



PO Box 2406
Livingston, MT 59047
Phone: 406-224-2250
Email: info@GrizzlyTimes.org
Web: www.GrizzlyTimes.org

NEWSLETTER

Featuring updates on grizzly bear conservation activities,
and the latest *Grizzly Times* Blog and Podcast
from [Louisa Willcox and David Mattson, Ph.D.](#)
Co-Founders of *Grizzly Times*.

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May 19, 2023

Dear Friend of the Grizzly,

As our late spring finally gets a boost from warming temperatures, grizzlies are emerging, reminding us of the bears' long symbolic association with renewal and rebirth, and of our interdependence with wild nature.

Highlighting the season of miracles, Grizzly Bear 399 emerged this week from her den in Jackson Hole's Pilgrim Creek with one cub. Not only is she perhaps the most famous grizzly bear on earth, but she is also now the oldest known female grizzly in the Greater Yellowstone Ecosystem to produce a litter. At 27 years of age, 399 is more than ancient in bear years—and a truly remarkable bear. She has long tolerated throngs of people while inspiring countless human visitors to discover a sense of wonder and curiosity about the natural world. Many who have seen 399 with her cubs over the years have remarked what a great mom she is: "the quintessential mother with muffins in the oven."

But we cannot take 399, her family, and our special connections with these and other grizzlies for granted. Despite her skills as a mom, 399 has thus far done relatively little to boost the health of the Yellowstone grizzly bear population. Most of her many offspring have been tragically—and unnecessarily—killed. The fate of her progeny, and the vulnerability of grizzlies more broadly, underscore the need to redouble efforts to coexist with grizzlies and to maintain federal Endangered Species Act (ESA) protections.

Photographers have been flocking to see her. Paws crossed that they and others give her the space to flourish and that the government refrains from hazing and tormenting 399 and other roadside grizzlies to try and manage the human-caused chaos!

We have written about the lives of this bear, her offspring, and the challenges they face over many years. For more, see: <https://www.grizzlytimes.org/399-s-story>

https://www.jhnewsandguide.com/the_hole_scroll/grizzly-399-has-emerged-from-the-den-with-one-cub/article_c517b6e6-0d37-520a-bb68-5eb387c1fdcf.html



Grand Teton Grizzly Bear Matron 399 with new cub of the year, May 16, 2023. Photo courtesy of Savannah Rose Burgess.

Awakening to a Grizzly Tragedy

Already, we have witnessed our first grizzly tragedy of the year. On May 1, Patrick M. Gogerty, a black bear hunter from Cody, Wyoming, claims that he mistakenly killed a 530-pound grizzly bear east of Yellowstone Park near Cody, Wyo. Gogerty turned himself in and faces up to a year in jail and a \$10,000 fine if convicted.

This incident follows on the heels of the recently reported conviction of a Wyoming hunter who killed a grizzly near Cody last year after mistaking it for a black bear. He was fined \$10,000.

Hunters and others routinely kill grizzlies in self-defense or in cases of mistaken identity—according to researchers, about six times per year, on average, from 2015 to 2020. After reviewing hundreds of records about these incidents, we here at Grizzly Times have concluded that unnecessary and even malicious killings are on the rise. Indeed, excessive killing helps explain why Yellowstone’s grizzly bear population has remained more or less stagnant for twenty years, despite the availability of suitable habitat to support many more bears.

It is important to emphasize how hard the states, federal agencies, and nonprofits have worked to educate hunters about grizzly bears, behaving responsibly in bear habitat, and knowing your target before pulling the trigger. Working for several environmental groups, Louisa collaborated with government agencies to help convene numerous workshops to educate hunters and others. Yet, hunter-caused mortalities are happening at a mounting rate—underscoring that education is not enough to protect grizzlies, and that more needs to be done with law enforcement. It is time for the US Fish and Wildlife Service (FWS) to step up on behalf of bears and the public interest.

- <https://www.usnews.com/news/best-states/wyoming/articles/2023-05-15/wyoming-black-bear-hunter-accused-of-killing-protected-grizzly-near-highway-into-yellowstone>
- <https://cowboystatedaily.com/2023/05/11/mistaken-identity-case-cost-wyoming-bear-hunter-who-accidentally-killed-grizzly-10-000/>



Photo by Roger Hayden

Drumroll to Delist: US Fish and Wildlife Service, States and Congress Barge Ahead to Strip Grizzly Bear Protections...Again

In February, FWS officials announced they will consider devolving management authority granted by the ESA over Greater Yellowstone and Northern Continental Divide grizzly bears to the states of Idaho, Montana, and Wyoming.

The news came in the form of a “90-day finding” in response to petitions submitted by these states early last year. Federal officials were persuaded by the petitions from Montana and Wyoming but rejected Idaho’s as not being credible. Undeterred by FWS’ rejection, last week Idaho appealed FWS’s ruling and challenged its decision in court.

This is the third process launched by the FWS during the last 16 years designed to strip ESA protections from Yellowstone grizzlies. The first two attempts were rejected by multiple federal judges in multiple courts for violating terms of the Act. In truth, this is the fourth attempt to delist if you include the FWS’s 1993 Grizzly Bear Recovery Plan intended to set the stage for delisting thirty years ago when the population was a meager 500 bears. This Recovery Plan was, as well, rejected by a federal judge, and subsequently revised.

In its most recent proposal, the Service announced a “comprehensive status review” of grizzly populations in the Greater Yellowstone Ecosystem and the Northern Continental Divide Ecosystem that would presumably use the “best available scientific and commercial data.” Its review will be completed in a year, although every previous use of the “best...data” by the FWS was found legally deficient in federal court.

Meanwhile, multiple bills have been introduced in Congress that would delist grizzlies legislatively—with provisions to also preclude citizen efforts to challenge the legislation in court. For the most part, these bills are cut-and-paste jobs of legislation that delisted Montana and Idaho wolves in 2011.

Notably, at a recent hearing on the House version of the bill, sponsored by Wyoming Congresswoman Harriet Hagerman, Wyoming Game and Fish Department Director Brian Nesvik said he supported using “whatever means is necessary” to obtain management authority over Yellowstone’s federally protected grizzly bears. “Whatever means...necessary” sounds alarming like statements made by Donald Trump as a prelude to the assault on Congress in January 2020.

This statement by Director Nesvik builds on others he has made in the past, including some that tacitly encouraged citizens to kill bears after federal protections were reinstated by a judge in 2018.

Without intending to be unduly rhetorical, should we trust the states with our bears?

The response of Tim Preso, Bozeman's managing attorney for the environmental law firm Earthjustice, is worth noting: "With these delisting actions, history has been—it's not just based on speculation—that the states don't step in to be guardians. They've stepped in to ramp up the persecution [of formerly protected species] and that's why the Endangered Species Act is so important for species like these."

- <https://www.fws.gov/press-release/2023-02/service-initiate-grizzly-bear-status-review-northern-continental-divide>
- http://www.buffalobulletin.com/news/article_2838f92c-a65c-11ed-bc69-0398e76122a0.html
- <https://wyofile.com/hageman-state-officials-tout-circumventing-endangered-species-act/>
- <https://www.seattletimes.com/nation-world/ida-ho-to-sue-over-grizzly-protections/>

For more on why delisting is a bad idea, and why the states are not up to the job, see these by Grizzly Times:

"Debunking Delisting": <https://www.grizzlytimes.org/debunking-delisting>

David's comments on the 2017 delisting rule can be found here: https://www.grizzlytimes.org/_files/ugd/d2beb3_e69dd7b566584b44a46f15ebdbcc3816.pdf

David's report on the problems of state wildlife management is also relevant: https://www.grizzlytimes.org/_files/ugd/d2beb3_a4aff4d546d941b08341d6f7d27e66ad.pdf

This five-minute video features world-renowned scientists speaking out against delisting and trophy hunting of Yellowstone grizzly bears, proposed by state managers in 2017, raising issues that are as relevant as ever: <https://www.grizzlytimes.org/gunning-down-grizzlies>

Sardine Can Blues Revisited: Government Claims that Yellowstone Grizzly Expansion Has Stopped or Retreated



Cartoon by Phil Juliano

Relevant to the topic of Yellowstone grizzly bear delisting, at a recent interagency meeting of grizzly bear managers, the federal government's lead grizzly bear researcher, Frank van Manen, reported that the expansion of Yellowstone grizzly bears into new habitat has ceased—and that their range has even retreated in places. The reason he said was: “more human-bear conflict and higher grizzly mortality.”

His claim that there are hard limits to where grizzlies can live conveniently supports Wyoming's goal of constraining grizzlies to Yellowstone's core Primary Conservation Area by whatever means necessary, including by hunting and punitive lethal management of grizzly bear-human conflicts.

David responded to Frank van Manen's comments this way:

1) Dr. van Manen is not a social or political scientist, so he is not in any position to make statements regarding "hard limits" imposed by conflicts and human-caused mortality. History has shown that peoples' behaviors and even attitudes are subject to change, in recent decades often to the benefit of carnivore

conservation. One, could, moreover, ascribe any limits being imposed by human-caused mortality to the unlimited licenses-to-kill being offered by the US Fish & Wildlife Service, exacerbated by changes in on-the-ground actions by state wildlife managers. Any stasis in distribution is more likely to be a function of official policy rather than the behaviors and intrinsic attitudes of private citizens.

2) Although multiple data sources go into estimating the distribution of Yellowstone grizzlies, these sources become ever more unreliable and vagarious the further one goes towards the periphery, especially given that efforts to radio-collar and track grizzlies are largely confined to central portions of the ecosystem. This fact alone makes statements regarding changes in distribution outside the bounds of support from credible evidence.

3) Dr. van Manen's assertion that increases in distribution have stalled runs counter to the long-running agency narrative that connectivity between the Greater Yellowstone and Northern Continental Divide grizzly bear populations is only a few years away, especially given that van Manen argues for a small contraction of distribution in Montana. This weakens the official happy news narrative of imminent connectivity.

- https://wyofile.com/yellowstone-area-grizzly-bears-have-stopped-expanding-their-range/?utm_source=WyoFile&utm_campaign=
- <https://www.grizzlytimes.org/single-post/2015/12/17/grizzly-sardine-can-blues>
- <https://www.grizzlytimes.org/single-post/2016-1-7-the-politspeak-of-social-carrying-capacity>

Montana: Bad News for Bears

For the last three months, the Montana Legislature has been on an anti-wildlife, anti-democracy, anti-LGBTQ jihad. Yes, all of us are in this mess together...

Advocates for responsible legislation, including Footloose, Wolves of the Rockies, Bear Creek Council, Trap Free Montana, and Northern Plains Resource Council, did their best to stave off the worst for wild animals—and kudos to them—but some terrible stuff got through despite their efforts.

By the time you read this, Montana Governor Greg Gianforte will likely have signed an extreme bill that would jeopardize grizzly bear recovery in Montana. This bill allows livestock owners or any other private citizen to kill grizzly bears deemed a “threat” to livestock—at any time, without a permit, even on public land in our most remote wilderness.

This worsens the horrific damage done by the Montana legislature during the 2021 session, including allowing snaring, night shooting, and baiting of wolves, and approving bounties to encourage the killing of yet more wolves. Bills allowing

neck-trapping of wolves and hound hunting of black bears—practices that Montana had banned for a century—would harm grizzlies as well.

These concerns about how this vindictive legislation would harm grizzly bears and other wildlife were underscored by a letter of opposition signed by more than four dozen former wildlife professionals who worked in Montana. In what seems to be an emerging tradition of ignoring science, our Republican-dominated legislature passed the bills anyway.

Even FWS has complained about Montana's draconian approach, arguing that recent legislation passed by the Montana legislature might thwart grizzly bear delisting. Even so, the anti-wildlife zealots in Montana's legislature were not deterred.

But there was some good news: stalwart wildlife advocates and public-minded citizens defeated an amendment to the Montana Constitution that would have made trapping a constitutional right. For over 50 years, the Constitution has given Montanans the right to "a clean and healthful environment"—unusual for any constitution. Although Republicans—most of whom support corporate pollution and draconian reductions in predator populations—held a supermajority in the legislature, the amendment did not pass. This was a close-run fight, and if you have not yet supported one of the groups listed above, please consider doing so!

- <https://news.mongabay.com/2023/05/montana-cannot-be-trusted-with-grizzly-bear-wolf-management-commentary/>
- <https://apnews.com/article/us-fish-and-wildlife-service-alaska-montana-wyoming-idaho-ff09eccea665e580248c44692d46115d>
- <https://missoulacurrent.com/wildlife-veto-grizzly/>
- <https://montanafreepress.org/2023/04/05/buck-stops-for-constitutional-amendments/>



Selway-Bitterroot Wilderness

US Fish & Wildlife Service Agrees to New Study of Selway Bitterroot Grizzly Bear Recovery

Following a recent ruling by Montana federal judge Donald Molloy finding that the FWS had failed to prudently expedite grizzly bear recovery in the Bitterroot Ecosystem of Idaho and adjacent Montana, the agency has agreed to complete a new environmental study by October 2026. In March, Molloy found the Service illegally delayed actions to recover grizzly bears and ordered it to conduct another public process to correct its course.

Like many grizzly bear controversies, this one has such a long-storied history as to defy the memories of all but the most stalwart—or ancient—grizzly bear followers. To recap, in 2000, FWS decided to reintroduce 25 grizzlies into the Bitterroot ecosystem as an “experimental, nonessential” population under Section 10(j) of the ESA. But in 2001, after the election of President G.W. Bush, the agency reversed course. Grizzlies were, in the view of Bush’s newly appointed Interior Secretary Dirk Kempthorne of Idaho, nothing more than “massive flesh-eating carnivores.” Under Kempthorne’s leadership, Idaho had previously sued FWS to stop the reintroduction.

In response, FWS chose to do nothing—even after 20 years, when grizzlies, powered by their own paws, began making their way into the vast Bitterroot ecosystem from other grizzly bear populations. More perversely, the agency has been moving or killing bears away from the Bitterroot Ecosystem instead of

providing bears undertaking this journey on their own with the required protections of the law.

Kudos to the Alliance for the Wild Rockies and the Native Ecosystems Council that successfully challenged these illegal delays in court!

<https://www.kpax.com/news/ravalli-county/us-fish-wildlife-service-agrees-to-a-new-study-of-bitterroot-grizzly-bear-recovery>

For more on why grizzly bear recovery in the Selway Bitterroot ecosystem is important, see David's report, "The Grizzly Bear Promised Land":

https://www.grizzlytimes.org/_files/ugd/d2beb3_b0c4e9dd43c447398c856fbb9aaa8a74.pdf

https://www.stltoday.com/news/national/govt-and-politics/scientists-challenge-us-wildlife-directors-qualifications/article_85c6dec7-7cb6-53db-ba2e-ca6feff70fff.html



Grizzly Bear Photographed on a Trail Camera in Bitterroot Ecosystem

FWS Director Unqualified, Biased Against Bears

Dozens of scientists from universities and environmental groups are pushing for the removal of the head of the U.S. Fish and Wildlife Service because she lacks the educational background required to run the agency. David was one of 100 scientists who questioned her credentials in a letter sent last month to President Joe Biden and U.S. Interior Secretary Deb Haaland.

Williams is an attorney who majored in philosophy and lacks the science-based education that federal law says is required for the position. The call for her resignation comes as Biden faces growing pressure from wildlife advocates who argue that the administration has not done enough to protect endangered plants and animals from extinction. Signatories to the letter claim that Williams is serving in contradiction to the administration's own policies and ethics rules.

Williams worked as an attorney at the Montana Department of Fish, Wildlife and Parks for more than two decades, and then led the state agency for three years. While Department Director, she led the charge to delist wolves and grizzlies and oversaw a so-called "fair and balanced" public process designed to provide cover for removal of ESA protections from grizzlies.

See this letter by David in reference to the MT Grizzly Bear Advisory Council: https://www.grizzlytimes.org/files/ugd/d2beb3_f7ab2eb00b404b85a26f0829d7840a80.pdf

The lead scientist on the letter requesting William's resignation was Dave Parsons, an agency veteran who led government efforts to reintroduce the endangered Mexican gray wolf in the Southwest. Other lead scientists included members of Public Employees for Environmental Responsibility, well-known biology professors Paul and Anne Ehrlich from Stanford University, and wolf experts William Ripple and Robert Beschta from Oregon State University.

<https://apnews.com/article/fish-wildlife-service-director-removal-dc52f3156751ff995919f33f73071ddf>



South Plateau area adjacent to Yellowstone National Park

Terrible Timber Sale Goes SPLAT?

We aren't sure who in the Gallatin National Forest came up with the name SPLAT (South Plateau Landscape Area Treatment Project) for a newly proposed project, but the term seems apropos—or perhaps an invitation? This proposal to road and log 40,000 acres on the west side of Yellowstone Park bests any other recent Forest logging project in terms of its sheer brazenness and stupefying scale. Not only would it devastate habitat for grizzly bears and other wildlife, but also preclude opportunities for bears, wolves, and other far-ranging animals to connect with populations of conspecifics to the west and north.

Projects such as this one begs the question: where is the Biden administration when it comes to protecting our forests?

David has spent the last few weeks plowing through the government's pablum to craft a declaration contesting SPLAT. As is often the case with government analyses, he found that the Forest Service ignored much of the science related to the impacts of roads and logging on bears and bear habitat, as well as the extensive history of litigation contesting the excessive roading and logging in and around the SPLAT project area during the last three decades.

As David succinctly summarizes in his legal declaration: “As currently proposed...the South Plateau Landscape Area Treatment Project will not only harm numerous individual grizzly bears, but also adversely affect recovery and ultimate long-term viability of grizzly bears, not only in the Greater Yellowstone Ecosystem, but also the contiguous United States.”

Because the Forest Service seems undeterred in its obsessive devotion to logging and roading this and other sensitive landscapes, the project is destined to be litigated in court. Many thanks to Western Environmental Law Center, Gallatin Wildlife Association, Alliance for the Wild Rockies, Sierra Club, WildEarth Guardians, Center for Biological Diversity, and others for their hard work in developing this case.

The Bozeman Chronicle recently published a powerful opinion piece by David on the problems with this project:

- https://www.bozemandailychronicle.com/opinions/guest_columnists/guest-column-timber-project-being-planned-near-west-yellowstone-jeopardizes-grizzly-bears/article_fdfcf650-f358-11ed-a891-3fb147ccdbf9.html
- <https://www.mtpr.org/montana-news/2023-05-03/conservation-groups-say-logging-project-near-yellowstone-will-harm-grizzly-bears>
- <https://worldanimalnews.com/a-clearcutting-plan-on-the-doorstep-of-yellowstone-national-park-threatens-a-grizzly-bear-recovery-area-old-growth-forests/>

You can download a copy of David’s declaration here:

https://www.grizzlytimes.org/_files/ugd/d2beb3_c6947021244a40c9908044194e487bdc.pdf



Photo by Roger Hayden

Take Action for Bears...

How Can You Help Save Grizzly Bears?

SPEAK UP

Recovering grizzly bear populations requires that we keep grizzlies alive and protect the habitats they depend on. Achieving these goals depends upon caring people speaking up. By voicing your concerns—via social media or, better yet, directly to your elected officials—you send a message that you care about grizzlies and wild nature.

Click on this link below to take action: <https://www.grizzlytimes.org/take-action>

LEARN

- **Read the Grizzly Times Primer** for background on being an effective advocate and for information about the most pressing challenges facing grizzlies.

- **Read Grizzly Times Blogs and Other Materials** that contain more information about challenges to grizzly bear conservation, and solutions for protecting grizzlies and their habitat, than you will find anywhere else.
- **Listen to the Grizzly Times Podcasts** which feature compelling and inspirational experts on numerous topics related to grizzly bear conservation.
- **Watch Grizzly Times Videos** covering our vision for the future of grizzlies as well as natural history and our cultural connections with bears.

TAKE ACTION

There are TWO things you can do for grizzlies right now:

- **Support reform of state wildlife management:** <https://www.grizzlytimes.org/state-management-alert>
 - **Help stop destructive projects on National Forests:** <https://www.grizzlytimes.org/take-action-3>
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Please Consider a Gift to Grizzly Times...

We need your help! We have retired and are doing this full-time work pretty much gratis—despite the gradual dissolution of our physical bodies.

As we describe in this newsletter, the US Fish & Wildlife Service is, yet again, making a run at removing ESA protections for grizzly bears—potentially throughout Montana, Wyoming, and Idaho. This move has been catalyzed by petitions from the Republican Governors of Montana, Wyoming, and Idaho against a backdrop of legislation in all three states designed to persecute carnivores, with wolves targeted for especially vindictive measures. Congressional delegations from the northern Rockies are simultaneously attempting to legislatively remove ESA protections, with judicial review explicitly exempted.

If grizzlies are delisted, whether legislatively or by the administration, they will almost certainly be subject to punitive management aimed at reducing the sizes and distributions of our two largest grizzly bear populations. As always, we will be in the trenches trying to protect grizzlies and the habitats they depend on in this region and elsewhere.

As we do not have our own nonprofit, a not-for-profit tax-deductible organization, Conservation Congress, has agreed to be our fiscal sponsor. (Thank you, Denise!) You can make a one-time contribution or sign up for a monthly donation through this link:

DONATE HERE

Or, you can mail a donation to:

*Conservation Congress
c/o Denise Boggs
1604 1st Avenue South
Great Falls, Montana 59401*

* Be sure to note that your contribution is for Grizzly Times (GT).

Thank you for your continued support—in any way—it is greatly appreciated!

*For the bears,
Louisa and David*