

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

Billing Code 4310-55

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE00

Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: **Draft final** rule.

SUMMARY: The U.S. Fish and Wildlife Service ~~proposes to reintroduce~~ **will restore** the grizzly bear (*Ursus arctos horribilis*), a threatened species, into east-central Idaho and a portion of western Montana. These grizzlies will be classified as a nonessential experimental population pursuant to section 10(j) of the Endangered Species Act of 1973, as amended. Grizzly bear populations have been extirpated from most of the lower 48 United States. They presently occur in populations in the Cabinet/Yaak ecosystem in northwestern Montana and north Idaho, the Selkirk ecosystem in north Idaho and northeastern Washington, the North Cascades ecosystem in northwestern Washington, the Northern Continental Divide ecosystem in Montana, and the Yellowstone ecosystem in Montana, Wyoming, and Idaho. The purpose of this reintroduction is to reestablish a viable grizzly bear population in the Bitterroot ecosystem in east-central Idaho and adjacent areas of Montana, one of six grizzly recovery areas identified in the Grizzly Bear Recovery Plan. Potential effects of this ~~proposed~~ **draft final** rule are evaluated in a ~~draft~~ **Final** Environmental Impact Statement released concurrently with the publication of this ~~proposed~~ **draft final** rule. This grizzly bear reintroduction does not conflict with existing or anticipated Federal agency actions or traditional public uses of wilderness areas or surrounding lands.

DATES: Comments from all interested parties must be received by [insert date ~~90~~ **30** days from Federal Register publication].

ADDRESSES: Comments or other information may be sent to Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, University of Montana, Missoula, Montana 59812. The complete file for this ~~proposed~~ **draft final** rule is available for inspection, by appointment during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, at the above address, or telephone (406) 243-4903.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (Service) also will hold public hearings to obtain additional verbal and written information. Hearings are proposed to be held in ~~Boise~~, Lewiston, and Salmon, Idaho; and ~~Helena, Missoula, and~~ Hamilton, Montana. The location, dates, and times of these hearings will be announced in the Federal Register at least 15 days prior to the first hearing, and in local newspapers.

**Summary of the Public Comment Process on the Proposed Rule; and Changes Made to the Draft Final Rule In Response to Public Comment**

The proposed rule, “*Proposed 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) (U.S. Fish and Wildlife Service 1997a). The proposed rule was also included as Appendix 13 of the Draft EIS

(U.S. Fish and Wildlife Service 1997) and was published on the internet at <http://www.r6.fws.gov/endspp/grizzly>. Public comments were received on the proposed rule and the DEIS through December 1, 1997, which included 2 extensions of the deadline in response to public requests for more time to comment. During October 1997, public hearings/open houses to gather public comments on the DEIS and proposed rule were held in seven communities on the perimeter of the Bitterroot area. Approximately 1400 people attended these hearings and 293 individuals testified. The dates and locations for the public hearings were as follows: Challis, Idaho and Hamilton, Montana (October 1); Missoula, Montana and Lewiston, Idaho (October 2); Boise, Idaho and Helena, Montana (October 3); and Salmon, Idaho (October 8). In addition, the Service held meetings with local community, state leaders, and interest groups in communities around the perimeter of the proposed Recovery Area.

Comments on the two draft documents were received from over 24,000 individuals, organizations, and government agencies. These comments arrived in over 2,660 letters, DEIS summary forms, resolutions, and hearing testimonies. Ten petitions were received with over 21,000 signatures. Fifteen form letters were identified. An analysis of the public comments on the DEIS and proposed rule was performed by an interagency team of 14 employees from the Service and the USDA Forest Service in December - January 1998. The system used to analyze comments was objective, reliable and traceable. A detailed summary report, *“Summary of Public Comments on the Draft Environmental Impact Statement for Grizzly Bear Recovery in the Bitterroot Ecosystem”* and an executive summary report of 24,251 public comments were prepared and released to the public in April 1998 (U.S. Fish and Wildlife Service, 1998).

The Service reviewed and considered all written and oral comments relating to the proposed rule. Comments which specifically addressed the proposed rule were made in 33 individual letters. Other comments that addressed Alternative 1, but mentioned issues contained in the proposed rule were also considered by the Service. A summary of the significant issues raised in public comments on the Draft EIS and the proposed rule, and the Service response to those issues is provided in Chapter 5 of the Final EIS (U.S. Fish and Wildlife Service 1999).

Changes to the Draft Final Rule as a Result of Public Comment: The following minor changes and clarifications were made to the final rule or to discussions of the final rule based on public comments on the proposed rule. These individual or cumulative changes do not alter the predicted impact or effect of the final rule.

1. In response to the issues of how and where the experimental population of grizzly bears would be managed, several terms in the final rule were clarified and defined, including: “recovery emphasis,” “accommodate,” and “Bitterroot Recovery Area.” A statement was added regarding the potential for consideration of future designated Wilderness areas for inclusion in the Recovery Area.

2. In response to the issue of effects of grizzly bears on livestock, a clarification was made to the types of harassment methods permitted by the Service to livestock owners, to include permitting the use of livestock guard dogs around livestock.

3. The following clarifications/additions were made in response to the issue concerning human health and safety. If a grizzly bear enters the Bitterroot Valley exclusion area, state and federal wildlife management agencies will attempt to capture it and notify the public immediately of its presence, and the public will be updated until the bear is caught. Further, any grizzly bear that occupies inhabited human settlement areas on private land within the Experimental Area that in the judgement of the management agencies/Citizen Management Committee (CMC) presents a clear threat to human safety or where there is indication that it may become habituated to humans, may be relocated by management agencies in cooperation with the landowner if a suitable relocation site is available. This is to prevent conflicts and possible bear-human injury or the death of bears, and to promote and enhance public safety.

4. A clarification was added regarding how a refined recovery goal for the Bitterroot experimental population would be calculated. The proposed rule indicates if the CMC refines the recovery goal for the Bitterroot grizzly bear population after grizzly bears are reintroduced and occupy suitable habitats in the Experimental Area, the recovery goal will be consistent with the habitat available within the Recovery Area. A clarification was made that additional adjacent areas of public land can be considered when setting the recovery goal if it is shown to be necessary by the best scientific and commercial data available.

5. Several clarifications/changes were made to the CMC structure and function. These changes were in response to the public comment issues of: how the CMC would be selected; need for scientific expertise on the CMC; need for CMC to represent “true citizen management” versus special interests of a narrow segment of the public; need for clarification regarding mission, operations, and authority of the CMC; need for further insulation of the CMC from political influence; and need for a process to resolve conflicts between the Secretary and CMC.

The clarifications/changes are listed below:

- a. The Governor's of Idaho and Montana shall include written documentation of the qualifications of each person they nominate to the Secretary.
- b. Two scientific advisors will be appointed by the Secretary to the CMC as non-voting members, to attend all meetings and provide scientific expertise in support of CMC management recommendations.
- c. A Citizen Survey Panel will be established to provide a broad level of informed citizen input to the CMC on all issues. The purpose of this panel is to provide direct and informed citizen input to the CMC on citizen attitudes and values regarding grizzly bear management in the Bitterroot Ecosystem. Prior to final management decisions by the CMC, all management alternatives on specific issues under consideration by the CMC (together with pertinent background material) will be made available to the Panel. The Panel will be surveyed in a valid survey format (by an independent survey contractor) on their opinions regarding the management alternatives available, and their responses made available to the public. The panel will be composed of 300-500 members serving 3-year terms, and randomly selected from voter registration rolls with 70% of the members being from Idaho and western Montana (west of Interstate 15), and 30% being from states adjacent to Idaho and Montana.
- d. Mission and Operating Guidelines Statements for the CMC were added.
- e. Clarification that the CMC will implement the Bitterroot Chapter of the Recovery Plan as consistent with the Final Rule. Also the CMC can make recommendations to land and game management agencies regarding changes to plans and policies, but the final decision on implementation of those recommendations will be made by those agencies, and the requirements of NEPA could apply.
- f. Changes were made to the procedure whereby the Secretary can resume lead management implementation responsibility from the CMC if he determines their decisions are not leading to recovery. If the Secretary determines the actions of the CMC are not leading to recovery of the Bitterroot population, he will recommend alternative actions and provide six months for the CMC to accomplish them. If the CMC rejects those alternatives, the Secretary will submit the information documenting his concerns to a scientific panel of three for peer review and determination of CMC compliance with the special rule. The Secretary will select one member of the panel, the Governor of Idaho another, and the Governor of Montana will select the third. The Secretary will consider the panel's recommendations, and if he decides to resume lead management responsibility, he will seek consultation with the Governors of Idaho and Montana to review his decision and further attempt to resolve the situation. If he decides to resume lead management responsibility, he will publish a new rule outlining the intended management changes for the Bitterroot grizzly bear population, and the CMC will be disbanded and this rule nullified.
- g. Such a scientific panel can also be invoked to arbitrate disputes and make recommendations to the Secretary in two other possible scenarios. The CMC can request to the Secretary to invoke a panel to review CMC concerns regarding actions or decisions of the Secretary. A private citizen concerned with decisions/actions of the CMC or Secretary can also formally request to the Secretary to invoke a panel. The Secretary will have 90 days to evaluate the information and present a finding on whether a panel is warranted. If a panel is formed, the procedure outlined in (f) will be followed.

## Background

1. **Legal:** The Endangered Species Act Amendments of 1982, Public Law 97-304, made significant changes to the Endangered Species Act (Act) of 1973 as amended (16 U.S.C. 1531 *et seq.*), including the creation of section 10(j) which provides for the designation of specific animals and populations as "experimental." Under previous authorities in the Act, the Service was permitted to reintroduce a listed species into unoccupied portions of its historic range for conservation and recovery purposes. However, local opposition to reintroduction efforts from certain parties concerned about potential restrictions, and prohibitions on Federal and private activities contained in sections 7 and 9 of the Act, reduced the utility of reintroduction as a management tool.

However, under section 10(j), a listed species reintroduced outside of its current range, but within its historic range, may be designated, at the discretion of the Secretary of the Interior (Secretary), as "experimental." This designation increases the Service's flexibility and discretion in managing reintroduced endangered species because such experimental animals may be treated as a threatened species. The Act requires that animals used to form an experimental population be separated geographically from nonexperimental populations of the same species.

Additional management flexibility is possible if the experimental population is found to be "nonessential" to the continued existence of the species in question. Section 10(j) of the Act states that nonessential experimental animals are not subject to the formal consultation provision of the Act unless they occur on land designated as a

national wildlife refuge or national park. Individual animals within nonessential experimental populations located outside national parks or national wildlife refuges are treated, for purposes of section 7 of the Act, except for subsection 7(a)(1), as if they were only proposed for listing under section 4 of the Act. Activities undertaken on private lands are not affected by section 7 of the Act unless they are funded, authorized, or carried out by a Federal agency.

Specimens used to establish an experimental population may be removed from a source or donor population, provided their removal is not likely to jeopardize the continued existence of the species and appropriate permits have been issued in accordance with 50 CFR 17.22. Grizzly bears (*Ursus arctos horribilis*) for this ~~proposed~~ reintroduction will be obtained from Canadian and United States grizzly populations with permission from the Canadian and Provincial governments and concurrence from the appropriate State officials. Grizzly bears are common in western Canada (10,000 to 11,000 in British Columbia) and Alaska (an estimated 30,000 to 35,000). An estimated 516 exist in the Northern Continental Divide ecosystem in northwestern Montana, and an estimated 245 exist in the Yellowstone ecosystem. No adverse biological impact is expected from the removal of 10-15 grizzly bears from the British Columbia population over a 5-year period. No adverse biological impact is expected from the removal of 10-15 grizzly bears from the Northern Continental Divide and/or Yellowstone ecosystem populations over a 5-year period. Consequently, the Service finds that grizzly bears to be used in the reintroduction effort meet the definition of “nonessential” (50 CFR 17.80 (b)) because the loss of the reintroduced grizzlies is not likely to appreciably reduce the likelihood of survival of the species in the wild.

The grizzly bear was listed as a threatened species in the lower 48 States under the Act in 1975 (40 FR 3173).

2. Biological: This ~~proposed~~ **draft final** rule deals with the grizzly bear, a threatened species that once ranged throughout most of western North America. An estimated 50,000 grizzly bears roamed the American West prior to European settlement (U.S. Fish and Wildlife Service 1993). However, distribution and population levels of this species have been diminished by excessive human-caused mortality and loss of habitat. Today, only 800 to 1,000 grizzly bears remain in a few isolated populations in Montana, Idaho, Wyoming, and Washington, which represents approximately 2 percent of their historic range in the lower 48 States (U.S. Fish and Wildlife Service 1993).

The natural history of grizzly bears and their ecological role was poorly understood during the period of their eradication in the conterminous United States. As with other large predators, grizzly bears were considered a nuisance and threat to humans. Today, the grizzly bear's role as an important and necessary part of natural ecosystems is better understood and appreciated.

Historically, the grizzly bear was a widespread inhabitant of the Bitterroot Mountains in east-central Idaho and western Montana. Historic grizzly bear range includes national forest lands within and surrounding the Selway-Bitterroot Wilderness Area and Frank Church-River of No Return Wilderness Area on both sides of the Salmon River. The demise of the grizzly from the Bitterroot ecosystem (BE) was due to the actions of humans. Bears were actively killed for their fur, for sport, and to eliminate possible threats to humans and domestic livestock. The last verified death of a grizzly bear in the Bitterroot Mountains occurred in 1932 and the last tracks were observed in 1946 (Moore 1984, 1996). Although occasional unverified reports of grizzly sightings persist in the ecosystem (Melquist 1985), no verified tracks or sightings have been documented in more than 50 years, and currently there is no evidence of any grizzly bears in the BE (**Melquist 1998**).

3. Grizzly Bear Recovery Efforts: The reestablishment of a grizzly bear population in the BE will increase the survival probabilities and conservation of the grizzly bear in the lower 48 States. If the experimental population is lost, it will not further decrease the survival probability of the bear in other ecosystems beyond what currently exists. However, if the experimental population is successful it will enhance grizzly bear conservation over the long term. The Grizzly Bear Recovery Plan was finalized in 1982 (U.S. Fish and Wildlife Service 1982) and called for the evaluation of the Selway-Bitterroot ecosystem as a potential recovery area. An interagency team of grizzly bear scientists concluded the area provided suitable habitat and could support 200-400 grizzly bears (Servheen et al. 1991). In 1991, the Interagency Grizzly Bear Committee subsequently endorsed the BE as a grizzly bear recovery area, and requested that the Service pursue recovery.

In 1992, the Service organized a Technical Working Group to develop a BE chapter to append to the Grizzly Bear Recovery Plan. This interagency group of biologists worked with a citizens' involvement group comprised of



local residents and agency personnel to draft a recovery plan chapter. Public comments, including those from local communities in central Idaho and western Montana, were integrated into the final chapter. The Service revised the Grizzly Bear Recovery Plan in 1993 (U.S. Fish and Wildlife Service 1993) and produced the Bitterroot Ecosystem Recovery Plan Chapter (Chapter) as an appendix (U.S. Fish and Wildlife Service 1996). This Chapter called for the reintroduction of a small number of grizzly bears into the BE as an experimental, nonessential population under section 10(j) of the Act and the preparation of an Environmental Impact Statement (EIS) on this proposal. By establishing a nonessential experimental population, more liberal management practices may be implemented to address potential negative impacts or concerns regarding the reintroduction. The Chapter identified a tentative long-term recovery objective of approximately 280 grizzly bears for the BE.

Planning for the ~~reintroduction~~ **restoration** of grizzly bears into the BE of east-central Idaho and western Montana was initiated in 1993, when the agencies of the Interagency Grizzly Bear Committee requested that an EIS be prepared. The Service formed and funded an interagency team to prepare the EIS **in 1995**. The team included specialists from the Service, U.S. Forest Service, Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, and the Nez Perce tribe. The Grizzly Bear EIS program emphasized public participation.

A public participation and interagency coordination program was developed to identify issues and alternatives to be considered. A public Notice of Intent (NOI) concerning grizzly bear recovery in the BE, was published in the Federal Register on January 9, 1995 (60 FR 2399). The notice was furnished as required by the National Environmental Policy Act regulations (40 CFR 1501.7) to obtain input from other agencies and the public on the scope of issues to be addressed in the EIS. This NOI asked the public to identify issues that should be addressed in the draft EIS. A few days earlier the Service also had issued a news release announcing the beginning of the EIS process and the start of an EIS on grizzly bear ~~reintroduction~~ **restoration** into the BE.

Eight preliminary issues were identified in March 1995 from scoping meetings for the Chapter and the NOI to prepare an EIS. Three preliminary alternatives also were identified and published in a Scoping of Issues and Alternatives brochure. This brochure was mailed to 1,100 people and distributed at seven open houses. The brochure gave background information, described the purpose and need of the proposed action, listed preliminary issues and alternatives, and explained how to become involved in the EIS process. People were asked to identify issues and alternatives related to grizzly bear reintroduction into the BE. On June 5, 1995, a notice was published in the Federal Register initiating the formal scoping process with a 45-day comment period (60 FR 29708). A news release was sent to the print, radio, and television media in western Montana and Idaho on June 26, 1995, announcing the dates and locations for public open houses. Public issue scoping was initiated by the Service by mailing a brochure that detailed the EIS process.

From July 5-11, 1995, seven public scoping sessions in the form of open houses were held in Grangeville, Orofino, and Boise, Idaho; Missoula, Helena, and Hamilton, Montana; and in Salt Lake City, Utah. At the open houses, people could watch a 5-minute introductory video about the proposed action of reintroducing a nonessential experimental population and talk with representatives of the Service, U.S. Forest Service, and State Fish and Game agencies about grizzly bears, their recovery, and the EIS process. Those who attended the open houses received copies of the issue and alternative scoping brochure and question-and-answer booklet. They were encouraged to leave written comments with agency personnel or mail their comments later. Verbal comments or questions were heard and responded to by the agency representatives, but verbal testimony was not formally recorded. More than 300 people attended these scoping sessions and offered comments on the proposal, the preliminary issues and alternatives, and voiced their opinions on grizzly bears and reintroduction. The scoping comment period was extended 30 days (from July 20 to August 21, 1995). On July 25 a press release was sent to local and national media to announce the extension. This extension was requested by numerous public interests with varied opinions on this complex topic.

Written public comments on issues and alternatives were solicited at the open houses and through the media. More than 3,300 written comments were received from individuals, organizations, and government agencies. These comments arrived in over 565 letters, open house meeting notes, six petitions, and six form letters or postcards. Public comments typified the strong polarization of concerns regarding grizzly bear management. Approximately 80 percent of written responses were from residents of counties in Montana and Idaho adjacent to the proposed reintroduction area. Major concerns raised included public safety, impacts of grizzly bears on existing land uses, travel corridors and linkages, nuisance bears and their control, and depredation by bears on

domestic livestock and native ungulates.

The Service continued public involvement and outreach activities in 1995 and also began to prepare the EIS. In 1996, the Bitterroot Ecosystem Chapter - Supplement to the Grizzly Bear Recovery Plan was finalized and signed on September 11. The EIS Team continued to follow the National Environmental Policy Act (NEPA) process to prepare the Draft EIS (DEIS). The DEIS was completed and released to the Service, and then to agency partners for internal review and comment in August 1996. Comments were incorporated, and a final draft was reviewed by the Service in February 1997. Comments from the final review were incorporated and the DEIS completed in June 1997 (U.S. Fish and Wildlife Service 1997).

The Draft EIS and proposed special rule were released for public review and comment on July 1, 1997. The proposed rule, “Proposed 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) (U.S. Fish and Wildlife Service 1997a). Comments were to be received through September 30. The comment period was extended to November 1 based on numerous requests for more time to prepare responses. The comment period was extended a second time to December 1, 1997 following a request from a member of the Idaho Congressional delegation. During October 1997, public hearings/open houses to gather public comments on the DEIS and proposed rule were held in seven communities on the perimeter of the Bitterroot area. Approximately 1400 people attended these hearings and 293 individuals testified. The Salmon and Hamilton hearings both had more people signed up to speak than time allowed to testify. The dates and locations for the public hearings were as follows: Challis, Idaho and Hamilton, Montana (October 1); Missoula, Montana and Lewiston, Idaho (October 2); Boise, Idaho and Helena, Montana (October 3); and Salmon, Idaho (October 8). In addition, the Service held meetings with local community, state leaders, and interest groups in communities around the perimeter of the proposed Recovery Area. The DEIS, the Summary of the DEIS, and the Special Rule were all published on the Service web site at: <http://www.r6/fws/gov/endspp/grizzly>.

Comments on the two draft documents were received from over 24,000 individuals, organizations, and government agencies. These comments arrived in over 2,660 letters, DEIS summary forms, resolutions, and hearing testimonies. Ten petitions were received with over 21,000 signatures. Fifteen form letters were identified. This degree of interest from the public indicates the strong feelings people have in the possibility of grizzly bear recovery into the Bitterroot Ecosystem (BE).

An analysis of the public comments on the DEIS and proposed rule was performed by an interagency team of 14 employees from the Service and the USDA Forest Service in December - January 1998. The system used to analyze comments was objective, reliable and traceable. A detailed summary report, “*Summary of Public Comments on the Draft Environmental Impact Statement for Grizzly Bear Recovery in the Bitterroot Ecosystem*” and an executive summary report of 24,251 public comments were prepared and released to the public in April 1998 (U.S. Fish and Wildlife Service, 1998). The major issues raised by the public included: Recovery Area Boundaries; Bear Sources; Experimental Nonessential Population; ESA; Restrictions on Use of Public Lands; Local Control; Best Available Science; Grizzly Bear as a Missing Component of the Ecosystem; What is a Viable Grizzly Population; Population Corridor Linkages; Range Requirements of Grizzly; Effects to Grizzly (genetics, disease, bear safety, adequate food); Ecosystem Protection; Effects of Grizzlies on Human Health and Safety; Effects of Grizzlies on Livestock and Pets; Effects of Grizzlies on Big Game Species and Hunting Opportunities; Effects of Grizzlies on Recreational Opportunities and Public Access; Effects on Local Economy (jobs); Need for Education. Issues raised during public comment on the DEIS were similar to the issues identified during public scoping.

The EIS Team was briefed by the Content Analysis Team regarding the results of the DEIS comment analysis in February 1998. The EIS Team met numerous times to thoroughly review the content analysis reports and original comment letters. The EIS Team identified significant issues, and through the NEPA process, discussed and decided on necessary revisions to the DEIS and proposed rule to be responsive to public comment. During 1998, the Team prepared the Final EIS and revised the Special Rule. In early 1999, the Service began internal review of the draft Final documents.

The *Final EIS on Grizzly Bear Recovery in the Bitterroot Ecosystem* (U.S. Fish and Wildlife Service 1999) was filed with the Environmental Protection Agency on \_\_\_\_\_, 1999 and the notice of availability was published in the Federal Register on \_\_\_\_\_, 1999. The FEIS and draft Final Rule were released to the public on \_\_\_\_\_, 1999 for a 30-day comment period. Public hearings were held to gather comments in local

towns and the FEIS and draft Final Rule were published on the Service web site at: <http://www.r6/fws/gov/endspp/grizzly>. A content analysis of public comments will be performed by an interagency team, and a report of results released to the public. The Final EIS considered 6 alternatives: (1) Restoration of a Nonessential Experimental Population (Preferred Alternative); (1A) Restoration of a Nonessential Experimental Population with USFWS Management; (2) Natural Recovery - The No Action Alternative; (3) No Grizzly Bear Alternative; (4) Restoration of a Threatened Population with Full Protection of the ESA and Habitat Restoration; (4A) Restoration of a Threatened Population with Full Protection of the ESA and USFWS Management. The Service will review the public comments on the FEIS and draft Final Rule, and prepare a Record of Decision and a Final Rule. The Final Rule will be published in the Federal Register concurrent with the public release of the Record of Decision.

4. Reintroduction Site: The Service ~~will propose to reintroduce~~ **restore** grizzly bears into the BE of east-central Idaho in the Selway Bitterroot Wilderness on Federal lands managed by the **USDA** Forest Service. The Bitterroot location was selected as a site for an experimental population of grizzly bears because of the following factors. The area known as the BE is centered around the Wilderness Areas of central Idaho, while a small portion extends eastward over the crest of the Bitterroot Mountains into Montana. It includes about 67,526 square kilometers (sq km) (26,072 square miles (sq mi)) of contiguous national forest lands in central Idaho and western Montana. These include portions of the Bitterroot, Boise, Challis, Clearwater, Nez Perce, Payette, Sawtooth, Salmon, and Panhandle National Forests in Idaho, and the Bitterroot and Lolo National Forests in western Montana. The core of the ecosystem contains three wilderness areas including the Frank Church-River of No Return, Selway-Bitterroot, and Gospel Hump. These areas provide approximately 15,793 sq km (6,098 sq mi) of grizzly bear habitat. Grizzly bears ~~would~~ **will** only be reintroduced into the Selway-Bitterroot Wilderness Area unless the Citizen Management Committee (Committee) determines that reintroduction in the River of No Return Wilderness is appropriate. Specific release sites that have high quality bear habitat and low likelihood of human encounters ~~would~~ **will** be identified. The area is also geographically separate from other existing grizzly bear populations in Idaho and Montana. Thus, any grizzly bears documented inside the Idaho experimental population area ~~would~~ **will** probably be from reintroduction efforts rather than naturally dispersing extant grizzly populations from northern Idaho or northwestern Montana.

Because reintroduced grizzly bears will be classified as a nonessential experimental population, the Service's management practices can reduce local concerns about excessive government regulation on private lands, uncontrolled livestock depredations, excessive big game predation, and the lack of State government and local citizen involvement in the program.

Establishment of grizzly bears in the BE of central Idaho will initiate recovery in one of the six ecosystems identified as having the potential to provide adequate habitat to maintain the grizzly bear as a viable and self-sustaining species, which will further the conservation of the species and assist in the attainment of the goals of the Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1993).

5. Reintroduction Protocol: The ~~proposed~~ grizzly bear ~~reintroduction~~ **restoration** project ~~would~~ **will** be undertaken by the Service in cooperation with the **USDA** Forest Service, other Federal agencies, the States of Idaho and Montana, the Nez Perce Tribe, and entities of the Canadian government. To obtain grizzly bears, the Service will enter into formal agreements with the Canadian and Provincial governments and/or resource management agencies and the State of Montana.

The BE ~~reintroduction~~ **restoration** program proposes trapping a minimum of 25 subadult grizzly bears of both sexes over a 5-year period from areas in Canada (in cooperation with Canadian authorities) and the United States that presently have populations of grizzly bears living in habitats that are similar to those found in the BE. Only bears with no history of conflict with people will be reintroduced. Bears will be captured and reintroduced at the time of year that will optimize their survival. This ~~would~~ **will** likely occur when grizzly bear food supplies in the BE are optimum. Bears ~~would~~ **will** be transported to east-central Idaho, given any necessary veterinary care, and fitted with radio collars so that they can be monitored by radiotelemetry. Individual reintroduced grizzly bears ~~would~~ **will** be monitored to determine their movements and how they use their habitat, and to keep the public informed of general bear locations and recovery efforts. Bears ~~would~~ **will** be placed close enough to each other to create a "colony" or population of bears, providing a basis from which to expand in numbers.

The Service will continue to ask private landowners and agency personnel in or around the BE to immediately report any grizzly bear observations to the Service or other authorized agencies. An extensive information and education program will be employed to discourage the taking of grizzly bears by the public.



Public cooperation will be encouraged to ensure close monitoring of the grizzly bears and quick resolution of any conflicts that might arise. Specific information on grizzly bear reintroduction procedures can be found in Appendix 6, “Scientific Techniques for the Reintroduction of Grizzly Bears,” in the Final EIS (U.S. Fish and Wildlife Service 1999).

### Status of Reintroduced Populations

In accordance with section 10(j) of the Act, the Service ~~proposes to~~ **designates the** ~~this~~ reintroduced population of grizzly bears as nonessential experimental. Such designation ~~would~~ **will** allow these grizzly bears to be treated as a species proposed for listing for the purposes of section 7 of the Act. This allows the Service to establish a less restrictive special rule rather than using the general prohibitions which might otherwise apply to threatened species. The biological status of the grizzly and the need for management flexibility resulted in the Service proposing to designate the grizzly bears reintroduced into east-central Idaho as “nonessential.” This designation, together with other protective measures, will contribute to the conservation and recovery of the grizzly bear in east-central Idaho and western Montana.

The Service finds that protective measures and management practices under this ~~proposed~~ **draft final** rulemaking are necessary and advisable for the conservation and recovery of the grizzly and that no additional Federal regulations are required. The Service also finds that the nonessential experimental status is appropriate for grizzly bears taken from wild populations and released into the BE of east-central Idaho. The nonessential status for such grizzlies allows for additional management flexibility. Formal section 7 consultation ~~would~~ **will** not be required for any proposed Forest Service activity in the BE as a result of the experimental reintroduction of bears, and the requirements of section 7(a)(2) ~~would~~ **will** not apply. Presently, there are no conflicts envisioned with any current or anticipated management actions of the U.S. Forest Service or other Federal agencies in the area. The national forests are beneficial to the reintroduction effort in that they form a natural buffer to private properties and are typically managed in a manner compatible for grizzly bears and other wildlife. The Service finds that the more informal section 7(a)(4) conferencing requirements associated with the nonessential designation do not pose a threat to the recovery effort and continued existence of the grizzly bear.

Most of the reintroduction area is remote and sparsely inhabited wild lands. However, there are some risks to grizzly recovery associated with take of grizzlies in regard to other land uses and various recreational activities. Potential threats are hunting, trapping, animal damage control activities, and high speed vehicular traffic. Hunting, trapping, and USDA Animal Damage Control programs are prohibited or strictly regulated by State and Federal law and policy. There are very few paved or unpaved roads in the ~~proposed~~ reintroduction area or immediately outside of it. The unpaved roads typically have low vehicle traffic, and are constructed for low speeds and used only seasonally. Thus, grizzlies should encounter vehicles and humans infrequently. In accordance with existing labeling, the use of toxicants lethal to grizzlies is prohibited. Overall, the possible risks and threats that could impact the success of the ~~reintroduction~~ **restoration** effort are thought to be minimal.

### Location of Experimental Population

The proposed release site for ~~reintroducing~~ **restoring** grizzly bears into east-central Idaho is on national forest land in the Selway-Bitterroot Wilderness Area. The Service ~~would~~ **will** designate the Bitterroot Grizzly Bear Recovery Area (Recovery Area) (approximately 14,983 sq km; 5,785 sq mi) to consist of the Selway-Bitterroot Wilderness and the Frank Church-River of No Return Wilderness. This is the area where grizzly bear recovery ~~would~~ **will** be emphasized. **If in the future, new wilderness areas are designated adjacent to the Recovery Area, the Citizen Management Committee could recommend their addition to the Recovery Area.**

The Bitterroot Grizzly Bear Experimental Population Area (Experimental Area), which includes most of east-central Idaho and part of western Montana, ~~would~~ **will** be established by the Service under authority of section 10(j) of the Act. This approximately 65,113 sq km (25,140 sq mi) area would include the area bounded by U.S. Highway 93 from Missoula, Montana, to Challis, Idaho; Idaho Highway 75 from Challis to Stanley, Idaho; Idaho Highway 21 from Stanley to Lowman, Idaho; Idaho Highway 17 from Lowman to Banks, Idaho; Idaho Highway 55 from Banks to New Meadows, Idaho; U.S. Highway 95 from New Meadows to Coeur d’Alene, Idaho; and Interstate 90 from Coeur d’Alene, Idaho, to Missoula, Montana. Much of the Experimental Population Area has high-quality bear habitat with low likelihood of conflicts between grizzly bears and humans.



## Management

The special rule would authorize a 15-member Citizen Management Committee (Committee) to be appointed by the Secretary in consultation with the Governors of Idaho and Montana, and the Nez Perce tribe. This Committee ~~would~~ **will** implement the Bitterroot recovery chapter in the Grizzly Bear Recovery Plan **as consistent with the *ESA Special Rule 10(j) Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana***, and ~~would~~ **will** be authorized management implementation responsibility by the Secretary, for the Bitterroot grizzly bear nonessential experimental population. All decisions of the Committee must lead to recovery of the grizzly bear in the BE. The Committee must consult with scientists to ensure that scientific information is considered in its decision making. The members ~~would~~ **will** serve 6-year terms, although appointments may initially be of lesser terms to ensure staggered replacement. The members ~~would~~ **will** consist of seven individuals appointed by the Secretary based on the recommendations of the governor of Idaho, five members appointed by the Secretary based on the recommendations of the Governor of Montana, one member appointed by the Secretary based on the recommendation of the Nez Perce Tribe, one member representing the **USDA** Forest Service appointed by the Secretary of Agriculture or his/her designee, and one member representing the Service appointed by the Secretary or his/her designee. Among the members recommended by the Governors of Idaho and Montana ~~would~~ **will** be a representative from each State fish and game agency. If either Governor fails to make recommendations, the Secretary (or his/her designee) will accept recommendations from interested parties on the Governor's behalf. **In their recommendations to the Secretary, the Governors of Idaho and Montana shall attach written documentation of the qualifications of those nominated relating to their knowledge of and experience in a variety of natural resource issues and relating to their commitment to collaborative decision making.** The Secretary ~~would~~ **will** solicit recommendations from the Nez Perce Tribe and ~~would~~ **will** appoint one member from the Nez Perce Tribe. The Committee 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 Committee is to be selected from communities within and adjacent to the Recovery and Experimental Population Areas.

**Two scientific advisors will be appointed by the Secretary to the CMC as non-voting members to attend all meetings of the CMC and to provide scientific expertise in support of CMC management recommendations. The Secretary will contact the Wildlife Society Chapters in Idaho and Montana and the Universities of Idaho and Montana for nominations of one wildlife scientist from each state, and the Secretary of the Interior will appoint them as advisors to the CMC.**

**A Citizen Survey Panel will be established to provide a broad level of informed citizen input to the CMC on all issues. The purpose of this panel is to provide direct and informed citizen input to the CMC on citizen attitudes and values regarding grizzly bear management in the Bitterroot Ecosystem. Prior to final management decisions by the CMC, all management alternatives on specific issues under consideration by the CMC will be made available to the Panel. The Panel will be provided background material on each management issue along with any outside input to the CMC such as testimony by interested parties with which to make their decision on their preferred choice of action. The Panel will be surveyed in a valid survey format on their opinions on the management alternatives available. The CMC will make the responses of the Panel on management issues available to the public as a part of their CMC function. This Citizen Survey Panel will be composed of 300-500 members (the absolute number being decided by the survey contractor based on statistically valid sample protocol and the number of voters in the survey areas), randomly selected from voter registration rolls with 70% of the members being from Idaho and western Montana (west of Interstate 15), and 30% being from states adjacent to Idaho and Montana. The Panel will be managed by an independent survey contractor such as a university or a survey company. The panel members will serve 3 year terms and the initial members will be divided into three groups with different term lengths in order to have an overlap of terms among members.**

**The preliminary Mission Statement for the CMC is; “The mission of the CMC is to facilitate recovery of the grizzly bear in the Bitterroot Ecosystem. Regarding the land and wildlife management agencies, the role of the CMC is to make recommendations to them that the CMC thinks will lead to recovery of the grizzly bear. Decisions on, and implementation of these recommendations is the responsibility of the land and wildlife management agencies.” The preliminary Operating Guidelines for the CMC are; “The CMC will meet a minimum of two times per year, meetings will be open to the public, and they will produce written minutes of meetings and involve the public in their decision-making process.**

The Bitterroot Chapter of the Grizzly Bear Recovery Plan contains a **tentative** recovery goal for the Bitterroot area. The Committee could recommend a revised recovery goal, based on ~~scientific advice~~ **the best available science**, once sufficient information is available. Any revised recovery goals developed by the Committee ~~would~~ **will** require public review appropriate for revision of a recovery plan. The recovery goal for the Bitterroot grizzly bear population ~~would~~ **will** be consistent with the habitat available within the Recovery Area. **Additional adjacent areas of public land can be considered when setting the recovery goal if that is shown to be necessary by** ~~and~~ the best scientific and commercial data available. Grizzly bears outside the recovery area and within the Experimental Population Area ~~would~~ **will** contribute to meeting the recovery goal if there were reasonable certainty for their long-term occupancy in such habitats outside the recovery area. **The Scientific Advisors will assist the Committee to** ~~The Committee would~~ develop a process for obtaining the best biological, social, and economic data, which ~~would~~ **will** include an explicit mechanism for peer-reviewed, scientific articles to be submitted to and considered by the Committee, as well as periodic public meetings (not less than every 2 years) in which qualified scientists could submit comments to and be questioned by the Committee. **The two scientific advisors will lead this process.** Using the best scientific evidence available, and standards and criteria developed by the agencies and the Committee, the Committee ~~would~~ **will** determine if the bear ~~reintroduction~~ **restoration** ~~was~~ **is** successful after a minimum period of 10 years. If, based on these criteria and recommendations by the Committee, the Secretary after consultation with the Committee, the States of Idaho and Montana, the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife, and Parks, and the Nez Perce Tribe, concludes the ~~reintroduction~~ **restoration** has failed, the experimental reintroduction ~~would~~ **will** be terminated.

The Secretary ~~would~~ **will** review the plans and efforts of the Committee. If the Secretary determines, through his/her representative(s) on the Committee, that the decisions of the Committee, the management plans, or the implementation of those plans are not leading to the recovery of the grizzly bear within the Experimental Population Area, the Secretary's representative on the Committee will solicit from the Committee a determination whether the decision, the plan, or implementation of components of the plan are leading to recovery. Notwithstanding a determination by the Committee that a decision, plan, or implementation of a plan are leading to recovery of the grizzly bear within the Experimental Population Area, the Secretary, who necessarily retains final responsibility and authority for implementation of the Act, may find that the decision, plan, or implementation of a plan are inadequate for recovery and may resume management responsibility. In the event that the Secretary of the Interior determines that the actions of the Committee are not leading to recovery of the Bitterroot grizzly bear population, then the Secretary of the Interior **will recommend, based on the best scientific and commercial data available, alternative actions and provide a 6-month time frame in which to accomplish those actions.** Should the Committee reject those alternatives, the Secretary will submit for peer review to a scientific panel of three those CMC actions or decisions upon which the Secretary's based his decision that the actions or decisions of the CMC are not leading to recovery or are at variance with this Special Rule. This panel will be composed of 3 scientists appointed to arbitrate conflicts between the CMC and Secretary and make a determination as to whether the actions of the CMC are in compliance with this special rule for recovery of grizzly bears in the Bitterroot Ecosystem. Members will be professional scientists who have had no involvement with the CMC and are not be employed by federal agencies responsible for grizzly bear recovery efforts. The basis for their determinations will be the adherence of the CMC to the Special Rule. The Secretary will select one member of the panel, the Governor of Idaho another, and the Governor of Montana will select the third.

The panel will review the information, solicit additional information if necessary and, using the best scientific and commercial data available make a determination whether the CMC actions or decisions will lead to recovery of the grizzly bear in the Bitterroot Ecosystem. The Secretary will strongly consider the recommendations of the panel in determining whether to reassume lead management authority. Should the Secretary nevertheless decide to resume lead management responsibility, he will seek consultation with the Governors of Montana and Idaho to review with them the reasons for his decision and attempt to resolve the discrepancies between his suggested alternatives and the actions or decisions of the CMC. If, after that meeting, the Secretary resumes lead management responsibility, he will publish a rule outlining the changes intended for the management of the grizzly bear in the Bitterroot Ecosystem, the Committee will be disbanded and all requirements identified in this rule regarding the Committee will be automatically nullified. If the Secretary does not resume lead management responsibility, the Committee will continue until the recovery objectives have been met and the Secretary of the Interior has completed delisting.

Such a panel could also be invoked to arbitrate disputes and make recommendations to the Secretary in two other possible scenarios. The process described above will be followed in both cases. First, the CMC could

formally request to the Secretary that a panel be invoked to investigate CMC concerns regarding decisions or actions made by the Secretary. Second, a private citizen could formally request the Secretary to invoke a panel to investigate concerns regarding decisions or actions made by the CMC or Secretary. The private citizen would have to provide substantive rationale for the need to invoke a scientific panel. In both cases, the Secretary will have 90 days to evaluate the information and present a finding on whether the information presented is sufficient to establish such a panel.

Public opinion surveys, public comments on grizzly bear management planning, and the positions taken by elected officials indicate that grizzly bears should not be reintroduced without assurances that current uses of public and private lands will not be disrupted by grizzly bear recovery activities. The recovery of grizzly bears ~~would~~ **will** be emphasized in the Recovery Area, but bears moving outside the recovery area **into the Experimental Area** ~~would~~ **will** be accommodated through management provisions in the special rule and through the management plans and policies developed by the Committee, ~~unless potential conflicts were significant and could not be corrected.~~ The term “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; and reintroduction of bears will occur within the recovery area and all reintroduction will occur within the Selway-Bitterroot Wilderness portion of the recovery area. The word “accommodate” means grizzly bears that move outside the recovery area onto public land in the Experimental Area will not be disturbed unless they demonstrate a real and imminent threat to human safety or livestock. Bears will not be disturbed or moved unless conflicts are both significant and cannot be corrected as determined by the Committee, including conflicts associated with livestock, in which case the Committee will develop strategies to discourage grizzly bear occupancy in portions of the Experimental Area.

Grizzly bear management ~~would~~ **will** allow for resource extraction activities to continue without formal section 7 consultation under section 7(a)(2) of the Act. All section 9 “takings” provisions under the Act for the nonessential experimental population of grizzly bears in the Bitterroot ecosystem are included in this special rule. The Committee ~~would~~ **will** be responsible for recommending changes in land-use standards and guidelines as necessary for grizzly bear management. **The Committee will develop recommendations on existing management plans and policies of land and game management agencies, as necessary, for the management of grizzly bears in the Experimental Area. The CMC could make recommendations to land and game management agencies regarding changes to plans and policies, but the final decision on implementation of those recommendations would be made by those agencies. If the CMC recommendations require significant changes to existing plans and policy, then the requirements of NEPA will apply. Such management plans and policies will be in accordance with applicable State and Federal laws.**

People could continue to kill grizzly bears in self-defense or in defense of others, with the requirement that such taking be reported within 24 hours to appropriate authorities. Following the issuance of a permit by the Service, a person ~~would~~ **will** be allowed to harass a grizzly bear attacking livestock (cattle, sheep, horses, and mules) or bees **in the Experimental Area provided that all such harassment is by methods that are not lethal or physically injurious to the grizzly bear and such harassment is reported within 24 hours to the appropriate authorities. The use of livestock guard dogs to harass grizzly bears in a non-lethal fashion around livestock will also be permitted by the Service.** A livestock owner may be issued a permit to kill a grizzly bear killing or pursuing livestock on private lands if the response protocol established by the Committee has been satisfied and it has not been possible to capture the bear or deter depredations through agency efforts. If there were significant conflicts between grizzly bears and livestock within the Experimental Population Area, these could be resolved in favor of livestock by capture or elimination of the bear depending on the circumstances. There ~~would~~ **will** be no Federal compensation program, but compensation from existing private funding sources ~~would~~ **will** be encouraged. Animal control toxicants lethal to bears are currently not used on public lands within the Recovery and Experimental Population Areas. The Service anticipates that ongoing animal damage control activities ~~would~~ **will** not be affected by grizzly bear recovery. Any conflicts or mortalities associated with these activities ~~would~~ **will** result in review by the Committee and any necessary changes ~~would~~ **will** be recommended by the Committee.

The Idaho Department of Fish and Game **and/or the Nez Perce Tribe**, Montana Department of Fish, Wildlife, and Parks, and the **USDA** Forest Service, in consultation with the Service ~~and the Nez Perce Tribe~~, **would** **will** exercise day-to-day management responsibility within the Experimental Population Area while implementing the Grizzly Bear Recovery Plan Chapter for the BE, and the special rules, policies, and plans of the Committee.



The Experimental Population Area currently does not support any grizzly bears. It is also unlikely that grizzlies from northwestern Montana have arrived in central Idaho. No evidence of grizzly bears exists in the BE. Thus, the Service has determined that the east-central Idaho reintroduction area is consistent with provisions of section 10(j) of the Act; specifically, that experimental grizzly bears must be geographically separate from other nonexperimental populations. Grizzlies dispersing into areas outside of the Experimental Population Area ~~would~~ **will** receive all the protections of a threatened species under the Act.

Although the Service has determined that there is no existing grizzly bear population in the recovery area that ~~would~~ **will** preclude reintroduction and establishment of an experimental population in Idaho, the Service will continue to monitor for the presence of any grizzly bears naturally occurring in the area. Prior to any reintroduction, the Service ~~would~~ **will** evaluate the status of any grizzlies found in the Experimental Population Area.

~~Once this special rule is in effect and grizzly bears have been released into the recovery area, any grizzly bears found within the experimental area, including any bears that move in from outside the experimental area, will be classified as part of the experimental population. The special rule would remain in effect unless the Secretary determines that the actions of the Committee are not resulting in recovery of the grizzly bear in the BE, in which case the Secretary will resume lead management implementation responsibility for the BE experimental grizzly bear population. The Secretary's decision will be based on the best scientific and commercial data available. Prior to resumption of lead management implementation responsibility, the Secretary will provide the Committee with recommended corrective actions and a 6-month time frame in which to accomplish those actions.~~

The Committee could review existing grizzly bear standards and guidelines utilized by the **USDA** Forest Service and other agencies and landowners. They will be deemed adequate pending review by the Committee, and the Committee may recommend changes to the **USDA** Forest Service and other agencies and landowners. Existing laws and regulations governing land management activities will promote grizzly bear recovery. The Committee's annual reviews of grizzly bear mortalities will be the primary mechanism to assess the adequacy of existing management techniques and standards.

The Committee will also be expected to develop grizzly bear guidance for proper camping and sanitation within the Experimental Population Area. Existing grizzly bear camping and sanitation procedures developed in other ecosystems containing grizzly bears will serve as a basis for such guidelines.

The Committee also will be asked to develop specific guidance for responses to grizzly/human encounters, livestock depredations, damage to lawfully present property, and other grizzly/human conflicts within the Experimental Population Area. If there are significant conflicts between grizzly bears and livestock within the Experimental Area, these could be resolved in favor of the livestock by capture or elimination of the bear depending on the circumstances. No restrictions on trail systems in front or backcountry areas **of the Experimental Area** are anticipated. **In the event trail use restrictions for public safety are necessary in response to a rare instance such as a grizzly bear feeding next to a trail on a carrion source, such restrictions would be short-term.** ~~and p~~ Policy changes on trail restrictions **for human safety** ~~would~~ **will** be recommended by the Committee as necessary.

The Committee will revise mortality limits, population determinations, and other criteria for recovery as appropriate. The Committee also will be tasked with developing strategies to emphasize recovery in the Recovery Area and to accommodate grizzly bears inside the Experimental Area. **Grizzly bears may range outside the Recovery Area because grizzly bear habitat exists throughout the Experimental Area. The word "accommodate" means grizzly bears that move outside the Recovery Area onto public land in the Experimental Area will not be disturbed unless they demonstrate a real and imminent threat to human safety or livestock. Bears will not be disturbed or moved unless** ~~If grizzly bears range outside the recovery area, and if~~ conflicts occur that are both significant and cannot be corrected as determined by the Committee, **including conflicts associated with livestock. In such cases,** ~~then~~ the Committee will be expected to develop strategies to discourage grizzly bear occupancy in reoccurring trouble spots within the Experimental Population Area. No changes in existing livestock allotments are anticipated. Unless the Committee determines otherwise, this rule provides that private lands outside the national forest boundary in the Bitterroot Valley, Montana are an area where any human/grizzly conflicts would be considered significant. Grizzly bear occupancy will be discouraged in these areas outside the national forest boundaries in the Bitterroot Valley, Montana, and grizzly bears will be captured and returned to the Recovery Area. **If a grizzly bear enters the exclusion area, state and federal wildlife management agencies will attempt to capture it immediately and notify the public immediately of its presence. The public will be updated until the bear is caught.**