision adopting the "no action" alternative, and instead the Service will formally withdraw its June 2001 Proposed Rule.

B. The Service's failure to prepare a supplemental EIS violates NEPA and the APA.

NEPA requires federal agencies to prepare an EIS for all major federal actions significantly affecting the quality of the human environment. 42 U.S.C. §4332(2)(C). This requirement serves a dual role: "It ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that

the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

The Ninth Circuit holds: “an agency that has prepared an EIS cannot simply rest on the original document. The agency must be alert to new information that may alter the results of its original environmental analysis, and . . . prepare a supplemental EIS [as required by the terms of the Council on Environmental Quality NEPA regulation].” *Friends of the Clearwater v. Dombeck*, 222 F.3d 552, 556–58 (9th Cir. 2000)(citing 40 C.F.R. §1502.9).

The Council on Environmental Quality NEPA regulations mandate:

Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if a major Federal action remains to occur, and:

(i) The agency makes substantial changes to the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

40 C.F.R. §1502.9 (d).

In *Klamath Siskiyou Wildlands Ctr. v. Boody*, the Ninth Circuit required

supplemental NEPA analysis because the agency “adopt[ed] a policy within a matter of months of the 2000 FSEIS that closely resemble[d] the rejected alternative” 468 F.3d 549, 562 (9th Cir. 2006). In *League of Wilderness Defs. v. Connaughton*, the Ninth Circuit required supplemental NEPA analysis because the agency canceled part of the management regime – a travel management plan – that was assessed and relied upon in the original EIS analysis. 752 F.3d 755, 761 (9th Cir. 2014).

In *Native Ecosystems Council v. Tidwell*, the Ninth Circuit required a supplemental NEPA analysis because the original analysis was “predicated on the assumption that no nesting habitat existed in the project area” and newer information disproved that assumption. 599 F.3d 926, 937 (9th Cir. 2010). Similarly, in *Alliance for the Wild Rockies v. Probert*, this Court required a supplemental EIS when an underlying assumption in the original EIS – regarding potential impacts on grizzly bears – proved false. 412 F. Supp. 3d 1188, 1208 (D. Mont. 2019).

As set forth below, a supplemental EIS is required for the Bitterroot grizzly EIS because the Service has substantially changed the proposed action by implementing no action rather than the proposed action, and/or because there are significant new circumstances that undermine the foundational premise of the

original EIS that there are no naturally-occurring grizzly bears in the Bitterroot Ecosystem.

1. The Service has made substantial changes to the proposed action by implementing no action rather than the proposed action.

As noted above, agencies “shall” prepare a supplemental EIS if “[t]he agency makes substantial changes to the proposed action that are relevant to environmental concerns[.]” 40 C.F.R. §1502.9(d)(1)(i). In this case, there are substantial changes to the proposed action because although the Service chose Alternative 1 from the EIS in the November 2000 Record of Decision – which requires active recovery and reintroduction, FWS000894 – the agency has never implemented this proposed action. In internal meeting notes, the Service concedes: “[The Service] has not implemented their 2000 decision” and “because we never implemented it and because natural movements are occurring, lawyers are telling us we are in a different place with this dated decision.” FWS001458. In internal meeting notes, the Service also states: “EIS has a Recovery Zone outlined, but has not been implemented, and is questionable whether that zone is still valid.” FWS001465. The Service further states: “Reintroduction has not occurred and there are currently no plans to do so.” FWS010494.

Instead of implementing the proposed action, Alternative 1, it appears that

the Service has decided – outside of any NEPA process – to implement a different alternative, one that was rejected by the Record of Decision: Alternative 2, the “no-action alternative.” *See* FWS000894. In internal meeting notes, the Nez Perce - Clearwater National Forest Supervisor astutely notes: “the alternative that wasn’t selected seems to be the default. Without a subsequent decision, don’t see how we can consider anything besides what was in the selected alternative. . . .” FWS001465.

Thus, this case is similar to *Boody*, where the Ninth Circuit required supplemental NEPA analysis because the agency “adopt[ed] a policy within a matter of months of the 2000 FSEIS that closely resemble[d] the rejected alternative” 468 F.3d at 562. Here too, by choosing Alternative 1 and then implementing Alternative 2, the Service implemented an alternative “within a matter of months of the 2000 [EIS] that closely resembles the rejected alternative” *Id.*

This case is also similar to *Connaughton*, where the Ninth Circuit required supplemental NEPA analysis because the agency canceled part of the management regime that was assessed and relied upon in the original EIS analysis. 752 F.3d at 761. Here too, by canceling the management actions promised in the original EIS – delineation of a Recovery Area, promulgation of land use standards,

implementation of a safety and education campaign, and reintroduction of at least 25 grizzlies – the Service has substantially changed the proposed action.

For all of these reasons, the Service has substantially changed the proposed action from the November 2000 EIS and Record of Decision; therefore the Service must prepare a supplemental EIS. 40 C.F.R. §1502.9(d)(1)(i).

2. There are significant new circumstances because the original EIS is premised on the absence of naturally-occurring grizzly bears, but in recent years grizzly bears have been increasingly verified in and adjacent to the Bitterroot Ecosystem.

Alternatively, or in addition, agencies “shall” prepare a supplemental EIS if “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. §1502.9(d)(1)(ii). When the Final Rule and Record of Decision were published in November 2000, “[t]he last verified death of a grizzly bear in the Bitterroot Mountains [had] occurred in 1932, and the last tracks [had been] observed in 1946 [].” FWS000890. When the Final Rule and Record of Decision were published in November 2000, “no verified tracks or sightings [had] been documented in more than 50 years, and [there was no current] evidence of any grizzly bears in the Bitterroot ecosystem [].” FWS000890.

In response to comments by Alliance for the Wild Rockies on the original

EIS, the Service was unequivocal: “there is no documented evidence of even a single grizzly bear in the experimental area defined in Alternative 1. No grizzly bear researchers have provided any documentation whatsoever of any grizzly bears in the Bitterroot experimental area.” FWS000471. The Service further stated: “Given that the nearest grizzly population to the Bitterroot experimental area is approximately 40 miles away in the Cabinet Mountains, and that data from more than 550 different radio-collared grizzly bears since 1975 shows no movement between any ecosystems, it is highly unlikely that such movement would occur into the Bitterroot from an area currently occupied by grizzly bears.” FWS000471.

It was only because of the absence of naturally-occurring grizzly bears that the Service was permitted by law to authorize an “experimental” reintroduced population under ESA Section 10(j). As the Ninth Circuit has acknowledged:

the statute requires that a population qualifies as a section 10(j) experimental population “only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species,” 16 U.S.C. § 1539(j)(1). When experimental and nonexperimental populations overlap—even if the overlap occurs seasonally—section 10(j) populations lose their experimental status. 50 C.F.R. § 17.80(a).

United States v. McKittrick, 142 F.3d 1170, 1175 (9th Cir. 1998).

Thus, in the November 2000 Final Rule and Record of Decision, the Service designated grizzly bears in the Bitterroot Ecosystem as an experimental 10(j)

population, and stated that due to the 10(j) status of the reintroduced grizzly bears, “[f]ormal section 7 consultation will not be required for any proposed U.S. Forest Service activity in the Bitterroot ecosystem as a result of the experimental reintroduction of bears, and the requirements of section 7(a)(2) will not apply” FWS000897. Furthermore, the Service stated: “We do not foresee any likely situation that would require us to change the nonessential experimental status until the grizzly bear is recovered and delisted in the Bitterroot ecosystem according to provisions outlined in the Recovery Plan.” FWS000904.

Nonetheless, almost 20 years later, on January 21, 2020, the Service sent a letter to the National Forest Supervisors of the Bitterroot, Nez Perce-Clearwater, Lolo, and Salmon-Challis National Forests in Montana and Idaho, which states in part:

The [Bitterroot Grizzly Bear Experimental Population Area] was designated as a nonessential experimental population by 50 CFR § 17.84(1), and the rule authorized the release of grizzly bears into the [Bitterroot Grizzly Bear Experimental Population Area], outside its current range, under certain conditions. The Service is aware of one collared bear within the [Bitterroot Grizzly Bear Experimental Population Area], and it travelled [sic] into the [Bitterroot Grizzly Bear Experimental Population Area] from the Cabinet-Yaak recovery zone. This grizzly bear was not released or reintroduced into the [Bitterroot Grizzly Bear Experimental Population Area] by the Service, and Service has not released or reintroduced any grizzly bears into the [Bitterroot Grizzly Bear Experimental Population Area]. Therefore, grizzly bears that are present in the [Bitterroot Grizzly Bear

Experimental Population Area] are not covered by the 10(j) rule and are considered threatened under the ESA. This means that ESA section 7 consultation obligations apply to proposed federal agency actions that may affect grizzly bear in the [Bitterroot Grizzly Bear Experimental Population Area], as with any grizzly bear in the lower 48 States.

We are updating the species occurrence map with locations where grizzly bears may be present within and near the [Bitterroot Grizzly Bear Experimental Population Area]. Upon completion, we will provide that map to you, to inform where section 7 consultation is advised.

FWS001455.

The Service's "may be present" grizzly bear map dated January 11, 2021 is set forth below, and includes areas with known populations, i.e. "current distributions," as well as areas with "verified location data outside of current distributions":



FWS010600.

As demonstrated in the map above, grizzly bears may be present in a number of locations between the Bitterroot Ecosystem and other Recovery Zones, as well as within the Bitterroot Ecosystem itself. FWS010600. Thus, the Service admits the following in its Answer to Plaintiffs' Complaint: "in the last five years, there have been verified sightings of grizzly bears in the headwaters of the east fork of the Bitterroot River; in the Miller Creek area to the south of Missoula; in the Trail Creek area east of Lost Trail ski area; at the Stevensville Golf Course; along Lolo Cr/Hwy 12 just west of Lolo, Montana; and near the Lochsa River in Idaho southeast of Lolo Hot Springs. In addition, there have been multiple verified sightings in the Big Hole area and Flint Creek Range in Montana." Doc. 6 ¶62.

The Service also admits the following in its Answer to Plaintiffs' Complaint: "the Service had verified sightings of grizzly bears in the Fish Creek and Whitebird areas south of Grangville [sic], Idaho and in the Newsome Creek area, east of Leadore, Idaho. The Service verified that scat collected on Blackdome Peak in 2017 was from grizzly bear." Doc. 6 ¶ 63.

Furthermore, in the Grizzly Bear Recovery Program 2020 Annual Report, the Service states: "grizzly bears have increasingly been confirmed nearby and within the [Bitterroot Ecosystem]" FWS010493. The agency further states that in

addition to known, verified grizzly bears, “[i]t is possible that additional undetected individuals are currently in the area.” FWS010493.

The presence of naturally-occurring grizzly bears in the Bitterroot Ecosystem undermines a fundamental premise of the November 2000 EIS:

The last verified death of a grizzly bear in the Bitterroot Ecosystem (BE) occurred in 1932 and the last tracks were observed in 1946. No verified tracks or sightings have been documented in more than 50 years, and the best scientific evidence available indicates there are no grizzly bears in the [Bitterroot Ecosystem] at this time.

FWS000085.

Although this premise – no grizzly bears present in the Bitterroot Ecosystem – was a reasonable assumption at the time of the November 2000 EIS, and was a necessary condition for an experimental 10(j) population, 16 U.S.C. § 1539(j)(1), 50 C.F.R. § 17.80(a), this assumption has been disproven. As the Service itself concedes in the record, the Service may no longer deny ESA protections to grizzly bears in the Bitterroot under a 10(j) rule. FWS001455. However, although it is undisputed that a 10(j) rule can no longer lawfully apply to grizzly bears in the Bitterroot Ecosystem, FWS001455, the Service has still taken no action to supplement the EIS and remove the 10(j) regulation from the Code of Federal Regulations.

This case is similar to *Native Ecosystems Council v. Tidwell*, where the Ninth

Circuit required a supplemental NEPA analysis because the original analysis was “predicated on the assumption that no nesting habitat existed in the project area” and newer information disproved that assumption. 599 F.3d at 937. Similarly here, the original EIS was “predicated on the assumption that no [grizzly bears] existed in the project area” and current information has disproven that assumption. *Id.*

This case is also similar to *Alliance for the Wild Rockies v. Probert*, where this Court required a supplemental EIS when an underlying assumption in the original EIS – regarding potential impacts on grizzly bears – proved false. 412 F. Supp. 3d at 1208. Similarly here, the original EIS was based upon an assumption about grizzly bears that is no longer true.

For all of these reasons, the presence of naturally-occurring grizzly bears in the Bitterroot Ecosystem is a significant change in circumstances that undermines a fundamental premise of the original EIS and renders the existing 10(j) rule invalid; therefore the Service must prepare a supplemental EIS. 40 C.F.R. §1502.9(d)(1)(ii).

In conclusion, the Service’s failure to prepare a supplemental EIS in light of significantly changed circumstances, and a substantial change in the proposed action, violates NEPA.

V. CONCLUSION

Recovery of the Bitterroot grizzly is the lynchpin to recovery and delisting of the lower-48 States grizzly population. Over 20 years have passed since the Service issued its Record of Decision to take action on Bitterroot grizzly recovery, yet the agency has taken no action to implement its own decision. In light of dramatically changing circumstances on the ground, the agency can no longer sit on its hands.

Therefore, Plaintiffs respectfully request that this Court order the following actions: (1) the Service must file a notice in the Federal Register notifying the public that the Service (a) will not implement the 2001 Proposed Rule, (b) will remove the 10(j) rule from the C.F.R., and (c) will prepare a supplemental EIS for Bitterroot grizzly recovery; (2) the Service will issue a new Record of Decision after the supplemental EIS is complete; and (3) the Service will commence implementation of the new Record of Decision within one calendar year of signing the Record of Decision.

Respectfully submitted this 7th Day of October, 2022.

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that the foregoing brief is 6,442 words, which is within the 6,500 word limit set by Docs. 20 and 21, excluding the caption, table of authorities, table of contents, index of cited record documents, signature blocks, and certificate of compliance.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD
ROCKIES, et al.,

Plaintiffs,

vs.

HILARY COOLEY, U.S. Fish &
Wildlife Service Grizzly Bear
Recovery Coordinator, et al.,

Defendants,

and

STATE OF IDAHO,

Defendant-Intervenor.

CV-21-136-M-DWM

DECLARATION OF MICHAEL
GARRITY

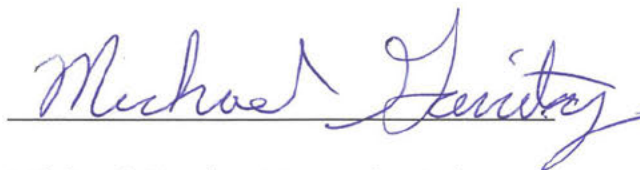
Pursuant to 28 U. S. C. § 1746, I, Michael Garrity, declare under penalty of perjury that the following is true and correct.

1. I am the Executive Director of Plaintiff Alliance for the Wild Rockies.
2. Alliance for the Wild Rockies is a tax-exempt, non-profit public interest organization dedicated to the protection and preservation of the native biodiversity of the Northern Rockies Bioregion, its native plant, fish, and animal life, and its naturally functioning ecosystems. Its registered office is located in Missoula, Montana. The Alliance has over 2,000 members, many of whom are located in Montana and Idaho. Members of the Alliance observe, enjoy, and appreciate Montana and Idaho native forests and wildlife, and expect to continue to do so in the future, including in the area affected by the Bitterroot Grizzly Experimental Population Area, Bitterroot Grizzly Recovery Areas, and Bitterroot Ecosystem.
3. I am a fifth generation Montanan and have spent my entire life visiting National Forests and other public lands in Montana and Idaho. Alliance's members and I regularly look for grizzly bears and their sign during work and recreational visits to grizzly habitat and potential habitat. We spend countless hours in grizzly habitat engaged in nature study and wildlife observation. Alliance's members and I intend to continue to use and enjoy the lands within the the Bitterroot Grizzly Experimental Population Area, Bitterroot Grizzly Recovery Areas, and Bitterroot Ecosystem, frequently and on an ongoing basis in the future for these purposes.
4. Alliance was an active participant in the original NEPA proceedings for Bitterroot grizzly recovery. In fact, Alliance proposed one of the alternatives in the EIS. *See* FWS000038 ("The second alternative identified was the Alliance for the Wild Rockies Alternative, which was proposed by the Alliance (USFWS 1995)"). The timeline in the original EIS explains that in 1996: "Alliance for the Wild Rockies publishes, *The Conservation Biology Alternative for Grizzly Bear Recovery and Population Restoration in the Greater Salmon-Selway Region of Central Idaho and western Montana*. The Alliance hosts a series of public open houses to review this alternative and issues a news release on their alternative ." FWS000335.
5. Alliance has invested decades of work into recovery of grizzly bears in the lower 48 States, including in the Bitterroot Ecosystem – it is one of our

primary areas of work. FWS's refusal to implement its own decision on Bitterroot grizzly recovery, and refusal to update the EIS in response to dramatically changed conditions, harms our esthetic, recreational, scientific, spiritual, vocational, and educational interests in grizzly bears and recovery, including but not limited to our interests in looking for, viewing, and studying a healthy viable population of grizzly bears throughout their range. Alliance is also suffering procedural harms from the FWS's refusal to follow the requirements of the APA and NEPA. Withholding the actions and decisions necessary to recover grizzly bears is a significant injury to the personal and professional interests of Plaintiffs and their members, particularly in consideration of their decades-long grizzly bear conservation and litigation efforts.

6. The above-discussed threats are caused by FWS's unlawful withholding, unreasonable delay, and failure to supplement the EIS. Therefore, a favorable judicial decision will prevent or redress these injuries because it will force FWS to act in a manner that will alleviate the harm to my and Alliance's members' esthetic, recreational, scientific, spiritual, vocational, and educational interests. Accordingly, Alliance and its members are suffering concrete and particularized injuries that are fairly traceable to FWS's conduct and likely to be redressed by a favorable decision ordering FWS to act.

Dated this 7th Day of October, 2022.

A handwritten signature in blue ink, reading "Michael Garrity", is written over a horizontal line.

Michael Garrity, Executive Director
Alliance for the Wild Rockies

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD
ROCKIES, et al.,

Plaintiffs,

vs.

HILARY COOLEY, U.S. Fish &
Wildlife Service Grizzly Bear
Recovery Coordinator, et al.,

Defendants,

and

STATE OF IDAHO,

Defendant-Intervenor.

CV-21-136-M-DWM

PLAINTIFFS' RESPONSE TO
DEFENDANTS' CROSS-MOTIONS
FOR SUMMARY JUDGMENT
[DOCS. 27, 31] & REPLY IN
SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
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I. RESPONSE

- A. Both the Service and Idaho fail to provide any analysis of the *TRAC* factors for unreasonable delay; thus, Defendants fail to establish that the Service’s delay of over 20 years in implementing the November 2000 Record of Decision and EIS is reasonable.**

The APA mandates that a “reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed[.]” 5 U.S.C. §706(1).

“Unreasonable delay” is determined by reference to six factors, known as the “*TRAC* factors.” *In re Pesticide Action Network*, 798 F.3d 809, 813 (9th Cir. 2015)(citing *Telecommunications Research and Action Center (“TRAC”) v. F.C.C.*, 750 F.2d 70 (D.C. Cir.1984)). It is Congress’s view that “agencies should act within reasonable time frames” and that courts “play an important role in compelling agency action that has been improperly withheld or unreasonably delayed.” *TRAC*, 750 F.2d at 77.

Over 20 years ago, after years of public analysis and comment, the U.S. Fish & Wildlife Service (“Service”) issued a Record of Decision for a Final EIS on Bitterroot grizzly recovery. FWS000882. The Record of Decision requires four specific actions: (1) the designation of a Bitterroot Grizzly Recovery Area, (2) the creation of a committee to recommend land use management standards for Bitterroot grizzlies, (3) the implementation of a sanitation and information

campaign to prepare the public for grizzly bears, and (4) the release of a minimum of 25 grizzly bears into the Bitterroot Grizzly Recovery Area over a period of five years. FWS000870-873. None of these actions have been implemented yet.

Accordingly, one of Plaintiffs' primary arguments in this case is that the Service has unreasonably delayed implementation of its November 2000 Record of Decision and EIS for Bitterroot grizzly recovery. *See* Doc. 24 at 3-14. In applying the first *TRAC* factor, no court has ever approved of a delay of over 20 years. Instead, the Ninth Circuit has found an agency delay of only ten years to be "nothing short of egregious." *In re Nat. Res. Def. Council*, 956 F.3d 1134, 1142 (9th Cir. 2020). Similarly, in addressing the Service's delay in promulgating a recovery plan for lynx, this Court held that a 14-year delay was unreasonable. *Friends of the Wild Swan v. Ashe*, 18 F.Supp.3d 1077, 1081 (D. Mont. 2014). Thus, the egregious delay of over 20 years in this case is unreasonable and therefore violates the APA. *See In re Nat. Res. Def. Council*, 956 F.3d at 1142.

The other *TRAC* factors also weigh in Plaintiffs' favor here. Regarding the third factor, by failing to implement the public safety measures in the Record of Decision, such as the provision of bear-proof garbage cans and public education campaigns, the Service has failed to implement measures to prevent/reduce grizzly-human conflicts and thereby has created human health and welfare issues

now that grizzlies are starting to enter the Bitterroot on their own. *See* FWS000870-873. Regarding the fourth factor, there is no documentation in the record of any current actions with higher priorities; the only discussion of higher priorities is found in the 2001 Proposed Rule that was abandoned by the Service, and even those priority actions seem to have been completed long ago. *See* Doc. 24 at 11-12 (discussing these actions). Moreover, as this Court noted in *Ashe*, “the Service’s justifications for the delay become less persuasive the longer the delay continues.” 18 F.Supp.3d at 1081 (citation and internal punctuation omitted).

Regarding the fifth factor, the primary interest prejudiced here is the recovery of a species listed under the Endangered Species Act, which is an interest that Congress has determined to be of “incalculable” value and therefore achieved “whatever the cost.” *Tennessee Valley Auth. v. Hill*, 437 U.S. 153, 187 (1978). Finally, regarding the sixth factor, the Service has candidly stated that it has no intention to implement the Record of Decision, which is improper considering the legally-binding commitment the Service made in that Record of Decision. *See e.g.* FWS001458 (“we never implemented it”); FWS001465 (“EIS has a Recovery Zone outlined, but has not been implemented”); FWS010494 (“Reintroduction has not occurred and there are currently no plans to do so”). Therefore, all *TRAC* factors weigh in Plaintiffs’ favor in this case.

In response to Plaintiffs’ analysis of the *TRAC* factors, as summarized above, both the Service and Idaho simply refuse to provide any analysis of the *TRAC* factors. *See* Docs. 28, 32. Remarkably, Defendants fail to even acknowledge the legal test for unreasonable delay under *TRAC*, much less apply the *TRAC* factors to the facts of this case. By failing to provide any application and analysis of the *TRAC* factors for unreasonable delay, even as an alternative argument, both the Service and Idaho have waived any argument regarding these factors. The Ninth Circuit holds: “We have consistently refused to consider arguments withheld until the reply brief.” *Wilson v. O’Leary*, 895 F.2d 378, 384 (7th Cir. 1990). Thus, Plaintiffs’ analysis of the *TRAC* factors should be deemed unrefuted, and Defendants may not provide analyses of the *TRAC* factors for the first time in their reply briefs. *See id.*

Instead of addressing the key issue – analysis of unreasonable delay under the *TRAC* factors – Defendants seem to assume that the Service’s November 2000 Record of Decision is not legally binding, and therefore the Court need not even undertake an unreasonable delay analysis. *See e.g.* Doc. 28 at 25. To the contrary, as addressed in Plaintiffs’ opening brief, Defendants’ assumption that a Record of Decision is not legally binding is disproven by both the explicit language in the Council on Environmental Quality’s NEPA regulations and the official, long-

established NEPA guidance published in the Federal Register for those regulations. 40 C.F.R. §1505.3 (“Mitigation [] and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency”); 46 Fed. Reg. 18026, 18037 (March 23, 1981) (“the terms of a Record of Decision are enforceable by agencies and private parties”).

Defendants fail to address this express language and thus fail to provide the Court with any persuasive legal ground to refuse to conduct an analysis of unreasonable delay under the *TRAC* factors. *See* Doc. 28 at vi-vii; Doc. 32 at iv.

B. The Record of Decision is legally binding.

Defendants’ primary argument in this case appears to be an incorrect assumption that the Record of Decision is not legally binding. In part, Defendants base this argument on the irrelevant premise that “[t]he promulgation of a Section 10(j) rule is entirely discretionary” because the statute states that “the Secretary ‘may’ establish an experimental population.” Doc. 28 at 22 Doc. 32 at 11- 12.

This observation of the statute is irrelevant in this case because that ship has already sailed. The Service already exercised this discretion, made the decision to establish the experimental population, and promulgated that 10(j) rule over 20 years ago.

Thus, the relevant issue in this case is not whether the Service has discretion to promulgate a 10(j) rule in the first instance; the issue is whether the Service must comply with a legally-binding Record of Decision that it has already issued, which addresses not only (1) the release of 25 grizzlies under an ESA Section 10(j) rule, but also requires (2) the designation of a Bitterroot Grizzly Recovery Area, (3) the creation of a committee to recommend land use management standards for Bitterroot grizzlies, and (4) the implementation of a sanitation and information campaign to prepare the public for grizzly bears. FWS000870-873.

As discussed above, both the Council on Environmental Quality's NEPA regulations and the official, long-established NEPA guidance published in the Federal Register for those regulations state that the terms of a Record of Decision are legally binding. 40 C.F.R. §1505.3 ("Mitigation [] *and other conditions* established in the environmental impact statement or during its review and committed as part of the decision *shall be implemented* by the lead agency or other appropriate consenting agency")(emphasis added); 46 Fed. Reg. 18026, 18037 (March 23, 1981) ("the terms of a Record of Decision are enforceable by agencies and private parties"). Defendants fail to address this express language and thus fail to provide the Court with any persuasive legal ground to disregard it. *See* Doc. 28 at vi-vii; Doc. 32 at iv.

Additionally, the Service appears to argue that the Record of Decision does not require any specific, affirmative action, and therefore does not commit the Service to any action. Doc. 28 at 23-24. To the contrary, as noted above, the Record of Decision chose the preferred alternative from the EIS and committed the Service to four specific actions: (1) the release of 25 grizzlies under an ESA Section 10(j) rule, (2) the designation of a Bitterroot Grizzly Recovery Area, (3) the creation of a committee to recommend land use management standards for Bitterroot grizzlies, and (4) the implementation of a sanitation and information campaign to prepare the public for grizzly bears. FWS000870-873.

Finally, the Service argues that “[t]he underlying agency action giving rise to this claim, the promulgation of the section 10(j) rule, has been completed and the ‘inaction’ that Plaintiffs challenge, an alleged failure to carry out the reintroduction, is a wholly discretionary action that cannot be challenged under APA Section 706(1).” Doc. 28 at 25. Contrary to this representation, the claim here does not challenge a failure to promulgate a 10(j) rule; the claim here challenges the Service’s failure to comply with its own Record of Decision, which requires four separate actions: (1) release of 25 grizzlies over five years following promulgation of a 10(j) rule, (2) designation of a Bitterroot Grizzly Recovery Area, (3) the creation of a committee to recommend land use management

standards for Bitterroot grizzlies, and (4) the implementation of a sanitation and information campaign to prepare the public for grizzly bears. FWS000870-873.

None of these activities are complete; thus a claim for unreasonable delay in implementing a legally-binding Record of Decision remains.

C. The Service has not implemented the November 2000 Record of Decision and that decision has never been withdrawn; thus, there is still major federal action pending under the existing Record of Decision.

The Ninth Circuit holds: “an agency that has prepared an EIS cannot simply rest on the original document. The agency must be alert to new information that may alter the results of its original environmental analysis, and . . . prepare a supplemental EIS [as required by the terms of the Council on Environmental Quality NEPA regulation].” *Friends of the Clearwater v. Dombeck*, 222 F.3d 552, 556–58 (9th Cir. 2000)(citing 40 C.F.R. §1502.9). In turn, the Council on Environmental Quality NEPA regulations mandate:

Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if a major Federal action remains to occur, and:

(i) The agency makes substantial changes to the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

40 C.F.R. §1502.9 (d).

In this case, Defendants do not provide a meaningful response to Plaintiffs’ argument that there have been both “substantial changes to the proposed action” as well as “significant new circumstances or information.” *See* Doc. 24 at 20-28. Defendants may not provide analyses of these issues for the first time in their reply briefs. *Wilson*, 895 F.2d at 384

Instead of addressing these issues, Defendants argue that no supplemental EIS is required in this case because there is purportedly “no pending major federal action.” Doc. 28 at 25; Doc. 32 at 14 -15. This argument must be rejected because the Service itself admits that it has not implemented the Record of Decision: “we never implemented it.” FWS001458.

Apparently, the key to understanding Defendants’ argument here is that Defendants are not actually discussing the Record of Decision, which is the operable decision document for an EIS under NEPA, and therefore the relevant document to address. *See* 40 C.F.R. §1505.2 (every EIS must have a Record of Decision). Instead, Defendants discuss only the Service’s 10(j) Rule, which was promulgated as a formal regulation in the C.F.R. under APA notice-and-comment rulemaking, and formally authorized an experimental population of grizzly bears.

As noted above, however, the NEPA claim here is a challenge to the EIS

and Record of Decision, not to the 10(j) regulation. Critically, the Record of Decision and EIS did not only discuss the 10(j) regulation; they also authorized the following activities after the promulgation of the 10(j) regulation: (1) release of 25 grizzlies over five years, (2) designation of a Bitterroot Grizzly Recovery Area, (3) the creation of a committee to recommend land use management standards for Bitterroot grizzlies, and (4) the implementation of a sanitation and information campaign to prepare the public for grizzly bears. FWS000870-873; *see* Doc. 28 at 28. None of those four actions that the Service committed to in the Record of Decision have been implemented; thus, there is still pending major federal action under the Record of Decision and EIS.

It is unclear why Defendants discuss only the 10(j) regulation rather than the Record of Decision, which is the major federal action actually at issue in this case; it is undisputed that Service has not yet implemented this Record of Decision, and thus it is still pending. Defendants' refusal to squarely address the real issue in this case – the actions committed to in the 2000 Record of Decision and not yet implemented – renders their argument unpersuasive.

D. The Service must finish a rule-making process once it chooses to start that process.

There is no dispute that the Service has never concluded the rulemaking

process for its 2001 Proposed Rule to select a different alternative from the Bitterroot grizzly EIS. In relevant part, the APA mandates: “With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” 5 U.S.C. §555 (b). The Ninth Circuit holds: “Under the applicable law, [an agency] has to reach some final decision. To ‘conclude [the] matter,’ [an agency] *must enter a final decision subject to judicial review*, and [it] must do so ‘within a reasonable time.’ 5 U.S.C. §555(b)[.]” *In re A Community Voice*, 878 F.3d 779, 787 (9th Cir. 2017)(emphasis added).

In *Community Voice*, the Ninth Circuit further held: “Having chosen to grant the petition for rulemaking, EPA came under a duty to conclude a rulemaking proceeding within a reasonable time.” *Id* at 785. The court also approved of a district court holding that “[o]nce an agency decides to take a particular action, a duty to do so within a reasonable time is created.” *Id* at 785. Accordingly, “[a]n agency cannot simply refuse to exercise its discretion to conclude a matter.” *Id*.

Despite this binding law, the Service argues that an agency need only conclude a matter if the matter began as a result of a private party submitting a petition for rulemaking. Doc 28 at 17-20. Idaho makes the same argument. Doc.

32 at 8-11. The flaw in this argument is that the initial catalyst for a rule-making process is irrelevant. The law requires that once an administrative agency chooses to start a rule-making process – regardless of why it chose to start that process – it must finish that process: “Having chosen to grant the petition for rulemaking, EPA came under a duty to conclude a rulemaking proceeding within a reasonable time.” *Community Voice*, 878 F.3d at 785. In this case, the Service chose to issue a Proposed Rule and thereby start the rulemaking process. Thus, “[h]aving chosen to [start] rulemaking, [the Service] came under a duty to conclude a rulemaking proceeding within a reasonable time.” *See Community Voice*, 878 F.3d at 785. The Service’s undisputed failure to conclude the rulemaking process violates the APA.

E. Plaintiffs have standing.

Finally, the Service makes two short arguments that it characterizes as “standing” arguments. Doc. 28 at 11- 14. The Ninth Circuit holds:

To demonstrate standing to bring a procedural claim—such as one alleging a NEPA violation—a plaintiff must show that the procedures in question are designed to protect some threatened concrete interest of his that is the ultimate basis of his standing. [] For an environmental interest to be concrete, there must be a geographic nexus between the individual asserting the claim and the location suffering an environmental impact. [] Environmental plaintiffs adequately allege injury in fact when they aver that they use the affected area and are persons for whom the aesthetic and recreational

values of the area will be lessened by the challenged activity. [] Once plaintiffs seeking to enforce a procedural requirement establish a concrete injury, the causation and redressability requirements are relaxed. []. Plaintiffs alleging procedural injury must show only that they have a procedural right that, if exercised, could protect their concrete interests. []

WildEarth Guardians v. U.S. Dep't of Agric., 795 F.3d 1148, 1154 (9th Cir. 2015)(internal quotation marks, brackets, and citations omitted).

The Service's first argument here is that the agency's refusal to implement the Record of Decision does not cause harm to Plaintiffs. Doc. 28 at 12. The Service's second argument is that the harm from failure to implement the Record of Decision in this case is not redressable. Doc. 28 at 12-14. As set forth below, neither argument is well-taken.

1. The Service's refusals to implement the legally-binding Record of Decision and supplement the EIS cause harm to Plaintiffs.

As discussed in Plaintiff Alliance for the Wild Rockies' standing declaration, the Alliance was an active participant in the original NEPA proceedings for Bitterroot grizzly recovery, and actually proposed one of the alternatives in the EIS. Doc. 24-1 ¶4. The Alliance has invested decades of work into recovery of grizzly bears in the lower 48 States, including in the Bitterroot Ecosystem – it is one of Alliance's primary areas of work. Doc. 24-1 ¶5. The Alliance's members "intend to continue to use and enjoy the lands within the

Bitterroot Grizzly Experimental Population Area, Bitterroot Grizzly Recovery Areas, and Bitterroot Ecosystem, frequently and on an ongoing basis in the future .

...” Doc. 24-1 ¶ 3. Accordingly, Alliance’s Executive Director explains:

[The Service’s] refusal to implement its own decision on Bitterroot grizzly recovery, and refusal to update the EIS in response to dramatically changed conditions, harms our esthetic, recreational, scientific, spiritual, vocational, and educational interests in grizzly bears and recovery, including but not limited to our interests in looking for, viewing, and studying a healthy viable population of grizzly bears throughout their range. Alliance is also suffering procedural harms from the [Service’s] refusal to follow the requirements of the APA and NEPA. Withholding the actions and decisions necessary to recover grizzly bears is a significant injury to the personal and professional interests of Plaintiffs and their members, particularly in consideration of their decades-long grizzly bear conservation and litigation efforts. []The above-discussed threats are caused by [the Service’s] unlawful withholding, unreasonable delay, and failure to supplement the EIS.

Doc. 24-1 ¶¶ 5-6. These facts establish a concrete injury and causation for standing purposes. *WildEarth Guardians*, 795 F.3d at 1154.

Although the Service does not deny that it has refused to implement the Bitterroot grizzly recovery EIS, the agency nonetheless argues that Plaintiffs do not have standing because the Service purportedly “did not *remove* grizzly bears from the Bitterroot area, prevent natural recolonization, or take any other action that diminished the declarant’s chances of observing grizzly bears in the area.”

Doc. 28 at 12 (emphasis in original).

First, as an initial matter, the Service has indeed removed grizzly bears from the Bitterroot – as recently as this year – without any apparent review of, or regard for, the terms and conditions required by the 2000 Record of Decision and EIS. An October 4, 2022 article in the Missoulian¹ discloses that Montana Fish, Wildlife, and Parks (as permitted by the Service) captured a male and female grizzly bear that had traveled on their own into the Bitterroot area, and removed and relocated those bears into the Sapphire Mountains. The Service does not disclose this fact to the Court.

Second, the Service has chosen not to implement a legally-binding Record of Decision to implement recovery of the Bitterroot grizzly. That choice by the Service is the cause of harm to Plaintiffs. If the Service had implemented the legally-binding Record of Decision 20 years ago, there could very well be a population of grizzly bears in the Bitterroot now. Furthermore, the Record of Decision did not simply require reintroduction of grizzlies; it also required a public education campaign, sanitation actions, and creation of land use management standards for grizzly habitat in the Bitterroot. FWS000870-873. By refusing to implement these legally-required actions, the Service has caused

¹Available online at the following link:
https://missoulian.com/news/local/grizzlies-captured-in-bitterroot-relocated/article_75335e43-110a-51ba-849d-af2af0ab3667.html

further harms: the public is not yet prepared for grizzly conflicts in the Bitterroot; potential conflict areas in the Bitterroot have not yet been bear-proofed; and the National Forests in the area are not prepared with grizzly bear management standards to apply to their land management activities that are now occurring in areas where grizzly bears may be present. All of these harms have been caused by the Service's refusal to implement its own legally-binding Record of Decision over the past 20 years.

2. This case does not request implementation of a Recovery Plan; it requests that the Court compel compliance with a legally binding Record of Decision and/or remand for a supplemental EIS.

The Service characterizes its next argument as a “redressability” argument but in truth the argument is simply a strawperson. The Service argues that “recovery planning measures are non-binding and do not impose legal obligations on any party, including FWS.” Doc. 28 at 12-13.² Therefore, the Service argues that a favorable decision would not redress the injury here. *Id.* However, while it is true that an ESA Section 4 Recovery Plan is not legally binding, this lawsuit is not actually challenging a failure to implement a Recovery Plan. Thus, the line of cases cited by the Service is irrelevant here.

²Idaho also makes a similar argument in a different section of its brief. Doc. 32 at 13-14

Instead of challenging a failure to implement a Recovery Plan, here Plaintiffs challenge a failure to implement a legally-binding Record of Decision. As discussed above, a Record of Decision, unlike a Recovery Plan, is legally binding. 40 C.F.R. §1505.3; 46 Fed. Reg at 18037. The Service inexplicably fails to address the fact that this case challenges a failure to implement a Record of Decision, not a failure to implement a Recovery Plan. Therefore its “redressability” argument fails.

II. CONCLUSION

Recovery of the Bitterroot grizzly is the lynchpin to recovery and delisting of the lower-48 States grizzly population. Over 20 years have passed since the Service issued its Record of Decision to take action on Bitterroot grizzly recovery, yet the agency has taken no action to implement its own decision. In light of dramatically changing circumstances on the ground, the agency can no longer sit on its hands.

Therefore, Plaintiffs respectfully request that this Court order the following actions: (1) the Service must file a notice in the Federal Register notifying the public that the Service (a) will not implement the 2001 Proposed Rule, (b) will remove the 10(j) rule from the C.F.R., and (c) will prepare a supplemental EIS for Bitterroot grizzly recovery; (2) the Service will issue a new Record of Decision

after the supplemental EIS is complete; and (3) the Service will commence implementation of the new Record of Decision within one calendar year of signing the Record of Decision.

Respectfully submitted this 21st Day of December, 2022.

/s/ Rebecca K. Smith

Rebecca K. Smith

PUBLIC INTEREST DEFENSE CENTER, PC

Timothy M. Bechtold

BECHTOLD LAW FIRM, PLLC

Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

The undersigned certifies that the foregoing brief is 4,165 words, which is within the 13,000 word limit set by the case management plan, excluding the caption, table of authorities, table of contents, index of cited record documents, signature blocks, and certificate of compliance.

/s/ Rebecca K. Smith

Rebecca K. Smith

PUBLIC INTEREST DEFENSE CENTER, P.C

Timothy M. Bechtold

BECHTOLD LAW FIRM, PLLC




Attorneys for Plaintiffs

From: [Pengeroth, Denise -FS](#)
To: [Fortin-Noreus, Jennifer K;](#) [REDACTED]
Cc: [Kemp, David - FS](#); [Kolbe, Allison -FS](#); [Snyder, Theodore -FS](#); [Shanley, Pat- FS](#); [Cipriano, Chiara - FS](#); [Pengeroth, Denise -FS](#)
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan
Date: Wednesday, March 30, 2022 1:09:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[dpDraft Communication GrizzlyRelocationPlan_2022.docx](#)

Hi Jennifer and Amber, attached are comments from a few of us on the Forest on the communication plan. One comment not in here (since this is an internal doc at the moment) is to keep in mind outreaching to the other public affairs officers on the other Forests as we are developing an external communication document.

We are compiling site information and hopefully will get that to you soon. Thanks!



Denise Pengeroth
Forest Wildlife Biologist and Elkhorn
Coordinator
Forest Service
Helena-Lewis and Clark National Forest
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Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, March 29, 2022 3:10 PM
To: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Cc: Kemp, David - FS <david.kemp@usda.gov>; Kolbe, Allison -FS <allison.kolbe@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi Denise,

We would appreciate it if you'd follow up on sites in the Elkhorns and the Big Belts for potential approval. Although it'd be nice to have a site in the Little Belts we understand the concern around private inholdings. We'd like to focus on areas where grizzly bears 'may be present' for now and I have attached the most recent map. It's a draft of the update with 2021 data. I have a little more data to incorporate before finalizing it.

Thanks!

Jennifer

From: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Sent: Tuesday, March 29, 2022 2:31 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Cc: Kemp, David - FS <david.kemp@usda.gov>; Kolbe, Allison -FS <allison.kolbe@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer, hope you are well!

Some questions have come up regarding relocation sites. As of right now we have sites identified and Ranger approved on the Rocky Mountain Front District, Lincoln District, and the Continental Divide portion of the Helena District (west of I-15). We have a few sites identified in the Elkhorns where we can follow up with the respective rangers for approval and we may have a few in the Big Belts. Otherwise we didn't identify any sites anywhere else. I thought we had but I forgot that we didn't since FWP didn't need any info outside of the approved areas I reference above.

So our questions are:

- Should we provide additional sites beyond those already approved?
- If so, where? Do we just focus on where bears 'may be present' and if so, what 'may be present' map do we use? The 2019 version or the updated version that has less 'may be present' area?

We do have some concerns about identifying sites in at least a portion of the Little Belts. There is a lot of private inholdings in some spots that might be setting a bear up for failure. Anyways, if it helps to talk via Teams, let's!

Thanks!



Denise Pengeroth
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Caring for the land and serving people




From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, March 28, 2022 2:11 PM
To: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Cc: Amber Kornak <(b) (6) @gmail.com>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi Denise,
Please provide all sites outside of the recovery zone.
Thanks!
Jennifer

From: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Sent: Monday, March 28, 2022 10:34 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Cc: Amber Kornak <(b) (6) @gmail.com>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi, good morning! Are we providing sites across the Forest or just within a certain geographic area? Thank you!



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From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, March 28, 2022 10:24 AM
To: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Cc: Amber Kornak <(b) (6) @gmail.com>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi Denise,
It would be helpful for you to provide the sites and contacts for each site while we are working




through the MOU or communication plan so that we can start getting things in a good format.
Thanks!
Jennifer

From: Pengeroth, Denise -FS <denise.pengeroth@usda.gov>
Sent: Friday, March 25, 2022 7:49 AM
To: Amber Kornak <(b) (6)@gmail.com>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

Hi, good morning! Thank you!

At this point, the Helena-Lewis and Clark has sites that have been identified by the biologists some of which have been approved by a ranger. We are in the early steps of working on the MOU with the FWS so I worry it might be premature for us to provide the sites at this time. Thoughts?



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Caring for the land and serving people

From: Amber Kornak <(b) (6)@gmail.com>
Sent: Monday, March 21, 2022 3:12 PM
To: Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT

<amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: [External Email]Re: [EXTERNAL] RE: GB relocation site plan

[External Email]

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Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Amber Kornak

406-217-4962

On Tue, Mar 15, 2022 at 7:32 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hello everyone,

The initial feedback that I received from several of you is that it'd be helpful for our office to proceed with drafting an internal communication plan, a simplified version of the Flathead agreement (attached). We were able to hire Amber Kornak through the University to help with conflicts/relocations for the USFWS while we try to fill our permanent positions and she'll be helping with this. We will try to get something out to all of you by the end of the week.

In the meantime, it would be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Jennifer

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS

<Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT

<chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>

Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak

(b) (6) <[REDACTED]@gmail.com>

Subject: [EXTERNAL] RE: GB relocation site plan

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, March 11, 2022 3:29 PM
To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>
Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K
Sent: Friday, March 11, 2022 3:25 PM
To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>
Subject: GB relocation site plan

Hi everyone,

I wanted to follow-up on previous discussions I've had with each of your forests regarding the agreement format between the USFS and USFWS for grizzly bear relocation sites. After discussions with many of you it sounds like an internal communication plan may be preferred over a formal agreement, such as what the Flathead NF has traditionally done. Our office is happy to take a first stab at drafting that to help get things moving if that'd be helpful? As bears begin to emerge from hibernation and with SB337 going into effect on March 1st, it is urgent to be ready when we need a relocation site, which hopefully won't be for a while! Each of you were identified as a POC for your forest and I hope that you can assist for your forest.

Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [Jonkel, James](#)
To: [Gatlin, Jennifer L -FS](#); [Fortin-Noreus, Jennifer K](#); [Roberts, Anne E -FS](#)
Cc: [Trimbo, Rory](#); [Hampson, Eli](#); [Bell, Chad -FS](#); [Tomson, Scott -FS](#); [Shanley, Pat -FS](#); [Lockman, Dave -FS](#); [Roose, Jenna -FS](#); [Mayn, Cole -FS](#); [Martens, Justin -FS](#); [Herrmann, Elizabeth -FS](#); [Trivette, Jaime -FS](#)
Subject: Re: [EXTERNAL] Fw: griz bear relocation sites on USFS Lands throughout the Region 2 area and outlying areas
Date: Tuesday, August 17, 2021 8:06:49 AM
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[4-7-21 FNF KNF NCDE GrizzlyRelocationPlan 2021 MAP.pdf](#)
[4-7-21 FNF KNF NCDE GrizzlyRelocationPlan 2021.pdf](#)

Hello Jennifer. Nice visiting with you. As promised, I have attached the Flathead National and Kootenai National Forest's relocation protocol and maps for reference. I just got off the phone with Rory Trimbo and he has been visiting with Anne Roberts as well. Eli and I put together a good rough draft of location sites for the Recovery Area and the Zone 1 portions of the Blackfoot Basin. Jennifer Fortin-Noreus is putting a map together with this list of potential sites. If we could get a list of sites on the Beaverhead-Deerlodge NF portions of Zone 2 and other outlying lands that you feel would be appropriate that would be wonderful. Again, I want to stress that these would be for non-conflict bears in emergency situations under the interim Region 2 FWP Relocation Protocol, for example a non-target grizzly captured during a black bear management action, that would need to be released somewhere in the same general watershed or mountain range where it was captured. Once we have a complete list of suggested sites (recovery zone, zone 1, zone 2 and the outlying areas) we will have everyone (USFS, other agencies, FWP R2) look it over/edit prior to sending it up the chain to Ken McDonald. This list will then go before the FWP commission for approval of sites----sites that would be used in the interim---that is prior to things being worked out in time via the state's final future grizzly bear management planning process.




From: Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>
Sent: Friday, August 13, 2021 9:01 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Jonkel, James <JaJonkel@mt.gov>; Roberts, Anne E -FS <anne.roberts@usda.gov>
Cc: Trimbo, Rory <Rory.Trimbo@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Bell, Chad -FS <chad.bell@usda.gov>; Tomson, Scott -FS <scott.tomson@usda.gov>; Shanley, Pat -FS <Patrick.Shanley@usda.gov>; Lockman, Dave -FS <David.Lockman@usda.gov>; jenna.roose <jenna.roose@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Martens, Justin -FS <Justin.Martens@usda.gov>; Herrmann, Elizabeth -FS <elizabeth.herrmann@usda.gov>; Trivette, Jaime -FS <jaime.trivette@usda.gov>
Subject: RE: [EXTERNAL] Fw: griz bear relocation sites on USFS Lands throughout the Region 2 area and outlying areas

Hi all, also including Anne Roberts in this message as well.

Please let us know how we can help move this forward. Appreciate the loop-in!

Sparkles,



Jennifer (Jay) Gatlin
Wildlife Program Manager
Forest Service
Beaverhead-Deerlodge National Forest,
Supervisor's Office
p: 406-683-3916
c: 406-596-1391
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Dillon, MT 59725
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 [usda.gov]  [twitter.com] 
[\[facebook.com\]](https://facebook.com)
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From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, August 13, 2021 8:32 AM
To: Jonkel, James <jajonkel@mt.gov>
Cc: Trimbo, Rory <rory.trimbo@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Bell, Chad -FS <chad.bell@usda.gov>; Tomson, Scott -FS <scott.tomson@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Lockman, Dave- FS <David.Lockman@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Herrmann, Elizabeth - FS <elizabeth.herrmann@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Trivette, Jaime - FS <jaime.trivette@usda.gov>
Subject: RE: [EXTERNAL] Fw: griz bear relocation sites on USFS Lands throughout the Region 2 area and outlying areas

Hello All,

I am adding a few folks from the Bitterroot (Cole Mayn and Justin Martens) and the Beaverhead-Deerlodge (Betsy Herrmann, Jay Gatlin, and Jaime Trivette) to this email that have been very helpful with the SW MT DNA project and would be good to have input from on relocation sites. I'd be happy to participate in any discussion regarding identification of new relocation sites.

Thanks!

Jennifer

From: Jonkel, James <JaJonkel@mt.gov>
Sent: Wednesday, August 4, 2021 6:48 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Cc: Trimbo, Rory <rory.trimbo@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Bell, Chad -FS

<chad.bell@usda.gov>; Tomson, Scott -FS <scott.tomson@usda.gov>; Shanley, Pat- FS
<Patrick.Shanley@usda.gov>; Lockman, Dave- FS <david.lockman@usda.gov>; Roose, Jenna -FS
<jenna.roose@usda.gov>

Subject: [EXTERNAL] Fw: griz bear relocation sites on USFS Lands throughout the Region 2 area and outlying areas

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Hello Jennifer: I know that you have lots of USFS contacts in the Bitterroot and Beaverhead-Deerlodge National Forests, with the work you have been doing on your grizzly bear DNA study. Could you loop in all the folks that you have been working with in the USFS on this email. Eli and I have been working with Chad Bell and Scott Tomson on the Lolo, Pat Shanley on the Helena, and two years ago I worked with Dave Lockman in the Bitterroot, but if you know some other USFS folks that need to be involved from your DNA study contacts--loop them in. I believe Rory Trimbo has been visiting with Jenna Roose on the Beaverhead-Deerlodge.

First, guys, read the email below for some background. Eli, Jennifer and I have been working with Chad Bell on this effort. We are in the process of pulling all our historically used relocations sites in around Region 2 for the Recovery Area and what is Zone 1 under the grizzly bear conservation strategies. But we will be needing your help. Chad Bell is assisting us with selecting some new sites (for non-conflict/non-target grizzlies) in the outlying areas on the Lolo NF. But we are needing some site suggestions for Zone 2 areas under the conservation strategies and other outlying areas on the national forest lands on the Bitterroot, Helena NF (south) and the Beaverhead-Deerlodge. We must get a list together by September 1. So let us know if you know of any appropriate sites ASAP and Jennifer will get them on the map and on the list. I have attached our R2 Protocol for Relocations and the R1 Protocol and map of sites for comparison.

From: Jonkel, James

Sent: Wednesday, August 4, 2021 1:12 PM

To: Arnold, Randy <arnold@mt.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>

Cc: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Cooley, Hilary <Hilary_Cooley@fws.gov>

Subject: RE: griz bear relocation sites.

Yes, Eli and I met with Jennifer today. We have a good thing going with the Lolo, and trying to coordinate with Bitterroot. Rory is reaching out to Beaverhead-Deerlodge

Sent from Workspace ONE Boxer

On Aug 4, 2021 12:44 PM, "Arnold, Randy" <rarnold@mt.gov> wrote:

Hi Jamie,

I was curious if you were planning to coordinate this effort? With the deadline of September 1, I didn't want to assume and find out that we all thought someone else was on it!

Thanks,

Randy

Randy Arnold

Regional Supervisor

Montana Fish, Wildlife & Parks, Region 2

3201 Spurgin Rd

Missoula, MT 59804

O: (406) 542-5504 | C: (406) 552-8708

Montana FWP [\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)



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[\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)

[\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)



[\[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)

From: Jonkel, James <JaJonkel@mt.gov>

Sent: Friday, July 30, 2021 2:17 PM

To: Bell, Chad -FS <chad.bell@usda.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Trimbo, Rory <Rory.Trimbo@mt.gov>

Cc: Arnold, Randy <rarnold@mt.gov>; Thompson, Michael <mthompson@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>

Subject: Fw: griz bear relocation sites.

FYI

From: McDonald, Ken <kmcdonald@mt.gov>

Sent: Friday, July 30, 2021 1:14 PM

To: FWP *Wildlife Regional Mgrs <FWP#WLMgrs@mt.gov>; FWP *Reg Supervisors <RegSuper@mt.gov>; Annis, Kim <KAnnis@mt.gov>; Manley, Timothy <Tim.Manley@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Frey, Kevin <KFrey@mt.gov>; Sarmento, Wesley <Wesley.Sarmiento@mt.gov>; White, Charles <Charles.White@mt.gov>; Kembel, Kylie <Kylie.Kembel@mt.gov>
Cc: Costello, Cecily <cecostello@mt.gov>; Roberts, Lori <LRoberts@mt.gov>; Harris, Rich <Richard.Harris@mt.gov>; Kujala, Quentin <qkujala@mt.gov>
Subject: griz bear relocation sites.

As you know, we have to identify and have the commission approve relocation sites where griz bears could be relocated starting next spring. Our intent is to take a proposed list to the Commission at their October meeting. What comes out of that meeting will go out for public comment, to be finalized in December. So at this point I am requesting each region work with their appropriate Public Land counterparts to identify a list of potential sites where griz bears could be relocated. The scale is similar to what you have done in the past – e.g., roads or drainages above a locked gate, etc. I suggest you identify a suite of sites so if one is not available, there are backups. If we do have a bear in a trap that needs to be relocated, we would still confer with the land manager at the time to make sure that specific sites are still available.

Please work with your land manager counterparts to identify sites that are acceptable to them. I have asked Chris Savage from the Regional Foresters Office to “grease the skids” with Forest Service so they at least know we will be asking for their help.

I have attached a document showing different scenarios and responses. Not sure if some sites may be available for only certain types of scenarios, but if that is the case, then make sure to note that.

Finally, I have attached a document worked on by Region 1 and their forest service counterparts for this year as an example. The list of sites is in Table 2. I envision this same type of effort going into next year, with the only difference being the Commission has to approve it. So something like Table 2 is what we are looking for for each region with g bears. [Grizzly Bear Relocation Scenarios.docx](#)

Please try to have you list of sites back to me by September 1 so we have time to get them to the Commission ahead of their October meeting.

Please let me know if you have any questions about any of this.

Thanks for the help. I know it is a very busy time. [FNF_KNF_NCDE_GrizzlyRelocationPlan_2021.pdf](#)

Ken McDonald
Wildlife Division Administrator
[Montana Fish, Wildlife & Parks \[gcc02.safelinks.protection.outlook.com\]](mailto:gcc02.safelinks.protection.outlook.com)
P.O. Box 200701
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Ph: (406) 444-5645

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From: [Fortin-Noreus, Jennifer K](#)
To: [REDACTED]
Subject: RE: [EXTERNAL] GB relocation site plan
Date: Wednesday, April 20, 2022 8:37:00 AM
Attachments: [20220420 Draft communication plan for all forests with minimal edits.docx](#)
[20220415 Draft communication plan for all forests with minimal edits hc_jf.docx](#)

Hey Amber,

Hilary and I made a few edits. I've attached a track changes and a "mostly" clean version. Would you please put the new release sites into the old table format in the "mostly" clean version before sending back to our partners? I'd do that without track changes in the clean version. Then send the clean version and the track changes version back to the USFS for review and please cc me. When you email them, please clarify that each forest will have it's own plan so if there are specifics to each forest, such as "travel does not exceed administrative use..." ask them to provide those details in a separate document or email that can be added to their forest-specific plan. Hope that makes sense! Feel free to give me a call if any of it doesn't.

Thanks!

Jennifer

From: Amber Kornak (b) (6) [REDACTED]@gmail.com>
Sent: Friday, April 15, 2022 12:10 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] GB relocation site plan

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Awesome, thank you!

Oh shoot I'm sorry. I didn't want to delete or resolve any edits just in case so I just temporarily removed them. Is that the best to get a clean version by resolving everything? This was definitely my first time with this many comments haha.

I can redo it if you'd like?

Amber

On Friday, April 15, 2022, Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

I am reviewing now and then sending to Hilary to review. Hopefully she has time today or early next week. FYI, the clean version wasn't without edits but simple had them hidden.
Thanks!

From: Amber Kornak (b) (6) @gmail.com>
Sent: Tuesday, April 12, 2022 12:05 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: Re: FW: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer and Hilary,

I have attached two drafts of the communication plans with the USFS. One version includes all the comments and edits from myself and USFS (it is a bit messy sorry!). The second is the clean version **without** all the comments and edits. The Lolo Forest asked a good question about FWP and we may need to clarify if FWP is a part of the communication plan. There were some comments on the wording I was able to edit but others I left for you both to decide.

Once we have an official format and wording settled it will be easy to separate by forest. Also, once we have settled on all the comments I can go through and spell and grammar check. I adjusted the relocation site chart that flows with how the FS sent over the locations and added a description column. We are still waiting to hear from the Bitterroot NF on comments and relocation sites.

Let me know what else I can do to help and if you have any questions!

Thank you!
Amber Kornak
406-217-4962

On Tue, Apr 12, 2022 at 9:35 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

A few last comments from the Lolo. Sorry for the delay in forwarding them!

From: Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>
Sent: Friday, April 8, 2022 12:21 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer,

Here are our comments on the agreement.

I have been thinking a bit more about these other sites and I am suspecting this is going to be challenging to resolve in a reasonable amount of time. Technically, I showed the Forest leadership the sites I sent you and they agreed to. Adding sites will require me to go back to the leadership which isn't easy – probably months to get on the agenda. I know the Missoula RD Ranger, from previous conversations, was very concerned with sites near the Rattlesnake Recreation Area (Edith Peak is not). How critical are these sites?

"The ones that are of most interest to us is Edith Peak (47.114914, -114.251883), Shoofly Meadows (46.989551, -113.751958), Sheep Mountain Trail (46.952654, -113.7667050), and Wisherd Ridge (46.9206617, -113.7866180)."

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Friday, April 1, 2022 8:14 AM

To: Amber Kornak (b) (6) <[REDACTED]@gmail.com>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>

Subject: RE: [EXTERNAL] RE: GB relocation site plan

Good morning,

I wanted to send out a quick reminder to please provide comments on the draft Communication Plan for the Relocation of Grizzly Bears by Friday, April 8th if you have not already. Our impression is that each forest would like a separate plan but we'd like to confirm that? And if that's true, is there a desire by the USFS to have all of the plans be the same for format and content?

In addition, please send us your relocation sites and points of contact for each site if you haven't already. Please provide cell numbers for the contacts as relocations discussions may need to occur on evenings/weekends.

Thank you!

Jennifer

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Subject: Re: [EXTERNAL] RE: GB relocation site plan

Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly

Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!
Amber Kornak
406-217-4962

On Tue, Mar 15, 2022 at 7:32 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hello everyone,
The initial feedback that I received from several of you is that it'd be helpful for our office to proceed with drafting an internal communication plan, a simplified version of the Flathead agreement (attached). We were able to hire Amber Kornak through the University to help with conflicts/relocations for the USFWS while we try to fill our permanent positions and she'll be helping with this. We will try to get something out to all of you by the end of the week.

In the meantime, it would be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!
Jennifer

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Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

Subject: [EXTERNAL] RE: GB relocation site plan

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would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

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Subject: FW: GB relocation site plan

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Subject: GB relocation site plan

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Thank you!

Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

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Missoula, Montana 59812

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--

Amber Kornak
406-217-4962

From: [Fortin-Noreus, Jennifer K](#)
To: (b) (6)
Subject: RE: [EXTERNAL] new map
Date: Friday, November 18, 2022 6:52:00 AM

Hi (b) (6),

I am working on an updated "may be present" map. The ecosystems update their estimated distributions every other year which represented areas where continual occupancy occurs. The "may be present" map does not represent occupied but rather verified locations outside of estimated distributions that include low density occurrence and transitory animals. The Forest Service can choose if they want to include a larger area as "occupied" to account for future conditions.

I think that relocation sites will come up at the subcommittee meeting but if they don't please provide public comment on it.

Thanks!

Jennifer

From: (b) (6)
Sent: Thursday, November 17, 2022 12:16 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] new map

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Hi Jennifer

I know you are working on an updated grizz map. I heard a rumor from the Forest Service that the entire area to the east of 93 was going to be considered occupied. Is that the case?

Hope you are well.

We need relocation sites in the Bitterroot in Montana and Idaho. How do we get them. I am hoping to comment at the BE subcommittee meeting if I get out of my ear doctor appointment on time. Any suggestions as to what to say?

Michele

(b) (6)

"May your trails be crooked, winding, lonesome, dangerous, leading to the most amazing view."

Edward Abbey

From: [REDACTED]
To: [Fortin-Noreus, Jennifer K](#)
Subject: Re: [EXTERNAL] Re: GB relocation site plan
Date: Thursday, March 17, 2022 6:29:02 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[2nd Draft Communication GrizzlyRelocationPlan 2022.docx](#)

Hi Jennifer,

I did a 2nd draft of the plan with most of the guidelines and such deleted. Let me know which you think would work best. Also, not sure if I got all the right forests in there?

Thanks!
Amber Kornak
406-217-4962

On Tue, Mar 15, 2022 at 7:54 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

One more thing. Is it possible for you to get that drafted by Thursday morning? I will be on leave from March 17 (around 11am)-22 but it'd be great if we could get something to everyone to review while I'm gone.

Thank you!!!

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Good morning Jennifer,

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agreement or communication document? I was going to chat with Justine today about contacts but should I hold off?

Thank you!

Amber Kornak

406-217-4962

On Mon, Mar 14, 2022 at 8:33 AM Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov> wrote:

Hi everyone:

Yes, this works for me as well. Thank you for taking the first stab!



Jennifer (Jay) Gatlin (she/her)
Wildlife Program Manager
Forest Service

Beaverhead-Deerlodge National Forest,
Supervisor's Office

p: 406-683-3916

c: 406-596-1391

jennifer.gatlin@usda.gov

420 Barrett Street

Dillon, MT 59725

www.fs.fed.us



Caring for the land and serving people

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

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Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT

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To: [Fortin-Noreus, Jennifer K](#)
Subject: Re: [EXTERNAL] Re: GB relocation site plan
Date: Wednesday, March 16, 2022 10:13:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Draft Communication_GrizzlyRelocationPlan_2022.docx](#)

Hi Jennifer!

I am so sorry this email got lost somewhere in my mail. I was thinking my email never made it to you! Please find attached a rough draft version of the communication plan. I added a few notes with questions. I have not received anyones contact's information so that has not been added yet. I also wasn't sure if they were wanting to cut out guideline information completely or if it was helpful for them..

I will be on the road tomorrow morning and have a meeting at 10 a.m. I can fix it up more after my meeting! Lastly, when I started commenting some of Hilary's previous comments kept reappearing with my comments..just a heads up.

I apologize again for not getting this over to you sooner.
Thank you!
Amber Kornak
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Cc: [lydia.allen](#); [amy.jacobs](#); [Cooley, Hilary](#)
Subject: RE: [EXTERNAL] RE: GB relocation site plan
Date: Friday, April 1, 2022 8:14:44 AM
Attachments: [Draft Communication GrizzlyRelocationPlan 2022.docx](#)

Good morning,

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406-217-4962

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Hello everyone,

The initial feedback that I received from several of you is that it'd be helpful for our office to proceed with drafting an internal communication plan, a simplified version of the Flathead agreement (attached). We were able to hire Amber Kornak through the University to help with conflicts/relocations for the USFWS while we try to fill our permanent positions and she'll be helping with this. We will try to get something out to all of you by the end of the week.

In the meantime, it would be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Jennifer

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>

Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>

Subject: [EXTERNAL] RE: GB relocation site plan

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Friday, March 11, 2022 3:29 PM

To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K
Sent: Friday, March 11, 2022 3:25 PM
To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Subject: GB relocation site plan

Hi everyone,

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Thank you!

Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

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From: [REDACTED]
To: [Fortin-Noreus, Jennifer K](#)
Subject: Re: [EXTERNAL] Re: GB relocation site plan
Date: Thursday, April 21, 2022 7:39:54 PM
Attachments: [20220420 Draft communication plan for all forests with minimal edits.docx](#)

Hi Jennifer,

I updated the chart! Once we talk tomorrow I will get the email out.

Thank you!
Amber Kornak
406-217-4962

On Thu, Apr 21, 2022 at 6:47 PM Amber Kornak (b) (6) <[REDACTED]@gmail.com> wrote:
Yes, that works great!

Thank you.
Amber Kornak
406-217-4962

On Thu, Apr 21, 2022 at 3:12 PM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hi Amber,

I'm available before 10am tomorrow, would that work for you?

Thanks!

Jennifer

From: Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Sent: Thursday, April 21, 2022 2:04 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] Re: GB relocation site plan

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Hi Jennifer,

You bet! I am out in the field right now but I'll get that done this evening and send it to you. I do have a couple questions on the end product and want to make sure I am understanding the plan. Do you have time tomorrow morning to chat a bit?

Thank you!

Amber

On Thursday, April 21, 2022, Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hi Amber,

I would like to fill out the old tables as much as we can for the individual forests based on what they provided. Do you want to take a first stab at that and then I can fill in any additional information I know? Otherwise your plan sounds good. I'll send a separate email to the Bitterroot NF because things are sensitive there.

Thanks!

Jennifer

From: Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Sent: Thursday, April 21, 2022 8:40 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] GB relocation site plan

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Hi Jennifer,

Just want to double check. I am sending over the document you sent me with all the

track changes and the one "cleaner" version with the old chart, correct? Since this is a template I will leave the chart blank with headings. I will add in the email about the missing information (i.e. description, Township/Range, and zone) in hopes each forest will fill that in on their own. Should I also mention to the Bitterroot folks that we haven't received anything?

Thanks!!!

Amber Kornak

406-217-4962

On Wed, Apr 20, 2022 at 8:37 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

Hey Amber,

Hilary and I made a few edits. I've attached a track changes and a "mostly" clean version. Would you please put the new release sites into the old table format in the "mostly" clean version before sending back to our partners? I'd do that without track changes in the clean version. Then send the clean version and the track changes version back to the USFS for review and please cc me. When you email them, please clarify that each forest will have it's own plan so if there are specifics to each forest, such as "travel does not exceed administrative use..." ask them to provide those details in a separate document or email that can be added to their forest-specific plan. Hope that makes sense! Feel free to give me a call if any of it doesn't.

Thanks!

Jennifer

From: Amber Kornak (b) (6) <[REDACTED]@gmail.com>

Sent: Friday, April 15, 2022 12:10 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: [EXTERNAL] GB relocation site plan



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Awesome, thank you!

Oh shoot I'm sorry. I didn't want to delete or resolve any edits just in case so I just temporarily removed them. Is that the best to get a clean version by resolving everything? This was definitely my first time with this many comments haha.

I can redo it if you'd like?

Amber

On Friday, April 15, 2022, Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

I am reviewing now and then sending to Hilary to review. Hopefully she has time today or early next week. FYI, the clean version wasn't without edits but simple had them hidden.

Thanks!

From: Amber Kornak (b) (6) <[REDACTED]@gmail.com>

Sent: Tuesday, April 12, 2022 12:05 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Cooley, Hilary <hilary_cooley@fws.gov>

Subject: Re: FW: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer and Hilary,

I have attached two drafts of the communication plans with the USFS. One version includes all the comments and edits from myself and USFS (it is a bit messy sorry!). The second is the clean version **without** all the comments and edits. The Lolo Forest asked a good question about FWP and we may need to clarify if FWP is a part of the communication plan. There were some comments on the wording I was able to edit but others I left for you both to decide.

Once we have an official format and wording settled it will be easy to separate by forest. Also, once we have settled on all the comments I can go through and spell and grammar check. I adjusted the relocation site chart that flows with how the FS

sent over the locations and added a description column. We are still waiting to hear from the Bitterroot NF on comments and relocation sites.

Let me know what else I can do to help and if you have any questions!

Thank you!

Amber Kornak

406-217-4962

On Tue, Apr 12, 2022 at 9:35 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

A few last comments from the Lolo. Sorry for the delay in forwarding them!

From: Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>
Sent: Friday, April 8, 2022 12:21 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer,

Here are our comments on the agreement.

I have been thinking a bit more about these other sites and I am suspecting this is going to be challenging to resolve in a reasonable amount of time. Technically, I showed the Forest leadership the sites I sent you and they agreed to. Adding sites will require me to go back to the leadership which isn't easy – probably months to get on the agenda. I know the Missoula RD Ranger, from previous conversations, was very concerned with sites near the Rattlesnake Recreation Area (Edith Peak is not). How critical are these sites?

“The ones that are of most interest to us is Edith Peak (47.114914, -114.251883), Shoofly Meadows (46.989551, -113.751958), Sheep Mountain Trail (46.952654, -113.7667050), and Wisherd Ridge (46.9206617, -113.7866180).”

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, April 1, 2022 8:14 AM
To: Amber Kornak (b) (6) <[REDACTED]@gmail.com>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Good morning,

I wanted to send out a quick reminder to please provide comments on the draft Communication Plan for the Relocation of Grizzly Bears by Friday, April 8th if you have not already. Our impression is that each forest would like a separate plan but we'd like to confirm that? And if that's true, is there a desire by the USFS to have all of the plans be the same for format and content?

In addition, please send us your relocation sites and points of contact for each site if you haven't already. Please provide cell numbers for the contacts as relocations discussions may need to occur on evenings/weekends.

Thank you!

Jennifer

From: Amber Kornak (b) (6) <[REDACTED]@gmail.com>
Sent: Monday, March 21, 2022 3:12 PM
To: Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>; robbie.piehl@usda.gov; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth,

Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS
<gregory.w.gustina@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>;
Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K
<jennifer_fortin-noreus@fws.gov>
Subject: Re: [EXTERNAL] RE: GB relocation site plan

Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!

Amber Kornak

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Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Amber Kornak (b) (6) @gmail.com <[\(b\)\(6\)@gmail.com](mailto:(b)(6)@gmail.com)>
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Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

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Amber Kornak

406-217-4962

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Amber Kornak

406-217-4962

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Amber Kornak

406-217-4962

From: [Jonkel, James](#)
To: [Jimenez, Benjamin S](#); [Irwin, Jesse - FS, HAMILTON, MT](#); [Hampson, Eli](#); [Montgomery, Bruce](#)
Cc: [Harrod, Sara - FS, MT](#); [Foster, Michael - FS, MT](#); [Pickle, Jeremy - FS, MT](#); [Mayn, Cole -FS](#); [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: RE: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan
Date: Wednesday, March 1, 2023 4:54:32 PM
Attachments: [image001.png](#)
[3-1-23 Working Final Draft FWP R2 Grizzly Relocation Protocol with highlights.docx](#)
[5-2022 FNF KNF NCDE GrizzlyRelocationPlan 2021 MAP \(1\).pdf](#)
[5-2022 FNF KNF NCDE GrizzlyRelocationPlan 2022 DRAFT.docx](#)
[202200713 NR MT Grizzly Relocations Final.pdf](#)
[20220713 FAQs MT Grizzly Relocations Final.pdf](#)

As promised. Here is the working draft of the FWP Region 2 Relocation Protocol. I know there has been quite a bit of turnover on the Bitterroot since this was first put together. Also give it a good lookover for any red flags and send it back to me. I will send it out to the other forests and agencies as well. We will then work on a second updated draft with some changes that pertain to various MOU agreements and the new grizzly bear management plan and send it back out for review. We will also get a map in the appendix that shows all sites. I have also attached The FWP R1/Flathead-Kootenai NF relocation signed agreement for comparison---this is what we are working toward.

From: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>
Sent: Wednesday, March 1, 2023 2:50 PM
To: Irwin, Jesse - FS, HAMILTON, MT <jesse.irwin@usda.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Montgomery, Bruce <Bruce.Montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <Hilary_Cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan

Hi Jesse,

Thanks for the update and for continuing your efforts. Did the DR have any other ideas for sites on the west side of 93? As discussed, we would really like to have something on that side of the highway/river ironed out ahead of time as well, hopefully reducing the chances of finding ourselves in a similar situation to last August/September. I think all involved in that situation with the two subadults last year acknowledged we could and should collectively do a better job in the future, and expressed a desire to do the legwork to put ourselves in position to better handle a similar situation moving forward. That's obviously easier said than done on many fronts, so we again appreciate everyone's efforts to make that happen. I think there are probably some additional questions and clarifications on both sides, but perhaps it would be more helpful and efficient to talk through those in person, at an FLT meeting or otherwise.

I am curious to hear from others on all this, but again appreciate the effort and willingness to keep pushing these conversations.

Thanks,

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

From: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>
Sent: Tuesday, February 28, 2023 5:34 PM
To: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>; eli.hampson@mt.gov; jajonkel@mt.gov; Montgomery, Bruce <bruce.montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan

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Hello Ben,

The DR for that area does not agree with the Warm Springs relocation site due to nearby rec sites and a nearby lookout. We'll keep pursuing the other two sites at Reynolds and Upper Meadow Creek.

I've asked for a time slot for the March FLT meeting.

Thanks for the Comm plan document. We'll look it over and see what the FLT thinks of pursuing a plan for the Bitterroot.

Talk to you soon,

Jesse

From: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>

Sent: Tuesday, February 28, 2023 4:27 PM

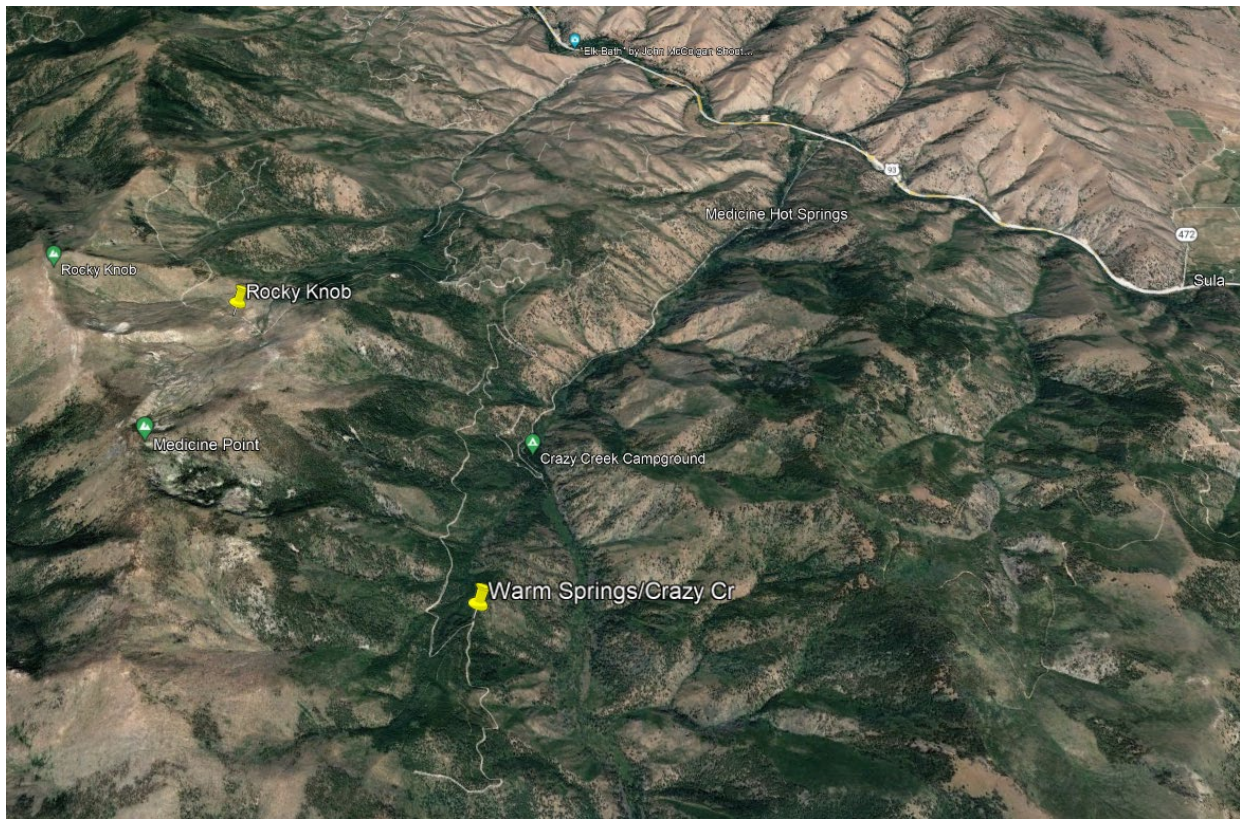
To: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>; eli.hampson@mt.gov; jjonkel <jjonkel@mt.gov>; Montgomery, Bruce <bruce.montgomery@mt.gov>

Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole - FS, MT <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: RE: Griz Relocation Interagency Meeting - Draft Communication Plan

Also, so everyone is on the same page, below is an actual location for a potential Warm Springs site. I am also including a potential secondary site (Rocky Knob) in that same general area, in case there was interest/appetite. I think a 2nd site in the general vicinity would be valuable in case of unforeseen circumstances at the time of a potential relocation (e.g., lots of vehicles/camps along the way, road issues, etc.). A backup option somewhat nearby is important so someone towing a bear in a trap doesn't have to backtrack for several hours to find an alternative site if there is a problem with the primary one. The two sites generally share similar attributes in terms of distance to communities/residences, distance from ID, not in the West Fork proper, within the "May Be Present" area, etc. Just something for folks to consider.

- Warm Springs/Crazy Creek: 45.79699, -114.07658
- Rocky Knob: 45.82573, -114.1045



Thanks again either way,

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

From: Jimenez, Benjamin S
Sent: Tuesday, February 28, 2023 2:35 PM
To: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>; eli.hampson@mt.gov; jajonkel <jajonkel@mt.gov>; Montgomery, Bruce <bruce.montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Griz Relocation Interagency Meeting - Draft Communication Plan

Hi all,

Thanks again for the conversation today. Attached is the latest version of a communication plan we have been working on with various forests. As I mentioned, the intent would be to have enough consistency between Forests so as not to make things too confusing when we cross jurisdictional lines, while allowing each Forest to have some discretion over aspects they deem important (e.g., lines of communication, special considerations, etc.). Let me know if you have any questions on this or anything else we're discussing, and certainly let us know as you have a sense of future opportunities to go over things in person (FLT meetings or otherwise).

Thank you all again,

Ben Jimenez
Conflict Coordinator

Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

-----Original Appointment-----

From: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>

Sent: Friday, February 24, 2023 8:30 AM

To: Jimenez, Benjamin S; eli.hampson@mt.gov; jajonkel

Cc: Harrod, Sara - FS, MT; Foster, Michael - FS, MT; Pickle, Jeremy - FS, MT; Mayn, Cole -FS

Subject: [EXTERNAL] Griz Relocation Interagency Meeting

When: Tuesday, February 28, 2023 1:00 PM-2:00 PM (UTC-07:00) Mountain Time (US & Canada).

Where:

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From: [Jonkel, James](#)
To: [Jimenez, Benjamin S](#); [Irwin, Jesse - FS, HAMILTON, MT](#); [Hampson, Eli](#); [Montgomery, Bruce](#)
Cc: [Harrod, Sara - FS, MT](#); [Foster, Michael - FS, MT](#); [Pickle, Jeremy - FS, MT](#); [Mayn, Cole -FS](#); [Cooley, Hilary](#); [Fortin-Noreus, Jennifer K](#)
Subject: RE: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan
Date: Wednesday, March 1, 2023 4:54:32 PM
Attachments: [image001.png](#)
[3-1-23 Working Final Draft FWP R2 Grizzly Relocation Protocol with highlights.docx](#)
[5-2022 FNF KNF NCDE GrizzlyRelocationPlan 2021 MAP \(1\).pdf](#)
[5-2022 FNF KNF NCDE GrizzlyRelocationPlan 2022 DRAFT.docx](#)
[202200713 NR MT Grizzly Relocations Final.pdf](#)
[20220713 FAQs MT Grizzly Relocations Final.pdf](#)

As promised. Here is the working draft of the FWP Region 2 Relocation Protocol. I know there has been quite a bit of turnover on the Bitterroot since this was first put together. Also give it a good lookover for any red flags and send it back to me. I will send it out to the other forests and agencies as well. We will then work on a second updated draft with some changes that pertain to various MOU agreements and the new grizzly bear management plan and send it back out for review. We will also get a map in the appendix that shows all sites. I have also attached The FWP R1/Flathead-Kootenai NF relocation signed agreement for comparison---this is what we are working toward.

From: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>
Sent: Wednesday, March 1, 2023 2:50 PM
To: Irwin, Jesse - FS, HAMILTON, MT <jesse.irwin@usda.gov>; Hampson, Eli <Eli.Hampson@mt.gov>; Jonkel, James <JaJonkel@mt.gov>; Montgomery, Bruce <Bruce.Montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <Hilary_Cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan

Hi Jesse,

Thanks for the update and for continuing your efforts. Did the DR have any other ideas for sites on the west side of 93? As discussed, we would really like to have something on that side of the highway/river ironed out ahead of time as well, hopefully reducing the chances of finding ourselves in a similar situation to last August/September. I think all involved in that situation with the two subadults last year acknowledged we could and should collectively do a better job in the future, and expressed a desire to do the legwork to put ourselves in position to better handle a similar situation moving forward. That's obviously easier said than done on many fronts, so we again appreciate everyone's efforts to make that happen. I think there are probably some additional questions and clarifications on both sides, but perhaps it would be more helpful and efficient to talk through those in person, at an FLT meeting or otherwise.

I am curious to hear from others on all this, but again appreciate the effort and willingness to keep pushing these conversations.

Thanks,

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

From: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>
Sent: Tuesday, February 28, 2023 5:34 PM
To: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>; eli.hampson@mt.gov; jajonkel@mt.gov; Montgomery, Bruce <bruce.montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] RE: Griz Relocation Interagency Meeting - Draft Communication Plan

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Hello Ben,

The DR for that area does not agree with the Warm Springs relocation site due to nearby rec sites and a nearby lookout. We'll keep pursuing the other two sites at Reynolds and Upper Meadow Creek.

I've asked for a time slot for the March FLT meeting.

Thanks for the Comm plan document. We'll look it over and see what the FLT thinks of pursuing a plan for the Bitterroot.

Talk to you soon,

Jesse

From: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>

Sent: Tuesday, February 28, 2023 4:27 PM

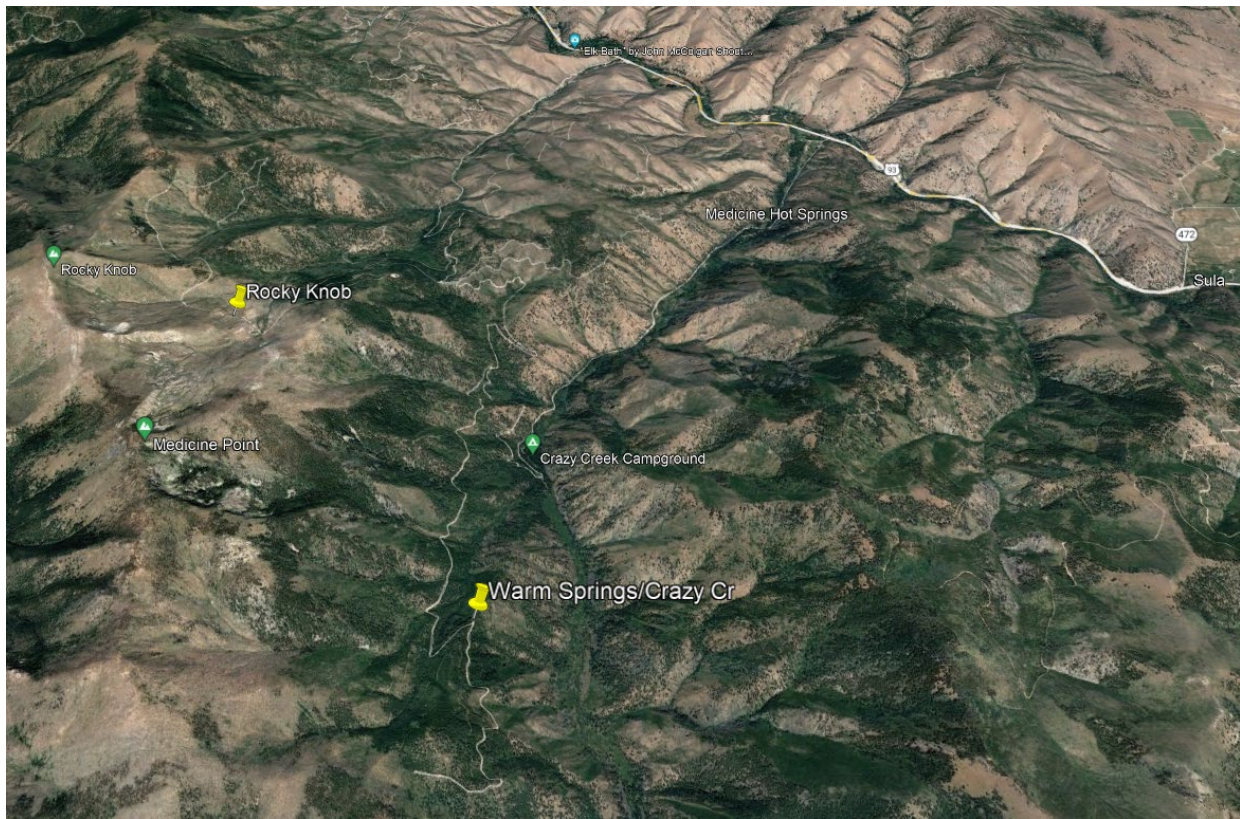
To: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>; eli.hampson@mt.gov; jjonkel <jjonkel@mt.gov>; Montgomery, Bruce <bruce.montgomery@mt.gov>

Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole - FS, MT <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: RE: Griz Relocation Interagency Meeting - Draft Communication Plan

Also, so everyone is on the same page, below is an actual location for a potential Warm Springs site. I am also including a potential secondary site (Rocky Knob) in that same general area, in case there was interest/appetite. I think a 2nd site in the general vicinity would be valuable in case of unforeseen circumstances at the time of a potential relocation (e.g., lots of vehicles/camps along the way, road issues, etc.). A backup option somewhat nearby is important so someone towing a bear in a trap doesn't have to backtrack for several hours to find an alternative site if there is a problem with the primary one. The two sites generally share similar attributes in terms of distance to communities/residences, distance from ID, not in the West Fork proper, within the "May Be Present" area, etc. Just something for folks to consider.

- Warm Springs/Crazy Creek: 45.79699, -114.07658
- Rocky Knob: 45.82573, -114.1045



Thanks again either way,

Ben Jimenez
Conflict Coordinator
Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

From: Jimenez, Benjamin S
Sent: Tuesday, February 28, 2023 2:35 PM
To: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>; eli.hampson@mt.gov; jajonkel <jajonkel@mt.gov>; Montgomery, Bruce <bruce.montgomery@mt.gov>
Cc: Harrod, Sara - FS, MT <Sara.Harrod@usda.gov>; Foster, Michael - FS, MT <michael.d.foster@usda.gov>; Pickle, Jeremy - FS, MT <jeremy.pickle@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Griz Relocation Interagency Meeting - Draft Communication Plan

Hi all,

Thanks again for the conversation today. Attached is the latest version of a communication plan we have been working on with various forests. As I mentioned, the intent would be to have enough consistency between Forests so as not to make things too confusing when we cross jurisdictional lines, while allowing each Forest to have some discretion over aspects they deem important (e.g., lines of communication, special considerations, etc.). Let me know if you have any questions on this or anything else we're discussing, and certainly let us know as you have a sense of future opportunities to go over things in person (FLT meetings or otherwise).

Thank you all again,

Ben Jimenez
Conflict Coordinator

Grizzly Bear Recovery Program
US Fish and Wildlife Service
406-214-0497 (cell)

-----Original Appointment-----

From: Irwin, Jesse - FS, MT <Jesse.Irwin@usda.gov>

Sent: Friday, February 24, 2023 8:30 AM

To: Jimenez, Benjamin S; eli.hampson@mt.gov; jajonkel

Cc: Harrod, Sara - FS, MT; Foster, Michael - FS, MT; Pickle, Jeremy - FS, MT; Mayn, Cole -FS

Subject: [EXTERNAL] Griz Relocation Interagency Meeting

When: Tuesday, February 28, 2023 1:00 PM-2:00 PM (UTC-07:00) Mountain Time (US & Canada).

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From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#); [Kasworm, Wayne](#)
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF
Date: Monday, March 7, 2022 1:44:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

The other forests have not provided a contact list yet but I'll reach out to them again. They agreed if there was a draft agreement that things could proceed on a relocation if needed.

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Monday, March 7, 2022 1:43 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: Re: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Great. Thanks Jen.

I think it's ok if agreement is not final, but need the list of contacts now in case we have a relocation in the near future. I am meeting with Amber tomorrow afternoon and will loop her in.

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, March 7, 2022 1:40 PM
To: Cooley, Hilary <hilary_cooley@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

We're waiting for Forest Service review on the Flathead agreement. For other forests they are still discussing what an agreement will look like.

Happy to include Amber on all of the discussions now and help her pull together that list.

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Monday, March 7, 2022 1:39 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: Re: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Jen,

Just wanted to see what the next steps and timeline is on this?

Also wanting to put Amber in touch with you so that she can pull together one contact list for relocations on all forests in MT ? Is this ok with you?

Thanks

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Tuesday, March 1, 2022 3:21 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: Re: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

THanks Jen.

I reviewed and offer a few changes. I refer to the MOA and suggest it be included as an attachment. I'm fine with removing some of the conflict decision process text. That's all in the guidelines and doesn't necessarily need to be here. It's probably best if the USFS suggest what to remove, as they originated this doc.

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, March 1, 2022 8:38 AM
To: Cooley, Hilary <hilary_cooley@fws.gov>; Kasworm, Wayne <wayne_kasworm@fws.gov>
Subject: FW: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

For your initial review is the draft 2022 plan for the FNF/KNF relocation sites. See Mark's email below for further details. As we chat with the Lolo, Bitterroot, Beaverhead-Deerlodge and Helena-Lewis and Clark NFs, Lydia Allen for the USFS RO has raised some concerns about the agreement being construed as a final agency action. She is working on an alternative but I have not seen that yet.

Jennier

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 28, 2022 1:10 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Thanks Jennifer.

I connected with Neil Anderson at FWP and he didn't seem to have any concern with USFWS being added as a signatory on the 2022 griz relocation plan. However, I haven't yet connected with Lydia Allen at the Region to better understand her concerns around not signing any plans as they may serve as legal decisions without public input. I need more information from her to move forward.

Provided we can move forward with adding USFWS to the relocation plan, I attached an early working version of 2022 draft plan for the FNF/KNE. Based on the feedback from the Region, if we are able to add USFWS, I'm considering some updates to the relocation plan that better elucidates communication with the USFS during relocations that could be added to the document. I believe this may be helpful in the new USFWS role for relocation as well as needed for the new hire FWP is making to fill behind Tim Manley.

Just so you are aware, As part of the annual process for updating the draft annual document, sometime in March I'm planning to send it out to all the USFS districts, line officers, border patrol, tribes and others for feedback and review about sites (some sites change year to year etc.), concerns, updates for contacts, personnel etc.. Additionally, Neil and I are going to work through an initial review of the sites to see if they are all FWP commission approved.

I'll follow-up when I'm able to catch up with Lydia.

Please feel free to give me a shout if you have questions or concerns.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241

c: 406-207-7015

f: 406-837-7503

mark.ruby@usda.gov

650 Wolfpack Way

Kalispell, MT 59901

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, February 28, 2022 9:19 AM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,

I chatted with Bryson Bell last week and realize that there may be new guidance on the format for a relocation agreement. Please keep me updated. I've also been in touch with Lydia Allen regarding this issue.

Thanks!

Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>

Sent: Friday, February 25, 2022 4:41 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Jennifer,

I apologize for the long delay in follow-up. I've been unable to connect with Neil which is my fault not his. Additionally, I have some guidance regarding the relocation plan from Region 1 that I'm trying to get clarification on. I'm hoping to iron this out early next week and I'll follow up with you.

Appreciate your patience.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

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mark.ruby@usda.gov

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Kalispell, MT 59901

www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Tuesday, February 22, 2022 3:35 PM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,

I wanted to check in and see how your conversation with Neil went? Feel free to give me a call if that's easier.

Thanks!

Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>

Sent: Tuesday, February 15, 2022 8:56 AM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Jennifer,

No problem. Just give my cell a call when you are available. 406-207-7015

Good luck!



Mark Ruby
Wildlife Program Manager (detail)

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Flathead National Forest

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mark.ruby@usda.gov

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Kalispell, MT 59901
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From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, February 15, 2022 8:53 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Any chance we can push this to later this morning? Unexpected contractor availability on some home remodel stuff that I need to deal with. Thanks!

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:31 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Great. Thanks Jennifer. I'll plan on giving you a call about 9am tomorrow.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241
c: 406-207-7015
f: 406-837-7503
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www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, February 14, 2022 9:24 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,
Thanks for getting back to me so quickly. I am free all day tomorrow except for 1030-11. I'm still teleworking so please give me a call on my home phone: (b) (6).
Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:16 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

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Good morning Jennifer,

I'm am still detailed behind Amy. I should be the acting wildlife program manager on the Flathead through the end of April.

I do have time to chat. My schedule is fairly open this week. Any day except Wednesday would work well. Is there a good time for me to give you a call?

Thanks,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

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f: 406-837-7503
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www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, February 14, 2022 8:50 AM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: grizzly bear relocation sites on the Flathead NF

Hi Mark,

Are you still acting for Amy? We have been chatting with the various forests in Montana about how the new state SB337 impacts relocations of grizzly bears. As a result of the bill, MFWP will continue to trap for and handle conflict bears outside of the recovery zone but any relocation outside of the recovery zone will be conducted by USFWS, for which we are working on hiring folks for as I'm sure you're aware. Do you have time to chat so I can get a sense of who and how to go about this for the Flathead NF?

Thanks!

Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

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From: [Cooley, Hilary](#)
To: [Fortin-Noreus, Jennifer K](#); [Kasworm, Wayne](#)
Subject: Re: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF
Date: Tuesday, March 1, 2022 3:21:56 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[FNF KNF NCDE GrizzlyRelocationPlan_2021_hcDOCX.DOCX](#)

THanks Jen.

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Mark Ruby
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To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

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Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Tuesday, February 15, 2022 8:53 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Any chance we can push this to later this morning? Unexpected contractor availability on some home remodel stuff that I need to deal with. Thanks!

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:31 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Great. Thanks Jennifer. I'll plan on giving you a call about 9am tomorrow.

Cheers,



Mark Ruby
Wildlife Program Manager (detail)

Forest Service
Flathead National Forest

p: 406-758-5241
c: 406-207-7015
f: 406-837-7503
mark.ruby@usda.gov

650 Wolfpack Way
Kalispell, MT 59901
www.fs.fed.us



Caring for the land and serving people

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Monday, February 14, 2022 9:24 AM
To: Ruby, Mark -FS <mark.ruby@usda.gov>
Subject: RE: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

Hi Mark,
Thanks for getting back to me so quickly. I am free all day tomorrow except for 1030-11. I'm still teleworking so please give me a call on my home phone: (b) (6).
Jennifer

From: Ruby, Mark -FS <mark.ruby@usda.gov>
Sent: Monday, February 14, 2022 9:16 AM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: [EXTERNAL] RE: grizzly bear relocation sites on the Flathead NF

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Good morning Jennifer,

I'm am still detailed behind Amy. I should be the acting wildlife program manager on the Flathead through the end of April.

I do have time to chat. My schedule is fairly open this week. Any day except Wednesday would work well. Is there a good time for me to give you a call?

Thanks,



Mark Ruby
Wildlife Program Manager (detail)

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From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Monday, February 14, 2022 8:50 AM

To: Ruby, Mark -FS <mark.ruby@usda.gov>

Subject: grizzly bear relocation sites on the Flathead NF

Hi Mark,

Are you still acting for Amy? We have been chatting with the various forests in Montana about how the new state SB337 impacts relocations of grizzly bears. As a result of the bill, MFWP will continue to trap for and handle conflict bears outside of the recovery zone but any relocation outside of the recovery zone will be conducted by USFWS, for which we are working on hiring folks for as I'm sure you're aware. Do you have time to chat so I can get a sense of who and how to go about this for the Flathead NF?

Thanks!

Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

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From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#)
Subject: RE: FW: [EXTERNAL] RE: GB relocation site plan
Date: Tuesday, April 19, 2022 7:36:00 AM
Attachments: [20220415 Draft communication plan for all forests with minimal edits hc_jf.docx](#)

That's a good question for the forest. I do have once question for you in the attached document if you'd please take a look.

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Monday, April 18, 2022 1:10 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Re: FW: [EXTERNAL] RE: GB relocation site plan

I added a few edits. For the Contacts, do I start with the District Bios or the Ranger?
Looks good, Jen. Thank you!

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, April 15, 2022 10:25 AM
To: Cooley, Hilary <hilary_cooley@fws.gov>
Subject: FW: FW: [EXTERNAL] RE: GB relocation site plan

Hilary – Attached is the original plan with comments from Amber. I cleaned up the simple edits a bit and then added some comments/suggestions in the 20220415 version for you to review.

Thanks!
Jennifer

From: Amber Kornak (b) (6) <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Sent: Tuesday, April 12, 2022 12:05 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: Re: FW: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer and Hilary,

I have attached two drafts of the communication plans with the USFS. One version includes all the comments and edits from myself and USFS (it is a bit messy sorry!). The second is the clean version **without** all the comments and edits. The Lolo Forest asked a good question about FWP and we may need to clarify if FWP is a part of the communication plan. There were some comments on the wording I was able to edit but others I left for you both to decide.

Once we have an official format and wording settled it will be easy to separate by forest. Also, once we have settled on all the comments I can go through and spell and grammar check. I adjusted the relocation site chart that flows with how the FS sent over the locations and added a description column. We are still waiting to hear from the Bitterroot NF on comments and relocation sites.

Let me know what else I can do to help and if you have any questions!

Thank you!
Amber Kornak
406-217-4962

On Tue, Apr 12, 2022 at 9:35 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

A few last comments from the Lolo. Sorry for the delay in forwarding them!

From: Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>
Sent: Friday, April 8, 2022 12:21 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Hi Jennifer,

Here are our comments on the agreement.

I have been thinking a bit more about these other sites and I am suspecting this is going to be challenging to resolve in a reasonable amount of time. Technically, I showed the Forest leadership the sites I sent you and they agreed to. Adding sites will require me to go back to the leadership which isn't easy – probably months to get on the agenda. I know the Missoula RD Ranger, from previous conversations, was very concerned with sites near the Rattlesnake Recreation Area (Edith Peak is not). How critical are these sites?

"The ones that are of most interest to us is Edith Peak (47.114914, -114.251883), Shoofly Meadows (46.989551, -113.751958), Sheep Mountain Trail (46.952654, -113.7667050), and Wisherd Ridge (46.9206617, -113.7866180)."

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Sent: Friday, April 1, 2022 8:14 AM
To: Amber Kornak <(b) (6) @gmail.com>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Piehl, Robbie -FS <robbie.piehl@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>
Cc: Allen, Lydia -FS <lydia.allen@usda.gov>; Jacobs, Amy -FS, KALISPELL, MT <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>
Subject: RE: [EXTERNAL] RE: GB relocation site plan

Good morning,

I wanted to send out a quick reminder to please provide comments on the draft Communication Plan for the Relocation of Grizzly Bears by Friday, April 8th if you have not already. Our impression

is that each forest would like a separate plan but we'd like to confirm that? And if that's true, is there a desire by the USFS to have all of the plans be the same for format and content?

In addition, please send us your relocation sites and points of contact for each site if you haven't already. Please provide cell numbers for the contacts as relocations discussions may need to occur on evenings/weekends.

Thank you!
Jennifer

From: Amber Kornak (b) (6) [REDACTED]@gmail.com>
Sent: Monday, March 21, 2022 3:12 PM
To: Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>; robbie.piehl@usda.gov; Ruby, Mark -FS <mark.ruby@usda.gov>; Pengeroth, Denise -FS <denise.pengeroth@usda.gov>; Gustina, Gregory - FS <gregory.w.gustina@usda.gov>
Cc: lydia.allen <lydia.allen@usda.gov>; amy.jacobs <amy.jacobs@usda.gov>; Cooley, Hilary <hilary_cooley@fws.gov>; Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Subject: Re: [EXTERNAL] RE: GB relocation site plan

Hi all,

Please find attached the first draft of the Communication Plan for the Relocation of Grizzly Bears. I have made a view comments within the plan asking for your thoughts on some of the information written out. Please let us know if you have any questions.

It would also be helpful if each forest could send us a list of relocation sites that they have reviewed and the points of contacts for each site.

Thank you!
Amber Kornak
406-217-4962

On Tue, Mar 15, 2022 at 7:32 AM Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov> wrote:

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In the meantime, it would be helpful if each forest could send us a list of relocation sites that

they have reviewed and the points of contacts for each site.

Thank you!

Jennifer

From: Shanley, Pat- FS <Patrick.Shanley@usda.gov>

Sent: Friday, March 11, 2022 4:06 PM

To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer L -FS <jennifer.gatlin@usda.gov>

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Subject: [EXTERNAL] RE: GB relocation site plan

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Hello Jennifer, If your office would like to begin work on an internal communication plan I would be fine with that. However, if you do have a copy of the Flathead comm plan or another template that you could share in the interim that could be helpful for getting my mind on the right track. Unless you anticipate a draft soon then I can just await that. Thank you and have a good weekend. Pat

From: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>

Sent: Friday, March 11, 2022 3:29 PM

To: Martens, Justin - FS <Justin.Martens@usda.gov>; robby.piehl@usda.gov; Bell, Bryson -FS, MISSOULA, MT <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

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Subject: FW: GB relocation site plan

I messed up a few emails in the previous chain so please reply to this one. Thanks!

From: Fortin-Noreus, Jennifer K

Sent: Friday, March 11, 2022 3:25 PM

To: tod.mckay@usda.gov; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>

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Thank you!

Jennifer

*Jennifer Fortin-Noreus
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Grizzly Bear Recovery Program
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406-243-4994*

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From: [REDACTED]
To: [Fortin-Noreus, Jennifer K](#); [Cooley, Hilary](#)
Subject: Re: FW: [EXTERNAL] RE: GB relocation site plan
Date: Tuesday, April 12, 2022 12:05:24 PM
Attachments: [AK Draft communication plan for all forests without edits.docx](#)
[AK Draft communication plan for all forests with all edits.docx](#)

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Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

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Missoula, Montana 59812

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From: [Fortin-Noreus, Jennifer K](#)
To: [michael.feiger@usda.gov](#); [ron.torretta@usda.gov](#); [kirsten.a.kaiser@usda.gov](#); [Hill, Sean -FS](#); [nathan.gassmann@usda.gov](#); [edward.morgan@usda.gov](#); [seth.carbonari@usda.gov](#); [lauren.michelsen@usda.gov](#); [Piehl, Robbie -FS](#); [Martens, Justin - FS](#); [Mckay, Tod -FS](#); [Ruby, Mark -FS](#); [Shanley, Pat- FS](#); [Bell, Chad -FS](#); [Gatlin, Jennifer -FS](#); [Pengeroth, Denise -FS](#); [Gustina, Gregory -FS](#); [Kemp, David - FS](#); [Snyder, Theodore -FS](#); [Cipriano, Chiara - FS](#); [Jerman, Katelyn -FS](#); [Olinger, Derrick - FS](#); [Plains, MT](#); [Roose, Jenna -FS](#); [Roberts, Anne -FS](#); [Jaime - FS Trivette \(jaime.trivette@usda.gov\)](#); [Olson, Dale -FS](#); [Rasor, Cameron -FS](#); [Ryan, Molly -FS](#); [Hottle, Daniel - FS](#); [Tripp, Jamie -FS](#); [Herrmann, Elizabeth - FS](#); [Lahey, Timothy -FS](#); [catherine.mcrae@usda.gov](#); [Mayn, Cole -FS](#); [Smith, Thomas - FS](#)
Cc: [Cooley, Hilary](#); [REDACTED]; [Szuszwalak, Joseph A](#); [Allen, Lydia -FS](#); [Kasworm, Wayne](#); [Jacobs, Amy -FS](#), [KALISPELL, MT](#)
Subject: RE: GB relocation site DRAFT internal and external communication plans
Date: Tuesday, May 3, 2022 1:17:00 PM
Attachments: [20220425 DRAFT OP MT Grizzly Relocations.docx](#)
[20220422 Draft communication plan for all forests with minimal edits.docx](#)
[20220425 DRAFT FAQs MT Grizzly Relocations.docx](#)
[20220425 DRAFT NR MT Grizzly Relocation Template.docx](#)
[20220425 DRAFT NR MT Grizzly Relocations.docx](#)

Good afternoon,
Last call for comments on the draft internal and external communication plans that were sent out on Monday, April 25th. Attached again for ease of access. Thank you to those that have already provided comments.
Thanks!
Jennifer

From: Fortin-Noreus, Jennifer K
Sent: Monday, April 25, 2022 3:38 PM
To: [michael.feiger@usda.gov](#); [ron.torretta@usda.gov](#); [kirsten.a.kaiser@usda.gov](#); [Hill, Sean -FS](#) <[sean.hill@usda.gov](#)>; [nathan.gassmann@usda.gov](#); [edward.morgan@usda.gov](#); [seth.carbonari@usda.gov](#); [lauren.michelsen@usda.gov](#); [Piehl, Robbie -FS](#) <[robbie.piehl@usda.gov](#)>; [Martens, Justin - FS](#) <[Justin.Martens@usda.gov](#)>; [Mckay, Tod -FS](#) <[tod.mckay@usda.gov](#)>; [Ruby, Mark -FS](#) <[mark.ruby@usda.gov](#)>; [Shanley, Pat- FS](#) <[Patrick.Shanley@usda.gov](#)>; [Bell, Chad -FS](#) <[chad.bell@usda.gov](#)>; [Gatlin, Jennifer -FS](#) <[jennifer.gatlin@usda.gov](#)>; [Pengeroth, Denise -FS](#) <[denise.pengeroth@usda.gov](#)>; [Gustina, Gregory -FS](#) <[gregory.w.gustina@usda.gov](#)>; [Kemp, David - FS](#) <[david.kemp@usda.gov](#)>; [Snyder, Theodore -FS](#) <[theodore.a.snyder@usda.gov](#)>; [Cipriano, Chiara - FS](#) <[chiara.cipriano@usda.gov](#)>; [Jerman, Katelyn -FS](#) <[katelyn.jerman@usda.gov](#)>; [Olinger, Derrick - FS](#), [Plains, MT](#) <[derrick.olinger@usda.gov](#)>; [Roose, Jenna -FS](#) <[jenna.roose@usda.gov](#)>; [Roberts, Anne -FS](#) <[anne.roberts@usda.gov](#)>; [Jaime - FS Trivette \(jaime.trivette@usda.gov\)](#) <[jaime.trivette@usda.gov](#)>; [Olson, Dale -FS](#) <[dale.olson2@usda.gov](#)>; [Rasor, Cameron -FS](#) <[cameron.rasor@usda.gov](#)>; [Ryan, Molly -FS](#) <[molly.ryan@usda.gov](#)>; [Tripp, Jamie -FS](#) <[jamie.tripp@usda.gov](#)>; [Herrmann, Elizabeth - FS](#) <[elizabeth.herrmann@usda.gov](#)>; [Lahey, Timothy -FS](#) <[timothy.lahey@usda.gov](#)>; [catherine.mcrae@usda.gov](#); [Mayn, Cole -FS](#) <[cole.mayn@usda.gov](#)>
Cc: [Cooley, Hilary](#) <[hilary_cooley@fws.gov](#)>; [Amber Kornak](#) (b) (6) [REDACTED]@gmail.com>; [Szuszwalak, Joseph A](#) <[joseph_szuszwalak@fws.gov](#)>; [Allen, Lydia -FS](#) <[lydia.allen@usda.gov](#)>; [Kasworm, Wayne](#) <[Wayne_Kasworm@fws.gov](#)>; [Jacobs, Amy -FS](#), [KALISPELL, MT](#) <[amy.jacobs@usda.gov](#)>
Subject: RE: GB relocation site DRAFT internal and external communication plans

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Thanks!
Jennifer

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Sent: Monday, April 25, 2022 12:13 PM

To: 'michael.feiger@usda.gov' <michael.feiger@usda.gov>; 'ron.torretta@usda.gov' <ron.torretta@usda.gov>; 'kirsten.a.kaiser@usda.gov' <kirsten.a.kaiser@usda.gov>; Hill, Sean -FS <sean.hill@usda.gov>; 'nathan.gassmann@usda.gov' <nathan.gassmann@usda.gov>; 'edward.morgan@usda.gov' <edward.morgan@usda.gov>; seth.carbonari@usda.gov; 'lauren.michelsen@usda.gov' <lauren.michelsen@usda.gov>; 'Piehl, Robbie -FS' <robbie.piehl@usda.gov>; Martens, Justin - FS <Justin.Martens@usda.gov>; 'Mckay, Tod -FS' <tod.mckay@usda.gov>; Ruby, Mark -FS <mark.ruby@usda.gov>; Shanley, Pat- FS <Patrick.Shanley@usda.gov>; Bell, Chad -FS <chad.bell@usda.gov>; Gatlin, Jennifer -FS <jennifer.gatlin@usda.gov>; 'Pengeroth, Denise -FS' <denise.pengeroth@usda.gov>; Gustina, Gregory -FS <gregory.w.gustina@usda.gov>; Kemp, David - FS <david.kemp@usda.gov>; Snyder, Theodore -FS <theodore.a.snyder@usda.gov>; Cipriano, Chiara - FS <chiara.cipriano@usda.gov>; 'Jerman, Katelyn -FS' <katelyn.jerman@usda.gov>; 'Olinger, Derrick - FS, Plains, MT' <derrick.olinger@usda.gov>; Roose, Jenna -FS <jenna.roose@usda.gov>; Roberts, Anne -FS <anne.roberts@usda.gov>; Jaime - FS Trivette (jaime.trivette@usda.gov) <jaime.trivette@usda.gov>; Olson, Dale -FS <dale.olson2@usda.gov>; Rasor, Cameron -FS <cameron.rasor@usda.gov>; Ryan, Molly -FS <molly.ryan@usda.gov>; Tripp, Jamie -FS <jamie.tripp@usda.gov>; Herrmann, Elizabeth - FS <elizabeth.herrmann@usda.gov>; Lahey, Timothy -FS <timothy.lahey@usda.gov>; 'catherine.mcrae@usda.gov' <catherine.mcrae@usda.gov>; Mayn, Cole -FS <cole.mayn@usda.gov>;
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Please provide comments back to myself and Amber Kornak (cc'd here) by the end of Friday, April 29th.

Thank you!

Jennifer

Jennifer Fortin-Noreus

Wildlife Biologist

Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

From: [Fortin-Noreus, Jennifer K](#)
To: [michael.feiger@usda.gov](#); [Torretta, Ron -FS](#); [kirsten.a.kaiser@usda.gov](#); [Hill, Sean -FS](#); [nathan.gassmann@usda.gov](#); [edward.morgan@usda.gov](#); [seth.carbonari@usda.gov](#); [lauren.michelsen@usda.gov](#); [Piehl, Robbie -FS](#); [Martens, Justin - FS](#); [Mckay, Tod -FS](#); [Ruby, Mark -FS](#); [Shanley, Pat- FS](#); [Bell, Chad -FS](#); [Gatlin, Jennifer L -FS](#); [Pengeroth, Denise -FS](#); [Gustina, Gregory -FS](#); [Kemp, David - FS](#); [Snyder, Theodore -FS](#); [Cipriano, Chiara - FS](#); [Jerman, Katelyn -FS](#); [Olinger, Derrick - FS](#); [Plains, MT](#); [Roose, Jenna -FS](#); [Roberts, Anne -FS](#); [Trivette, Jaime - FS](#); [Olson, Dale -FS](#); [Rasor, Cameron -FS](#); [Ryan, Molly -FS](#); [Hottle, Daniel - FS](#); [Tripp, Jamie -FS](#); [Herrmann, Elizabeth - FS](#); [Lahey, Timothy -FS](#); [catherine.mcrae@usda.gov](#); [Mayn, Cole -FS](#); [Smith, Thomas - FS](#)
Cc: [Cooley, Hilary](#); [REDACTED]; [Szuszwalak, Joseph A](#); [Allen, Lydia -FS](#); [Kasworm, Wayne](#); [Jacobs, Amy -FS](#); [KALISPELL, MT](#)
Subject: RE: GB relocation site DRAFT internal and external communication plans
Date: Tuesday, May 3, 2022 1:18:01 PM
Attachments: [20220425 DRAFT OP MT Grizzly Relocations.docx](#)
[20220422 Draft communication plan for all forests with minimal edits.docx](#)
[20220425 DRAFT FAQs MT Grizzly Relocations.docx](#)
[20220425 DRAFT NR MT Grizzly Relocation Template.docx](#)
[20220425 DRAFT NR MT Grizzly Relocations.docx](#)

Good afternoon,
Last call for comments on the draft internal and external communication plans that were sent out on Monday, April 25th. Attached again for ease of access. Thank you to those that have already provided comments.
Thanks!
Jennifer

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Sent: Monday, April 25, 2022 3:38 PM
To: [michael.feiger@usda.gov](#); [ron.torretta@usda.gov](#); [kirsten.a.kaiser@usda.gov](#); [Hill, Sean -FS](#) <[sean.hill@usda.gov](#)>; [nathan.gassmann@usda.gov](#); [edward.morgan@usda.gov](#); [seth.carbonari@usda.gov](#); [lauren.michelsen@usda.gov](#); [Piehl, Robbie -FS](#) <[robbie.piehl@usda.gov](#)>; [Martens, Justin - FS](#) <[Justin.Martens@usda.gov](#)>; [Mckay, Tod -FS](#) <[tod.mckay@usda.gov](#)>; [Ruby, Mark -FS](#) <[mark.ruby@usda.gov](#)>; [Shanley, Pat- FS](#) <[Patrick.Shanley@usda.gov](#)>; [Bell, Chad -FS](#) <[chad.bell@usda.gov](#)>; [Gatlin, Jennifer -FS](#) <[jennifer.gatlin@usda.gov](#)>; [Pengeroth, Denise -FS](#) <[denise.pengeroth@usda.gov](#)>; [Gustina, Gregory -FS](#) <[gregory.w.gustina@usda.gov](#)>; [Kemp, David - FS](#) <[david.kemp@usda.gov](#)>; [Snyder, Theodore -FS](#) <[theodore.a.snyder@usda.gov](#)>; [Cipriano, Chiara - FS](#) <[chiara.cipriano@usda.gov](#)>; [Jerman, Katelyn -FS](#) <[katelyn.jerman@usda.gov](#)>; [Olinger, Derrick - FS](#), [Plains, MT](#) <[derrick.olinger@usda.gov](#)>; [Roose, Jenna -FS](#) <[jenna.roose@usda.gov](#)>; [Roberts, Anne -FS](#) <[anne.roberts@usda.gov](#)>; [Jaime - FS Trivette](#) ([jaime.trivette@usda.gov](#)) <[jaime.trivette@usda.gov](#)>; [Olson, Dale -FS](#) <[dale.olson2@usda.gov](#)>; [Rasor, Cameron -FS](#) <[cameron.rasor@usda.gov](#)>; [Ryan, Molly -FS](#) <[molly.ryan@usda.gov](#)>; [Tripp, Jamie -FS](#) <[jamie.tripp@usda.gov](#)>; [Herrmann, Elizabeth - FS](#) <[elizabeth.herrmann@usda.gov](#)>; [Lahey, Timothy -FS](#) <[timothy.lahey@usda.gov](#)>; [catherine.mcrae@usda.gov](#); [Mayn, Cole -FS](#) <[cole.mayn@usda.gov](#)>
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Jennifer

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Grizzly Bear Recovery Program

US Fish and Wildlife Service

Missoula, Montana 59812

406-243-4994

From: [Fortin-Noreus, Jennifer K](#)
To: [Martens, Justin - FS](#); [Cooley, Hilary](#); [Mayn, Cole -FS](#)
Subject: RE: Grizzly bear relocation sites - Bitterroot NF
Date: Monday, January 10, 2022 2:43:00 PM
Attachments: [4-7-21 FNF KNF NCDE GrizzlyRelocationPlan 2021.pdf](#)
[20210823 bitterroot emergency relocation sites.csv](#)

Hello,

I am sending the attached material to consider for tomorrow's call. The first attachment is the relocation plan signed by the Flathead and Kootenai NFs last year as an example of the plans in place with a few of the other NFs. The second attachment is a spreadsheet with proposed sites from Jamie Jonkel with proposed sites that he shared with your forest over the summer. We'd like to discuss the potential sites, the process for approval of sites, and the process for public input.

Thank you!

Jennifer

-----Original Appointment-----

From: Fortin-Noreus, Jennifer K

Sent: Tuesday, January 4, 2022 2:56 PM

To: Fortin-Noreus, Jennifer K; Martens, Justin - FS; Cooley, Hilary; Mayn, Cole -FS

Subject: Grizzly bear relocation sites - Bitterroot NF

When: Tuesday, January 11, 2022 9:00 AM-10:00 AM (UTC-07:00) Mountain Time (US & Canada).

Where: Microsoft Teams Meeting

Microsoft Teams meeting

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From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#)
Cc: [Jimenez, Benjamin S](#)
Subject: RE: Relocation sites - Helena Lewis-Clark
Date: Thursday, May 26, 2022 5:28:44 PM
Attachments: [20220422 Draft communication plan for all forests with minimal edits_HLCredits.docx](#)

Attached is the most recent draft with comments by the HLC. Denise Pengeroth has been our point of contact for the relocation site plan. Good luck!

From: Cooley, Hilary <hilary_cooley@fws.gov>
Sent: Thursday, May 26, 2022 3:31 PM
To: Fortin-Noreus, Jennifer K <jennifer_fortin-noreus@fws.gov>
Cc: Jimenez, Benjamin S <benjamin_jimenez@fws.gov>
Subject: Relocation sites - Helena Lewis-Clark

Jen,

Can you send along what you have for Helena Lewis-Clark sites? We might have a relocation tomorrow and need to select a site. Thanks

Grizzly Bear Recovery Program
US Fish and Wildlife Service
hilary_cooley@fws.gov
406-243-4903

DRAFT 2 FWP R2 “NUISANCE” GRIZZLY BEAR RELOCATION PROTOCOL & INTERIM DECISION-MAKING PROCESS FOR GRIZZLY OCCURENCES IN OUTLYING AREAS

A cooperative relationship between Montana Fish Wildlife and Parks Region 2, U.S. Fish and Wildlife Service, U.S. Department of Agriculture Wildlife Services, Bureau of Land Management, Montana Department of Natural Resources and Conservation, the Lolo, Helena-Lewis and Clark, Bitterroot and Beaverhead-Deerlodge National Forests, Flathead Indian Reservation, Nature Conservancy, Blackfoot Challenge and other Cooperators

Formalized April 2019

The Interagency Grizzly Bear Guidelines (1986) include a plan for determining grizzly bear “nuisance” status and for controlling nuisance bears. In accordance with the Interagency Grizzly Bear Guidelines (IGBG), this document outlines relocation practices used by Montana Fish, Wildlife and Parks (FWP) Region 2 (R2) bear management team. With multiagency cooperation, decisions along the south end of the Northern Continental Divide Ecosystem (NCDE) Grizzly Bear Recovery Area, are made jointly. That is, objectives, procedures, and sites for relocation of “nuisance” and non-nuisance grizzly bears within the territories of R2 are determined through prior, or “at-the-time” consultation. Note, the Grizzly Bear Recovery area is now referred to as the Primary Conservation Area (PCA) under the new 2018 Grizzly Bear Conservation Strategies (CS) (Map 1), and, the occupied grizzly habitats buffering the PCA are now referred to as Zone 1.

The purpose of this document is threefold:

- 1) This document summarizes the existing R2 approach, used since 1986, for relocating grizzly bears on the Lolo and Helena-Lewis and Clark (HLC) National Forests and other lands within the PCA and Zone 1. It retains direction from the IGBC, coordination with the U.S. Fish and Wildlife Service (USFWS) Office of the Grizzly Bear Coordinator, and updates contact lists and selection of relocation sites within the R2 territories along the south end of the PCA/Zone 1.

- 2) This document addresses the standard procedures used for determining grizzly bear “nuisance” status, “pre-emptive” or “non-target” status in Montana since 1986. It also summarizes procedures for releasing bears on-site of capture and at short distance release sites within perspective grizzly bear home ranges. Often, when bears are captured for research purposes, or captured during management actions and are considered “non-target”, or categorized as “pre-emptive”, an alternative release site is required. And in certain emergency situations, for example, capture situations involving grizzly bear family groups, it may be necessary to release on-site or near-site.
- 3) And finally, this relocation document outlines an approach for making decisions for grizzlies captured in outlying areas. It recommends remote geographic areas for relocating bears within the R2 territories, but outside of the PCA/Zone 1. This interim coordination process includes updated national forest and district contacts; other land agency administrator contacts; and uses the same guidelines for responses and relocations for “nuisance”, “pre-emptive” and “non-target” grizzly bears captured in outlying areas within R2.

Objectives of the relocation program document are to:

- 1) Provide for management and recovery of R2 grizzly bears within the Lolo and HLC National Forest and other lands on the south end of the NCDE in accordance with the CS, the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act, the Grizzly Bear Recovery Plan and any other documents pertaining to grizzlies;
- 2) Provide clarification for the management and relocation of bears in outlying areas of Western Montana; and
- 3) Provide for human safety when relocating bears; and
- 4) Minimize future potential for grizzly-human conflicts.

FWP R2 Grizzly Bear Management Decision Making Process

In order to determine the correct initial response or action for grizzly bear management issues, the FWP R2 Bear Management Specialist will be contacted first. In regard to livestock depredations, the United States Department of Agriculture (USDA) Wildlife Services (WS) District Supervisor will be contacted first. Grizzly bear conflicts involving livestock are under the jurisdiction of WS, but depredation-related actions are handled jointly with FWP R2. If the WS is unavailable for livestock incidents call the FWP R2 bear manager. In the event the bear manager or FWP superiors are unavailable, contact any of the below mentioned representatives. Everyone on the primary contact list will know who to contact and how to proceed.

Prior to making any decisions on where a grizzly bear will be relocated within the PCA/Zone 1, follow the recommended procedures and discuss options with appropriate land managers to determine a release area and current activities at/near any potential release sites. The same procedures will be followed for any grizzly issues or captures in outlying R2 territories. Contact lists and summaries for dealing with grizzlies within the PCA area and in outlying area are below.

PRIMARY CONTACTS USFWS (OFFICE OF THE GRIZZLY BEAR COORDINATOR):

Hillary Cooley, USFWS, Grizzly Bear Recovery Coordinator,
(b) (6) (cell), 406-243-4855. (office).

Wayne Kasworm, USFWS, Cabinet/Yaak Ecosystem Program Grizzly Bear Biologist,
(b) (6) (cell), 406-293-4161 ext. 205 (office).

PRIMARY CONTACTS FWP R2 BEAR MANAGEMENT:

Randy Arnold, FWP R2 Regional Supervisor,
406-542-5504 (office), 406-552-8708 (cell).

Mike Thompson, FWP R2 Regional Wildlife Manager,
406-542-5516 (office), (b) (6) (cell).

Jamie Jonkel, FWP R2 Bear Management Specialist,
406-542-5508 (office), 406-544-1447 (cell).

Eli Hampson, FWP R2 Wildlife Bear Management Team,
406-210-3213 (cell).

Eric Graham, FWP R2 Wildlife Bear Management Team/Blackfoot Challenge,
406-240-3132 (cell).

PRIMARY USDA WS CONTACTS (LIVESTOCK DEPREDACTIONS):

Kraig Glaizer, USDA WS District Supervisor,
406-458-0106 (office), 406-439-5943 (cell), (b) (6) (home).

Bart Smith, USDA WS Powell/Granite/Deerlodge/Ravalli Counties,
406-660-0368 (cell), (b) (6) (home).

Ted North, USDA WS Missoula/Mineral Counties
406-274-4856 (cell), (b) (6) (home).

John Meidke, USDA WS Lewis and Clark County,
406-855-8429 (cell).

PRIMARY BEAR MANAGEMENT CONTACTS IN ADJACENT AREAS:

Rory Trimbo

Tim Manley, FWP R1 Bear Management Specialist,
406-751-4584 (office), 406-250-1265 (cell), (b) (6) (home).

Mike Madel, FWP R4 Bear Management Specialist,
406-466-5100 (cell).

Kevin Frey, FWP R3 Bear Management Specialist,
(b) (6) (cell)..

Stacey Courville, Flathead Indian Reservation Bear Management Specialist,
(b) (6) (cell).

Conflict Reduction by Minimizing the Need to Relocate

The overarching goal of bear management is to minimize, to the greatest extent possible, the need for grizzly bear management and relocation. But in the event a grizzly bear conflict event occurs on the south end of the NCDE/PCA/Zone 1, or in outlying areas around R2, the situation will be assessed immediately to determine the most appropriate management approach. Sometimes trapping, removing or relocating the bear will be the only option, but often, a simple preventative management action will circumvent the situation and reduce future conflicts.

Preventive management R2 approaches:

1. FWP R2 will continue to work with other agencies, various Non-Government Organizations (NGO), watershed work groups, communities and rural districts in cooperative efforts to provide education, resolve bear management issues, and mitigate for conflicts through preventative management actions.
2. FWP R2, in conjunction with agency and NGO partners will continue to educate federal, state and private land recreators and hunters, work with private landowners and distribute informational brochures on being safe in bear country and continue efforts to produce useful best management practices materials.
3. Signs will be posted at trailheads, and other access points, to inform the public of recommendations for traveling and camping practices in grizzly bear habitat. FWP R2 and other agencies will continue to work towards securing human foods, garbage, and other bear attractants at administrative facilities, campgrounds, and other areas of human use within grizzly bear habitat. This effort will focus upon implementation of the current food storage orders for forest users and installation

of bear-resistant storage devices/buildings at permitted or administrative structures.

4. FWP R2, other agencies and NGO partners will continue to provide information and training opportunities to the public, hunters and rural land owners on identification of grizzly bears, use of bear spray, and recommended practices for living, working and recreating in grizzly bear habitat.
5. FWP R2, other agencies and NGO partners will continue to cooperate and provide support development and implementation of local community working groups and bear awareness workshops, focused on decreasing human food availability at private residences and human safety in general.
6. And finally, whenever feasible, MFWP R2, WS, other agencies, and NGO partners will continue to address attractant issues as they are discovered, and work diligently on mitigation projects with private property owners, refuse companies, communities to reduce the availability of attractants. That is, instill good stewardship practices, remove or contain as many attractants on the landscape and create an attractant free environment, if possible.
7. And finally, the first step with every management response, rather than simply setting a trap and removing or relocating the bear, will be to access what is causing the issue and contain or remove the attractant.

Guidelines to Determine “Nuisance” Bear Classification and Appropriate Control Actions

The 1986 IGBG outlined definitions, criteria and processes for dealing with grizzly bears that damage property and/or are aggressive towards people. The IGBG terms these standards “nuisance” situations for bears. In conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 and/or WS (livestock depredation) will determine “nuisance” status. Generally, throughout the ecosystem NCDE representatives from FWP, USFWS, WS, the Blackfeet Nation or Confederated Salish and Kootenai Tribes, and the local United States Forest Service (USFS) or other land managers evaluate and determine if the bear should be relocated or removed from the population.

A diagram showing the decision process for determining “nuisance” status is shown in Figure 1. The IGBG contains descriptions and recommendations for “nuisance” grizzly bear control actions, both of which follow the IGBG’s control action plan that considers: type of offense, condition, sex, age of the bear and the number of times the bear has committed the offenses (Table 1.)

The three offense conditions are:

Condition A: The bear causes significant depredation to lawfully present livestock or regularly uses unnatural food materials (human and livestock foods, garbage, home gardens, livestock carrion, and game meat in possession of man) that have been reasonably secured in a bear-resistant manner, resulting in conditioning of the bear or significant loss of property.

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

Condition C: The bear has had an encounter with people resulting in a substantial human injury or loss of human life. Condition C bears are not eligible for relocation. And, if a bear has acted with aggression toward humans that does not involve one of the 3 types of response detailed above (except under certain extraneous situations) the bear will be removed from the population.

Additional Considerations:

Extraneous situations: Note, it's possible that a bear that was involved in a human mauling or charge was acting in defense of young, defense of a food source, was involved in a surprise encounter or was intentionally provoked. Representatives of the management agencies involved (including USFWS, FWP R2, and the land management agency involved such as USFS, Glacier National Park (GNP), Blackfoot Indian Reservation (BIR), Flathead Indian Reservation (FIR)) and WS, will determine the response to such incidents by joint consultation. This response may be to leave the bear alone and temporarily close the area.

Animal health and population parameters: Injuries, physical condition, survivability, age and sex are also considered during the decision process to either remove or relocate an offending bear. For example, female and younger grizzlies are relocated more often, whereas, orphaned cubs, male bears, older age bears are more often removed from the population.

Female grizzly bears are considered more essential to the population than males, because they produce and care for the young. On the other hand, while the loss of a male usually will not affect reproductive rates, males do contribute genetic variation. Considering these factors, greater priority is placed on maintaining female bears than male bears. Repeat offenders and severely injured or sick bears, male or female, are usually removed.

The success of relocations was discussed in the Flathead National Forest Grizzly Bear Relocation Plan (Revised October 2016.): A successful relocation was defined as one in which a bear did not resume "nuisance" behavior for at least two years from the relocation date, and analysis showed that relocation of males has been less successful than of females, and that relocations of livestock-depredating bears were less successful for all classes of bears.

Habituated Behavior: Granted, it is next to impossible for grizzlies and other wildlife, to not exhibit some habituated behavior. In order to travel and access habitat in the state of Montana bears need to cross through and feed along the urban-wildland and agricultural interface. As a result of constant interactions with humans, grizzlies have

learned to become complacent in the presence of humans. But, in cases of extreme habituated behavior, where bears start approaching humans and frequenting developed areas to obtain natural foods, they can become dangerous. In these types of situations habituated grizzlies may be aversive conditioned, relocated or removed from the population.

Food-conditioned Behavior: Food conditioning occurs when a bear has obtained human-related foods and learns to associate human presence with opportunity to obtain such foods. Mildly food-conditioned bears can be aversive conditioned and/or relocated to areas that have minimal opportunities for unnatural food. Bears exhibiting extreme food-conditioned behavior are usually destroyed.

“Pre-emptive” and “Non-target” Bear Classifications: In certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. These types of bears are categorized as “pre-emptive” captures. Often, during management actions, “non-target” grizzlies are captured. That is, a bear other than the one causing the conflict (an innocent bystander if you will) ends up in a snare or culvert traps. In these situations, the bear is classified as “non-target” and is either released at-site or near-site. On occasion “non-target” bears may be classified as “pre-emptive” in order to move them further distances.

Criteria and Guidelines for Aversive Conditioning

As a first step, in most bear management situations, every effort will be made to remove or contain the attractant that lured in the bear. In certain cases, aversive conditioning may be the best response, for example, erecting electric fence to deter the bear. Grizzlies in management situations, that have just discovered an attractant for the first time or bears that meet the definitions for “pre-emptive” moves (see below), may be candidates for aversive conditioning based upon a site-specific evaluation. Aversive conditioning is normally applied by FWP R2 or under their direction. There are a variety of acceptable methods:

1. Release the bear at-site or near-site using the “hard release” release approach. That is aversive condition the bear with the use of dogs, noise makers, rubber bullets and cracker shells as it leaves the culvert trap.
2. Use of trained dogs using the “bear shepherding” approach, a form of passive aversive conditioning, where the bears are negatively impacted by harassment with dogs.
3. Use of electrified mats, fences or objects at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted, through electric shock.
4. Use of capsaicin spraying devices at the conflict site, another form of passive aversive conditioning, where the bears are negatively impacted by an eye and olfactory irritant.

5. Use of noise makers, propane cannons, scare devices, motion alarms, rubber bullets, cracker shells, where the bears are negatively impacted by scare devices or pain.
6. Other aversive conditioning approaches such as tasers or other methods not mentioned.

Guidelines for “Pre-emptive”, “Non-target” Relocation

As mentioned above, in certain grizzly bear management situations, grizzly bears are determined to not be in “nuisance” status, but where trapping and relocating may be recommended. The IGBG describe situations when preventive action may be warranted, but they contain limited definition and detail for guiding decisions in these cases. This section is intended to provide more detail in order to add consistency in decision-making relative to preventative actions involving “pre-emptive” classification.

Definition

A “pre-emptive” situation for a bear may exist when any, of the following situations occur:

1. A bear's behavior does not lead to a “nuisance” classification, but one or more of the following apply.
2. The bear frequents human development areas on a continuing basis, but no aggressive behavior by the bear has been demonstrated or documented, but if the behavior continues the bear could be injured, killed or become food conditioned.
3. The bear frequents areas that are outside the PCA, or outlying areas, in areas of human development or rural ranch land where attractant sources could tempt the bear to develop food-conditioned behavior.
4. The bear utilizes orchard, crops or natural foods and/or livestock or game carcasses that are near human habitation sites, are not reasonably secured, where the bear could eventually develop food-conditioned behavior.
5. Previous “nuisance” and/or “pre-emptive” actions involving individual bears may alter the “nuisance” or, “pre-emptive” classification.

Decision Processes for “pre-emptive” capture and relocations

Considerations for the “pre-emptive” capture and relocation of grizzly bears will be decided and implemented through a cooperative consultation process between FWP R2, the USFWS and relocation sites will involve the appropriate land management representatives. On occasion, WS many also recommend “pre-emptive” capture and relocation for grizzlies in and around livestock operations. Processes will follow definitions and guidelines contained in this document and the IGBG, with communication back to the involved land manager and all parties involved.

Guidelines for Actions

1. Bears proposed for relocation will be held until coordination with appropriate managers is concluded.
2. Relocated bears will be moved a reasonable distance from the capture site. But attempt to keep the bear in or near its home range area, when possible.
3. Mutually agreed to relocation sites will be pre-determined or decided at the time of capture. Every effort will be made to limit the potential for human/bear interactions at the relocation site. These sites may be the same as those used in the PCA for “nuisance” bears or may be different based on coordination with land managers within the PCA or outlying areas.
4. Relocations may require longer distances if a bear returns to the same attraction site/area over a short period of time or if time is needed to clean up attractants.
5. Clean up of attractants at the capture site, in order to prevent repeat problems, is important to the success of preventative actions. Site remedies will be identified and discussed with the site owner or manager.
6. Tagging and radio collaring of “pre-emptive” bears is useful in the event of repeat offenders and actions. But it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.
7. Coordination requirements found in other agreements or guidelines also apply where/when warranted.
8. A “pre-emptive” relocation does not count as a “nuisance strike” against the bear.

Decision processes for “non-target” capture and relocations

Grizzly bears unrelated to the offense are often captured during management actions. This is especially true for areas where there are large concentrations of grizzlies. These types of captures are classified as “non-target”. These situations will undoubtedly become more common as grizzlies continue to recolonize outlying areas. Considerations for classifying grizzlies as “non-target” are determined by the bear management specialist or WS agent. On occasion “non-target” grizzly bears captured during management actions will be released at site, especially if the bear involved is part of an uninvolved family group.

Most “non-target” bears, in order to get them away from the conflict site, will be relocated to an adjacent remote site within their home range. In certain areas of R2, however, it may not be appropriate for a near-site release. For example, in high human activity areas, or agricultural areas where human safety is a factor, or where a bear may not be safe. Depending on the situation, it may be best to take a “non-target” bear back to the PCA/Zone 1, rather than a local site. Considerations for short distance-release sites will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of “non-target” bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Short-distance Research Grizzly Relocations

Occasionally, during grizzly bear research trapping and handling events, it may be necessary to relocate bears short distances. Environmental factors at the site, such as spring snow melt run-off or a water body, where recovering bears could possibly drown, or steep-cliffy terrain, may require that the bear be moved. Multiple bears can be attracted to baited trap sites and it is not always safe for recently-drugged bears. In such cases the bear management specialist or WS Agent may need to take bears to a safer site for recovery and release. Considerations for short distance-release sites involving research bears, as with non-target bears, will be predetermined, or at the time of capture, through cooperative consultation between FWP R2 and the local land manager representatives. Tagging and radio collaring of research bears is useful, but it is not required. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Guidelines for Emergency Grizzly Family Group On-site/Short distance Release Situations

On rare occasions, during management situations, it may be necessary to release a captured bear at-site, or very-near site, on private lands or in areas not considered appropriate for grizzly bears. For example, when it is impossible to capture an entire grizzly bear family group at a management or pre-emptive trapping action, or when a non-target cub or mother is captured, the bear manager and/or Wildlife Service Agent, may make a spur of the moment decision to release. Regardless, if the decision is made for safety or ethical reasoning, it is important that the public and agency supervisors understand that under high stress situations this may be the only option. Repercussions will be inevitable, especially in areas where there is no community acceptance for grizzlies, or in areas where grizzlies are not politically supported.

In the same vain, there may be certain management situations where members of family group will regrettably be separated, injured or killed during the process. And rarer yet, individual members of the group, or the entire family group, may have to be destroyed. Again, regardless, of the reasoning or the situation, it is important that the public and agency supervisors understand that under high stress situations this may occur. Repercussions will be inevitable, especially with the private sector that favor bears.

These types of bear management situations are high stress. Often emergencies occur without any ability to communicate or consult with superiors or land agency representatives. There are no processes for these types of situations within the IGBC, therefore, it is of utmost importance that the agency and the public be supportive of the above-mentioned actions and assist with statements of support. Tagging and radio collaring bears during these types of emergency situations may not be feasible. The rationale for marking or not marking a bear will be documented as a part of the case/incident report.

Relocation Decision Process

As mentioned above, in conjunction with the USFWS Grizzly Bear Coordinator, MFWP R2 will determine “nuisance”, “pre-emptive” or “non-target” status. After this initial assessment, one of the primary contacts, from the list above will reach out to various land managers to determine if relocation is feasible. As a first step, contact the appropriate land manager representatives where a bear may be released to determine if the bear will be accepted. If the land managers agree to accept a bear, local field staff will be contacted in order to select the best release location. The processes will be similar for relocation sites within the PCA and for relocation sites in outlying areas:

Relocation process for the northern portions of the PCA (FWP R1)

Some of the best and remotest habitat for relocating grizzly bears in the PCA can be found within FWP R1 on the Flathead National Forest (FNF). Over the years, the majority of FWP R2’s “nuisance” and “pre-emptive” grizzly bears have been relocated to the FNF. If relocation of the bear is determined to be better suited to be on the north end of the PCA than FWP R2 and the USFWS Grizzly Bear Coordinator follow the procedures recommended in Flathead National Forest Grizzly Bear Relocation Plan (Revised July 2020.)

Relocation process for the southern portions of the PCA and Zone 1 (FWP R2)

Although not as remote, there are sites in the R2 portions of the PCA/Zone 1 suitable for “nuisance”, “pre-emptive” and “non-target” status grizzly bears. If the south end of the PCA/Zone 1 is deemed appropriate for relocation than recommendations in this document are to be followed.

First, contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest. Within this portion of the PCA/Zone 1 there are large tracts of remote BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, for example, lands owned by the Nature Conservancy or Stimpson Timber, than consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, biologists are unavailable, than personnel at the supervisor’s office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities. (Phone List 1 and Phone List 2).

Relocation process for grizzlies captured in outlying areas (FWP R2)

In recent times, throughout FWP R2 territories, more grizzlies have recolonized historic ranges. Grizzly activity has been verified in the headwaters of the Clarkfork Drainage, the lower reaches of the Clarkfork Drainage, the Bitterroot Valley and are now

considered common throughout the Blackfoot Watershed. Although not as remote, and with multiple rural agricultural and urban centers, there are sites in the outlying portions of R2 suitable for bear relocations.

When possible, bears in conflict in these outlying areas and determined suitable for relocation will be relocated to nearby sites in these outlying areas (between recovery zones) in order to support connectivity between populations. Public tolerance for grizzly bears is crucial in these newly colonized areas and will be carefully considered in site selection, along with the factors discussed above (eg., nature of the offense, conflict history of bear, sex/age class of bear)

Although no actual relocation sites are specifically identified in this document there are remote sites throughout the Lolo and HLC Beaverhead-Deerlodge or Bitterroot National Forest Lolo and HLC forests where grizzly bears could be relocated.

As a first step, FWP R2 or the USFWS Grizzly Bear Coordinator, will contact the district, supervisors, rangers or biologists on either the Lolo and HLC National Forest, Beaverhead-Deerlodge or Bitterroot National Forest to access where relocation is recommended. In R2's outlying areas there are remote tracts of BLM, DNRC, USFWS, FWP and private lands. If these lands are deemed more appropriate, than consultation will occur with the appropriate representatives of those lands. In the event that the local land management representatives, acting representatives, biologists are unavailable, than personnel at the supervisor's office will be contacted, and they will contact appropriate field staff to discuss sites and current human activities (Phone List 3)..

Relocation Guidelines for land managers

The National Forest or the equivalent land management personnel will consider the following guidelines in determining if a bear will be accepted and suitable relocation sites.

1. Bear has no record of unprovoked, unnatural aggressive behavior towards people.
2. Bear is in good physical condition and not injured.
3. Each bear must be evaluated prior to release. If agency personnel determine that the bear presents a greater potential risk than benefit to the population, it will be deemed an unacceptable bear.
4. For permanent relocations, long distances may increase the probability of success.
5. Site selection for livestock-depredating bears will include consideration of livestock availability and social acceptance.
6. Any wilderness relocations will be evaluated at the time of the request and will minimize impacts to recreational users and other wilderness resources. Food-conditioned bears normally will not be relocated into wilderness. Primary release periods are before July 1 and after October 1.
7. Each "nuisance" bear should be radio collared and tattooed or micro chipped, except for young accompanying their mother. "Pre-emptive" and "non-target"

bears will be ear tagged, tattooed and biochipped, but will not always be radio-collared.

8. Based on relocation site or individual bear behavior, it may be necessary or prudent to monitor bear location and movement for a few days after a release and periodically thereafter; with the information provided to the specific ranger districts.
9. Historic nuisance bear relocation sites on the south end of the PCA and Zone 1 will generally be used, except special seasonal and individual bear considerations may require use of unidentified sites.
10. Relocation sites for “pre-emptive” and “non-target” bear relocations may be on-site, local, or longer distance as decided upon by consultation among the involved agencies.

¹ These are guidelines only and not directive of agency action in each case. The specific decision on each bear is made by management agencies in consultation with each other

Grizzly Bear Relocation Procedures

Bears captured, handled, managed, removed and relocated on the south end of the PCA and outlying areas of R2 will normally be handled by FWP, or other members on the Primary Contact list mentioned above.

In order to deal with general public safety and the safety of on-site personnel, operational procedures developed by the USFWS “A Manual for Handling Bears for Managers and Researchers” (April, 1993) for bear capture, handling and releasing will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. Most releases are expected to be at or behind a closed gate. If the release site is within a roaded area, the District Ranger may choose to restrict public use of the road system to protect the bear and the public.
4. If a bear is released in proximity to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified.
5. For relocations onto the Lolo and HLC, Beaverhead-Deerlodge and Bitterroot National Forest, the District Ranger will be contacted so that a suitable release site can be mutually agreed upon, considering both human safety and the well-being of the bear. If the District Ranger is not available, the acting District Ranger will be contacted, and a decision will be made in concert with the District or Forest wildlife biologist.
6. District Rangers and/or district wildlife biologists will be responsible for notifying field crews in the release area about the presence of a relocated bear as appropriate, and for any public access restrictions in the release area.

7. Condition A bears, “preemptive” bears or “non-target” bear are not expected to be more dangerous than resident bears in the release area, and no further precautions after release are needed. If a Condition B bear, is relocated, the District Ranger may consider additional public safety measures.
8. Follow-up monitoring information (bear location and movement pattern) will be provided by FWP R2. Normally, the Department determines the location of the bear, if collared, within a few days after the release, and periodically thereafter. Monitoring information should be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Biologist and adjacent landowners as appropriate.
9. FWP maintains a web site of nuisance bear activities at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/relocation/>. Annually, the FWP prepares a report summarizing nuisance bear actions and relocation success statistics and provides copies to the Forests.
10. If helicopter transport is required, FWP R2 will insure that all equipment and personnel experience are adequate to ensure a safe operation. Note, any requests for relocation within wilderness require additional coordination and approval from the respective line officer.
11. Residents are often concerned/interested in bear relocations near them. FWP R2 will contact local interested groups and/or individuals in areas affected by relocation and will post information on: <http://missoulabears.org/>.

Map 1. NCDE Grizzly Bear Conservation Strategies (2018) Management Zones and outlying areas

Note: The areas discussed in this document include the Ninemile DCA, South end of the Primary Conservation Area and Zone 1, Western Portions of Zone 2 and the Outlying Lands West of Zone 2 to the Idaho Border.

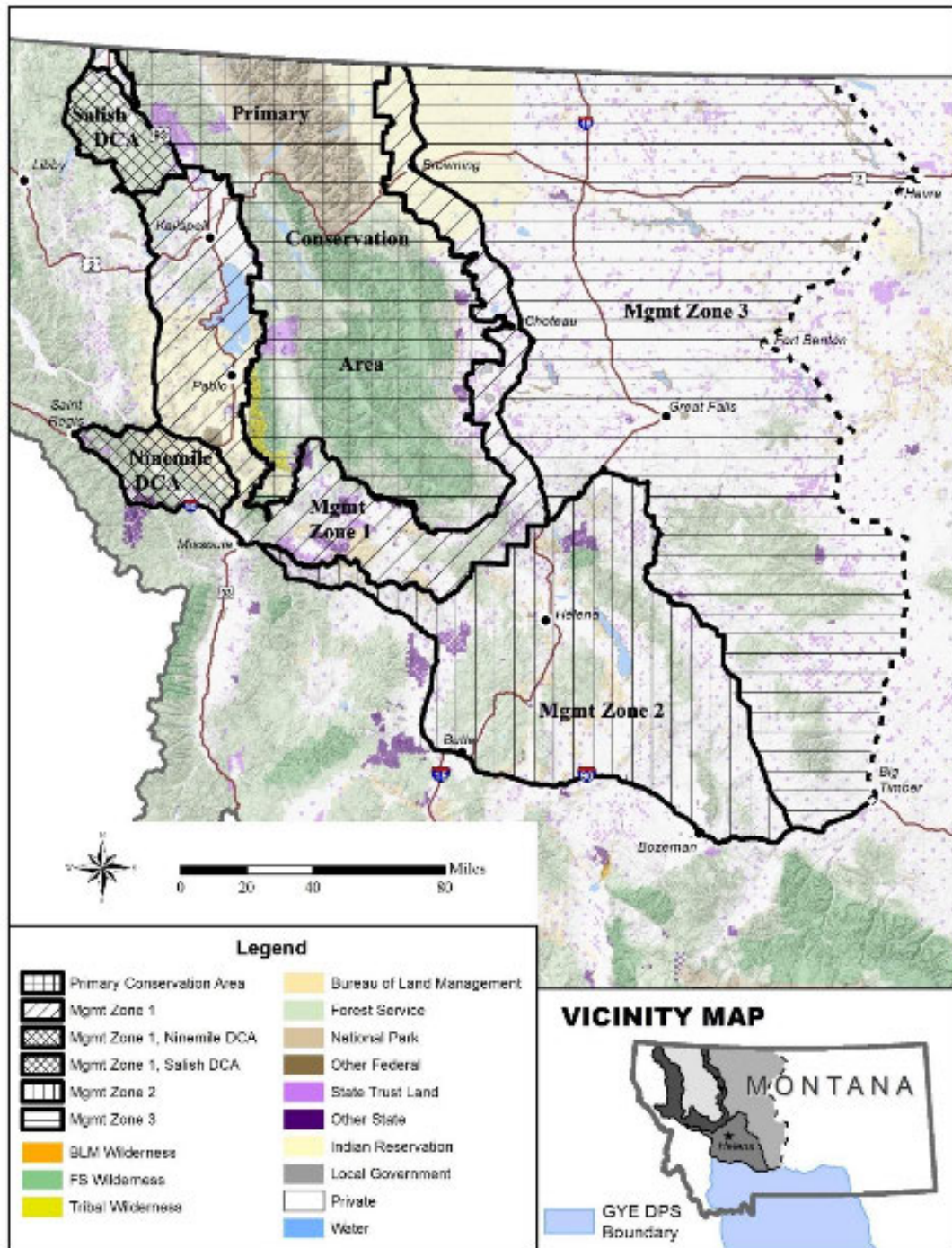
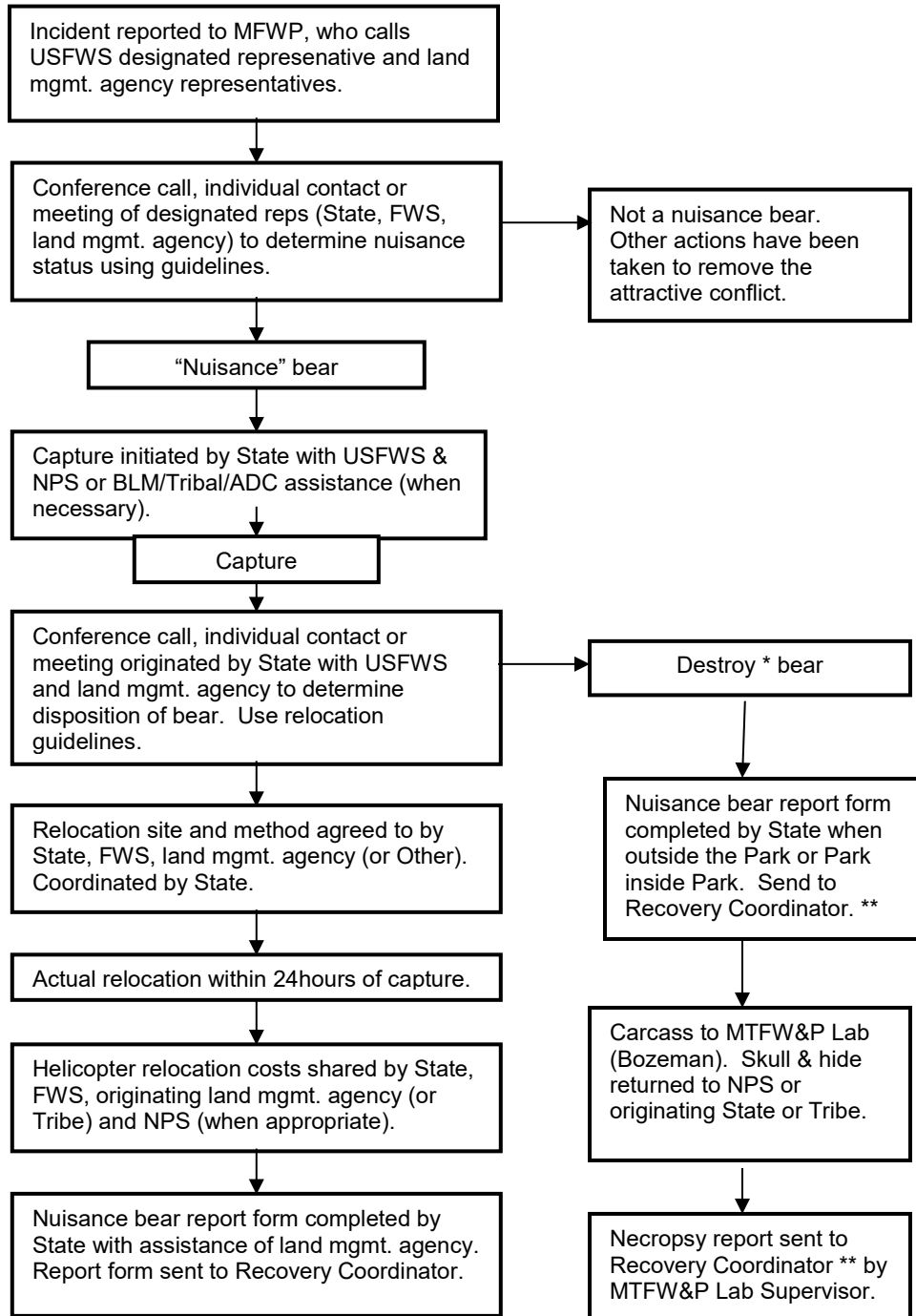


Figure 1. Action Procedures for Determining Bear Nuisance Status and Management Action.

(Adapted from 1986 Interagency Grizzly Bear Guidelines)



*

* Alternative may include transport to a zoo or research. Decision made at second phone call.

** Recovery Coordinator distributes report to agency representatives in Ecosystem.

Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Table 1. Guidelines¹ for Nuisance Grizzly Bear Control Action.

| Age/Sex | Condition A | | | Condition B | | Condition C |
|-------------------|------------------------------------|-----|------------------|-------------|-------------|-------------|
| | 1 st | 2nd | 3rd | 1st | 2nd | 1st |
| Females | | | | | | |
| Orphaned Cub | RLS ^a /REL ^b | | | | | |
| Cub | REL | REL | REM ^c | REL | REM | REM |
| Yearling | REL | REL | REM | REL | REM | REM |
| Sub adult | REL | REL | REM | REL | REM | REM |
| Adult w/young | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Old adult | REL | REM | -- | REM | -- | REM |
| Old adult w/young | REL | REM | -- | REM | -- | REM |
| | REL | REL | REM (adult) | REL | REM (adult) | REM (adult) |
| Males | | | | | | |
| Orphaned Cub | RLS/REL | | | | | |
| Cub | REL | REL | REM | REL | REM | REM |
| Yearling | REL ^d | REM | -- | REM | -- | REM |
| Sub adult | REL ^d | REM | -- | REM | -- | REM |
| Prime adult | REL ^d | REM | -- | REM | -- | REM |
| Old adult | REM | -- | -- | REM | -- | REM |

^a RLS = release on site

^b REL= relocate

^c REM = remove from population

^d Livestock-depredating bears may be subject to removal on first offense.

Cub: *Young of the year*

Yearling: *12 to 24 months old*

Sub adult: *24 to 48 months old*

Young: *Cub, yearlings, or sub adult accompanying mother*

Old Adult: *Advanced age and deteriorated physical state, indicated by tooth wear and appearance.*

Phone List 1. PCA/Zone 1 USFS Contacts on the south end of the NCDE.

| | |
|---|--|
| <p>Lolo National Forest Supervisor's Office <u>Tim Garcia</u>, Supervisor Office: 406-329-3750 Cell: <u>Brandon Barr</u>, Forest Wildlife Biologist Office: 406-329-3792 Cell: 406-</p> | <p>Seeley Lake Ranger District <u>Quinn Carver</u>,(acting) District Ranger Office: 406-677-2233, Cell: (b) (6) <u>Scott Tomson</u>, Wildlife Biologist Office: 406-677-2233 Cell: (b) (6)</p> |
| <p>Ninemile Ranger District <u>Eric Tomasik</u>, District Ranger Office: 406-626-5201 Home: 406-, Cell: 406- <u>Carly Lewis</u>, Wildlife Biologist Office: 406-626-5415, Cell: (b) (6)</p> | <p>Missoula Ranger District Supervisor's office: 406-329-3750 <u>Jennifer Hensiek</u>, District Ranger Office: 406-329-3814, Cell: 406- <u>Scott Tomson/Carly Lewis</u>, Wildlife Biologist Office: 406-677-22233, 406-626-5415 Cell: 4(b) (6)</p> |
| <p>Helena-Lewis and Clark National Forest Supervisor's Office <u>William Avey</u>: Forest Supervisor Office: 406-449-5201 <u>Denise Pengeroth</u>, Wildlife Biologist Office: 406-495-3637</p> | <p>Lincoln Ranger District Office: 406-362-4265 <u>Michael Stansberry</u>, District Ranger Office: 406-362-7000 <u>Pat Shanley</u>, Wildlife Biologist Office: 406-362-7006 Cell: (b) (6)</p> |

Phone List 2. Additional Contacts PCA/Zone 1 Land Managers on the south end of the NCDE.

| | |
|--|--|
| <p>Bureau of Land Management Missoula Field Office</p> <p>Office: 406-329-3914 Joe Ashor, Field Manager Office: 406-329-3914</p> <p>Jim Sparks, Wildlife Biologist Office: 406-329-3827</p> | <p>Department of Natural Resources Southwestern Land Office</p> <p>Office: 406-542-4300 <u>Mike O'Herron</u>, Area Manager Office: 406-542-4285</p> <p>Ross Baty, Wildlife Biologist Office: 406-542-4202</p> |
| <p>The Nature Conservancy Ovando Office</p> <p>Office: 406-543-6681 Steve Kloetzel, Field Manager Cell: (b) (6)</p> | <p>Stimpson Timber Coeur d'Alene Office</p> <p>Office: 509-447-3686 Doug Smith, Real Estate Forester</p> |
| <p>Confederated Salish and Kootnai Tribe</p> <p>Office: Stacey Courville, Tribal Bear Manager, Cell: (b) (6)</p> | <p>Blackfoot Challenge Blackfoot Communtiy Conservation Area</p> <p>Office: 406-793-3900 Brad Welzien, Community Forest Manager Cell: (b) (6)</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

Phone List 3. USFS Contacts for outlying FWP R2 territories.

| | |
|---|---|
| <p>Beaverhead-Deerlodge National Forest Supervisor's Office</p> <p>? ? : Forest Supervisor Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-????</p> | <p>Pintlar Ranger District</p> <p>Office: 406-???-???? ? ?, District Ranger Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> |
| <p>Bitterroot National Forest Supervisor's Office</p> <p>? ? : Forest Supervisor Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-????</p> | <p>Stevensville Ranger District</p> <p>Office: 406-???-???? ? ?, District Ranger Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> |
| <p>Bureau of Land Management</p> <p>Office: 406-???-???? ? ?, District Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> | <p>Montana Department of Natural Resources</p> <p>Office: 406-???-???? ? ?, District Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> |
| <p>The Nature Conservancy</p> <p>Office: 406-???-???? ? ?, District Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> | <p>Other</p> <p>Office: 406-???-???? ? ?, District Office: 406-???-????</p> <p>? ?, Wildlife Biologist Office: 406-???-???? Cell: 406-???-????</p> |

* Alternative sites on remote privat tracts of land may also be appropriate

From: [Fortin-Noreus, Jennifer K](#)
To: [Cooley, Hilary](#)
Cc: [Jimenez, Benjamin S](#)
Subject: Relocation plan docs
Date: Thursday, September 22, 2022 9:54:00 AM
Attachments: [20220713_OP_MT_Grizzly_Relocations_Final.docx](#)
[20220713_FAQs_MT_Grizzly_Relocations_Final.pdf](#)
[20220713_NR_MT_Grizzly_Relocations_Final.pdf](#)
[20220713_NR_MT_Grizzly_Relocation_Template_Final.docx](#)
[20220614_Draft_communication_plan_for_all_forests_template.docx](#)
[20220922_Draft_communication_plan_for_Lolo_NF.docx](#)
[20220922_Draft_communication_plan_for_Bitterroot_NF.docx](#)

Hilary – For the external comms plan, the FAQs and NR were shared with the forests on July 14th. They reviewed the OP and template before we finalized but did not share the final version with them.

For the internal comms plan, the 20220614 template for all forests was shared mid-June but then Ben met with the leadership team and asked for suggested edits in case folks couldn't be reached. I've also updated the template specifically for the Lolo and Bitterroot NFs.
Jennifer

*Jennifer Fortin-Noreus
Wildlife Biologist
Grizzly Bear Recovery Program
US Fish and Wildlife Service
Missoula, Montana 59812
406-243-4994*

XX National Forest Communication Plan for the Relocation of Grizzly Bears

Grizzly Bears are listed as a Threatened Species under the Endangered Species Act. A special rule (50 CFR 17.40) allows state, tribal, and federal agencies to manage (e.g., relocate, euthanize, haze) grizzly bears in accordance with the Interagency Grizzly Bear Guidelines (1986). Further, Forest Service Manual 2676.17 recognizes the need for the U.S. Forest Service (USFS) to cooperate with State and other agencies to manage bears. This document outlines the roles and responsibilities, contacts, and release sites for relocation of grizzly bears between the USFS and U.S. Fish and Wildlife Service (USFWS).

Objectives of the communication plan are to:

1. Provide for management and recovery of grizzly bears within the XX National Forest in areas where grizzly bears “may be present” in Montana in accordance with the Grizzly Bear Special Rule (50 CFR 17.40), the Endangered Species Act and the Grizzly Bear Recovery Plan,
2. Outline the process for the USFS and USFWS regarding Grizzly Bear release sites,
3. Provide for human safety when relocating bears, and
4. Minimize future potential for human-grizzly conflicts.

Roles and Responsibilities

A new Montana law (Senate Bill 337), signed in 2021, limits Montana Fish, Wildlife & Parks (MFWP) involvement in grizzly bear relocations outside of recovery zones. Beginning in 2022, the USFWS established a field presence to relocate grizzly bears as documented in an MOA between the USFWS and MFWP (appendix A).

The USFWS, in collaboration with MFWP, Tribes, and Wildlife Services will determine appropriate management actions for conflict bears. When the decision has been made that the USFWS will relocate a grizzly bear, the USFWS will contact the USFS to request permission to relocate and discuss potential release sites. To ensure a trapped bear is released as soon as possible, it is important that USFS contacts are available to reach a decision as quickly as possible.

Bear Handling and Relocation Procedures

Bears relocated onto the XX National Forest will normally be handled by MFWP or USFWS according to their MOA (appendix A) and occasionally by Tribal personnel. These relocation sites are intended for use for captures outside of recovery zones. Individuals will not be moved to a different ecosystem (i.e., augmentation in the Cabinet Mountains) or new areas (i.e., reintroduction).

In order to address general public safety and the safety of on-site personnel, operational procedures developed by the MFWP/USFWS for bear releases will be adhered to. Emphasis should be given to the following guidelines:

1. The minimum required number of people and vehicles will be on site at the time of release.
2. All persons on site at the time of the release will be in a secure position.
3. The District Ranger or Forest Supervisor (or designated acting) may choose to temporarily restrict public use of an area for public safety, through the appropriate Forest Service process.
4. If a bear is released in close proximity (less than 1 mile) to another adjacent land management agency's land, the appropriate adjacent land management agency personnel will be notified by USFWS.
5. For relocations onto the National Forest lands, the District Ranger, designated "Acting", or the Supervisor's Office (as described above) will be contacted so that a suitable release site can be mutually agreed upon considering both human safety and the well-being of the bear.
6. District Rangers or designated acting may propose a different release site other than those within this document for safety reasons, especially if human use at the previously identified release site is high due to a special uses event or other reasons.

Follow-up monitoring information (bear location and movement pattern) will be provided by MFWP/USFWS if soon after release the bear is discovered to frequent sites where human safety may be of concern. This includes Forest Service campgrounds, administrative sites, and heavily used trails. This information will be provided as available to the District Wildlife Biologist, who will distribute this information to the affected Districts, Forest Wildlife Biologist, and adjacent landowners as appropriate.

Communication Plan

The USFWS Grizzly Bear Recovery Program Staff (Recovery Coordinator, Conflict Coordinator, or Conflict Specialist) will first contact the District Ranger at the district where a bear is proposed for release or their "Acting". If the District Ranger can't be contacted, then contact the Wildlife Biologist for this district. If neither can be reached, contact the Forest Wildlife Biologist or Forest Supervisor at the Supervisor's Office and they will contact district staff so the district staff can discuss potential release sites with the USFWS. If a site near district or forest boundaries (less than 1 mile) is under consideration, personnel from both areas will be included.

The District Ranger should attempt to notify employees of a planned release immediately after a location has been identified with the USFWS. This entails ensuring:

- Communication with their district's staff to discuss work locations and any safety concerns,
- Contacting the Forest Safety Officer (including the adjacent forest if nearby).
- Notification of other Forest Service personnel as needed (e.g., Forest Supervisor, Staff Officers, and Forest Wildlife Biologist).

The USFWS will coordinate with other Federal and State agencies and Tribal Governments as appropriate. If a bear is proposed to be relocated in Montana near the Idaho and Montana State line or near tribal lands, USFWS will coordinate with Idaho Fish and Game or Tribal Government, respectively. The timing and frequency of this communication and coordination will be determined by the USFWS.

Updates

This agreement will be updated as needed to reflect changes to contacts and/or changes to release site locations or information. At a minimum, this agreement will be revisited each year between the USFWS and USFS to review the year's relocations and update any process needs.

Signed: _____ Date: _____
Forest Supervisor, XX National Forest

Signed: _____ Date: _____
Hilary Cooley, Grizzly Bear Recovery Coordinator, USFWS

Contacts

Other contacts involved in grizzly bear relocations on the Bitterroot, Beaverhead- Deerlodge, Helena-Lewis and Clark, and Lolo National Forests

| Contact | Position | Email | Phone |
|-------------------|--|--|--|
| Hilary Cooley | Grizzly Bear Recovery Coordinator | hilary_cooley@fws.gov | c: (b) (6), o: 406-293-4903 |
| Benjamin Jimenez | Grizzly Bear Conflict Coordinator | Benjamin_jimenez@fws.gov | c: 406-214-0497 |
| Rory Trimbo | Grizzly Bear Specialist, Kalispell | rory_trimbo@fws.gov | c: 406-833-0344 |
| Amber Kornak | Grizzly Bear Specialist, Helena | Amber_kornak@fws.gov | c: 406-214-0785 |
| Morgan Vance | Grizzly Bear Specialist, Roamer | morgan_vance@fws.gov | c: 406-833-0325 |
| Becca Lyon | Grizzly Bear Specialist, Wyoming | Rebecca_lyon@fws.gov | c: 406-833-0329 |
| Erik Wenum | Wildlife Management Specialist, Flathead | erik.wenum@mt.gov | c: 406-250-0062 |
| Justine Vallieres | Wildlife Management Specialist, Flathead | Justine.Vallieres@mt.gov | c: 406-250-1265 |
| Kim Annis | Wildlife Management Specialist, Libby | KAnnis@mt.gov | c: 406-291-1320, o: 406-293-4162 x 207 |
| Jamie Jonkel | Wildlife Management Specialist, Missoula | jaionkel@mt.gov | c:, o: 406-542-5508 |
| Chad White | Wildlife Management Specialist, Choteau | Charles.White@mt.gov | c: (b) (6), o: 406-788-4755 |
| Wesley Sarmento | Wildlife Management Specialist, Conrad | Wesley.Sarmento@mt.gov | c: 406-450-1097 |
| Jeremiah Smith | Wildlife Management Specialist, Livingston | jfsmith@mt.gov | c: (b) (6) |
| Kylie Kembel | Wildlife Management Specialist, Red Lodge | Kylie.Kembel@mt.gov | 406-850-1131 |
| Bruce Montgomery | Wildlife Management Specialist, Bitterroot | Bruce.montgomery@mt.gov | (b) (6) |
| Eli Hampson | Wildlife Management Specialist, Missoula | eli.hampson@mt.gov | 406-210-3213 |
| Brad Balis | Wildlife Management Specialist, Anaconda | Brad.balis@mt.gov | 406-465-9343 |

| Office | Contact | Position | Email | Phone number |
|---------------------------------------|--------------------|---------------------------|-------------------------------|-------------------------------|
| Supervisor's Office | Carolyn Upton | Forest Supervisor | Carolyn.upton@usda.gov | P: 406-329-3797 C: (b) (6) |
| Supervisor's Office | Bryson Bell | Forest Wildlife Biologist | Chad.bell@usda.gov | C: (b) (6) |
| Plains/Thompson Falls District | Dave Wroblewski | District Ranger | david.wroblewski@usda.gov | p: 406-826-4308 c: (b) (6) |
| Plains/Thompson Falls Ranger District | Derrick Olinger | Zone Wildlife Biologist | derrick.olinger@usda.gov | P: 406-826-4321 |
| Seeley Lake Ranger District | Quinn Carver | District Ranger | charles.carver@usda.gov | (b) (6) P: 406-677-3905 |
| Seeley Lake Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Ninemile Ranger District | Chris Gauger | District Ranger | christopher.gauger@usda.gov | p: 406-626-5408 c: (b) (6) |
| Ninemile Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |
| Missoula Ranger District | Crystal Stonesifer | District Ranger | crystal.s.stonesifer@usda.gov | p: 406-329-3948 c: (b) (6) |
| Missoula Ranger District | Scott Tomson | Zone Wildlife Biologist | scott.tomson@usda.gov | p: 406-677-3925 |

Table 1. 2022 Active Management Grizzly Bear Release Sites. All are on USFS land and all are accessed via roads.

| Lolo MF | | | | |
|---------------|------------------------|-----------------------|--------------------------|-------|
| Name | Township Range Section | District and Forest * | Concerns and Constraints | Zone |
| Four Lakes | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Liver Peak | T.22N, R.28W, Se. 20 | FS-LNF Plains/TF | | CY RZ |
| Crescent Lake | T.25N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CYRZ |

| | | | | |
|--------------------------------|------------------------|------------------|------------------------|-------------|
| West Fork Crow A | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Communicate with Idaho | Outlying |
| West Fork Crow B | T.20N, R.31W, Sec. 20 | FS-LNF Plains/TF | Communicate with Idaho | Outlying |
| CC Divide | T.23N, R.28W, Sec. 20 | FS-LNF Plains/TF | | CY RZ |
| Ninemile Divide area | T.17N, R.25W, Sec. 20 | FS-LNF Plains/TF | | DCA |
| Siegel Pass, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Soldier Creek, Ninemile Creek | T.17N, R.24W, Sec. 20 | FS-LNF Ninemile | | DCA |
| McCormick Peak | T. 17N, R.23W, Sec. 20 | FS-LNF Ninemile | | DCA |
| Cinnabar Point, Sapphire Range | T. 9N, R.17W, Sec. 20 | FS-LNF Missoula | | Outlying |
| Point 118, Lolo Creek | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | Communicate with Idaho | Outlying |
| Shoofly Meadows | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Sheep Mountain | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | NCDE-Zone 1 |
| Wisherd Ridge | T.11N, R.23W, Sec. 20 | FS-LNF Missoula | | Outlying |

Appendix A: MOA between MFWP and USFWS regarding grizzly bear management in relation to Montana SB337



Memorandum of Agreement between Montana Fish, Wildlife & Parks and U.S. Fish & Wildlife Service regarding



Grizzly Bear Management in Relation to Montana Senate Bill 337

Senate Bill 337, Section 1.(3)(b) *The department may respond to a grizzly bear listed under the federal Endangered Species Act (ESA), 25 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear.*

Purpose. The purpose of this Memorandum of Agreement (MOA) is to document the agency response process for Montana Fish, Wildlife & Parks (MTFWP), the U.S. Fish & Wildlife Service (FWS) and Wildlife Services (WS), including agency roles and coordination, for grizzly bears causing conflict outside of a federal recovery zone in light of Senate Bill 337 which will become effective date on March 1, 2022.

For purposes of this MOA, grizzly bear conflicts are defined as: incidents in which bears either do or attempt to: injure or kill people; damage property; kill or injure lawfully present livestock or poultry; damage beehives; obtain reasonably secured anthropogenic foods and other attractants; or damage agricultural crops.

This MOA relies on the collaborative relationship that already exists between MTFWP, FWS and WS. All efforts to manage grizzly bear conflicts will be conducted in collaboration with the FWS Grizzly Bear Recovery Program (GBRP) Coordinator and will be consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

MTFWP and FWS agree that when managing grizzly bears in conflict:

- 1) For grizzly bears causing conflicts inside a federal recovery zone:
 - a) MTFWP and WS will handle all aspects of the response, including trapping, processing, and carrying out the agreed upon management action, including removal and relocation to Montana Fish and Wildlife Commission-approved release sites. WS will respond to livestock conflicts according to the Memorandum of Understanding between MTFWP and WS.
- 2) For grizzly bears causing conflicts outside a federal recovery zone:
 - a) MTFWP and/or WS (livestock) will respond to conflicts. MTFWP and WS will recommend management approach to FWS. If FWS approves trapping, MTFWP or WS will set traps. Traps will not be set until and unless approved by FWS.
 - b) When a bear is trapped, MTFWP and/or WS (livestock) will process (tranquilize, mark, collar, collect biological data) bear. Processing the bear is needed to confirm sex, conflict history, and whether bear is the target bear. This information will inform a management decision.
 - c) If the bear is determined to be in conflict:
 - i) If, after consultation with USFWS, a decision is made to remove the bear, MTFWP or WS will carry out the removal.

- ii) If, after consultation with FWS, a decision is made to relocate the bear, MTFWP or WS will place bear in trap for transport and hold the bear in a secure location as close to the capture site as possible. FWS will take possession of the bear within 6 hours and will relocate, unless otherwise explicitly agreed upon by agencies (bears are often held overnight to allow full recovery prior to relocating). MTFWP and WS agrees to ensure health and safety of bear until USFWS can take possession, including moving bear to protected area if/when needed due to exposure. FWS will notify MTFWP of the location where they relocated a bear within 12 hours of release.
- d) If the bear is determined to NOT be in conflict (incidental catch), MTFWP will maintain possession of bear and will relocate bear to an agreed upon Fish and Wildlife Commission-approved site or release on site.

Potential Scenarios

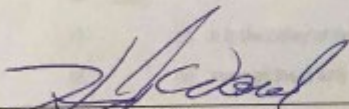
-conducted in collaboration with the FWS GBRP Coordinator and consistent with the conditions of the agency's 4(d) authorization letter (under 50 CFR § 1740) to MTFWP.

- 1) Livestock depredation near Augusta (outside recovery zone)
WS responds and sets traps. Grizzly bear is trapped. WS and/or MTFWP processes bear.
 - a. If there is no information to confirm this bear is the target bear (or if it is known that this is not the target bear) and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear, MTFWP or WS will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 2) Chicken conflict near Whitefish (outside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, FWS will relocate bear.
- 3) Site conflict outside Condon (inside recovery zone).
MTFWP responds and sets traps. Grizzly bear is trapped. MTFWP processes bear.
 - a. If bear is non-target bear and decision is made to relocate bear, MTFWP will relocate bear.
 - b. If bear is target bear and decision is made to remove bear due to conflict history, MTFWP will remove bear.
 - c. If bear is target bear and decision is made to relocate bear, MTFWP will relocate bear.

- 4) Dead cow being fed on by grizzly bears is reported (outside recovery zone).
Upon investigation, four bears are identified. It is unknown, which, if any, were involved in a depredation. Feeding on dead livestock is not a conflict, however WS sets traps because of recent depredations in the area.
- a. If bear(s) are captured and there is no information to determine whether these bears were involved in previous depredations, MTFWP may relocate.
 - b. If bear(s) are captured and there is information to suggest the bears were not involved in a depredation, MTFWP may relocate.
 - c. If bear(s) are captured and there is information to suggest the bears were involved in killing this cow or in recent depredations in the area, and the decision is made to relocate bear, FWS will relocate.

Effective Dates: This MOA is effective upon signature by both parties through October 31, 2023 and may be renewed annually.

Signatures



Hank Worsch, Director
Montana Fish, Wildlife and Parks

12/5/21
Date



Hilary Cooley, Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service

12/13/21
Date

Attachment: SB 337

SENATE BILL NO. 337

INTRODUCED BY M. LANG

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RELOCATION OF GRIZZLY BEARS; REVISING RULEMAKING AUTHORITY; AMENDING SECTION 87-5-301, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-301, MCA, is amended to read:

"87-5-301. Grizzly bear -- findings -- policy. (1) The legislature finds that:

(a) grizzly bears are a recovered population and thrive under responsive cooperative management

(b) grizzly bear conservation is best served under state management and the local, state, tribal, and federal partnerships that fostered recovery; and

(c) successful conflict management is key to maintaining public support for conservation of the grizzly bear.

(2) It is the policy of the state to:

(a) manage the grizzly bear as a species in need of management to avoid conflicts with humans and livestock; and

(b) subject to the provisions of subsection (3), use proactive management to control grizzly bear distribution and prevent conflicts, including trapping and lethal measures.

(3) (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously approved by the commission for relocation of grizzly bears.

(b) The department may respond to a grizzly bear listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be relocated, the department may not relocate the bear."

*Legislative
Services
Division*

- 1 -

Authorized Print Version -- SB 337



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:
FWS/R6/ES

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 2 2015

Andrea Santarsiere
Staff Attorney
Center for Biological Diversity
P.O. Box 469
Victor, Idaho 83455

Dear Ms. Santarsiere,

We have received your December 18, 2014, petition "to establish regulations to reinstate the grizzly bear reintroduction program in the Selway-Bitterroot Ecosystem under Section 10(j) of the Endangered Species Act" filed under Section 5 of the Administrative Procedures Act.

Upon careful review and consideration of the information you have provided, we will respond to your petition. Implementation of your petition request would be a significant undertaking and would require substantial staff time and budgets as well as extensive coordination with state and federal partner agencies and with the public. Our current workload is significant. Therefore, we expect to begin to review and respond to your petition sometime in 2016 or 2017. If you have any questions, you can contact Dr. Chris Servheen, the Service's Grizzly Bear Recovery Coordinator, at (406) 243-4903.

Sincerely,

Deputy Regional Director

Matthew K. Bishop (Mont. Bar No. 9968)
Western Environmental Law Center
103 Reeder's Alley
Helena, Montana 59601
(406) 324-8011
bishop@westernlaw.org

Sarah McMillan (Mont. Bar No. 3634)
Western Environmental Law Center
103 Reeder's Alley
Helena, Montana 59601
(406) 708-3062
mcmillan@westernlaw.org

Counsel for Plaintiffs

Jennifer R. Schwartz (OR Bar #072978), *application for pro hac vice pending*
WildEarth Guardians
P.O. Box 13086
Portland, OR 97213
(503) 780-8281
jschwartz@wildearthguardians.org

Counsel for WildEarth Guardians

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WILDEARTH GUARDIANS, a non-profit
organization; WESTERN WATERSHEDS
PROJECT, a non-profit organization; and
TRAP FREE MONTANA, a non-profit
organization,

Plaintiffs,

vs.

No.

COMPLAINT

JANET BUCKNALL, in her official capacity as Deputy Administrator, U.S. Department of Agriculture APHIS-Wildlife Services; DALIN TIDWELL, in his official capacity as State Director, Wildlife Services-Montana; UNITED STATES ANIMAL PLANT AND INSPECTION SERVICE, a federal agency; TOM VILSACK, in his official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal department; MARTHA WILLIAMS, in her official capacity as Director of the U.S. Fish and Wildlife Service; UNITED STATES FISH AND WILDLIFE SERVICE, a federal agency; DEB HAALAND, in her official capacity as Secretary of the Interior; and the UNITED STATES DEPARTMENT OF THE INTERIOR, a federal department,

Federal-Defendants.

INTRODUCTION

1. Plaintiffs bring this civil action against Federal-Defendants, the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Montana (“Wildlife Services”), and the United States Fish and Wildlife Service (“Fish and Wildlife Service”), under Section 11(g) of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g), and Section 702 of the Administrative Procedure Act (“APA”), 5 U.S.C. § 702, for violations of the ESA,

16 U.S.C. § 1536 *et seq.* and the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*

2. This case challenges Wildlife Services’ May, 2021 decision to continue its predator damage management (“predator removal”) program in Montana, which involves the use of traps, snares, aerial shooting, chemicals, poisons and other methods to capture and kill native predators, including threatened grizzly bears. This case also challenges Wildlife Services’ related environmental assessment (“EA”) and Finding of No Significant Impact (“FONSI”) for predator removal in Montana and the Fish and Wildlife Service’s related biological opinion about how predator removal may adversely affect grizzly bears and grizzly bear recovery.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. § 1331, 16 U.S.C. § 1540(c), and 5 U.S.C. § 704.

4. This Court has the authority to review Wildlife Services’ and the Fish and Wildlife Service’s action(s) and/or inaction(s) complained of herein and grant the relief requested under 16 U.S.C. § 1540(g) and 5 U.S.C. § 706.

5. Plaintiffs exhausted all available administrative remedies.

6. All requirements for judicial review required by the ESA are satisfied. Plaintiffs sent Wildlife Services and the Fish and Wildlife Service a valid 60-day

notice of intent to sue letter on July 6, 2022 in accordance with the ESA via email and U.S. Mail (delivery confirmation). Wildlife Services responded to this notice on September 1, 2022. Wildlife Services said it would reinitiate consultation on grizzly bears but did not provide a timeline for completion of new consultation. Wildlife Services did not withdraw its decision to continue predator removal in Montana or its previous consultation documents or otherwise modify its predator removal program in Montana, including removing grizzly bears in certain areas, pending completion of consultation. Wildlife Services' predator removal efforts and its previous consultation documents remain in effect. Plaintiffs filed this case only after the 60-day notice period had run.

7. The relief sought is authorized by 28 U.S.C. § 2201, 28 U.S.C. § 2202, 16 U.S.C. § 1540, and 5 U.S.C. § 706.

8. Venue is proper in this Court under 16 U.S.C. § 1540(g)(3)(A) and 28 U.S.C. § 1391(e).

9. Plaintiffs have organizational standing. Plaintiffs satisfy the minimum requirements for Article III standing. Plaintiffs, including their members, supporters, and staff have suffered and continue to suffer injuries to their interests in native predators, including grizzly bears and grizzly bear conservation, as a result of Wildlife Services' predator removal program in Montana and the Fish and Wildlife Service's related biological opinion. This Court can redress these injuries by

granting the relief requested. There is a present and actual controversy between the Parties.

PARTIES

10. Plaintiff WILDEARTH GUARDIANS (“Guardians”) is a non-profit conservation organization dedicated to protecting and restoring the wildlife, wild places, wild rivers, and the health of the American West. Guardians is specifically committed to ensuring the survival and recovery of predators, including grizzly bears in Montana and the lower 48 States. Guardians has approximately 235,000 active members and supporters across the American West, including many who reside in Montana. Guardians maintains an office in Missoula, Montana, where most of its work to conserve grizzly bears occurs. Guardians brings this action on behalf of itself, its members, and its supporters.

11. Plaintiff WESTERN WATERSHEDS PROJECT (“WWP”) is a non-profit conservation organization with over 12,000 members and supporters dedicated to protecting and restoring the public lands, watersheds, and native wildlife across the American West, including grizzly bears and other predators. WWP’s Montana office is located in Missoula, Montana. WWP brings this action on behalf of itself, its members, and its supporters.

12. Plaintiff TRAP FREE MONTANA (“Trap Free”) is a non-profit organization dedicated to increasing public awareness and advocacy for wildlife

impacted by trapping. Trap Free advocates for trap free public lands and trapping reform in Montana. Trap Free is based in Hamilton, Montana and focuses its efforts on predator conservation, including gray wolves and grizzly bears.

13. Plaintiffs have members and supporters who have standing to pursue this civil action in their own right and their interests in predator and grizzly bear conservation (at stake in this case) are germane to their respective organization's purposes.

14. Plaintiffs' members, supporters, and staff are dedicated to ensuring the long-term survival and recovery of predators in Montana, including grizzly bears, and ensuring Wildlife Services and the Fish and Wildlife Service comply with the law. Plaintiffs' members, supporters, and staff understand the importance of taking a hard look at the environmental effects of agency actions like predator removal as required by NEPA and ensuring full compliance with Section 7 of the ESA's consultation provisions before agency action is taken.

15. Plaintiffs' members, supporters, and staff live in or near and/or routinely recreate in or near areas where Wildlife Services engages in, funds, authorizes, or coordinates predator removal in Montana. Plaintiffs' members, supporters, and/or staff have been personally affected by predator removal in Montana and have

witnessed such removal efforts and the harm it causes to predators (including family pets) first hand.

16. Plaintiffs' members, supporters, and staff live and recreate throughout Montana and in areas occupied by predators and grizzly bears. Plaintiffs' members, supporters, and staff enjoy observing – or attempting to observe – various predators, including grizzly bears, including signs of grizzly bear presence and/or photographing grizzly bears in areas where the species is known to den, travel, disperse and occur. The opportunity to view grizzly bears and grizzly bear signs in the wild and in the areas affected by Wildlife Services' predator removal work is of significant interest and value to Plaintiffs' members, supporters, and staff and increases their use and enjoyment of the action area.

17. Plaintiffs' members, supporters, and staff derive aesthetic, recreational, scientific, inspirational, educational, spiritual, and other benefits from predators and predator conservation, including grizzly bears and grizzly bear conservation, including by seeing (or trying to see) predators and grizzly bears in the wild in Montana.

18. Plaintiffs' members, supporters, and staff have a strong interest in working to conserve predators and grizzly bears in Montana. Ensuring Wildlife Services and the Fish and Wildlife Service comply with the law as alleged in this case when

authorizing predator removal work in Montana and making other important decisions affecting our wildlife in areas occupied by grizzly bears is a key component of Plaintiffs' interests.

19. Wildlife Services' predator removal work, which results in the intentional and unintentional killing and capturing and removal of native wildlife, including grizzly bears in Montana, has harmed, is likely to harm, and will continue to harm Plaintiffs' interests in native wildlife, predator conservation, grizzly bears, and grizzly bear conservation. Plaintiffs' interests have been, are being, and unless the requested relief is granted, will continue to be harmed by Wildlife Services and the Fish and Wildlife Service. If this Court issues the relief requested, the harm to Plaintiffs' interests will be alleviated and/or lessened.

20. Federal Defendant JANET BUCKNALL is sued in her official capacity as Deputy Administrator, United States Department of Agriculture Animal and Plant Health Inspection Service-Wildlife Services. As Deputy Administrator, Ms. Bucknall is the federal official with responsibility for all Wildlife Services' actions and/or inactions challenged in this case.

21. Federal Defendant, DALIN TIDWELL, is sued in his official capacity as Montana State Director for Wildlife Services. As state director, Mr. Tidwell is the federal official with responsibility for all Wildlife Services' actions and/or inactions

challenged in this case.

22. Federal Defendant, the UNITED STATES ANIMAL and PLANT HEALTH INSPECTION SERVICE (“APHIS”), is a federal agency within the United States Department of Agriculture that is responsible for applying and implementing the federal laws and regulations challenged in this case.

23. Federal Defendant, TOM VILSACK, is sued in his official capacity as Secretary of the United States Department of Agriculture. As Secretary, Mr. Vilsack is the federal official with responsibility for all Wildlife Services’ actions and/or inactions challenged in this case.

24. Federal Defendant, the UNITED STATES DEPARTMENT OF AGRICULTURE, is a federal department responsible for applying and implementing federal laws and regulations challenged in this case.

25. Federal Defendant MARTHA WILLIAMS is sued in her official capacity as Director of the Fish and Wildlife Service. As Director, Ms. Williams is the federal official with responsibility for all Fish and Wildlife Service officials’ actions and/or inactions challenged in this case.

26. Federal Defendant, UNITED STATES FISH AND WILDLIFE SERVICE is an agency within the United States Department of the Interior that is responsible for applying and implementing the federal laws and regulations challenged in this

case.

27. Federal Defendant, DEB HAALAND, is sued in her official capacity as Secretary of the Interior. As Secretary, Ms. Haaland is the federal official with responsibility for all Fish and Wildlife Service officials' actions and/or inactions challenged in this case.

28. Federal Defendant, the UNITED STATES DEPARTMENT OF THE INTERIOR, is the federal department responsible for applying and implementing federal laws and regulations challenged in this case.

BACKGROUND

Grizzly bears

29. Grizzly bears (*Ursus arctos horribilis*) are a subspecies of brown bear (*Ursus arctos*) that occur in North America.

30. Adult grizzly bears are normally solitary except when breeding or when females have dependent young.

31. Home ranges for male grizzly bears are generally larger than female home ranges and vary among ecosystems (due to population densities and habitat productivity). Male grizzly bear dispersal distances of 42-109 miles have been documented in Montana. Female grizzly bears have been known to disperse long distances (up to 56 miles), typically on the periphery of expanding populations. Female grizzly bear dispersal is important for grizzly bear range expansion. Female grizzly bear dispersal is important for establishing demographic connectivity between

subpopulations. Reestablishing effective migration between subpopulations of grizzly bears in the lower 48 states is required for the long-term recovery of the species.

32. Grizzly bears den in winter. Denning is a life history strategy grizzly bears use to cope with seasons of low food abundance. In preparation for denning, bears increase their food intake dramatically during the two to four months before denning (a process called hyperphagia). Grizzly bears must consume foods rich in protein and carbohydrates in order to build up fat reserves to survive the denning and post-denning period. Grizzly bears typically enter dens between October and December and male grizzly bears exit dens from early March to late April. Female grizzly bears typically emerge from their dens later than males, usually from mid-March to mid-May.

33. Grizzly bears have one of the lowest reproduction rates amongst mammals, mainly due to the late age of first reproduction, small litter size, and long birthing interval. Female grizzly bears typically do not start reproducing until they are at least four years old. Females give birth in their dens in late January or early February and generally nurse for 3-4 months inside the den. Cubs will remain with the female for about 2.5 years. The typical litter size is 2-4 cubs. Females typically only reproduce once every three years. It can take ten years or more for a single female to replace herself in the population.

34. Grizzly bears use a variety of habitats. A grizzly bear's individual habitat needs and daily movements are largely driven by the search for food.

35. Grizzly bears are opportunistic omnivores that historically ate a wide variety of foods, including plants, berries, roots, insects, fish, small mammals,

ungulates (elk, deer, and bison), and carrion (dead animals). Grizzly bears, like all bear species, have an exceptional sense of smell and often follow their nose for long distances to find food, especially prey animals and carrion.

36. In the Greater Yellowstone Ecosystem, grizzly bears rely heavily on four primary food sources: cutthroat trout, ungulates, army cutworm moths, and whitebark pine seeds. Grizzly bears rely more heavily on prey animals and carrion when other high-quality food sources (like whitebark pine seeds) are less abundant. Whitebark pine was listed as a threatened species under the ESA in December, 2022.

37. In the Northern Continental Divide Ecosystem, grizzly bear diets differ from the westside to the eastside of the Continental Divide. On the westside, prey animals and carrion comprise less than 25 percent of the grizzly bear's total diet. In some areas of the Northern Continental Divide Ecosystem, grizzly bears are almost entirely herbivorous (plant eating). On the eastside, prey and carrion comprise nearly 90 percent of the grizzly bears diet.

38. In the Cabinet-Yaak and Selkirk Ecosystems, grizzly bears feed on a wide variety of grasses, sedges, plants, berries, and meat.

39. Meat from ungulates and livestock are high-quality grizzly bear food. Male grizzly bears tend to eat more meat, though levels are similar with females when other high-quality foods are not available.

40. Food resources for grizzly bears are especially important during the period leading up to denning (August-October) when bears must consume energetically rich foods to build up fat reserves to survive the denning and post-denning period.

41. Grizzly bears opportunistically prey on domestic livestock, agricultural crops, and other human foods. Some level of predation by grizzly bears will predictably occur if livestock are available and made vulnerable from poor animal husbandry practices (e.g., allowing livestock to graze unattended in remote areas like federal grazing allotments, especially newly born lambs or calves, and failing to promptly remove sick, injured and dead stock from the range). Livestock, particularly those that die on the range of natural causes (poisoning, weather, illness, injury), can also attract grizzly bears to an area and lead to an increase in bear densities. Livestock predation rates are higher in areas with higher grizzly bear densities, and in the late summer and fall when grizzly bears are preparing for denning.

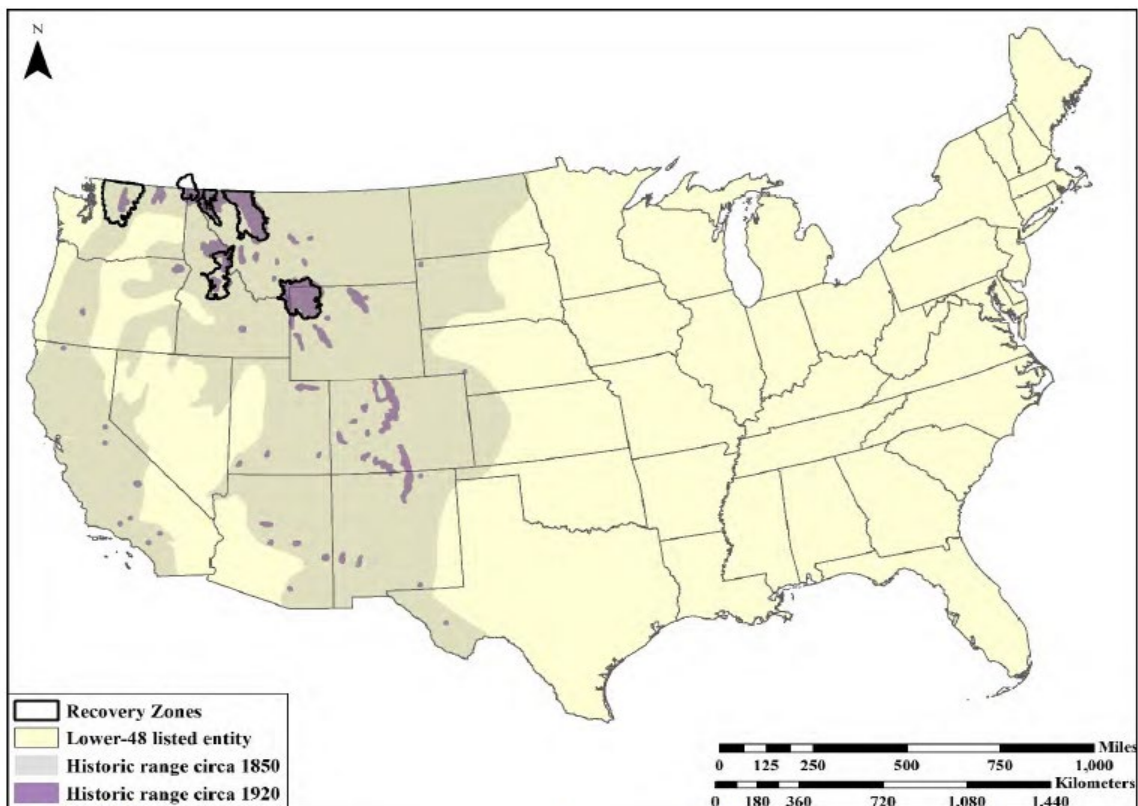
Threats to grizzly bears

42. Prior to the arrival of Europeans, grizzly bears occurred throughout much of the western half of the contiguous United States, central Mexico, western Canada, and most of Alaska. Historically, an estimated 50,000 grizzly bears were distributed in one large contiguous area throughout all or portions of 18 western states. With the arrival of Europeans to North America, grizzly bears were seen as a threat to livestock and human safety and an impediment to western expansion and settlement. In the 1800s, government-funded bounty programs focused on the eradication of grizzly bears, which were shot, poisoned, trapped, and killed wherever they were found.

43. By the 1930s, grizzly bears were reduced to roughly two percent of their historic range in the lower 48 States with a corresponding decrease in total population.

44. By 1975, the total grizzly bear population in the lower 48 States was estimated to be roughly 700-800 individuals and grizzly bears only remained in a few, isolated areas.

45. In 1975, the Fish and Wildlife Service listed all grizzly bears in the lower 48 States as a “threatened” species under the ESA. Grizzly bears in the lower 48 States are listed as a single distinct population segment (“DPS”) following the Fish and Wildlife Service’s 1996 adoption of a DPS policy and the Fish and Wildlife Service’s 2011 five-year status review of the species’ 1975 listing.



46. In the 1975 listing, the Fish and Wildlife Service committed to recovering grizzlies in the lower 48 States and prioritized recovery in six areas or “recovery zones,” including the Cabinet-Yaak, Selkirks, Northern Continental Divide, Selway-Bitterroot, North Cascades, and Yellowstone region. The Fish and Wildlife Service also committed to evaluating Colorado’s San Juan Mountains as an additional recovery area.

47. Grizzly bears are the subject of a special, Section 4(d) rule which directs how they are managed in the lower 48 States under the ESA. 50 C.F.R. § 17.40(b).

48. The special Section 4(d) rule for grizzly bears prohibits the “take” of grizzly bears in the lower 48 States unless done: (1) in self-defense or in defense of others; (2) for the removal of a “nuisance bear,” which requires a “demonstrable but non-immediate threat to human safety” or when a bear commits “significant depredations to lawfully present livestock, crops, or beehives” but only if it was not possible to eliminate the threat or depredation by live-capturing and releasing the bear and when the taking is done in a humane manner by authorized personnel; or (3) for scientific or research activities but only if such taking does not result in the death or permanent injury to the bears involved. 50 C.F.R. § 17.40(b)(1)(i). “Take” means to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.” 16 U.S.C. § 1532(19).

49. The take of all grizzly bears in the lower 48 States must be reported to the Fish and Wildlife Service. The Fish and Wildlife Service tracks all take of grizzly bears in the lower 48 States. The Fish and Wildlife Service tracks all take of grizzly bears in Montana.

50. In 1982, the Fish and Wildlife Service prepared a recovery plan for grizzly bears in the lower 48 States. The Fish and Wildlife Service's 1982 recovery plan said the agency would commit itself to the "conservation and recovery of the grizzly bear in the selected areas of the conterminous 48 states" and establish "recovery of at least three populations in three distinct grizzly bear ecosystems" in order to delist the species. The Fish and Wildlife Service explained that no "one would recommend a single population in a single ecosystem" as being adequate for recovery. The Fish and Wildlife Service said "conservation and recovery of three populations, as opposed to only one or two populations, is believed to be necessary to assure perpetuation of the species to a point that no longer requires the protection of the ESA."

51. In 1993, the Fish and Wildlife Service updated and amended the 1982 recovery plan.

52. The 1993 recovery plan has been amended several times since 1993, most recently in 2018.

53. In the 1993 recovery plan, the Fish and Wildlife Service formally designated six recovery zones for grizzly bears in the lower 48 states. These six recovery zones include: the North Cascades, Selkirk, Cabinet-Yaak, Northern Continental Divide, Bitterroot, and Greater Yellowstone Ecosystem.



54. The Fish and Wildlife Service identified each of these six recovery zones as a core recovery area where conservation efforts for grizzly bears should be focused.

55. The Fish and Wildlife Service estimates that the current population of grizzly bears in the lower 48 States is roughly 1,923 individuals. This includes approximately 727 bears in the Greater Yellowstone Ecosystem, 1,092 bears in the Northern Continental Divide, 60 bears in the Cabinet-Yaak, 44 bears in the Selkirks, and no bears in the North Cascades or Bitterroot.

56. The Fish and Wildlife Service recognized that grizzly bears would eventually need to occupy areas outside the six recovery zones for full recovery.

57. The Fish and Wildlife Service recognized that connectivity and effective migration of grizzly bears between the recovery zones would be required for long-term recovery of grizzly bears in the lower 48 States. The best available science

reveals grizzly bear movement and connectivity between the various recovery zones in the lower 48 States is needed for long-term recovery.

58. Grizzly bear movement and connectivity between the various recovery zones in the lower 48 States has yet to be restored. Grizzly bears in the Greater Yellowstone Ecosystem remain isolated.

59. In January, 2021, the Fish and Wildlife Service published a species status assessment for grizzly bears in the lower 48 States (“Grizzly SSA”). The Grizzly SSA provides the best available current science on grizzly bears, threats to grizzly bears, and grizzly bear conservation in the lower 48 States.

60. In the Grizzly SSA, the Fish and Wildlife Service determined that grizzly bears in the lower 48 States have certain individual, ecosystem, and species-levels needs. Individually, grizzly bears need sufficient habitat, including large and relatively undisturbed blocks of land for all life stages (breeding, feeding, shelter and dispersal). Grizzly bears need access to denning sites, cover, and access to high-caloric foods. At the ecosystem level, grizzly bears need sufficient abundance, positive population trends, adult female survival, genetic diversity and sufficient connectivity between various recovery zones. At the species level, grizzly bears in the lower 48 States need multiple resilient ecosystems (recovery zones) distributed across a wide geographic area and with sufficient connectivity between them to ensure genetic and ecological diversity.

61. In the Grizzly SSA, the Fish and Wildlife Service reported that the main threats or stressors to grizzly bears and grizzly bear recovery in the lower 48 States are: (1) human-caused mortality (due to management removals, accidental killings,

illegal killings, and mistaken identity kills); (2) motorized access; (3) livestock grazing allotments; (4) developed recreational sites and recreational activities; (5) timber, energy, and mineral development; (6) private land development; (7) climate change; (8) loss of connectivity and poor genetic health; and (9) the loss of important food sources.

62. In the Grizzly SSA, the Fish and Wildlife Service noted that from 2002-2020 there were 700 reported grizzly bear mortalities in the Greater Yellowstone Ecosystem. The vast majority of these grizzly bear mortalities were human-caused. Roughly 283 of the reported grizzly bear mortalities in the Greater Yellowstone Ecosystem from 2002-2020 were attributed to “management removals” allowed by the grizzly Section 4(d) rule.

63. In the Grizzly SSA, the Fish and Wildlife Service noted that from 2002-2020 there were 511 reported grizzly bear mortalities in the Northern Continental Divide Ecosystem. The vast majority of these grizzly bear mortalities were human-caused. Roughly 157 grizzly bear mortalities in the Northern Continental Divide Ecosystem from 2002-2020 were attributed to “management removals” allowed by the grizzly Section 4(d) rule.

64. In the Grizzly SSA, the Fish and Wildlife Service noted that from 2002-2020 there were 58 reported grizzly bear mortalities in the Cabinet-Yaak and Selkirk Ecosystems. The vast majority of these grizzly bear mortalities were human-caused. Roughly 4 grizzly bear mortalities in the Cabinet-Yaak and Selkirk Ecosystems from 2002-2020 were attributed to “management removals” allowed by the grizzly Section 4(d) rule. The best available science reveals the current levels of female grizzly bear

mortality in the Cabinet-Yaak ecosystem are at levels that undermine recovery. Additional grizzly bear mortalities in the Cabinet-Yaak ecosystem have the potential to compromise recovery efforts.

65. In the Grizzly SSA, the Fish and Wildlife Service recognized human-caused mortality, including management removals in response to conflicts with humans and livestock interests, as a threat to grizzly bears and an impediment to long-term viability and recovery.

66. The 1993 grizzly bear recovery plan describes “sustainable mortality” of grizzly bears as the level of annual human-caused mortality that individual grizzly bear populations can sustain without leading to a population decline. Sustainable mortality is directly related to the number of females with cubs. The 1993 recovery plan stated that the sustainable mortality of an individual grizzly bear subpopulation is six percent of the minimum population estimate. To allow room for growth and recovery, the 1993 recovery plans states that the sustainable mortality limit can be no more than four percent of the minimum population estimate and no more than 30 percent of this human-caused mortality can be females.

67. In the Grizzly SSA, the Fish and Wildlife Service recognized the lack of connectivity and genetic interchange between the grizzly bear recovery zones as a threat to bears and an impediment to long-term viability and recovery.

68. In the Grizzly SSA, the Fish and Wildlife Service determined that natural connectivity between the recovery zones is needed for long-term grizzly bear conservation to allow for genetic exchange and demographic augmentation of isolated populations. Genetic diversity of smaller and isolated populations is

influenced by connectivity. The best available science reveals that smaller and isolated populations are vulnerable to extinction due to low genetic diversity (resulting in genetic drift and inbreeding depression) and demographic fluctuations resulting from various environmental processes (e.g., poor food years, disease, human-caused mortality).

69. In the Grizzly SSA, the Fish and Wildlife Service stated that connectivity and dispersal and successful immigration of male or female grizzly bears enhances genetic diversity and reduces genetic fragmentation. The best available science reveals at least one to two effective migrants per generation is needed to maintain and enhance genetic diversity in isolated populations.

70. The Fish and Wildlife Service noted that while the Greater Yellowstone recovery zone remains isolated, all of the zones are currently within “dispersal distance of existing populations” and “connectivity” needed for long-term viability and recovery “is possible.”

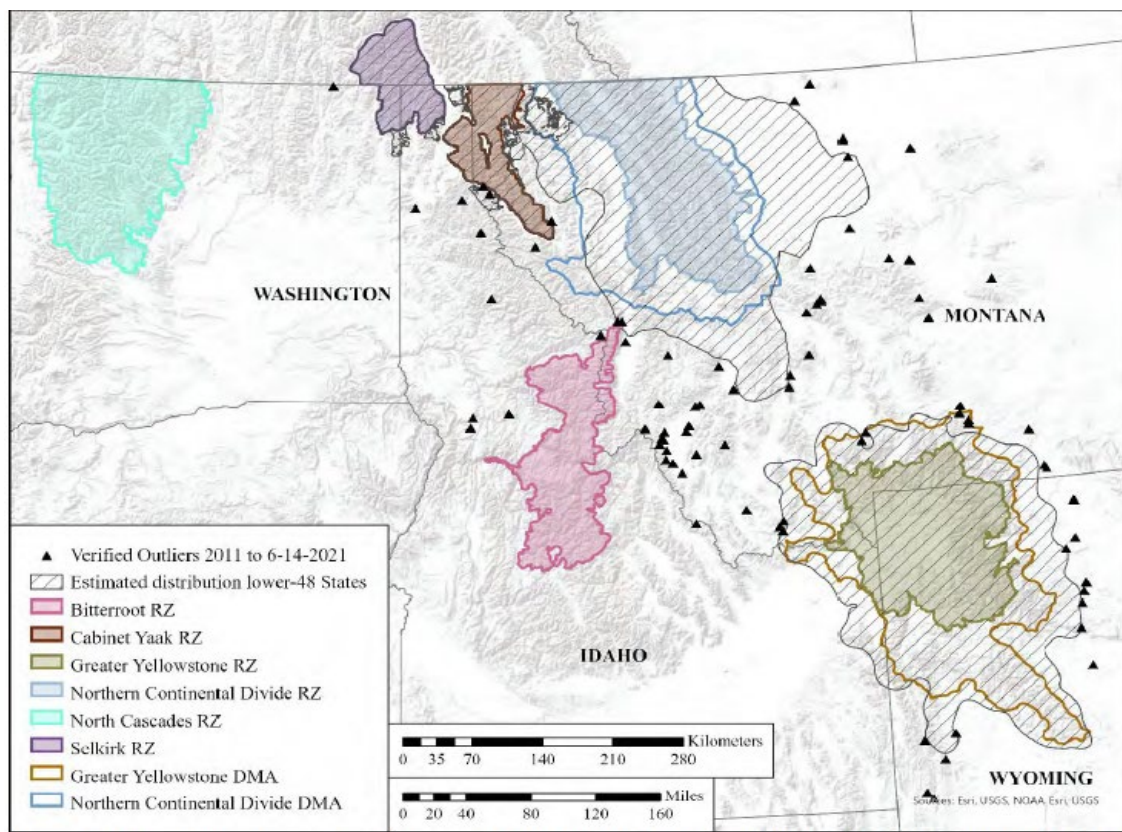
71. The Fish and Wildlife Service said the expanding grizzly bear population in the Northern Continental Divide is very close to reaching the Bitterroot and is “expected to be within female dispersal distance in the future.”

72. In October, 2022, the Fish and Wildlife Service authorized the management removal of two grizzly bears (one male and one female) in the Bitterroot Valley, near Stevensville, Montana. The two grizzly bears had been in the Bitterroot Valley for months. The two grizzly bears were relocated to the Sapphire Mountains, which are on the opposite side the valley from the Bitterroot Range and

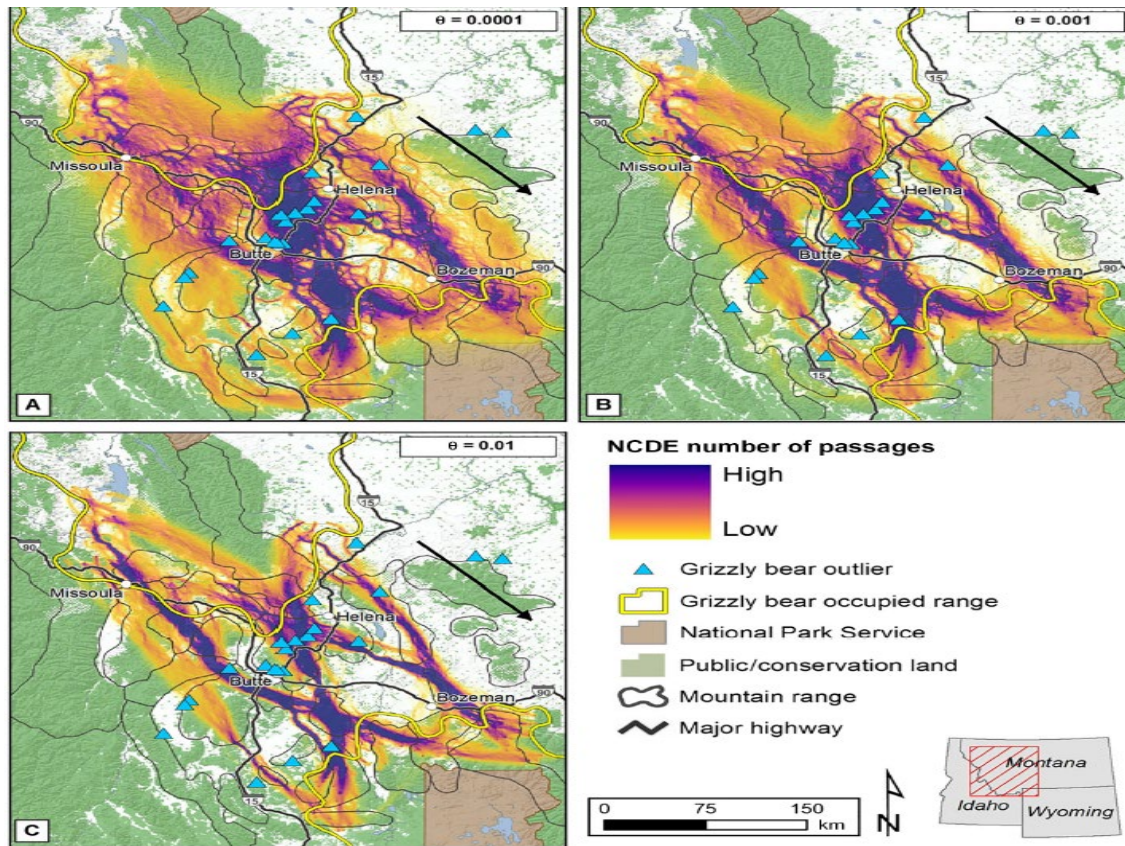
recovery zone. The Fish and Wildlife Service chose not to relocate the two grizzly bears into the Bitterroot Range or Bitterroot recovery zone.

73. The Fish and Wildlife Service noted that the distance between grizzly bears dispersing from the Greater Yellowstone and Northern Continental Divide Ecosystems is very close (roughly 30 miles) with “multiple verified sightings in between.” The Fish and Wildlife Service said it is likely that natural connectivity needed for recovery “will occur in the near future.”

74. In the Grizzly SSA, the Fish and Wildlife Service provided this map illustrating grizzly bear dispersal and movement outside and between the various recovery zones:



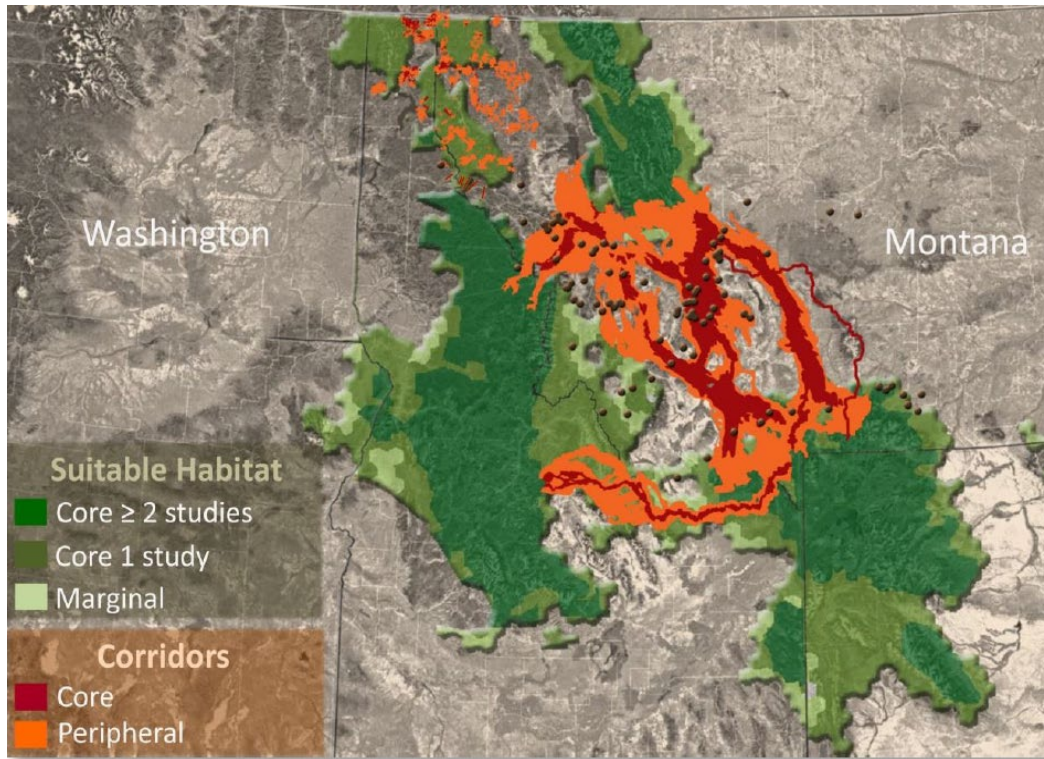
75. In the Grizzly SSA, the Fish and Wildlife Service explained that a recent paper (Peck (2017)) modeled potential dispersal paths for grizzly bears between the Greater Yellowstone and Northern Continental Divide recovery zones. The Fish and Wildlife Service said this is where conservation efforts designed to facilitate and foster connectivity should be focused:



76. In order to facilitate grizzly bear movement and restore connectivity, Peck (2017) recommended conservation efforts in these dispersal paths be implemented, including efforts to reduce human conflict situations that result in management removals or mortalities.

77. The best available science reveals grizzly bears are able to occupy more areas of the northern Rockies (including large portions of Montana) than they

currently do and more areas beyond the recovery zones. This includes areas of suitable habitat and corridors that help facilitate grizzly bear movement between subpopulations.



78. The best available science reveals grizzly bears will only occupy more areas of the northern Rockies (including large portions of Montana) and restore connectivity between subpopulation if grizzly bear dispersers and colonizers are not subject to management removals or human-caused mortality. Management removals and human-caused mortality inhibit grizzly bear movement and dispersal outside the recovery zones.

79. The Fish and Wildlife Service recognizes livestock grazing and the resulting management removals as a potential conflict situation that results in grizzly

bear mortalities. Management removals inhibit connectivity when they occur in areas important for grizzly bear dispersal and movement.

80. The Fish and Wildlife Service's Grizzly SSA identified management removals as an ongoing threat and stressor to grizzly bears and grizzly bear recovery. The best available science reveals the selection of livestock as prey animals by grizzly bears is normal and to be expected given the high quality of this food resource. When grizzly bears and livestock share the same space and landscape, some level of predation of livestock often occurs. Livestock can be an attractant and local driver of increased grizzly bear densities.

81. The Fish and Wildlife Service said the "main impact" to grizzly bears is human-caused mortality resulting from management removals in response to livestock depredations. Human-caused mortality of grizzly bears, including management removals and conflicts resulting from livestock grazing in areas occupied by grizzly bears (both inside and outside the recovery zones), is a threat to the species and results in significant grizzly bear mortality.

82. There has been an increase in the number of grizzly bear mortalities and management removals attributed to livestock grazing in Montana over the last two decades.

83. From 1980 to 2001, the Fish and Wildlife Service reported that nine grizzly bears were killed in the Greater Yellowstone Ecosystem due to management

removals from conflicts with livestock grazing. From 2002-2020, the Fish and Wildlife Service reported that 128 grizzly bears were killed due to management removals from conflicts with livestock grazing.

84. Since 2000, the range of the grizzly bear population in Montana has expanded but it still represents a small fraction of the species historic range in Montana.

85. Since 2000, the grizzly bear's range in the Greater Yellowstone Ecosystem has nearly tripled in size compared to the bear's range in the 1980s. Grizzly bears now permanently occupy areas outside the recovery zone and areas outside the demographic monitoring areas ("DMA"). The DMA is an artificial boundary where the grizzly bear population – including mortality – is monitored. Roughly thirty percent of the current grizzly bear distribution in the Greater Yellowstone Ecosystem is beyond the recovery zone and DMA. This area was historically occupied grizzly bear habitat. Since 2000, the grizzly bear population in the Greater Yellowstone Ecosystem has remained largely stable.

86. In the Grizzly SSA, the Fish and Wildlife Service recognized loss of important food sources for grizzly bears as an additional threat or stressor.

87. Over the last two decades, there have been significant changes to the amount of available food sources for grizzly bears in Montana. These changes have

resulted in the grizzly bears' greater reliance on a meat-based diet. Grizzly bears' reliance on a meat-based diet results in increased conflicts with big game hunters during the hunting season. Grizzly bears' increased reliance on a meat-based diet has resulted in an increase in management removals associated with livestock grazing. Dependence of grizzly bears on meat from livestock leads to higher mortality rates, reduced densities and local extirpation of grizzly bears on the landscape.

Wildlife Services' predator removal in Montana

88. Wildlife Services is a federal agency within the United States Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS") that removes and kills native wildlife species in Montana.

89. Wildlife Services' predator removal program is largely intended to address "damage" to livestock and agricultural interests from wildlife and feral animals.

90. Wildlife Services defines "damage" as any situation when an individual or entity determines that losses caused by wildlife triggers their threshold for requesting assistance. "Damage" may be defined as economic losses to property or assets, or threats to human or pet safety, or as a loss in the aesthetic value of property and other situations where the behavior of wildlife is no longer tolerable to an individual person or entity.

91. In Montana, Wildlife Services' predator removal program targets a number of wildlife species, including coyotes, gray wolves, red foxes, bobcats, mountain lions, black bears, and grizzly bears (as allowed by the special Section 4(d) rule). Wildlife Services played a major role in extirpating large populations of predators, including gray wolves and grizzly bears in the western United States.

92. In 2021, Wildlife Services reported that it intentionally killed over 400,000 native species in the United States. In 2021, Wildlife Services reported that it killed 324 gray wolves, 64,131 coyotes, 433 black bears, 200 mountain lions, 605 bobcats, 3,014 foxes, 24,687 beavers, and 714 river otters. In 2021, Wildlife Services also killed and removed grizzly bears. Wildlife Services takes roughly ten grizzly bears a year in Montana (through removal and sometimes killing).

93. In 2021, Wildlife Services reported that it unintentionally killed at least 2,746 animals, including black bears, bobcats, songbirds, and even domestic pet dogs. Incidental or accidental killing and capture of non-target species by Wildlife Services is routine. Wildlife Services has incidentally captured and killed grizzly bears in Montana.

94. Wildlife Services contracts and cooperates with States, other federal agencies, local jurisdictions, tribes, and other private institutions and organizations and individuals to carry out predator removal in Montana.

95. Wildlife Services works with the Rocky Mountain Elk Foundation on predator removal in Montana. Wildlife Services gets funding from the Rocky Mountain Elk Foundation for predator removal in Montana.

96. Wildlife Services works with the Montana Sportsmen for Fish and Wildlife on predator removal in Montana. Wildlife Services gets funding from the Montana Sportsmen for Fish and Wildlife for predator removal in Montana.

97. Wildlife Services cooperates and coordinates its predator removal work in Montana with the Montana Department of Livestock (“MDOL”). MDOL conducts or authorizes the killing and removal of predators in Montana. MDOL defines a “predator” as a coyote, red fox, and any other animal causing livestock losses. Gray wolves qualify as an “other animal” causing livestock losses. Grizzly bears qualify as an “other animal” causing livestock losses. Predator removals authorized or conducted by MDOL are unregulated. There are no rules in Montana that restrict or limit predator removals conducted or authorized by the MDOL. Montana law directs MDOL to adopt rules and practices to ensure the “systematic destruction” of the predatory animals by hunting, trapping, and poisoning operations and payments of bounties. MDOL does not require a permit to snare or trap for coyotes or other predators. MDOL does not require a license to snare or trap for coyotes or other predators. MDOL does not track non-target or incidental take of predators. MDOL

does not track target or intentional take of predators. MDOL does not track any killing or removal of predators. MDOL does not require trapper education for individuals who trap, snare, and kill predators. MDOL does not conduct trapper surveys. Trapping or snaring conducted or authorized by MDOL can occur year round (there is no season).

98. Wildlife Services gets funding from MDOL. MDOL provides funding, as a cooperator, to Wildlife Services to help pay for aerial operations and other actions for predator removal. MDOL and Wildlife Services have signed a “cooperative service agreement” for predator removal in Montana. MDOL and Wildlife Services signed a cooperative service agreement to manage gray wolves in Montana. MDOL contracts with Wildlife Services for predator removal, including gray wolf removals, which include flight times, collaring, and lethal removal of wolves. MDOL and Wildlife Services have a joint work plan for predator removal in Montana.

99. Wildlife Services cooperates and coordinates its predator removal program with the Montana Department of Fish, Wildlife, and Parks (“MFWP”). Wildlife Services gets funding from MFWP. MFWP and Wildlife Services have a memorandum of understanding (“MOU”) to undertake investigations into livestock losses in Montana, including losses involving grizzly bears. MFWP’s website directs

the public to contact Wildlife Services if there is a report of a livestock conflict involving grizzly bears.

100. MFWP conducts predator removal in Montana. MFWP defines a predator as a coyote, weasel, skunk, and civet cat. MFWP is authorized to regulate the requirement for a name tag to be placed on traps and snares, including for predatory animals in Montana. MFWP does not require a license or permit for predator removal in Montana. MFWP does not regulate predator removal in Montana. MFWP regulates the recreational killing of gray wolves in Montana. MFWP regulates the trapping and snaring of gray wolves in Montana. MFWP regulates the trapping and snaring of furbearers in Montana. MFWP regulates the hunting of black bears in Montana. MFWP allows the use of dogs (hounds) in black bear and mountain lion hunting.

101. Wildlife Services provides technical assistance to other federal, state, tribal, and local agencies and private individuals and associations on predator removal in Montana. This includes education, information, advice and funding.

102. Wildlife Services provides funding to other federal, state, tribal, and local agencies and private individuals and associations for predator removal in Montana.

103. Wildlife Services conducts predator removal on its own in Montana. Wildlife Services provides predator removal in response to requests from federal,

state, tribal, and local agencies and various private individuals and associations in Montana.

104. Wildlife Services cooperates and coordinates its predator removal efforts with the Fish and Wildlife Service. Wildlife Services has a permit with the Fish and Wildlife Service to investigate the causes of livestock losses.

105. Wildlife Services uses or authorizes the use of a wide variety of non-lethal methods for predator removal and hazing in Montana. These methods include fencing, animal husbandry (including use of range riders and herders, and pasture rotation), habitat management, reducing attractants, and tools to modify predator behavior. Modifying predator behavior can involve the use of electronic distress sounds and alarm calls, propane exploders and cannons, pyrotechnics, and various types of hazing and harassment techniques (including use of helicopters and fixed-wing aircraft).

106. Wildlife Services sometimes uses non-lethal methods proactively, before damage or harm occurs.

107. Wildlife Services uses or authorizes the use of live-capture and relocation as a form of non-lethal predator management. Wildlife Services only relocates animals, including grizzly bears, if permitted to do so by MFWP. Montana law restricts where MFWP can relocate some animals, including grizzly bears. In April,

2021, the Montana legislature passed a law that prohibits MFWP from relocating any grizzly bears involved in a conflict if it was captured outside a recovery zone.

Grizzly bears involved in a conflict and captured by MFWP outside of the recovery zone are now killed. Wildlife Services coordinates all captures, transportation, and selection of relocation sites for grizzly bears with MFWP. Grizzly bears often do not survive after being captured and relocated. Relocated grizzly bears are sometimes killed by other grizzly bears when released into occupied grizzly bear habitat.

108. Wildlife Services uses or authorizes the use of a variety of devices to capture predators, both for non-lethal removal and lethal removal, in Montana. MDOL does not limit or restrict the size, number, or type of devices used to capture predators, both for non-lethal removal and lethal removal, in Montana. MFWP uses or authorizes the use of a variety of devices to capture predators, including gray wolves and grizzly bears, both for non-lethal removal and lethal removal, in Montana.

109. Wildlife Services uses or authorizes the use of cage and box traps in Montana. Wildlife Services uses or authorizes the use of culvert traps in Montana.

110. Wildlife Services uses or authorizes the use of “quick kill” or body-gripping traps in Montana.

111. A body-gripping trap consists of a pair of wire frames that close quickly and tightly when triggered, killing the animal. This device is commonly used to trap raccoon, skunk, fisher, bobcat and similar-size furbearers. Body-gripping traps are indiscriminate. Body-gripping traps are typically lethal to both target and non-target species. Body-gripping traps sometimes capture and kill or injure non-target species, including domestic dogs. Body-gripping traps have captured and killed grizzly bears. In 2017, a grizzly bear was photographed in Wyoming with a body-gripping trap on its foot.



112. Wildlife Services uses or authorizes the use of foothold traps in Montana.

113. Foothold traps are made of steel with springs that close the jaws of the trap around the foot of the target species. Foothold traps are placed in the travel paths of target animals. Foothold traps are baited with attractants such as carrion or scent. Wildlife Services uses foothold traps to intentionally capture grizzly bears. MFWP uses foothold traps to intentionally capture predators, including grizzly bears. MDOL uses foothold traps to intentionally capture predators.

114. Foothold traps are indiscriminate. Domestic dogs are sometimes caught and killed in foothold traps. Foothold traps capture and sometimes kill non-target species, including grizzly bears. Wildlife Services has accidentally caught grizzly bears in foothold traps set for other species. MDOL has caught grizzly bears in foothold traps. MFWP has caught grizzly bears in foothold traps. Grizzly bears are sometimes caught in foothold traps set for gray wolves. Grizzly bears are sometimes caught in foothold traps set for coyotes. Below is a photo of a grizzly bear claw and toes in a foothold trap set for a coyote (the bear had broken off the anchor chain and was caught dragging the trap but when the trap got tangled in a fence, it ripped his claws and toes off):



115. Grizzly bears are susceptible to being caught in foothold traps set for other species. Below is a photo of a grizzly bear caught in a gray wolf trap near Invermere, BC (Canada):



116. Wildlife Services uses or authorizes the use of foot snares, neck snares, and body snares in Montana.

117. Snares are made of a strong, lightweight cable, wire, or monofilament line with a locking device, and are typically used to catch small and medium sized predators by the neck, body, or foot. Snares are baited with attractants such as carrion. Wildlife Services uses snares to intentionally capture grizzly bears. MFWP uses snares to intentionally capture predators, including grizzly bears. MDOL uses snares to intentionally capture predators.

119. Snares are indiscriminate. Snares capture and kill non-target species. Domestic dogs are sometimes caught and killed in snares. Snares have caught and killed dogs on public land in Montana. Grizzly bears are sometimes caught and killed in snares. Grizzly bears are sometimes caught and killed in snares set for gray wolves. Grizzly bears are sometimes caught and killed in snares set for coyotes. Two grizzly bears were caught in coyote snares in Montana in 2021. Grizzly bears are susceptible to being caught in snares set for other species. Below is a picture of a grizzly bear that was caught in a snare set for gray wolves in 2020 (but later killed by a black bear hunter with the snare still attached).



120. Wildlife Services uses or authorizes the use of trained dog pursuits in Montana. Trained dog pursuits have resulted in the take of grizzly bears in Montana. MFWP authorizes hunting of black bears with dogs.

121. Wildlife Services uses or authorizes the use of dart guns in Montana. Dart guns have resulted in the take of grizzly bears in Montana.

122. Wildlife Services uses or authorizes the use of baits, scents, and attractants to aid in capturing predators in Montana.

123. Wildlife Services uses or authorizes the use of a variety of lethal methods for predator removal in Montana. Wildlife Services sometimes uses lethal removal methods proactively, before damage or harm occurs.

124. Wildlife Services uses or authorizes the use of aerial shooting from fixed-wing aircraft and helicopters in Montana. Wildlife Services has regulations and internal policies or directives that oversee all aerial shooting activities. Wildlife Services provides technical assistance on aerial shooting to other agencies. Wildlife Services uses aerial shooting to kill grizzly bears.

125. Wildlife Services uses or authorizes the use of ground shooting in Montana. Wildlife Services provides technical assistance on ground shooting in Montana. Wildlife Services uses or authorizes the use of handguns, shotguns, air guns, or rifles for ground shooting in Montana. Wildlife Services uses spotlights, night vision, thermal imagery for night shooting, decoy dogs, predator calling, stalking and baiting to increase ground shooting efficiency in Montana. Wildlife Services uses ground shooting to take grizzly bears.

126. Wildlife Services uses or authorizes the use of chemical repellants (non-lethal and lethal) for predator removal in Montana. Use of chemical repellants requires prior authorization from the public land management agency or private property owner before use.

127. Wildlife Services uses or authorizes the use of chemical fumigants for predator removal in Montana. Wildlife Services engages in a practice called “denning” in Montana. Denning involves locating a predators’ den and killing the young and adults inside by using a registered gas fumigant cartridge. Sodium nitrate is the principal active chemical in the gas cartridges used for denning in Montana. When ignited, the sodium nitrate cartridge burns in the den, depleting the oxygen and producing large amounts of carbon monoxide – a poisonous gas. Gasoline and fire is also used for denning, which burns the den occupants alive.

128. Wildlife Services uses or authorizes the use of tranquilizer and immobilization chemicals when handling predators in Montana. Immobilizing agents are delivered to the target animal with a dart gun or syringe pole. The following chemicals are used to tranquilize or immobilize predators in Montana: Ketamine, Xylazine, Capture-All 5, and Telazol.

129. Wildlife Services uses or authorizes the use of a number of chemical and gas methods for lethal removal of captured animals. Wildlife Services uses or authorizes the use of sodium pentobarbital. Wildlife Services uses or authorizes the use of Beuthanasia-D. Wildlife Services uses or authorizes the use of Euthasol. Wildlife Services uses or authorizes the use of Fatal-Plus. Wildlife Services uses or

authorizes the use of Potassium chloride. Wildlife Services uses or authorizes the use of carbon dioxide gas.

130. Wildlife Services uses or authorizes the use of a number of chemical pesticides for its lethal removal activities in Montana.

131. Wildlife Services uses or authorizes the use of sodium cyanide M-44 devices in Montana. M-44s are a spring-activated ejector device developed for the lethal removal of predators. M-44s are indiscriminate. M-44s sometimes kill non-target species, including dogs. M-44s have poisoned humans. M-44s have killed humans. M-44s have killed grizzly bears. M-44s have killed grizzly bears in Montana. There have been at least two reported incidents of grizzly bears being killed by M-44s. In 2012, M-44-related deaths accounted for 11 percent of the non-target animals killed by Wildlife Services. Between 2018 and 2021, more than 950 animals were unintentionally killed by M-44s. This included gray foxes, red foxes, raccoons, Virginia opossums, black bears, dogs characterized as feral, free-ranging and hybrids, skunks, and ravens. Most states ban the use of M-44s on public land. Fifteen states, including Montana, allow the use of M-44s on public lands. M-44s are either partially or entirely banned on public lands in Idaho, Washington, California, Oregon, Colorado, and Wyoming.

132. Wildlife Services uses or authorizes the use of Compound 1080 collars in Montana. Wildlife Services uses or authorizes the use of DRC-1339, an avian pesticide.

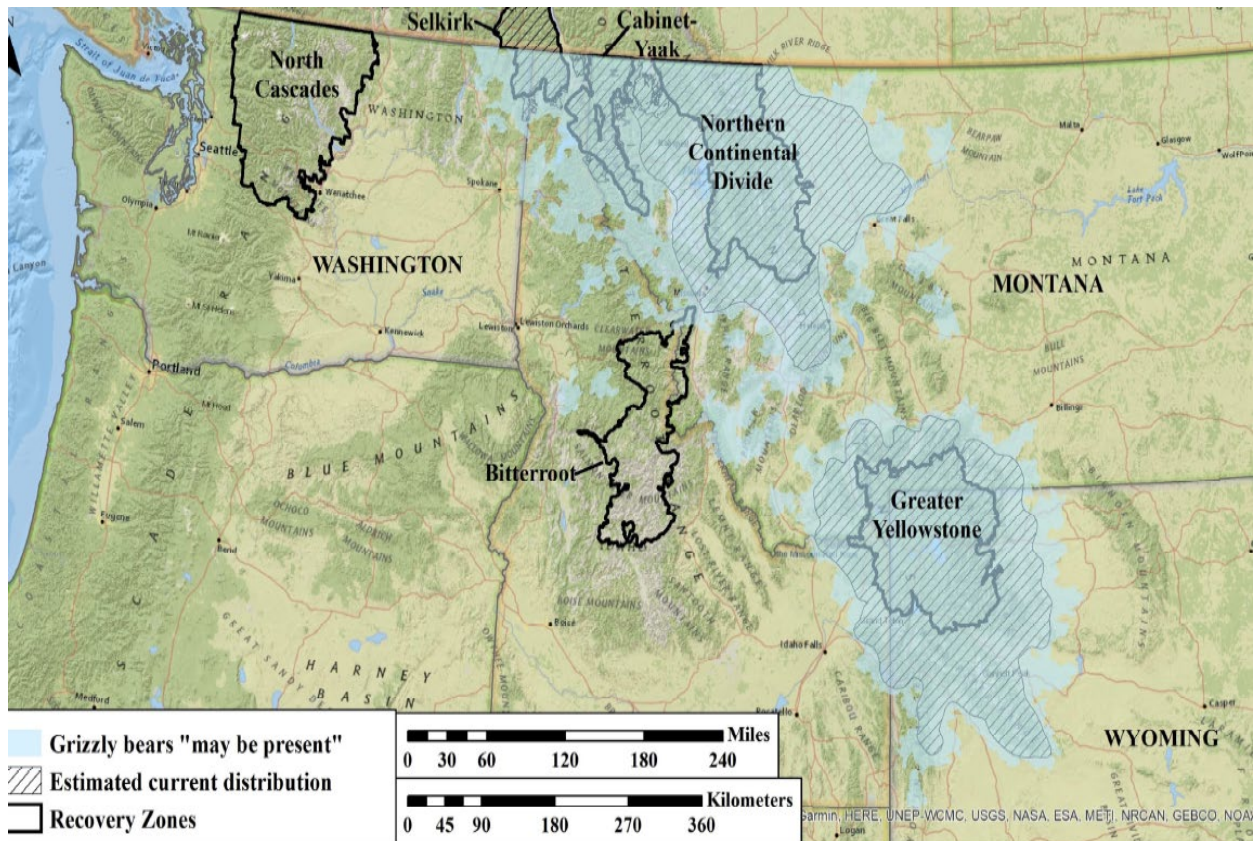
133. Wildlife Services conducts predator removal on private lands in Montana. Wildlife Services conducts predator removal on public lands in Montana. Wildlife Services conducts predator removal on state lands in Montana. Wildlife Services conducts predator removal on tribal lands in Montana.

134. Wildlife Services conducts predator removal inside special management areas in Montana. Wildlife Services conducts predator removal in National Wildlife Refuges in Montana. The Fish and Wildlife Service gives Wildlife Services permission to conduct predator removal on National Wildlife Refuges in Montana. Wildlife Services conducts predator removal in Montana State Parks. Wildlife Services conducts predator removal in Inventoried Roadless Areas in Montana. Wildlife Services conducts predator removal in designated Wilderness Areas in Montana. Wildlife Services conducts predator removal in Wilderness Study Areas in Montana. Wildlife Services conducts predator removal in recommended Wilderness areas in Montana. Wildlife Services conducts predator removal on National Forest System lands in Montana. The U.S. Forest Service authorizes Wildlife Services to conduct predator removal on National Forest System lands in Montana. Wildlife

Services conducts predator removal on Bureau of Land Management (“BLM”) lands in Montana. BLM authorizes Wildlife Services to conduct predator removal on BLM lands in Montana.

Wildlife Services killing and removal of grizzly bears in Montana

135. Wildlife Services’ predator removal program occurs in areas where the Fish and Wildlife Service has determined grizzly bears “may be present” in Montana.



136. Wildlife Services’ predator removal program occurs in areas occupied by grizzly bears in Montana. Wildlife Services’ predator removal program occurs in areas where MDOL and MFWP also conduct predator removal efforts.

137. Wildlife Services intentionally takes grizzly bears in Montana.

138. The Fish and Wildlife Service has authorized Wildlife Services to intentionally take grizzly bears in Montana. The Fish and Wildlife Service issued Wildlife Services a “subpermit” to take grizzly bears under certain conditions allowed by the special Section 4(d) rule.

139. The Fish and Wildlife Service authorizes MFWP to take grizzly bears in Montana. MFWP takes grizzly bears in Montana. MDOL takes grizzly bears in Montana. The Fish and Wildlife Service has authorized MDOL to take grizzly bears in Montana. Private individuals and organizations take grizzly bears in Montana. The Fish and Wildlife Service has authorized private individuals and organizations to take grizzly bears in Montana.

140. Wildlife Services takes grizzly bears in Montana as authorized by the special Section 4(d) rule, 50 C.F.R. § 17.40(b). Wildlife Services must complete a “Section 4(d) Take Report Form” for all grizzly bear takes. All grizzly bear take in Montana is reviewed and documented by the Fish and Wildlife Service.

141. In March, 2020 the Fish and Wildlife Service issued a memorandum authorizing Wildlife Services to take grizzly bears in Montana. The Fish and Wildlife Service’s memorandum outlines the specific activities authorized by Wildlife Services and the terms and conditions for taking grizzly bears.

142. The Fish and Wildlife Service's March, 2020 memorandum authorizes the uses of live-traps to take grizzly bears in Montana. The Fish and Wildlife Service's March, 2020 memorandum authorizes the use of traps and snares to take grizzly bears in Montana. The Fish and Wildlife Service authorizes the use of darting (including aerial darting) to take grizzly bears in Montana. The Fish and Wildlife Service's March, 2020 memorandum authorizes killing "conflict bears" in Montana.

143. The Fish and Wildlife Service's March, 2020 memorandum authorizes the preemptive movement of grizzly bears in areas where they "may come into conflict with human activities" in Montana. The Fish and Wildlife Service's allowance of preemptive movement or killing of grizzly bears is not authorized by the grizzly bear's special Section 4(d) rule.

144. Wildlife Services takes grizzly bears in response to damage reports. Wildlife Services takes grizzly bears preemptively, before damage to livestock or agricultural interests occurs.

145. Wildlife Services takes grizzly bears when requested to do so by MFWP. Wildlife Services takes grizzly bears in response to damage reports when requested to do so by MDOL. Wildlife Services sometimes releases captured grizzly bears to MFWP. Wildlife Services sometimes releases captured grizzly bears to MDOL. Wildlife Services sometimes releases captured grizzly bears to the Fish and Wildlife

Service. Wildlife Services is unaware of the fate of the captured grizzly bears after they are released to MFWP, MDOL, or the Fish and Wildlife Service. Wildlife Services sometimes kills captured grizzly bears.

146. Between 2013 and 2017, Wildlife Services reported that it captured and transferred custody of an average of seven grizzly bears annually to MFWP.

147. Wildlife Services reports that, on average, it intentionally takes 8.6 grizzly bears a year in Montana (in the form of intentional killing or capture and release to MFWP).

148. In 2015, Wildlife Services reported take of fifteen grizzly bears in Montana (all captured and transferred to MFWP or the Fish and Wildlife Service). Eleven of these grizzly bears were caught in snares; one caught in a foothold trap; and one darted.

149. In 2016, Wildlife Services reported take of nine grizzly bears in Montana (two killed, two captured and released, and five captures and transferred to MFWP or the Fish and Wildlife Service). Two of these grizzly bears were killed by aerial gunning; four were captured in snares; and three caught in foothold traps.

150. In 2017, Wildlife Services reported take of eleven grizzly bears in Montana (two killed, two captured and freed, and seven captured and transferred to

MFWP or the Fish and Wildlife Service). Two of these grizzly bears were killed by aerial gunning; seven were captured in snares; and two caught in foothold traps.

151. In 2018, Wildlife Services reported take of eleven grizzly bears in Montana. One was shot with a firearm; eight were caught in snares; and two were caught in foothold traps.

152. In 2019, Wildlife Services reported take of sixteen grizzly bears in Montana (one killed, one captured and freed, and fourteen captured and transferred to MFWP or the Fish and Wildlife Service). Eleven of these grizzly bears were caught in snares and five caught in foothold traps.

153. Wildlife Services has information on where it takes grizzly bears in Montana. Wildlife Services has information on when it takes grizzly bears in Montana. Wildlife Services has information on how it takes grizzly bears in Montana. Wildlife Services has information on the sex and age of grizzly bears taken in Montana.

154. MFWP typically takes (via capture and release) roughly thirty grizzly bears each year. Grizzly bears that are captured and released into other areas often do not survive and are killed by other grizzly bears. MFWP also takes (via killing) grizzly bears every year in Montana.

155. The Fish and Wildlife Service tracks grizzly bear take in Montana. The Fish and Wildlife Service tracks grizzly bear mortality in Montana. The Fish and Wildlife Service tracks grizzly bear take inside the DMAs. The Fish and Wildlife Service tracks grizzly bear take outside the DMAs. The Fish and Wildlife Service tracks grizzly bear mortality inside the recovery zones.

156. The Fish and Wildlife Service does not have a limit on the number of grizzly bear mortalities allowed inside Montana. The Fish and Wildlife Service does not have a limit on the number of grizzly bear mortalities allowed inside the DMAs. The Fish and Wildlife Service does not have a limit on the number of grizzly bear mortalities allowed inside the recovery zones.

157. Wildlife Services does not have information on grizzly bear numbers and population trends in Montana. The Fish and Wildlife Service does not have information on grizzly bear numbers and population trends in Montana outside the recovery zones.

158. Wildlife Services unintentionally takes grizzly bears in Montana. Grizzly bears are sometimes caught in foothold traps set for other species. Grizzly bears are sometimes caught in snares set for other species.

159. In April, 2012 Wildlife Services accidentally caught a 600-pound grizzly bear in a leghold trap set for gray wolves near the Jocko River drainage in Montana

(notice the blood and damage to the bear's mouth from chewing on the trap in an effort to escape):



160. In August, 2019, Wildlife Services unintentionally captured a grizzly bear in a trap set for a gray wolf. Wildlife Services is aware of other incidents of incidental grizzly bear take in Montana. Wildlife Services has documented other incidents of incidental grizzly bear take in Montana.

161. MFWP personnel sometimes unintentionally take grizzly bears. MFWP's authorization of private individuals to trap, snare, and hunt (for species other than coyotes and red foxes) sometimes results in the accidental or incidental take of grizzly bears. Recreational trappers sometimes accidentally capture grizzly bears in traps or snares set for other species. Grizzly bears have been caught in foothold traps set for gray wolves. Grizzly bears have been caught in snares set for gray wolves.

162. MDOL personnel or contractors sometimes unintentionally take grizzly bears. MDOL's authorization of private individuals to trap, snare, and hunt predatory animals in Montana sometimes results in the unintentional take of grizzly bears including in foothold traps set for coyotes and red foxes and snares set for coyotes and red foxes.

163. Wildlife Services anticipates that it will intentionally take no more than 21 grizzly bears inside the DMAs in Montana annually. This includes 10 in the Greater Yellowstone Ecosystem DMA, 10 in the Northern Continental Divide Ecosystem DMA, and 1 in the Cabinet-Yaak Ecosystem. Wildlife Services does not estimate the amount of intentional grizzly bear take that is likely to occur outside the DMAs or recovery zones.

164. Wildlife Services anticipates that it will unintentionally take no more than five grizzly bears in Montana over a twenty-year period.

165. Wildlife Services does not estimate how many grizzly bears are likely to be taken (intentionally or accidentally) outside the DMAs annually from all sources. Wildlife Services does not estimate how many female grizzly bears can be taken by all sources.

Wildlife Services' May, 2021 decision to continue its predator removal program in Montana.

166. In May, 2021, Wildlife Services signed a new, final decision for its predator removal program in Montana.

167. In 2021, Wildlife Services prepared an EA for predator removal in Montana. Wildlife Services decided not to prepare an environmental impact statement (“EIS”). Wildlife Services determined that the effects of its predator removal program in Montana were insignificant.

168. In comments on the draft EA, MDOL said Montana “cannot replace the knowledge and expertise provided by our Wildlife Services trappers and pilots stationed in Montana.” MDOL said it would not be able to “absorb the financial burden” of Wildlife Services’ predator removal program if the program was abandoned. MDOL said Wildlife Services is a “critical partner.”

169. In the 2021 EA, Wildlife Services did not consider and evaluate the best available science on grizzly bears, threats to grizzly bears, or grizzly bear recovery.

170. In the 2021 EA, Wildlife Services did not consider and evaluate the Grizzly SSA.

171. In the 2021 EA, Wildlife Services discusses grizzly bear “mortality limits” inside the recovery zone DMAs.

172. In the 2021 EA, Wildlife Services only evaluated and analyzed grizzly bear mortality inside DMAs and in relation to “mortality limits.” Wildlife Services

said it did not analyze the effects (including cumulative effects) of grizzly bear take outside the DMAs. Wildlife Services takes grizzly bears outside the DMAs. Wildlife Services said grizzly bear numbers and population trends are not estimated on a statewide level.

173. In the 2021 EA, Wildlife Services said its predator removal program only has a “negligible impact” on grizzly bears. Wildlife Services said it did not expect any “significant indirect impacts” to grizzly bears from predator removal in Montana. Wildlife Services said there were no significant cumulative impacts to grizzly bears inside the DMAs and individual recovery zones.

1744. In the 2021 EA, Wildlife Services concluded that the cumulative impact of all grizzly bear mortality in Montana, including both “intentional and unintentional take” by Wildlife Services is “not adversely impacting the size, suitability, or recovery of the Montana grizzly bear population.”

175. Wildlife Services issued a FONSI for its predator removal program in Montana.

176. In the FONSI, Wildlife Services stated that it continues to coordinate with the Fish and Wildlife Service and MDOL and MFWP to avoid take of threatened and endangered species, including grizzly bears. Wildlife Services said it

completed “Section 7 consultations with [the Fish and Wildlife Service] for listed species [including grizzly bears] in Montana.”

177. Wildlife Services prepared a biological assessment to analyze the effects of its predator removal program in Montana on grizzly bears. This biological assessment was prepared in 2010. Wildlife Services supplemented the 2010 biological assessment with additional information. The biological assessment determined that the proposed action (predator killing, removals, and hazing in Montana) was likely to adversely affect grizzly bears within the action area (Montana). The biological assessment only evaluated the effects of Wildlife Services unintentional take of grizzly bears. The biological assessment did not evaluate the effects of Wildlife Services intentional take of grizzly bears under the special Section 4(d) rule.

178. The Fish and Wildlife Service prepared a biological opinion on the effects of Wildlife Services’ predator removal program in Montana on grizzly bears in 2012. The Fish and Wildlife Service’s 2012 biological opinion only considered and evaluated the effects of Wildlife Services unintentional take of grizzly bears in Montana. The Fish and Wildlife Service’s 2012 biological opinion did not analyze the impacts of all aspects of Wildlife Services’ predator removal program, including its intentional take of grizzly bears in Montana.

179. The Fish and Wildlife Service’s 2012 biological opinion concluded that Wildlife Services’ predator removal program in Montana was “not likely to jeopardize the continued existence” of grizzly bears.

FIRST CAUSE OF ACTION
(Violation of the ESA – best available science)

180. Plaintiffs incorporate all preceding paragraphs.

181. Section 7 of the ESA requires Wildlife Services to consult with the Fish and Wildlife Service on how its predator removal program in Montana may affect listed species, including threatened grizzly bears. 16 U.S.C. § 1536(a)(2).

182. Consultation under Section 7 of the ESA, including a biological assessment and resulting biological opinion, and all related findings and analyses, must be based solely on the best scientific and commercial data available (“best available science”). 16 U.S.C. § 1536(a)(2).

183. In 2010, Wildlife Services prepared a biological assessment for its predator removal program in Montana. In 2012, the Fish and Wildlife Service issued a biological opinion for Wildlife Services’ predator removal program in Montana.

184. Wildlife Services’ biological assessment and the Fish and Wildlife Service’s biological opinion on predator removal in Montana failed to use and apply the best available science on grizzly bears, threats to grizzly bears, and recovery of

grizzly bears in Montana and in the lower 48 States. Wildlife Services' and the Fish and Wildlife Service's evaluation of effects and findings with respect to grizzly bears are not based on the best available science.

185. Wildlife Services' and the Fish and Wildlife Service's failure to use and apply the best available science is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" and/or constitutes "agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. §§ 706 (2)(A) and 706(1).

SECOND CAUSE OF ACTION
(Violation of the ESA – arbitrary consultation and "no jeopardy" finding)

186. Plaintiffs incorporate all preceding paragraphs.

187. Under Section 7 of the ESA, Wildlife Services must ensure that its predator removal program is not likely to jeopardize the continued existence of grizzly bears. 16 U.S.C. § 1536(a)(2). Section 7 of the ESA imposes a substantive duty on Wildlife Services to ensure its predator removal program does not jeopardize the continued existence of listed species, including grizzly bears. *Id.*

188. Under Section 7 of the ESA, if Wildlife Services' decision may adversely affect a listed species, then the Fish and Wildlife Service must prepare a biological opinion to determine whether the action is likely to jeopardize the continued existence of the listed species. 16 U.S.C. § 1536(b)(3); 50 C.F.R. § 402.14. If the Fish and Wildlife Service issues a "no jeopardy" finding in its biological opinion, it

must specify reasonable and prudent measures, and terms and conditions, to minimize the impact of any incidental take resulting from the action. 50 C.F.R. § 402.14. The Fish and Wildlife Service must also specify the amount or extent, and effects, of any incidental take that is anticipated by the proposed action. *Id.*

189. Under Section 7 of the ESA, a “no jeopardy” finding in a biological opinion and the biological assessment upon which is it based, must include an evaluation of the proposed action, the effects of the action, the environmental baseline, and the cumulative effects of the action in the action area. 50 C.F.R. § 402.14.

190. When consulting on the predator removal program in Montana and issuing a “no jeopardy” finding, the Fish and Wildlife Service and Wildlife Services failed to properly define the proposed action and the effects of the action. The “effects of the action” are “the direct and indirect effects of an action on the species . . . together with the effects of other activities that are interrelated or interdependent with that action. . .” 50 C.F.R. § 402.02. The Fish and Wildlife Service and Wildlife Services only included the unintentional take of grizzly bears and failed to include intentional take allowed by the Section 4(d) rule, including the killing, harming, harassing, and capturing of grizzly bears in its proposed action and analyze its effects. The Fish and Wildlife Service and Wildlife Services failed to include all aspects of

the action, including take of grizzly bears by management removal and take of grizzly bears outside the DMAs and/or recovery zones.

191. When consulting on the predator removal program in Montana and issuing a “no jeopardy” finding, the Fish and Wildlife Service and Wildlife Services failed to properly define and analyze the environmental baseline. The “environmental baseline” includes the “past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impact of all proposed Federal projects in the action area that have already undergone formal or early consultation, and the impact of State or private actions which are contemporaneous with the consultation process.” 50 C.F.R. § 402.02. Wildlife Services and the Fish and Wildlife Service failed to include and analyze in the environmental baseline other state (MDOL and MFWP) predator removal efforts, private individual or organizations’ predator removal actions, or other sources of grizzly bear mortality (targeted and non-targeted), including from recreational hunting and trapping for other species in Montana. Wildlife Services and the Fish and Wildlife Service also failed to take into account other threats to grizzly bears, including climate change and loss of important food sources (and increased reliance on a prey/meat-based diet).

192. When consulting on predator removal in Montana and issuing a “no jeopardy” finding, the Fish and Wildlife Service and Wildlife Services failed to properly define the “action area.” The “action area” means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” 50 C.F.R. § 402.02. The Fish and Wildlife Service and Wildlife Services never evaluated the effects to grizzly bears outside the DMAs or where the effects of its actions are felt on grizzly bears and grizzly bear recovery. Wildlife Services’ predator removal program has a direct and indirect effect on grizzly bears within the Greater Yellowstone Ecosystem, which includes the states of Montana, Idaho, and Wyoming. Wildlife Services and the Fish and Wildlife Service never consulted on how predator killing, removals, and harassment in Montana may directly or indirectly affect grizzly bears in the Greater Yellowstone Ecosystem.

193. When consulting on predator removal in Montana and issuing a “no jeopardy” finding, the Fish and Wildlife Service and Wildlife Services failed to properly define and analyze the “cumulative effects.” The “cumulative effects” are “those effects of future State or private activities . . . that are reasonably certain to occur within the action area.” 50 C.F.R. § 402.02. Wildlife Services and the Fish and Wildlife Service failed to take into account changes to Montana law, including changes to MFWP’s ability to relocate grizzly bears, and changes to trapping,

hunting, and snaring regulations (that increase the risk of grizzly take) and changes to when grizzly bears can be taken that increase the future chances of grizzly bear take occurring. Wildlife Services and the Fish and Wildlife Service failed to take into account MDOL's and MFWP's predator killing, injuring, and harassment on grizzly bears and other private actions that are also certain to occur and result (either intentionally or unintentionally) in future grizzly bear mortality.

194. When issuing a “no jeopardy” finding for Wildlife Services’ predator removal program in Montana, the Fish and Wildlife Service failed to properly define and analyze the term “jeopardize the continued existence of.” To “jeopardize the continued existence of” means to engage “in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of listed species in the wild by reducing the reproduction, number, or distribution of that species.” 50 C.F.R. § 402.02.

195. The Fish and Wildlife Service never evaluated if and how Wildlife Services’ predator removal program may affect grizzly bear recovery in the lower 48 States, including grizzly movement, dispersal, and connectivity between subpopulations in Montana. The Fish and Wildlife Service’s “no jeopardy” finding in the biological opinion was focused solely on grizzly bear numbers and “mortality limits” in the various recovery zones. The Fish and Wildlife Service’s biological

opinion never addressed or evaluated effects to the listed entity – grizzly bears in the lower 48 states. The Fish and Wildlife Service’s biological opinion never addressed and evaluated how predator removal may affect grizzly bear movement and connectivity between recovery zones and dispersal outside the DMAs, which is needed for long-term recovery.

196. Wildlife Services never addressed and evaluated how predator killing, injury, removal, and harassment may affect grizzly bear movement and connectivity between recovery zones and dispersal in Montana (outside the recovery zones or DMAs) which is needed for long-term recovery of the species. In failing to address and analyze how predator removal may affect grizzly bear movement and connectivity between recovery zones and dispersal outside the DMAs, Wildlife Services violated its substantive duty to ensure its predator removal program in Montana does not jeopardize the continued existence and recovery of grizzly bears in violation of Section 7 of the ESA.

197. Wildlife Services’ and the Fish and Wildlife Service’s Section 7 consultation on grizzly bears and related failure to properly define and analyze the proposed action, effects of the action, the environmental baseline, the action area, cumulative effects, or jeopardy is “arbitrary, capricious, an abuse of discretion, or

otherwise not in accordance with law” and/or constitutes “agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. §§ 706 (2)(A) and 706(1).

THIRD CAUSE OF ACTION

(Violation of the ESA – irreversible and irretrievable commitment of resources)

198. Plaintiffs incorporate all preceding paragraphs.

199. Section 7(d) of the ESA prohibits Wildlife Services from making “any irreversible or irretrievable commitment of resources” with respect to an agency action “which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2) of this section.” 16 U.S.C. § 1536(d).

200. In response to Plaintiffs’ July, 2022 notice letter, Wildlife Services said it was requesting new consultation with the Fish and Wildlife Service on its predator removal program in Montana and how it may affect grizzly bears and grizzly bear recovery. Wildlife Services said it would prepare a new biological assessment. Wildlife Services and the Fish and Wildlife Service did not say if and when a new biological opinion would be issued. Wildlife Services said it would continue implementing its predator removal program in Montana, including its take of grizzly bears, during the new consultation period.

201. Wildlife Services’ decision to continue implementing its predator removal program in Montana – including the on-going take of grizzly bears –

pending new consultation on grizzly bears qualifies as an irreversible and irretrievable commitment of resources that has the effect for foreclosing the formulation or implementation of reasonable and prudent alternative measures which would not violate Section 7(a)(2). Wildlife Services taken grizzly bears in Montana since July, 2022.

202. Wildlife Services' decision to continue its predator removal efforts, including the take of grizzly bears in Montana pending completion of new consultation and/or failure to suspend its predator removal program in Montana, including the take of grizzly bears, pending completion of consultation is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" and/or constitutes "agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. §§ 706 (2)(A) and 706(1).

FOURTH CAUSE OF ACTION (Violation of NEPA – effects)

203. Plaintiffs incorporate all preceding paragraphs.

204. NEPA requires Wildlife Services adequately disclose, consider, and analyze the direct, indirect, and cumulative effects of its proposed actions. 42 U.S.C. § 4332 (C); 40 C.F.R. § 1502.16.

205. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and occur later in time or farther

removed in distance, but are reasonably foreseeable. Cumulative effects are the impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.

206. Wildlife Services' EA for its predator removal program in Montana fails to adequately analyze the direct, indirect, and/or cumulative effects on grizzly bears and grizzly bear recovery.

207. Wildlife Services' EA fails to account for escalating grizzly bear mortalities due to the loss of important food sources. Wildlife Services' EA fails to adequately analyze the direct, indirect, and/or cumulative effects of taking grizzly bears on the species or the species' dispersal, movement and recovery in the lower 48 States. Wildlife Services' EA includes no site-specific information on where, when, why, how many, or what sex and age of grizzly bear was taken (killed or captured or harassed). Wildlife Service's EA does not track the age or sex of grizzly bears taken. Wildlife Services' EA does not analyze the effects (direct, indirect, and cumulative) of grizzly bear take outside the DMAs. Wildlife Services' EA does not analyze how many female grizzly bears are taken outside the DMAs. Wildlife Services' EA uses

the wrong metric to evaluate how human-caused mortality affects subpopulations (Wildlife Services uses overall population size, not the minimum population size).

208. Wildlife Services' EA fails to analyze the cumulative effects on grizzly bear and grizzly bear recovery from other sources of mortality (both intentional and accidental) in Montana. The cumulative effects of grizzly bear take exceed the sustainable mortality limits for individual subpopulations in the 1993 grizzly recovery plan. Wildlife Services' EA fails to analyze the cumulative effects on grizzly bear and grizzly bear recovery from MDOL's agency-level predator removal efforts or the unknown number and unknown take (intentional and non-target) by MDOL authorized private individuals trapping and snaring for coyotes and red fox, in Montana. Wildlife Services' EA fails to analyze the cumulative effects on grizzly bear and grizzly bear recovery from MFWP's agency-level predator removal efforts or MFWP authorized private individuals trapping, snaring, and hunting for species other than coyote and red fox, in Montana. Wildlife Service's EA fails to analyze the cumulative effects to grizzly bear recovery, including grizzly bear dispersal, movement, and connectivity between subpopulations from all of these sources and other sources of grizzly bear mortality. Wildlife Services' EA fails to analyze the cumulative effects to grizzly bears and grizzly bear recovery from changes to MFWP's trapping regulations (including for gray wolves), and changes to Montana's laws

regarding grizzly bear take and relocation. Grizzly bears are more vulnerable to take in Montana due to recent changes to wolf trapping regulations.

209. The Wildlife Services' failure to analyze the direct, indirect, and cumulative effects to grizzly bears and grizzly bear recovery is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" and/or constitutes "agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. §§ 706 (2)(A) and 706(1).

**FIFTH CAUSE OF ACTION
(Violation of NEPA – EIS required)**

210. Plaintiffs incorporate all preceding paragraphs.

211. NEPA requires Wildlife Services to prepare an EIS for all "major federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).

212. In deciding whether or not to prepare an EIS, Wildlife Services must consider both the context and intensity of the proposed action. 40 C.F.R. § 1508.27. In deciding whether or not to prepare an EIS for predator removal in Montana, Wildlife Services used and relied on the pre-2020 NEPA regulations.

213. Context refers to the scope of the proposed action, including the interests affected. 40 C.F.R. § 1508.27(a). Assessing context requires that an action be analyzed in several contexts such as society as a whole (human, national), the

affected region, the affected interests, and the locality, with both short- and long-term effects being relevant.

214. Intensity refers to the severity of the impact, and requires consideration of a number of factors, including: beneficial and adverse impacts; the degree to which the proposal affects public health and safety; unique characteristics of the geographic area, such as proximity to ecologically critical areas and cultural resources; the degree to which effects are likely to be controversial, highly uncertain, or involve unique or unknown risks; the precedential nature of the action; whether the action is related to other actions with cumulatively significant impacts; and the degree of adverse effects on species listed as endangered or threatened under the ESA. 40 C.F.R. § 1508.27(b).

215. Wildlife Services' predator removal program in Montana, including its use of snares, traps, chemicals and toxic gases, and sodium cyanide M-44s has the potential to significantly affect public health or safety.

216. Wildlife Services' predator removal program in Montana occurs in ecologically critical areas, including areas critical for grizzly bear movement, dispersal, and recovery.

217. Wildlife Services' predator removal program in Montana occurs in special management areas important for wildlife, including grizzly bears.

218. The effects of Wildlife Services' predator removal program in Montana on grizzly bear dispersal, movement, and recovery are highly controversial, highly uncertain and involve unique and unknown risks (given the lack of data presented in the EA or obtained by Wildlife Services or provided by MFWP and MDOL). Dispersing grizzly bears (including females and pregnant females) that are needed for long-term viability and recovery of the species are being killed or captured and removed before being allowed into new, unoccupied territory, including large portions of the species' historic range in Montana. Wildlife Services includes no site-specific information on where, when, why, how many, or the sex of the grizzly bear taken (killed or captured or harassed). Wildlife Services provides no information on the fate of grizzly bears transferred to MFWP or the Fish and Wildlife Service. Wildlife Services includes no site-specific information on grizzly bear movement and dispersal outside the DMAs. Wildlife Services bases its analysis of impacts to grizzly bears on the wrong metrics.

219. Wildlife Services' conclusions regarding the effectiveness of lethal removal for preventing future livestock depredations from grizzly bears and other native predators in Montana are highly controversial and uncertain. There is significant disagreement among experts on the effectiveness of Wildlife Services'

predator removal program. Wildlife Services' EA failed to adequately consider opposing science.

220. Wildlife Services' predator removal program in Montana will have cumulatively significant impacts on grizzly bears, grizzly bear connectivity, and grizzly bear recovery, especially when evaluated in conjunction with: MDOL's agency-level predator removal efforts and MDOL authorized private individuals trapping and snaring for coyote and red fox in Montana, MFWP's agency-level predator removal efforts and grizzly bear take (intentional and non-target) and MFWP's authorization of private individuals trapping, snaring, and hunting for species other than coyote and red fox in Montana; and other sources of grizzly bear mortality (illegal, natural, human-caused). Predator removal, coupled with other sources of authorized trapping and snaring and other sources of mortality, has had and will have adverse effects on grizzly bears and grizzly bear recovery in Montana. Taking dispersing grizzly bears without any analysis of these impacts on the recovery of this species sets a dangerous precedent.

221. In deciding not to prepare an EIS, Wildlife Services failed to adequately consider and evaluate these significance factors.

222. Wildlife Services' failure and/or decision not to prepare an EIS is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with

law” and/or constitutes “agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. §§ 706 (2)(A) and 706(1).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare Wildlife Services violated and continues to violate the ESA and NEPA as alleged above;
- B. Declare the Fish and Wildlife Service violated and continues to violate the ESA as alleged above;
- C. Vacate the portion of Wildlife Services’ predator removal decision, related EA, and any decisions or permits authorizing, funding, providing technical support for, or engaging in, the lethal take of grizzly bears in Montana pending compliance with the law.
- D. Vacate the Fish and Wildlife Service’s biological opinion for Wildlife Services’ predator removal program in Montana;
- E. Remand this matter back to Wildlife Services and the Fish and Wildlife Service with instructions to comply with NEPA and the ESA, as outlined herein and by this Court, including completion of new NEPA analysis of effects, preparation of an EIS, and completion of new Section 7 consultation, including the issuance of a new biological opinion for grizzly bears in Montana.

F. Absent a demonstrable threat to human safety, temporarily enjoin the portion of Wildlife Services' predator removal work allowing, authorizing, funding, providing assistance for, or engaging in the lethal take of grizzly bears in Montana pending compliance with NEPA and the ESA (including issuance of a new biological opinion) as alleged above;

G. Award Plaintiffs their reasonable attorneys' fees, costs and expenses of litigation pursuant to Section 11(g) of the ESA, 16 U.S.C. § 1540(g) and/or the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412;

H. Issue any other relief, including preliminary or permanent injunctive relief that Plaintiffs may subsequently request.

I. Issue any other relief this Court deems necessary, just, or proper.

Respectfully submitted this 18th day of January, 2023

/s/ Matthew K. Bishop
Matthew K. Bishop

/s/ Sarah McMillan
Sarah McMillan

Counsel for Plaintiffs

/s/ Jennifer Schwartz, application for PHV pending
Jennifer Schwartz

Counsel for WildEarth Guardians