

APPENDIX 11. RISK TO HUMAN SAFETY FROM GRIZZLY BEAR RESTORATION IN THE BITTERROOT ECOSYSTEM

Background

Grizzly bears occasionally kill and injure humans. Because of this fact, opposition to recovery of bears in some areas is keen. A recent scientific survey of 311 residents located in and near the Bitterroot Ecosystem (BE) suggested that although 64% of the respondents supported grizzly bear recovery in the BE, of those opposed 48% listed danger to humans as the main reason for their opposition (Duda and Young 1995). It is important therefore to explore these risks, and clarify many reticent facts and common misconceptions often repeated among the general public. Techniques to reduce the chances of a negative human-grizzly bear encounter will also be discussed.

Historical Injury Rates in Wilderness and Other Non-Park Areas

Although risks of encounters with bears resulting in injury do exist, they are frequently exaggerated. Risks in the BE after bear recovery (50-110+ years) would probably mimic those incurred in the NCDE (outside of Glacier National Park). Grizzly populations in the NCDE at 325 bears (minimum estimate) are presently about one-and-one-half times the levels expected in the BE within 50-110 years. In the NCDE, only two known bear inflicted injuries have occurred since 1950 outside of Glacier Park. In the Bob Marshall Wilderness in 1956, a hunter shot and injured a grizzly bear that responded by mortally injuring the hunter. In 1985, a bird hunter in the Mission Valley shot and wounded a grizzly that responded by injuring the hunter. National Forests keep some statistics of visitor use called Recreational Visitor Use Days (RVDs). RVDs estimated for the Bob Marshall Wilderness since the last injury occurred in 1956, indicate that the chance of injury in the Bob Marshall Wilderness would be a maximum estimate of 1 injury per 4.5 million RVDs (1956-1994). If it were possible to consider the Scapegoat and Great Bear Wilderness, and all other occupied grizzly bear habitat in the NCDE outside of Glacier Park, the number of injuries per RVD would easily be well over 1:100 million.

Some conflicting evidence arises from the Yellowstone Ecosystem (YE) outside of Yellowstone National Park. There has been an increase in bear-related injuries outside the Park in the last 2 decades. Available data (Gunther et al. 1998) indicates 22 human injuries due to grizzly bears have been recorded in the 3 national forests; 7 in the Gallatin, 6 in the Shoshone, and 9 in the Bridger-Teton National Forest. Eighteen of the 22 have occurred since 1990. Twenty of these injuries have been related to hunting activities, 2 were campsite-related injuries, and no injuries were inflicted to other recreational users. Additionally, 3 injuries occurred on private land in 1996 and 1997. In the last 159 years however, only 3 people were mortally injured in the ecosystem outside Yellowstone Park (Whittlesey 1995, Gunther et al. 1998). Some evidence suggests that a combination of factors has led to the increase in injuries over the last few years. Monitoring has indicated an increase in grizzly populations, an increase in human habitation and pressures surrounding the park, and an apparent increase in elk hunting pressure around the Park. Whitebark pine nuts, a favorite fall grizzly food in the YE, are cyclic in nature. Many bears not able to find local concentrations of whitebark pine may be moving greater distances, obtaining unsecured human food (Gunther et al.

1996), securing and defending hunter elk carcasses, or confronting camouflaged hunters imitating elk (Puchlertz, pers. comm. 1996). Likewise, food stress periods have been implicated in increased bear-human conflicts in Glacier Park (Nadeau 1987). Chances of injury when confronting a grizzly bear in Glacier Park were greatest in September and late July, during two known food-stress periods when bears moved great distances in search of alternate foods. Also, Gunther and others (1996) indicate that a preponderance of problems have resulted from grizzly bears obtaining unsecured human food and becoming food-conditioned, and subsequently causing problems and injuries. Five of the 7 people injured during 1997 outside Yellowstone Park were hunters. Gunther (pers. comm. 1998) indicated that bears and elk were concentrating in timber stands remaining after the 1998 Yellowstone fires, as were the hunters. Bears were finding and protecting ungulate carcasses and viscera piles left from hunter kills.

The Selkirk (SE) and Cabinet/Yaak (CYE) Ecosystems presently have low populations of grizzly bears, estimated to be less than 50 bears in each ecosystem. The SE and CYE both are partly included in Idaho. There have been no recorded injuries in the last 20 years in either of these ecosystems. Similar injury rates would be expected in the BE until bear and human densities increased beyond those presently occurring in the SE and CYE.

Historical Injury Rates in National Parks

Grizzly bears injure and kill humans at varying rates and frequency depending upon location, time of year, density of bears and people, and activity being conducted (Herrero 1985, Herrero and Fleck 1990, Nadeau 1987). These rates can vary from rare (1:500,000) for people using the backcountry in Canadian Parks, to one in 1,078,967 for seven U.S. and Canadian Parks that had data for all visitors (Herrero and Fleck 1990). Herrero (1985) reported 126 grizzly bear-inflicted injuries that occurred in 12 National Parks in Alaska, Canada, Wyoming and Montana (Yellowstone and Glacier) from 1900 through 1979. Most of these were roadside panhandler bear-related injuries. In Glacier Park according to historical records, a person is 5 times more likely to drown as get killed by a bear, 3 times as likely to die of a heart attack or car wreck, and 2 times as likely to die in a climbing accident (Table 6-16). To further place this in perspective, in Yellowstone National Park as many people have died from lightning, avalanches, or falling trees as from grizzly bear attacks. Also in the history of Yellowstone, more people have died from horses, Indian battles, or horse drawn wagons than from grizzly bears (Table 6-17).

The National Park Problems: Habituation and Food-Conditioning

A number of problems discussed below complicate and increase the chance of bear-human encounters in national parks. Because grizzly bears are protected within the boundaries of the national parks where hunting is not allowed, bear mortality is usually either natural, caused by management actions, or by accident. Most of the grizzly bear-human encounters within parks result in no infliction of negative stimuli to the bear, thereby resulting in loss of the bear's fear response to humans. This is termed habituation (Petrinovich 1973). The attraction of bears to human-related food sources, and the resultant learning that human-use areas are productive places to find food is called food-conditioning. A bear can become habituated without becoming food-conditioned, or

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vis-versa. However, habituation can lead to an increased likelihood of bears investigating humans for food, which in turn may cause the bear to become food-conditioned. Most recorded injuries to humans in national parks have been caused by food-conditioned and habituated bears (Herrero 1985, Herrero and Fleck 1990). Habituated or food-conditioned bears are much more likely to be killed by hunters outside a national park, thereby selecting for a more shy and retiring bear, as well as less dense populations of bears (Jonkel and Servheen 1977, Herrero 1985). Habituation in and by itself may not increase chances of injuries to humans in a park setting, but may actually decrease injury rates as long as human use is predictable (Jope 1982, Nadeau 1987). However, habituation should increase chances of mortality to the bear outside a park by increasing the likelihood of a confrontation with someone carrying a weapon.

Table 6-16. Ranked cause of death in Glacier National Park, 1913-1995.

Rank	Cause of Death	Number of Deaths	Visitor	Employee	Park Service
1	Drowning	48	34	10	4
2	Heart attack	27	23	1	3
3	Vehicle accidents	26	17	4	5
4	Fall while hiking	21	16	5	0
5	Climbing accident	18	13	5	0
6	Natural death	9	7	1	0
7	Killed by bear	9	4	5	0
8	Avalanche fatality	8	5	1	4
9	Airplane accident	6	6	0	0
10	Falling object	6	3	3	0
11	Unclassified accident	5	3	1	1
12	Died from exposure	4	3	1	0
13	Suicide	4	4	0	0
14	Missing/ presumed dead	4	4	0	0
15	Fell while riding horse	3	3	0	0

Inaccurate Comparisons - National Parks vs. Bitterroot Ecosystem

It is not appropriate to compare the potential for grizzly bear-inflicted injuries from a recovering grizzly population in the Bitterroot Ecosystem to the potential for injuries in or near a national park setting which has a greater density of bears and people, and has the associated problems of habituation and food-conditioning. The recovered population of grizzly bears in the BE may reach between 100-300 bears in about 50-110 years, and constitute a population density range of one bear per 25 to 75 square miles. This is below the density estimates for both Glacier and Yellowstone National Parks (8 and 30 sq. miles per bear respectively), and slightly less than the Bob Marshall Wilderness (30 square miles per bear) (IGBC 1987). In comparison, black bear densities in one study area within the BE were estimated to be about 1 square mile per bear (Beecham and Rohlman

1994). Annual visitation to Glacier and Yellowstone combined, presently is over 5 million people (National Park Service, pers. comm. 1996). Based on USFS wilderness records, annual visitation to the Selway-Bitterroot and Frank Church-River of No Return Wilderness Areas totals approximately 50,000 annual visitors (including river runners), which is 1% of the national park annual visitation levels. Clearly, the opportunity to encounter a bear is greater in a national park where a high concentration of both bears and humans exist.

Table 6-17. Causes of deaths among people in Yellowstone National Park, 1839-1994.^a

Cause of Death	Number	Cause of Death	Number
Drowning	101	Bear attacks	5
Falls	24	Lightning	5
Airplane crashes	20	Stagecoach	4
Burns from hot springs	19	Falling rocks	3
Suicides	15	Structural fires	3
Hypothermia "freezing"	9	Bus Wrecks	3
Wagons, horse-drawn	9	Bison	2
Indian battles	7	Poisonous plants	2
Horses	7	Explosions	2
Accidental shooting	7	Fights	1
Carbon monoxide poisoning	7	Diving	1
Murder	5	Cave-in	1
Missing/presumed dead	5	Forest fire	1
Falling trees	5	Poisonous gas	1
Avalanches	5	Earthquake near park	(28)

^a Deaths from natural causes such as heart attacks and traffic accidents are excluded except for bus wrecks. Based on Park Service reports, vehicle accidents and heart attacks are the most common causes of mortality in Yellowstone. In addition to earthquakes, there were 20 reported mortalities near Yellowstone, 3 of which were from bear attacks. These figures were compiled by Yellowstone Park Historian Lee Whittlesey, 1995.

The Bitterroot Situation

Under Interagency Grizzly Bear Committee (IGBC) guidelines, grizzly bears posing problems to camps, cabins, individuals and stock may be relocated or removed. Other potential management options also may be used, such as aversive conditioning techniques designed to train individual bears to avoid humans or human properties. People would be allowed to kill grizzly bears in self-defense. Radio telemetry collars would be placed on all bears released in the wilderness. This would allow for; surveillance of the animals' movements, frequent updates to the public who wish to avoid the areas where the bears are, and for preemptive management actions should a bear be in an area where it could get into trouble with humans. A proactive information and education program would increase the awareness of the general public and backcountry users about grizzly bears, allowing for improved and safer food storage and use of stock in and around hunting, fishing, and other

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recreational campsites. These monitoring controls should further reduce the risk factors to humans using the wilderness and surrounding national forest lands. Whether grizzly bears would be recovered as an experimental population or a threatened population would also dictate management flexibility.

There is no doubt that risks of injury resulting from grizzly bear-human encounters in the BE would be extremely low (1 in several million). Based on known injury rates in the NCDE and the YE, at **recovered** bear population levels and at human use levels expected in 50-110+ years in the BE, there would likely be between 0 and 1 injury per year and one bear-induced mortality every few decades. A combination of factors usually increases likelihood of injury. These factors frequently can be predicted, identified, and reduced or eliminated. This alone does not necessarily reduce human fear or perception of risk. It does, however, provide perspective to assist in deciding the level of risk that is acceptable. Most people who recreate in habitat occupied by grizzly bears incur some level of fear generated alertness, as well as some level of comfort. The level of comfort is usually dictated by type and quality of information received about bears, as well as the individual's experience with and firsthand knowledge of bears. Some individuals would wish to never see a grizzly bear in the wild, and others would feel their experience was greatly enhanced by the encounter. Likewise for some people, the risk of one in several million of losing one human life is not acceptable under any circumstance, whereas for others the benefits outweigh the risks.

There are many ways to reduce the risk of encounter, and the subsequent risk of injury. Two additional techniques that have proven effective to reduce chances of injury include the use of bear bells or other forms of making noise, and pepper spray. Joep (1982) found that hikers using bear bells alerted bears of their approach, thereby reducing the surprise encounter that was most frequently associated with human injury. Herrero (1985) summarized case incidents of the use of pepper spray to repel bear attacks. He found that the use of the spray did not increase the intensity or severity of the injury. Instead the severity of injuries in the majority of the attacks appeared to be reduced as a result of the spray. Also, Nadeau (1987) found that grizzly bear-human confrontation sites can be predicted to a high degree of accuracy by using a combination of habitat factors and season of use. This method of predicting confrontation sites can be used to reduce the risk of encounter.

Much has been learned regarding living in grizzly bear country, and by the time bear populations would reach recovered numbers in the Bitterroot Ecosystem, many more techniques would be available. Most outdoor enthusiasts would find adequate information to assimilate and further reduce their likelihood of negative encounters with bears.

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APPENDIX 12. ADVANTAGES OF NONESSENTIAL EXPERIMENTAL GRIZZLY BEAR REINTRODUCTION

Questions & Answers About Experimental Populations Under Section 10 (j) of the Endangered Species Act

Q: What is an Experimental Population?

A: The 1982 amendment to the Endangered Species Act (ESA) that established the experimental population designation [Section 10 (j)] defined an experimental population as:

"Any population (including any offspring arising solely therefrom) authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species."

Further in the amendment it is made clear that the term applies to populations that are derived from endangered or threatened species for which the Secretary of Interior has determined that a release will further the conservation of that species. The experimental population designation denotes flexible management for introduced endangered species.

Q: Can the Secretary of Interior take a listed species from one area and move it to a separate geographic area and release it as an experimental population?

A: Yes, under Section 10(j) of the ESA, the Secretary may do so. Specifically, the ESA states:

"10(j)(2)(A) The Secretary may authorize the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered 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.

(B) Before authorizing the release of any population under subparagraph (A), the Secretary shall by regulation identify the population and determine, on the basis of the best available information, whether or not such population is essential to the continued existence of an endangered species or a threatened species."

For further explanation of Experimental Populations under Section 10(j) of ESA refer to 50 CFR 17.80 (Code of Federal Regulations).

Q: Why would anyone want to designate a reintroduced population of an endangered species as "experimental"?

A: The answer lies in the potential impact to an area of having a listed species introduced there (in terms of Sections 7 and 9 of the ESA). Before 1982 the USFWS could reintroduce threatened and endangered species into unoccupied historical range; however, many attempts to do so were fervently resisted. The USFWS was not able to assure other federal agencies, state and local governments,

and private landowners that transplanted populations would not disrupt their future land-management options due to the “jeopardy” prohibition of Section 7 and/or the taking prohibition of Section 9 of the ESA. Such resistance caused the USFWS to abandon plans to reintroduce endangered red wolves to Kentucky and Tennessee in 1984. In an effort to encourage acceptance of reintroductions, Congress amended the ESA in 1982 to include a new Section 10(j) that allowed the Secretary of Interior the opportunity to designate reintroduced populations as "experimental." Section 10 (j) gives the USFWS more flexibility for the management of these populations by providing that all experimental populations shall be treated as threatened species regardless of the status of the donor population. Special rules concerning prohibited acts must be written by the USFWS. Basically, the writing of special rules provides the USFWS the opportunity to tailor the reintroduction of an experimental population to specific areas and specific local conditions, including specific opposition.

Q: What is the "essential" vs. "non-essential" distinction all about?

A: Experimental populations must be designated either "essential" or "non-essential." "Essential" refers to a reintroduced population whose loss would be likely to reduce the likelihood of the survival of the species in the wild. Essential populations receive the full protection of Section 7, meaning that federal agencies must formally consult with the USFWS on actions that may affect the species in order to insure that their actions are not likely to jeopardize the continued existence of the species. "Nonessential" refers to an experimental population whose loss would not be likely to appreciably reduce the likelihood of the survival of the species in the wild. Except in national wildlife refuges or national parks, "non-essential" populations are treated under Section 7(a)(2) (other than for subsection (a)(1)) as "proposed species." Thus, federal agencies must only confer with the USFWS on activities that the agencies believe might jeopardize the species. Moreover, the agencies would be under no obligation under Sec. 7(a)(2) to avoid actions likely to jeopardize the species. Congress expected that most experimental populations would be considered "non-essential."

Q: What do we mean by "Experimental Population Area"?

A: Designating an experimental population must include a description of the area in which the species will be found and where it will be identified as experimental. This establishes, in effect the experimental population area. Outside those boundaries the grizzly bear in the lower 48 United States is protected as a threatened species. The experimental population area must be geographically separate from existing grizzly bear populations. If the experimental population area were drawn so large that it overlaps with a natural population on certain occasions, then grizzly bears in the overlap area would be considered threatened. In other words, individual grizzlies from the experimental population that move outside the experimental population area are treated under the ESA as if they are a part of the population listed as threatened.

In a zone management system the outer perimeter of the outermost zone could define the limits of the "experimental population area." One approach would be to circumscribe a very large area to allow management flexibility over all areas in which grizzly bears might be expected to stray. Some regulations to designate an experimental population may also authorize special activities designed

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to contain the population within the original boundaries set out in the regulation. In the red wolf project, it was decided that the regulations would apply over a four-county area, which included much land outside the refuge, and that animals that left the refuge would be retrieved.

Q: What is the Process for Designating a Population as "Experimental"?

A: Before designating a population as "experimental" the Secretary of Interior must determine through the rulemaking process: that the reintroduction will further the conservation of the species, the geographic location of the population, and if such a population is essential or nonessential. Designation would include the development of proposed special rules to identify geographically the location of the experimental population, procedures for its management--possibly including special activities designed to contain the population--, and compliance with the Administrative Procedures Act which involves publishing the above in the Federal Register and public review and comment on the rulemaking.

Q: What are the advantages of designating reintroduced grizzly bears as nonessential, experimental in the Bitterroot Ecosystem?

A: Designating grizzly bears reintroduced to the Bitterroot Ecosystem as nonessential, experimental would contribute to the recovery and conservation of grizzly bears in the northern Rocky Mountains. Effects of grizzly bears on land uses, big game populations, human safety, and livestock were some of the major issues identified by the public during scoping and development of this proposal. Under the experimental population alternative (Alternative 1), special management activities are proposed to reduce perceived or real effects grizzly bears might have on human activities. Examples of proposed management activities include: a citizen management committee, and elimination of consultation by USFWS on land management activities.

Nonessential experimental status would be accompanied by citizen-based management. Management is to be overseen by a 15-member Citizen Management Committee to be appointed by the Secretary of Interior following consultation with the governors of Idaho and Montana, and the Nez Perce Tribe. This committee would be authorized management implementation responsibility by the Secretary of Interior, in consultation with the governors of Idaho and Montana, and the Nez Perce Tribe, for the Bitterroot grizzly bear experimental population. The members would serve six-year terms and would consist of seven individuals appointed by the Secretary of Interior based on the recommendations of the governor of Idaho, five members appointed by the Secretary of Interior based on the recommendations of the Governor of Montana, one member appointed by the Secretary of Agriculture or his/her designee, and one member appointed by the Secretary of Interior or his/her designee. Members recommended by the Governors of Idaho and Montana would be based on the recommendations of the interested parties and would include at least one representative each from the appropriate state fish and wildlife agencies. The CMC is to consist of a cross-section of interests reflecting a balance of viewpoints, be selected for their diversity of knowledge and experience in natural resource issues, and for their commitment to collaborative decision making. The CMC would be selected from communities within and adjacent to the recovery and experimental population areas. The Secretary of Interior would solicit recommendations from the Nez Perce Tribe

and would appoint one member from the Nez Perce Tribe.

Grizzly bear management would allow for resource extraction activities to continue without Section 7 consultation or Section 9 “takings” provisions under the ESA. Existing USFS Forest Plan direction for big game, other wildlife, and anadromous and resident fisheries management is currently thought to be sufficient for grizzly bear recovery on public lands. The CMC would be responsible for developing land-use restrictions as necessary for grizzly bear management.

A responsive bear management program that addresses conflicts between bears and people or bears and livestock reduces the degree of livestock depredation and nuisance bear problems with people. A complete management program would address prevention of problems and education in addition to harassment or capture after an offense has occurred. These programs can increase public acceptance of grizzly bears through prompt actions when problems are encountered. It is the intention of the USFWS proposal to promote grizzly bear recovery in areas where their presence is most compatible with other resource activities and this would most likely occur on public lands having few livestock, public lands with big game management emphasis, unroaded public lands, and designated wilderness. Permitted harassment may act as a form of aversive conditioning and may reduce the need for future control actions. This permitted harassment could aid grizzly bear recovery as private citizens have recourse to ward off potential problems which might reduce landowner frustration and prevent or reduce unnecessary killing of bears.

Reintroduction of grizzly bears into the Bitterroot Ecosystem would enhance bear metapopulation viability in the northern Rockies by increasing genetic diversity, and potentially increasing genetic interchange among populations if bears immigrate or emigrate. It would also accelerate achievement of recovery goals through reintroduction over natural recovery. Numerous public comments and positions of elected local, state, and federal government officials indicated they would repeatedly and fervently resist attempts to reintroduce grizzly bears without assurances that current uses of public and private lands would not be disrupted by recovery activities and that grizzly bears that attack livestock would be controlled. Such assurances can be made under nonessential experimental population designation.

Reintroduction of grizzly bears designated as nonessential experimental populations into the Bitterroot Ecosystem would substantially enhance the conservation and recovery of the species in the northern Rocky Mountains because: 1) the public would resist efforts toward reintroduction or recovery of grizzly bears without assurances that local land uses would not be adversely affected; 2) provisions of the experimental rule would allow for grizzly population growth and address legitimate concerns of local residents through citizen-based management; 3) grizzly bear population viability in the lower 48 states would be enhanced and accelerated by reintroduction in the Bitterroot Ecosystem; 4) the proposed action would not hinder the growth of populations in other ecosystems.

APPENDIX 13. INFORMATION REGARDING: ENDANGERED SPECIES ACT, FINAL RULE 10(j), ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION OF GRIZZLY BEARS IN THE BITTERROOT AREA OF IDAHO AND MONTANA

NOTE: The Proposed Rule, “*Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana*” was published in the Federal Register on July 2, 1997 (62 FR 35762), concurrently with the public release of the *Draft Environmental Impact Statement for Grizzly Bear Recovery in the Bitterroot Ecosystem*. A public comment period for both documents was open from July 2, 1997 through December 1, 1997, which included two extensions resulting from public requests for additional time. Public comments received on the Proposed Rule were reviewed by the USFWS and will be incorporated, where possible, into the Final Rule if the preferred alternative (Alternative 1) is selected. The Final Rule is undergoing internal review and will be signed and published separately in the Federal Register after this Final EIS is published. The Final EIS Chapter 2 discussion of Alternative 1, and the Chapter 5 section containing USFWS responses to public comments on the Draft EIS, both contain information regarding changes that will be made to the Final Rule in response to public comments, if the preferred alternative (Alternative 1) is selected. The Final Rule will be consistent with the changes indicated in this FEIS. Implementation of actions described in this Final EIS will not occur until after the rule is published in the Federal Register.