



P.O. Box 9175, Missoula, MT 59807 • (P) 406.542.2048 • wild@wildernesswatch.org • www.wildernesswatch.org

## Board of Directors

Gary Macfarlane, ID  
President

Franz Camenzind, WY  
Vice-President

Jerome Walker, MT  
Secretary/Treasurer

Marty Almquist, MT  
Janine Blaeloch, WA

Talasi Brooks, ID

Cyndi Tuell, AZ

René Voss, CA

## Senior Advisor

Stewart M. Brandborg

## Executive Director

George Nickas

## Advisory Council

Magalen Bryant  
Dr. Derek Craighead  
Dr. M. Rupert Cutler  
Dr. Roderick Nash

## Minneapolis, MN Office

2833 43rd Avenue South  
Minneapolis, MN 55406  
(P) 612.201.9266

## Moscow, ID Office

P.O. Box 9623  
Moscow, ID 83843  
(P) 208.310.7003

March 15, 2017

Superintendent's Office  
North Cascades National Park Complex  
810 State Route 20  
Sedro-Woolley, WA 98284

RE: Draft Grizzly Bear Restoration Plan/Environmental Impact Statement

Sent via US Mail and via electronic submission to:  
<http://parkplanning.nps.gov/NCEG>

Dear Superintendent,

These are comments from Wilderness Watch on the draft Grizzly Bear Restoration Plan/Environmental Impact Statement (DEIS) for grizzly translocation into the US portion of the North Cascades Ecosystem (NCE). Wilderness Watch is a national wilderness advocacy organization, headquartered in Missoula, Montana. Wilderness Watch is dedicated to the protection and proper administration of the National Wilderness Preservation System. Its members use and will continue to use the Wildernesses in the NCE for outdoor recreation of all kinds, including hiking, horseback riding, and wildlife viewing. The proposed action adversely affects Wilderness Watch's organizational interests, as well as its members' use and enjoyment of these Wildernesses because the prolonged nature of the activities contemplated, including multiple activities prohibited under the Wilderness Act, will impact the wilderness character of multiple designated Wildernesses—both within the NCE and outside of the NCE—through extensive trammeling, motorized use, and electronic installations. And while the ultimate goal is a noble one—to recover the grizzly bear in the NCE—the activities contemplated to achieve that goal pose serious risks to both Wilderness and grizzly bears.

Wilderness Watch strongly supports grizzly bear recovery in places with adequate secure habitat. The North Cascades Ecosystem seems to be such a place, with a large portion of Wilderness. However, Wilderness Watch is opposed to recovery methods that require ongoing, heavy-handed translocation/augmentation activities, which is the approach for every action alternative proposed in the DEIS. These activities, including extensive helicopter / motorized use, radio telemetry collaring and monitoring, and ongoing wildlife population manipulation, are inconsistent with the Wilderness Act and arguably not in the best interest of the bears. Indeed, the action alternatives all are more indicative of a safari park type atmosphere than a wild ecosystem. These intensive manipulations present biological and political complications as well as

heightened risk to the grizzly bears themselves, which would be compounded by any experimental non-essential population designation. We address all of these concerns in more detail in the following paragraphs and recommend that the agencies withdraw the current DEIS and analyze less-intrusive recovery alternatives such as 1) taking management actions that would increase the likelihood of natural recovery, 2) engaging in translocation efforts that don't involve (or involve to a much lesser extent) activities prohibited under the Wilderness Act, or 3) a combination of the two.

### **The NCE**

The NCE has about 6.1 million acres, 2.6 of which are designated Wilderness. The boundary of the NCE for grizzly recovery seems to be drawn in a more reasonable and logical way than other ecosystems for grizzly recovery. Nonetheless, the NCE boundary, which includes more of the potential grizzly habitat relative to the boundaries of other grizzly recovery ecosystems, does present some potential issues that the DEIS should more thoroughly consider such as relatively more recreational use in the national forest Wildernesses in the NCE versus national forest Wildernesses in other grizzly recovery areas (the Bob Marshall Complex or the Washakie Wilderness), the much greater population next to the NCE in western Washington as opposed to other grizzly recovery areas, and the high percentage of rocks and ice in the NCE as compared to the other recovery areas.<sup>1</sup>

The option for a nonessential experimental population (NEP) is not appropriate for this area for the following reasons:

- Since the NCE is considered occupied, then an experimental nonessential designation is not appropriate under the Endangered Species Act.
- If the NCE population becomes experimental nonessential, then the protections afforded the existing bears would be weakened considerably. For example the FWS states (see Attachment A, USDI, USFWS undated *10j experimental populations fact sheet*. Albuquerque, NM), “When NEPs are located outside a National Wildlife Refuge or National Park, we treat the population as proposed for listing and only two provisions of section 7 would apply: section 7(a)(1) and section 7(a)(4).” This would weaken protection for bears in the national forests of the NCE.
- The recovery plan for the grizzly in the lower 48 includes the NCE as a recovery area. By definition, this would seem to be “essential for the continued existence of the species.” (*ibid.*).

### **Wilderness**

---

<sup>1</sup> The DEIS regularly refers to NPS land, USFS land, Park Service land, or Forest Service land. These are inaccurate. Public land belongs to all citizens, not the NPS or USFS. The proper terminology would be national forests and national parks (or national recreation areas).

Wilderness Watch appreciates the value of wilderness as a unique place where one can study how nature, including wildlife, functions when left alone. However, as the DEIS indicates, grizzly translocation involves actions prohibited by Section 4c (1133(c)) of the Wilderness Act—specifically, multiple helicopter overflights and landings, up to 400 landings in minimum requirements decision guide (MRDG). Alternative 2 (672 flights for DEIS Alternative D), the numbers of which are reported inconsistently in the DEIS and minimum requirements decision guide (MRDG). Wilderness areas must be administered in a manner that preserves wilderness character. An area demonstrates “wilderness character” when “in contrast with those areas where man and his own works dominate the landscape . . . the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” 16 U.S.C. §1131(c). The Wilderness Act and the Park Service’s (and Forest Service’s) implementing regulations are clear: helicopter flights and landings constitute motorized intrusions that are harmful to wilderness character. Accordingly, the Wilderness Act prohibits the use of motorized equipment and transport, including helicopters, and structures and installations in designated wilderness with only one exception: “except as necessary to meet minimum requirements for the administration of the area *for the purpose of this chapter.*” 16 U.S.C. § 1133(c) (emphasis added).

As we demonstrate below, the justification offered here for broadly authorizing these types of activities falls far short of what the Wilderness Act requires, which is to demonstrate that the project as proposed is necessary to “preserv[e] the wilderness character of the area.” *Id.* § 1133(b). Unless the agencies can make and support this demonstration in the forthcoming analysis of the project, the project cannot proceed. *Id.* § 1133(c); *Wilderness Watch v. U.S. Fish & Wildlife Serv.*, 629 F.3d 1024, 1040 (9th Cir. 2010) (setting aside agency’s authorization of new structures in wilderness area pursuant to § 1133(c) where agency failed rationally to demonstrate that structures would advance wilderness preservation and no less intrusive approach could achieve that goal). All of the action alternatives presented in the DEIS here would have a major and negative impact on Wilderness, and the agency has failed to thoroughly explore less-intrusive approaches that could achieve the goal of grizzly recovery in the NCE without offending the Wilderness Act. Thus, the agencies have a high bar.

Under the Wilderness Act, the Park Service or Forest Service may approve the use of helicopters and other generally prohibited uses to translocate grizzlies into Wilderness only if the agencies rationally demonstrate that (1) translocating grizzly bears is necessary to preserve wilderness character, and (2) there is no alternative to helicopter use and installations or structures (be they collars or monitoring structures) would achieve that purpose. 16 U.S.C. § 1133(c); *Wilderness Watch*, 629 F.3d at 1036.

The Wilderness Act contains a narrow exception to allow otherwise-prohibited activities—such as helicopter use—only where such activities are necessary to meet the *minimum requirements* for administration of an area *for the purpose of the Wilderness Act*. 16 U.S.C. § 1133(c). In other words, the exception applies only where the otherwise-prohibited activity will affirmatively advance the “‘preservation and protection’ of wilderness lands . . . in their natural, untrammelled state.” *Wilderness Soc’y v. U.S. Fish & Wildlife Serv.*, 353 F.3d 1051, 1061 (9th Cir. 2003) (en banc) (quoting 16 U.S.C. § 1131(a)). The Wilderness Act charges “each agency administering any area designated as wilderness [with the responsibility of] preserving the wilderness character

of the area.” 16 U.S.C. § 1133(b). As the Ninth Circuit stated in *High Sierra v. Blackwell*:

The Wilderness Act twice states its overarching purpose. In Section 1131(a) the Act states, ‘and [wilderness areas] shall be administered for the use and enjoyment of the American people *in such a manner as will leave them unimpaired for the future use and enjoyment as wilderness, and so as to provide for the protection of those areas, the preservation of their wilderness character,*’ 16 U.S.C. § 1131(a) (emphasis added). Although the Act stresses the importance of the wilderness areas as places for the public to enjoy, it simultaneously restricts their use in any way that would impair their future *as wilderness*. This responsibility is reiterated in Section 1133(b), in which the administering agency is charged with preserving the wilderness character of the area.

*High Sierra Hikers Ass’n v. Blackwell*, 390 F.3d 630, 648 (9th Cir. 2004) (emphases in original); see also *Id.* at 645 (citing 16 U.S.C. 1133(b)). The goal to translocate grizzlies is not necessarily coextensive with the statutory mandate to preserve wilderness lands in their untrammelled state and thus it is questionable to use it to invoke the exception to the Act’s prohibitions. See 16 U.S.C. § 1133(c). Translocation, even of a native species, is an act of trammeling.

The DEIS does not make the case that translocation of bears in Wilderness is necessary.<sup>2</sup> Natural recovery was not analyzed in the DEIS, and thus underlying factors limiting natural recovery were not adequately disclosed and analyzed. If habitat limitations, human-related conflicts, connectivity limitations, or other factors are limiting natural dispersal and recovery, the agencies must explain why those underlying factors cannot be addressed to encourage natural recovery, or alternatively, why those underlying factors will not similarly limit translocation success. In other words, natural recovery would need to be fully considered before translocation could be determined necessary and viable. Additionally, the DEIS inadequately addresses the issue of translocation outside of Wilderness. We address these issues in more detail under the Alternatives section.

Assuming translocation is necessary, the DEIS does not make the case that helicopter use, especially at the levels proposed in the action alternatives, is the minimum necessary. Also, the ongoing collaring and recapture of bears (which is only mentioned and not analyzed in the DEIS) is not shown to be the minimum necessary. Noninvasive monitoring techniques, for example, are not considered and risk factors associated with capturing, collaring, and active transmittal of telemetry data are not disclosed and analyzed.

Page 25 of the DEIS states:

All translocated grizzly bears would be fitted with global positioning system (GPS) collars prior to release to monitor habitat use and spatial distribution, and tissue samples would be collected prior to release for genetic monitoring

---

<sup>2</sup> Regardless, the DEIS does not address the question of whether all native species in Wilderness can or must be recovered, be that via trammeling actions or other means.

purposes. Sites for subsequent releases of grizzly bears during the adaptive management phase of the restoration process would be chosen based on the criteria listed above and limited to federal lands, unless otherwise authorized by landowners. Recapture of grizzly bears would be conducted periodically to maintain a GPS-collared sample of the population. Helicopters would be used to ferry in culvert traps from which grizzly bears would be released, and could possibly be used for the retrieval of dropped GPS collars or in response to bear mortality.

There are impacts to wildlife, including grizzlies, from helicopter use. The DEIS does not consider some of the most pertinent references regarding these impacts (See Attachments B, C and D, Schallenberger, A. 1980 *Review of oil and gas exploration impacts on grizzly bears* in Bears: Their Biology and Management. Volume 4. A Selection of Papers from the Fourth International Conference on Bear Research and Management, Kalispell, Montana, USA, February 1977 (1980), pp. 1–376. International Association of Bear Research and Management; Radle, A.L. 2007. *The effect of noise on wildlife: a literature review*; and Anderson, S.A. et al. 2009; and Montana/Northern Idaho Level I Terrestrial Biologists Team. *Guide to effects analysis of helicopter use in grizzly bear habitat*. USDA Forest Service/ USDI Fish and Wildlife Service).

The DEIS does not address security issues with GPS collaring and telemetry data. A recent article in Conservation Biology acknowledged a troubling trend in electronic tagging and telemetry monitoring presenting “serious negative consequences for individual animals, animal populations, conservation, and the future use, regulation, and public perception of electronic tracking.” (Attachment E, Steven J. Cooke et al., 2017 *Troubling issues at the frontier of animal tracking for conservation and management*, 00 Conservation Biology 0, 1-3 (2017). The article discusses examples of electronic collaring data being used to disturb, harm, or kill tagged animals and examples of members of the public acquiring tracking equipment or hacking into electronic tagging systems. The DEIS must disclose these risks, explain how the agency will safeguard data, and reconcile such practices with the mandates of the Wilderness Act (including the prohibition on installations and the trammeling effect of electronic monitoring).

The agencies must also disclose whether it may use the electronic data to track and kill bears as part of its management program, or whether other state and federal agencies may access the data for the same purpose – *either before or after recovery* -- and it must reconcile electronically-assisted extermination practices with the mandates of the Wilderness Act. Freedom of Information Act documents in Idaho demonstrate that Idaho Fish and Game (and the federal management agencies involved before delisting) regularly supplied Wildlife Service with GPS data from wildlife collars to locate and kill wolves, oftentimes through aerial gunning. Attachment F. These documents show that radio frequencies are divided into “research” and “non-research” categories with “non-research” collars used primarily for aerial gunning tracking. *Id.* The agencies often kill all but one wolf in a pack; that surviving, collared wolf is then tracked until it establishes with another pack and then that pack is exterminated leaving the surviving, collared wolf to repeat the cycle over and over again. *Id.*; See also Attachment G (article discussing conversations with Idaho Fish and Game where Idaho Fish and Game admits that it implements “collaring for later control,” and in conjunction with Wildlife Services, uses electronic monitoring collars to track and kill wolves and wolf packs often using a collared “Judas” wolf). These incredibly troubling uses of electronic data are not often disclosed and

certainly serve to undermine the utility of electronic collaring for conservation activities. The potential for such uses of electronic tracking data in the NCE must be disclosed, and the agencies must explain whether they have established policies for how the data may be used and how it will be safeguarded – both before and after recovery.

With translocation of carnivores seen as politically toxic by many individuals living in the vicinity of the translocations and by many states and state agencies, how will the federal agencies safeguard against the electronic data ultimately being used to destroy the bears wearing them? And, how is the ongoing control and manipulation inherent in electronic monitoring compatible with wilderness values when Wildernesses are defined as areas where earth and its community of life are untrammelled by man (“Untrammelled – not untrampled – untrammelled, meaning free, unbound, unhampered, unchecked, having the freedom of the wilderness.”)? Given the risks involved with electronic tracking, and given the incompatibilities with Wilderness Act mandates, the agencies must explain why other less-intrusive monitoring methods (hair snare, remote camera sites, etc.) could not be used. Some of these alternative methods themselves may not be compatible with the Wilderness Act, but they are certainly less intrusive than electronic tracking and should be seriously explored and considered.

In addition to the dangers posed to wildlife from electronic tracking, the DEIS does not address stress responses by bears to repeated helicopter disruption, capture, relocation, and handling or disturbance effects related to removing grizzly bears from familiar home ranges. These are forms of trammeling. Secure, or “core” habitat, is essential for grizzly bear survival and recovery, “research has consistently found that female grizzly bears select home ranges with large areas of ‘core.’ This suggests the importance of areas relatively free of intense human disturbance within female grizzly bear home ranges. Thus, actions which compromise the purpose of core habitat are not easily characterized as ‘insignificant’ or discountable.” Attachment C, Forest Service/Fish and Wildlife Service *Guide to Effects Analysis of Helicopter Use in Grizzly Bear Habitat*. Grizzly bears react more intensely to disturbance in core habitat. *Id.* In this case, that heightened reaction would likely be exacerbated by capture activities and possibly more helicopter disturbances and recaptures in the future, particularly where translocation activities will occur over an extended period of time.

And, finally, the extent of authorized helicopter activity is unclear from the DEIS. The DEIS’s incredibly broad statement indicating that helicopters “could possibly be used for retrieval of dropped GPS collars or in response to bear mortality” falls far short of demonstrating that each helicopter flight is the minimum necessary for administering the wilderness as required by Section 1133(c) of the Wilderness Act. The DEIS indicates that helicopters may be used to retrieve collars and investigate mortality, but it does not explain why non-motorized access would not be feasible. In addition to the broad contemplation of helicopter access for retrieval of collars and mortality investigations, it appears many more flights would occur than are disclosed in the DEIS. The DEIS and MRDG only estimate the number of flights for the initial bear releases, not for supplementation of bears that leave or are removed from the ecosystem or for the recapture of bears. Because helicopter flights will likely be utilized to remove grizzly bears from their home ranges in other Wildernesses, the total number of helicopter intrusions in Wilderness, and the foreseeable duration of these intrusions, must be clearly disclosed and analyzed. Merely noting a possibility of such use does not pass muster under the stringent

requirements of Section 1133(c) of the Wilderness Act. The proposal has the potential to be a massive, ongoing helicopter authorization impacting multiple designated Wildernesses—areas where helicopters are prohibited absent very narrow circumstance. The agencies must demonstrate that each normally prohibited flight is necessary to meet minimum requirements for administration of the area for the purpose of the Wilderness Act.

The number of flights are not clear, regardless of whether they are for translocation, “some additional flights . . . necessary for collar retrieval” and or capturing bears in the NCE. Alternative B has 40 round trips, Alternative C 100 to 136, and Alternative D 672 flights. Presumably, the number of landings in the NCE would be less, but that is not clearly stated. There are no numbers given for additional flights or for bears that are taken out of Wilderness. However, the MRDG numbers are different -- 100 to 800 flights and 50 to 400 landings. All would have a tremendous impact on Wilderness.

The agencies must also demonstrate that structures or installations (e.g. electronic tracking devices) are necessary to meet minimum requirements for administration of the area for the purpose of the Wilderness Act. The number of collars, their duration of use, and the potential effects of their use are not clearly disclosed and analyzed. Thus, the DEIS is not only insufficient in determining what may be the minimum necessary under the Wilderness Act, it is also deficient from lack of disclosure and analysis under the National Environmental Policy Act (NEPA).

Further calling into question whether the translocation proposals are compatible with the mandates of the Wilderness Act and in the best interests of grizzly bears – individually or at the population segment level, the DEIS states on page 26:

### **Replacement and Additional Releases of Grizzly Bears**

Under all of the action alternatives, grizzly bears lost during the primary phase of restoration as a result of any source of mortality, human-caused or otherwise, would be replaced on a one-to-one basis. Likewise, grizzly bears that emigrate out of the NCE or are removed as a result of conflict with humans would be replaced. This approach would continue until the initial target population size is reached. For example, under alternatives B and C, the lead agencies would replace grizzly bears if the population dropped to fewer than 10 individuals for alternative B and 25 individuals for alternative C.

This statement again raises the question whether there are less-intrusive actions the agency might take to make the NCE a more hospitable environment for grizzly bears, and if those less-intrusive actions are taken, whether natural recovery would be more likely. Natural recovery or less-intrusive actions would alleviate the intensive trammeling effects on source populations of grizzly bears and on source Wildernesses.

The DEIS fails to thoroughly discuss impacts to source populations of bears and source areas, including source Wilderness areas. The DEIS (pages 116, 118, and 120) says merely that impacts would be similar to the areas where the grizzlies would be released. Page 23 of the DEIS states:

Under all of the action alternatives, grizzly bears would be captured using baited foot snares or culvert traps (Jonkel 1993). It is possible that helicopter support would be used for the capture of grizzly bears in designated wilderness or roadless areas and could include the use of helicopter-based capture darting. The capture and release of grizzly bears would take place between early summer and early fall, depending on the capture and release site(s) selected and availability of food.

One of the sites is the Northern Continental Divide Ecosystem (NCDE) which includes the Bob Marshall, Great Bear, Scapegoat and Mission Mountains Wildernesses as well as recommended wilderness in Glacier National Park (DEIS pages 45 to 48).<sup>3</sup> Indeed, it is questionable whether bears in Wilderness could be used as a source population because it would degrade the wilderness character of those source Wildernesses and in no way is the minimum necessary for preservation of those areas as Wilderness. Wildernesses are areas where natural processes prevail, free from human intervention and manipulation—they are meant to be self-willed landscapes. It is difficult to imagine how removing well-established grizzly bears from their chosen home ranges, and using Wildernesses as supply-pools for translocations, comports with these mandates. The DEIS does not grapple with this problem.<sup>4</sup> Instead, the MRDG (Appendix F) indicates that the agencies are required to take these actions under Section 2(c)(1) and 7(a)(1) of the Endangered Species act. However, as discussed more fully below, the agencies do not explain why they saw their affirmative responsibilities under the ESA differently when deciding against the translocation of grizzly bears into the Bitterroot area. Indeed, it appears that there is no affirmative requirement under the ESA to take the actions proposed here, particularly where underlying causes of grizzly decline and risks to translocated bears are not adequately addressed.

### **The Minimum Requirements Decision Guide (MRDG)**

The draft MRDG (Appendix F) is inconsistent with the DEIS and has other serious problems. The alternatives it considers apparently are not the same as those in the DEIS. For example, it proposes a different number of flights (up to 800) versus the DEIS (672). Like the DEIS, the impacts considered in the MRDG analysis are mainly directed at the NCE, not the source population, which would include Wilderness if it were in the NCDE.

The finding of necessity in the draft MRDG (pages F-1 through F-7) is contradictory to agency actions elsewhere. If it is necessary to translocate bears in the NCE, why is it no longer necessary in the Bitterroot Ecosystem grizzly recovery area? That area contains 3.7 million acres of Wilderness, not counting the Gospel-Hump, Sawtooth, White Clouds, Hemingway Boulder and Jerry Peak Wildernesses, which should be included in the grizzly recovery area. If drawn in the same manner as the NCE, the Bitterroot Ecosystem dwarfs the NCE in terms of acreage, Wilderness and otherwise (Wilderness acres 4.4 million versus 2.6 million). A similar question about the need for grizzly recovery could be asked for dozens of other Wildernesses in the West including the Olympic, Weminuche, High Uintas, or Trinity Alps.

---

<sup>3</sup> Under Directors Order #41, recommended wilderness in national park units is to be administered as Wilderness.

<sup>4</sup> Further, grizzlies in the NCDE, like the NCE, are listed as threatened. Removing bears from one threatened population to another could endanger both populations.



The other inconsistency is that one of the reasons given for translocation in the NCE Wildernesses is to recover grizzlies in the lower 48 states. Why is that necessary when the US Fish and Wildlife Service (FWS) has proposed to delist grizzlies in the Greater Yellowstone Ecosystem? The agencies are sending mixed signals to the public.

The draft MRDG determination of necessity is made in step one before weighing the various wilderness attributes, which occurs in step two.<sup>5</sup> While untrammelled is the preeminent wilderness attribute, it is buried by the flawed MRDG protocol and reduced to a second-class status. Almost every agency action that goes through the analysis in the MRDG process will involve trammeling. A finding of necessity, before weighing, therefore will always rule against untrammelled wilderness.

Even with this biased approach, the MRDG matrix comes to the conclusion that the analyzed alternatives result in negative impacts to Wilderness. In order to reach what is apparently a pre-determined decision, the draft MRDG engages in further bias by stating:

When comparing the alternatives considered above, the planning staff for this project noted that almost all beneficial impacts to wilderness character identified in this MRDG would have at least moderate beneficial impacts on wilderness character that would last in perpetuity; whereas all adverse impacts to wilderness character would be mostly transient and short-term (limited to the number of years of implementation), and in some cases, very unlikely to occur. Therefore, the numerical ratings in the “Alternatives Comparison” table are not sufficient on their own to evaluate and compare these alternatives.

In any case, deliberate trammeling is a permanent action, not a temporary one. It can't be undone. The Wilderness Act prohibits motorized use, even though such use is temporary at any given place and time. Under the twisted rationale expressed in the MRDG, it would be okay to allow motorized use in Wilderness to enhance the recreational public purpose of wilderness, say for two weeks every year, since it is only temporary.

The second step of the MRDG confuses the public purposes (**plural**) of Wilderness) in section 4(b) of the Wilderness Act with the singular **purpose** mentioned in section 4(c) of the Act. Prohibited uses in section 4(c) are only allowed if they are the minimum necessary for the singular purpose of the Act. If prohibited uses could be waived to facilitate, for example, recreational use, then motorized use and buildings could be constructed to enhance recreation.

This same section of the MRDG also elevates nonbinding MOUs to the level of statute. For example, the MOU with AFWA is inconsistent with the Wilderness Act.

The draft MRDG dismisses several ideas that might reduce impacts to Wilderness without adequate evaluation. These include releasing bears in remote areas that are not Wilderness (see Alternatives below), having agency personnel hike to release sites or having no personnel at the

---

<sup>5</sup> In any case, we don't agree with the methodology used in the MRDG process, which pits untrammelled against naturalness, and maintain it turns the Wilderness Act on its head. See Attachment H.

site (if bears are collared, the agencies will know if they exist the trap), reproductive monitoring without additional landing and collaring, and foot retrieval of collars. Whether bears need to be collared at all should have been considered.

In sum, the MRDG is an exercise in sophistry. It tries to justify a decision that has already been made without honestly engaging in objective analysis, a problem that plagues the entire DEIS. It ignores a natural recovery alternative and doesn't weigh a no-action alternative or natural recovery alternative against the others. This is because the no action or natural recovery alternatives would come out ahead in the matrix, in spite of the fact the MRDG matrix and process is skewed against untrammelled wilderness. Thus, the conclusion of necessity for either of the two alternatives analyzed is flawed and baseless.

### **Other Problems with the Wilderness Act Analysis**

Congress defined Wilderness as “an area where the earth and its community of life are untrammelled by man” and an area “retaining its primeval character and influence” which “generally appears to have been affected primarily by the forces of nature.” 16 U.S.C. § 1131(c). Howard Zahniser, one of the drafters of the Wilderness Act, stated in a 1957 speech discussing the Wilderness Bill that “[w]e describe an area as wilderness because of a character it has – not because of a particular use that it serves. A wilderness is an area where the earth and its community of life are untrammelled by man. (Untrammelled – not untrampled – untrammelled, meaning free, unbound, unhampered, unchecked, having the freedom of the wilderness.)”

It appears the NPS is rewriting the Wilderness Act to downplay its untrammelled nature, sometimes conflated with its wildness. The full quotation of Section 2c of the Wilderness Act puts the preeminence of untrammelled wilderness in context as it is mentioned first:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The adoption of the Keeping it Wild 2 (KIW2) in the DEIS (page 52) is a misuse of that protocol. It is simply a monitoring protocol. Using it in context of this DEIS downplays the preeminence of untrammelled in wilderness administration and allows for wilderness to be

degraded in the name of naturalness, for example. Attachment H is a critique by wilderness professional of how KIW2 has downplayed the essence of Wilderness and how KIW2 has been used to justify trammeling actions in Wilderness.

In a program review initiated by the four federal agencies and conducted by the Pinchot Institute for Conservation in 2001, the importance of untrammeled (or wildness)<sup>6</sup> is emphasized. (See Attachment I). The purpose of the study was to examine the critical administrative or stewardship issues facing Wilderness. One of the eight “fundamental principles” for stewardship emphasized the need to preserve the wildness in Wilderness. As the Pinchot report stated, “Protection of the natural wild, where nature is not controlled, is critical in ensuring that a place is wilderness... Since wild is a fundamental characteristic of wilderness that is not attainable elsewhere, if there is a choice between emphasizing naturalness and wildness, stewards should err on the side of wildness.”

The DEIS tries to dismiss the impacts, saying they are only temporary. A decision to trammel wilderness is permanent. You can't take back that decision. The very idea that impacts to untrammeled nature are temporary downplays that preeminent aspect of Wilderness and skews the analysis in the DEIS.

### Alternatives

The DEIS states:

1. Because the NCE grizzly bears are at risk of local extinction, action is needed at this time to:

Avoid the permanent loss of grizzly bears in the NCE.

Contribute to the restoration of biodiversity of the ecosystem for the benefit and enjoyment of present and future generations of people.

Enhance the probability of long-term survival of grizzly bears in the NCE and thereby contribute to overall grizzly bear recovery.

Support the recovery of the grizzly bear to the point where it can be removed from the federal list of threatened and endangered wildlife species.

The purpose and need is based on the assumption that action is needed to avoid loss of bears in

---

<sup>6</sup> There is arguably a difference between wild and untrammeled. Untrammeled speaks more to our relationship to the place and wild to the place itself.

the NCE, but it also states that there have been no confirmed grizzly bear occurrences in the U.S. portion of the NCE since 1996 – over 20 years ago. The confirmed detections in the NCE within the last 10 years have all occurred in the B.C. portion.<sup>7</sup> The DEIS also indicates that permanent loss of the grizzly in the NCE would only occur with a loss of connectivity with populations in British Columbia. Indeed, the 200, 280 or 300 bear-goals for the NCE are insufficient for long-term viability (see Attachment K, Traill, L.W. 2010. *Pragmatic population viability targets in a rapidly changing world* Biological Conservation 143 (2010) 28–34). Connectivity is needed. As such, the real issue for grizzly recovery in the NCE is what happens in Southern BC, not whether bears are translocated or not into the US.

While grizzlies may be rare in parts of the southern BC, there is connectivity, and that is the key issue (see Attachment J and <http://www.env.gov.bc.ca/soe/indicators/plants-and-animals/grizzly-bears.html>).<sup>8</sup> While natural recovery may take decades, the action alternatives, with the possible exception of Alternative D, also take decades to reach the first tier recovery goal. In any case, it is ironic that the NCE must have translocated bears for recovery whereas the Bitterroot Ecosystem’s preferred approach, as the DEIS points out, is now natural recovery, in spite of the fact the very same assertions about the impossibility of natural recovery in the Bitterroot Ecosystem were made in the DEIS and FEIS.

The paucity of information about grizzlies in British Columbia in the DEIS is troubling because the purpose and need is premised on a conclusion that no natural recovery could ever take place. Even if that conclusion were accurate, and no connectivity is or would be available in the future, the number of bears that would occupy the NCE are too few for long-term viability (see Attachment K). Thus, the action alternatives that are studied would effectively condemn the translocated bears or their offspring to eventual extinction under that assumption.

In sum, the purpose and need is premised on a conundrum. The assumption that connectivity of grizzly populations in the NCE and elsewhere in BC is no longer possible, so translocation to the NCE is necessary. Yet, the NCE is not large enough for long-term viability of grizzly populations without connectivity. Without more information about the situation in BC, and without an alternative fully exploring natural recovery and efforts the agency may take to increase the success of natural recovery, it is impossible to gauge the need and ultimate effectiveness of more intrusive translocation efforts.

The exclusion of a natural recovery alternative is wrongly rejected. No action can't substitute for such an alternative because the US and Canada share the NCE. A natural recovery alternative would call for action in British Columbia and the US to facilitate natural recovery.<sup>9</sup> That would mean many things such as changes in black bear hunting regulations in both countries, facilitating passage of highways, reducing road densities, guidelines for human behavior in the

---

<sup>7</sup> There are definitive photographs that dispute this conclusion, see <http://www.seattletimes.com/seattle-news/rare-grizzly-bear-photographed-in-north-cascades/>

<sup>8</sup> The DEIS is inconsistent on whether there truly is connectivity. On one hand the DEIS calls the NCE “isolated” yet it also admits the NCE is connected to grizzly populations across BC, though in the immediate surrounding units, the bears are “threatened.” See Attachment J.

<sup>9</sup> The FEIS for the Bitterroot Ecosystem had a no action/natural recovery alternative that provided additional protection for grizzly recovery on page 2-45, unlike the current DEIS for the NCE.

areas most likely used as connecting corridors for grizzly expansion and the like. In other words, it would be a cooperative plan between the US and Canada for grizzly recovery. If this kind of cooperation can't be obtained, then grizzly recovery in the US portion of the NCE is likely at risk, regardless of the number of bears that are translocated to the US.

Indeed, if items that would facilitate natural recovery are not done, then the population will remain forever isolated and too small for viability, which requires about 500 to 5000 animals at a minimum (*ibid.*). It would require ongoing translocation of new bears for genetic health. It would require constant helicopter flights. It would be an ongoing manipulation of Wilderness.

The agencies have not explained why natural recovery is a viable option in the Bitterroot area while it is not a viable option in the NCE. In the case of the Bitterroots, the FWS notes at <http://igbconline.org/bitterroot-ecosystem/>:

The U.S. Fish and Wildlife Service (Service) Grizzly Bear Recovery Plan directs grizzly bear recovery be pursued in the Bitterroot Ecosystem, along with the Yellowstone, Northern Continental Divide, Selkirk, Cabinet/Yaak, and North Cascades Ecosystems. The Service prepared an environmental impact statement, and signed a final rule and record of decision to reintroduce a non-essential experimental population of grizzly bears to the Bitterroot in November 2000. In June 2001, the Service reevaluated the decision to reintroduce grizzly bears and published a Notice of Intent and proposed rule to select the "Natural Recovery" alternative which allows for protection of grizzly bears that may move into the Bitterroot from other areas, but does not reintroduce bears. Natural movement of grizzly bears into the Bitterroot Ecosystem may occur and would be supported by the Service. Any such grizzly bears would have full protection as a threatened species under the Endangered Species Act.

Prior to this time, the FWS stated that natural recovery was "only a remote likelihood" in the Bitterroot Ecosystem (Grizzly Bear Recovery in the Bitterroot Ecosystem, FEIS page 2-42). Unlike the NCE, no bears were sighted in the Bitterroot Ecosystem until 2007, when a grizzly was inexcusably killed by a black bear hunter. The agency's new view seems to be reflected in the statement by the recently retired FWS grizzly coordinator, Chris Servheen, "Sooner or later I think we will document another grizzly in the Bitterroot." (Attachment L).

In the NCE, the best areas identified for grizzly translocation in the DEIS do include non-wilderness. The non-wilderness sites may even be better locations than the wilderness sites in the proposed polygons (see DEIS figure 2). Much of the remote terrain in the NCE generally encompasses the highest elevations of rocks and ice. Areas outside of wilderness are generally lower. The remote non-wilderness corridor surrounding Ross Lake is one such area. Areas like lower Big Beaver Creek, No name Creek, Little Beaver Creek, Silver Creek Flats, the area on the border with Canada, Hozomeen, Lightning Creek, Dry Creek and South Rainbow Point. In the south, the areas near Stehekin and below Cascade Pass may be possibilities. These are all areas

outside of Wilderness that could be used as sites for translocation.<sup>10</sup>

The DEIS does not make the case that collaring, continual capturing, and constant monitoring of bears (see F-34) is the minimum necessary in Wilderness. It largely ignores the impacts of continual monitoring, be it heavy-handed or somewhat less invasive.<sup>11</sup> Techniques that may be noninvasive and/or more compatible with wilderness in terms of monitoring are not analyzed. These might include temporary hair snagging or temporary cameras. Rather, the DEIS adopts a heavy-handed approach not appropriate for overseeing a wild landscape.

### Summary

The DEIS does not adequately analyze impacts to Wilderness, consider alternatives, or consider the stress to grizzlies themselves from translocation. The agencies need to slow down, look at other alternatives, and redo the DEIS so it is consistent with Wilderness and treats grizzlies as the wild, intelligent creatures they are. Wilderness Watch strongly supports grizzly recovery and would like to see a thriving grizzly bear population in the NCE, but Wilderness Watch does not support recovery efforts that undermine the Wilderness Act and that fail to take into serious consideration the value of self-determination and security for grizzly bears. We urge you to consider active management actions that might facilitate better security and connectivity between the U.S. and B.C. portions of the NCE, as well as between the NCE and other grizzly bear populations in the U.S., and if translocation is still considered necessary, consider less-intrusive means of translocation and monitoring with express limitations on motorized intrusions, electronic collaring, and future disruption and manipulation.

Sincerely,



Gary Macfarlane  
Board Member

---

<sup>10</sup> We are not proposing translocation of grizzlies outside of Wilderness as the preferred alternative. Rather, we believe that alternative needs to be objectively analyzed before a decision is made.

<sup>11</sup> Page F-34 in the draft MRDG refers to temporary camera tracking stations.