



WILDERNESS WATCH

Keeping Wilderness Wild

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November 13, 2023

Public Comments Processing,
Attn: FWS-R1-ES-2023-0074
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Proposed 10(j) rule to list grizzly bears in the North Cascades Ecosystem as an experimental, non-essential population of bears

Sent via: <https://www.regulations.gov/commenton/FWS-R1-ES-2023-0074-0001>

Dear US Fish and Wildlife Service Division of Policy, Performance, and Management Programs:

Wilderness Watch is providing these comments on the proposed 10(j) rule. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper stewardship of the National Wilderness Preservation System. Wilderness Watch strongly supports grizzly bear recovery in the North Cascades provided it can be accomplished in a manner that is both respectful of and protects the area's wilderness character and does not result in the unnecessary deaths or harassment of grizzly bears. We oppose the issuance of a 10(j) rule because it will likely result in the additional loss of grizzly bears and greater deterioration of the Wildernesses in the Cascades, Northern Continental Divide, and Greater Yellowstone Ecosystems. It will also hamper natural recovery taking place in the Bitterroot Ecosystem. We also feel there are major changes needed to the proposal and draft environmental impact statement (DEIS) aside from rejection of the 10(j) rule.

Attached to this comment is our comment on the DEIS. These two comment periods are integrally linked as recognized in the Federal Register Notice (FRN).

The proposed rule for 10(j) status for the North Cascades Ecosystem (NCE)

represents a threat to any translocated grizzly bears. The taking of bears from other threatened areas in the US would also threaten recovery and connectivity of the US Northern Rockies meta-population. Our concerns with the 10(j) rule follow:

1. According to the Federal Register Notice, “The British Columbia North Cascades GBPU is immediately north of the U.S. portion of the NCE and was described as isolated and small with possibly three females remaining (Morgan et al. 2019, p. 19).” Since the Federal Government also considers the NCE to go into Canada, as per the current draft DEIS (pages 7 and 59), the NCE is occupied. The 10(j) section does not apply. (NOTE: It should be further noted that a key finding in the Montana District court case on grizzly bears in the Bitterroot Ecosystem, is that the 10(j) rule does not apply there because bears have been found in the area.) Thus, the findings in the FRN about the NCE not being occupied are in error.
2. Augmentation efforts may soon occur in Canada. The FRN states, “Should augmentation efforts occur in British Columbia, it is likely that some grizzly bears reintroduced into the Canadian portion of the ecosystem may move into the proposed NEP area in the United States, either as transients that return to Canada or that ultimately remain in the United States.” A 10(j) rule could jeopardize bears the use both sides of the border. The Superintendent for the North Cascades National Park admitted as much in a newspaper interview from the Skagit Valley Herald on February 12, 2023, entitled “National park superintendent talks about challenges facing North Cascades,” which states, “Striker believes the best approach is to get an experimental population in place before the bears arrive on their own.” In other words, the National Park Service and FWS do not want full ESA protection for grizzly bears in the NCE. Weakened protections under 10(j) means more take, which harms bears.
3. “Management Zone 3 would contain large areas that may be incompatible with grizzly bear presence,” yet portions of the NCE recovery area are within this zone (see FRN, Figure 2). In other words, bears are not protected even in parts of the recovery zone. 10(j) is the wrong application.
4. The proposed translocation under 10(j) would take grizzly bears from two ecosystems where they are listed as threatened. This is even worse than robbing Peter to Pay Paul as the protections the bears currently have in these areas would be significantly diminished after translocation and, in some years, the mortality/loss of grizzlies in the GYE and the NCDE exceed the established limits. Further, it would impede recovery and connectivity of the population in the US Northern Rockies, which was a major reason the GYE was not delisted. Simply put, recovery in the US Northern Rockies—the NCDE, GYE, and Bitterroot Ecosystem—would be harmed by implementation of the 10(j) rule in the NCE because more bears would be taken from the Northern Rockies due to the increased loss allowed under 10(j) in the NCE. The FRN tries to excuse this problem by alleging the NCDE and GYE can absorb a loss of 36 grizzly bears (likely more due to mortality and other factors, as the FRN admits). However, that will hamper connectivity of the US Northern Rockies meta-population in the GYE, NCDE, CYE, SE, and the emerging one in the Bitterroot Ecosystem.

5. There are a greater number of people living in the vicinity of the NCE versus the 5 recovery areas in the US Northern Rockies. Taking bears from areas that generally have fewer contacts with humans, reducing their protection, and then placing them in an area with more human use will likely result in greater conflict.
6. Changing an established recovery zone under the ESA to an experimental, non-essential population is a contradiction. If the NCE can be an experimental, non-essential population, then why is it a recovery zone? By definition, the recovery zone is essential for grizzly persistence into the future. Further, grizzlies are a single population in the lower 48 so part of the population can't be designated an experimental non-essential population.

Our comments on the DEIS, and past submissions go into more detail. The health and long-term persistence of grizzly populations in the US, including the GYE and NCDE, is not shared by independent grizzly scientists. There is considerable research that a connected, meta-population size must be close to 5,000 for long-term persistence. The 10(j) rule, rather than helping grizzly conservation, will hamper it due to the allowance for more take and would result in more negative impacts to Wilderness.

Sincerely,



Kevin Proescholdt
Conservation Director
Wilderness Watch