



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

25 November 1997

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GRIZZLY BEAR RECOVERY  
COORDINATORS OFFICE

DEC 01 1997

Dr. Christopher Servheen, Project Leader  
U.S. Fish and Wildlife Service  
Bitterroot Grizzly Bear EIS  
P.O. Box 5127  
Missoula, MT 59806

Dear Dr. Servheen,

Following are the Nez Perce Tribe's comments on the Draft Environmental Impact Statement for Grizzly Bear Recovery in the Bitterroot Ecosystem (DEIS). The Nez Perce Tribe maintains management interests in natural resource issues within our treaty lands, which include the grizzly bear recovery area in the Bitterroot Mountains. The Tribe supports the U.S. Fish and Wildlife Service's efforts to restore grizzly bears to the Bitterroot Ecosystem. The Tribe is pursuing an active management role in the recovery of the grizzly for both the ecological benefits of returning the bear to its rightful place and for the cultural benefits recovery would provide to the Nez Perce people.

We would like to thank you for your consideration of our previous comments during the development of the DEIS. The Tribe realizes the magnitude of your challenge in crafting a recovery strategy that balances the needs of the grizzly bear with those of the citizens of the United States.

Upon review of the DEIS, both Alternatives 1 and 4 contain important elements in establishing a successful biological and socio-economic recovery strategy. The Tribe could support Alternative 1, as a working foundation, with modifications outlined below. Comments and recommended modifications presented attempt to cultivate productive middle ground between these two alternatives. The Tribe supports bear recovery that includes the following elements:

- 1.) reintroduction of a nonessential experimental population of grizzly bears into the Bitterroot Ecosystem;
- 2.) a grizzly bear Recovery Area that includes the entire original Bitterroot Evaluation Area as described by Davis and Butterfield (1991);

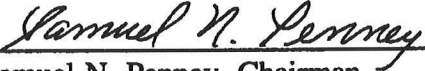
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- 3.) a Bitterroot Grizzly Bear Recovery Committee (GBRC) that insures a true partnership between citizens, tribes, state and federal agencies, and independent scientists to manage released grizzly bears; and
- 4.) a mechanism for addressing grizzly bear habitat needs, such as allowing the GBRC to review federal and state management plans to insure that future management practices do not negatively affect grizzly bear recovery.

Specific comments are organized by three categories: 1) Tribal involvement, 2) biological considerations, and 3) management considerations. We appreciate this opportunity to review and comment on the document and hope that our comments and recommendations will be helpful in developing a successful recovery program.

If you have any questions regarding these comments or wish to discuss any of these or other issues pertaining to the DEIS, please contact Curt Mack of my staff by phone at (208) 843-7372 or by e-mail at [cmack@nezperce.org](mailto:cmack@nezperce.org).

Sincerely,

  
\_\_\_\_\_  
Samuel N. Penney, Chairman  
Nez Perce Tribal Executive Committee

**Nez Perce Tribe**

**Comments on**

**The Reintroduction of Grizzly Bears to the Bitterroot Ecosystem  
Draft Environmental Impact Statement**

**Submitted to**

**Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator  
USFWS**

**25 November 1997**

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**Tribal Involvement**

General Comments

We appreciate your continuing efforts to clarify the Nez Perce Tribe's management role in the existing document. However, there still remains some language in the DEIS regarding Tribal involvement which is not clear. Language should be consistent throughout the document and accurately reflect a full level of participation by the Tribe in managing released bears in the BE. As you are aware, the Nez Perce Tribe is currently implementing a successful recovery program for endangered gray wolves in Idaho through a cooperative agreement with the U.S. Fish and Wildlife Service. Experience and expertise gained through wolf recovery efforts and the unique political position of the Tribe could prove beneficial for successful recovery of grizzly bears. In addition, the Tribe would be able to conduct monitoring and management activities for grizzly bears efficiently, as the geographic area over which the Tribe is and will continue to conduct wolf monitoring and management activities will overlap the grizzly bear Recovery Area.

Specific Recommendations

The following recommendations reflect specific changes to existing language in Chapter II - Alternative 1, and Appendix 13. Parallel language in the remainder of the document should also reflect these recommended changes.

*A. Chapter 2 - Alternative 1*

1. page 2-8; last paragraph; first sentence

- i. **change**

"Idaho Department of Fish and Game (IDFG).....in consultation with USFWS and the Nez Perce Tribe, would....."

to

"Idaho Department of Fish and Game (IDFG), the Nez Perce Tribe, .....in consultation with USFWS would....."

2. page 2-16; second to last paragraph; last sentence

**i. change**

"Idaho Department of Fish and Game (IDFG).....in consultation with USFWS and the Nez Perce Tribe, would....."

to

"Idaho Department of Fish and Game (IDFG), the Nez Perce Tribe, .....in consultation with USFWS would....."

**B. Appendix 13**

1. page 6-188; second paragraph; first sentence

**i. change**

"Idaho Department of Fish and Game (IDFG).....in consultation with USFWS and the Nez Perce Tribe, would....."

to

"Idaho Department of Fish and Game (IDFG), the Nez Perce Tribe, .....in consultation with USFWS would....."

2. page 6-132; second paragraph; first sentence

**i. change**

"Idaho Department of Fish and Game (IDFG).....in consultation with USFWS and the Nez Perce Tribe, would....."

to

"Idaho Department of Fish and Game (IDFG), the Nez Perce Tribe, .....in consultation with USFWS would....."

**Biological Considerations**

Delineation of the Recovery Zone

The Nez Perce Tribe is concerned that the northern portion of the original Bitterroot Evaluation Area (BEA) (Davis and Butterfield 1991) has been excluded from the "Recovery Area" as outlined in the preferred alternative (Alternative 1). Our concerns stem from both a habitat and management perspective.

Davis and Butterfield's study indicated that the BEA, including the northern portions, contains high quality grizzly bear habitat. The Tribe feels that the recovery area should be delineated based on biological needs of the grizzly bear rather than administrative boundaries. Further the recovery area should contain the best grizzly bear habitat available to insure the greatest chance of recovery.

Our concerns are heightened by the fact that the preferred alternative currently states that bears occurring in the northern portion of the BEA outside of the recovery area will be excluded from recovery emphasis. Management direction outlined in Alternative 1 for bears outside of the recovery area is vague, stating that bears outside would be "accommodated" rather than "emphasized". The Nez Perce Tribe is concerned that "accommodated" may not insure adequate protection of bears that may be attracted to suitable high quality habitats within the BEA but outside of the recovery area.

3 Although the Tribe has no concerns with including the Frank Church River of No Return Wilderness (FCRNR) in the Recovery Area, we do have concerns when that means substituting lower quality habitat (FCRNR) with higher quality bear habitat (BEA) within the Recovery Area.

**RECOMMENDATIONS:**

1. Revise the delineation of the Recovery Area to include, in addition to the existing recovery area, that portion of the BEA from the northern boundary of the Selway-Bitterroot Wilderness north to and including the St. Joe River drainage.
2. Define "recovery emphasis" and "accommodated" management strategies of in terms of specific management guidelines and actions that clearly distinguish between them. These guidelines should be included in the Final Rule.

**Source Populations**

It is apparent that successful recovery hinges on releasing a minimum of 25 bears over a relatively short, five-year, period of time. This is of particular importance for species such as the grizzly bear that have large home ranges (exist in low densities), and low reproductive rates and dispersal capabilities. Further, successful implementation of this strategy is predicated on two important and perhaps currently unpredictable variables: 1) availability of bears from source populations and 2) secure funding over an initial five-year reintroduction period.

4 A). *Availability of Bears.* In reviewing the DEIS, we have concerns that securing bears for release may be a weak link in the overall recovery strategy. The DEIS states that securing five bears per year is about the maximum that could be expected from the three source populations identified, and that the actual number available from year to year is dependent upon annual mortalities suffered by each of the source populations. The availability of female grizzly bears in particular from either the Greater Yellowstone Ecosystem (YE) or Northern Continental Divide Ecosystem (NCDE) may be unpredictable. Mortality data presented in the DEIS indicate that female mortalities exceeded limits for the last two consecutive years in the YE and in two out of the last 5 years in the NCDE.

The NCDE and YE may not be reliable sources of bears for political reasons as well. The general public may not support relocating grizzly bears from threatened populations in the NCDE or YE to the Bitterroots. It could be argued that such a relocation would hinder or delay the delisting process for NCDE and YE populations by reducing their resiliency, which may not be supported by the citizens of Montana or Wyoming. It could also be argued that removing bears from the NCDE and YE could reduce the survival of the individual relocated bears by lowering their protective status under the ESA to "nonessential experimental". This of course would not be acceptable to the environmental communities and grizzly bear supporters.

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Further, the DEIS leaves us with the impression that not only are there no agreements between the U.S. Fish and Wildlife Service and the managing agencies of the source populations to supply grizzly bears for release in the BE, but that no negotiations are currently underway. It is of obvious importance to have secured sources of bears in time to meet the desired implementation schedule.

**RECOMMENDATIONS:**

1. Initiate negotiations with Montana Department of Fish, Wildlife, and Parks (MDFWP), National Park Service (NPS), and the provincial government of British Columbia to assess willingness to contribute bears, estimates of expected number of available bears, and reliability of committed contributions over the five year implementation phase.
2. Investigate additional source populations, if necessary, to insure an adequate number of bears required for release.
3. Investigate the possibilities of increasing the number of bears released annually.

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B). *Funding.* The reintroduction strategy outlined in the DEIS relies on securing sufficient funds to support reintroduction efforts for an initial five consecutive year period. Total annual costs for relocating grizzly bears is estimated in the DEIS to be \$243,632, with a total five-year implementation cost estimated at around \$1,968,160. As federal budgets are authorized on a year to year basis, there is some uncertainty of obtaining adequate funding levels over a five-year period, particularly given the emotional and politically charged nature of grizzly bear issues. Indeed, the U.S. Fish and Wildlife Service was unsuccessful at funding a proposed five-year reintroduction effort for gray wolves in central Idaho and Yellowstone National Park because of political opposition. Fortunately for wolves, an inoculum of 35 wolves released over two years was sufficient. Given the differences in demographics between wolves and bears, we fear that an inoculum of anything less than 25 bears will not be sufficient to insure successful grizzly bear recovery.

**RECOMMENDATIONS:**

1. Budget 1.97 million dollars during the first implementation year to secure out-year relocation needs.
2. Explore ways of increasing the number of bears that could be released annually, thereby reducing the number of annual releases needed to obtain the 25 bear inoculum.

**Management Considerations**

**Management Committee**

The Nez Perce Tribe endorses the concepts of integrating local citizen's involvement in natural resource management. participation by local citizens instills a sense of local community ownership and can be a constructive means of resolving complex and difficult natural resource issues. The DEIS envisions a committee that will be delegated management authority for recovering grizzly bears in the Bitterroots (CMC). In affect, this committee will be the primary decision making body that will shape recovery efforts and to a large extent be responsible for the program's success/failure. As such, the success of the recovery program hinges on how well the concept of this committee is thought through and organized.

The Nez Perce Tribe supports the concepts of management committee such as the CMC outlined in the DEIS with the following changes:a Bitterroot Grizzly Bear Recovery Committee (GBRC) with the following assurances:

1. Designate a Bitterroot Grizzly Bear Recovery Committe (GBRC).
2. Ensure the formation of the GBRC is consistent with existing law.
3. Broaden committee representation to reflect a true partnership of citizens, tribes, state and federal agencies, and independent scientist to jointly manage grizzly bears in the Bitterroot Ecosystem. The composition, or structure, of the GBRC is key to its effectiveness in carrying out successful recovery efforts. The DEIS establishes the committee based on the important premises of a "cross-section of interests reflecting a balance of viewpoints" and the use of the best science available for making informed management decisions. The addition of independent scientists to the management committee would help support these premises.
4. Modify the committee's role in addressing recovery goals and guidelines, recovery evaluation criteria, and bear management strategies for the Recovery and Experimental Population Areas. The Tribe feels that initial recovery and management guidelines should be established by the U.S. Fish and Wildlife Service to guide management decisions of the GBRC. These guidelines could be reviewed and changes recommended, but only approved by the Secretary of the Interior (see specific comments and recommendations below).

5. Ensure that the purpose and functions of the GBRC are clearly stated in the final rule. It is also important to clearly define appropriate functions, or charges, of the GBRC. The overall mission of the GBRC should be to implement the Bitterroot Chapter of the Grizzly Bear Recovery Plan and conduct its operations within the broad recovery guidelines and evaluation criteria established by the U.S. Fish and Wildlife Service.

**RECOMMENDATIONS:**

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1. USFWS should authorize a 14 member Bitterroot Grizzly Bear Recovery Committee composed of 4 citizens from Idaho; 3 citizens from Montana; one representative each from USFWS, USFS, NPT, IDFG and MDFWP; and two independent Wildlife scientists.
  2. USFWS should establish and include in the Final Rule clearly articulated evaluation criteria for assessing the performance of the GBRC and establish protocols for reporting findings and recommendations to the Secretary of the Interior.
  3. Recommend appropriate GBRC functions include all tasks listed in Appendix 13 (Proposed Rule) of the DEIS except tasks (J) - revising mortality limits, population determination, and other criteria for recovery, (L) - developing management strategies for the Recovery and Experimental Population Areas, and (M) - determining standards for determining reintroduction success/failure.
  4. Recommend that the U.S. Fish and Wildlife Service establish initial guidelines for tasks (J), (L), and (M) as discussed above and listed in Appendix 13 of the DEIS. Recommend that the GBRC may suggest recommended changes to established recovery guidelines as discussed below.

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**Recovery Goals and Guidelines.** To insure the GBRC's effectiveness, we suggest that the Final Rule establish and provide the committee with clearly stated recovery goals and guidelines based on the biological requirements necessary to recover a grizzly bear population in the Bitterroots. Recovery goals and guidelines will provide the framework or minimum biological sideboards for operations of the management committee. They will also clearly define the purpose for committee discussions and actions and provide guidance for final management decisions.

**RECOMMENDATIONS:**

1. We recommend that the US Fish and Wildlife Service clarify that they adopt the recovery goals and guidelines established in the Bitterroot Chapter of the Grizzly Bear Recovery Plan, and that these will be used by the committee (GBRC) to guide their management process.



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2. At a minimum, initial recovery goals and guidelines established and clearly defined by the Final Rule should include:
    - a) define a recovered population goal of 280 bears well distributed within the Experimental Population Area;
    - b) maintain 14 females with cubs over a running 6-year average;
    - c) manage for zero human caused mortality until >90 bears become established; and
    - d) manage for <4% overall human caused mortality, including <30% females within this overall mortality limit, when >90 are established.
  3. The management committee could be allowed to review recovery goals and guidelines and make recommendations to fine tune or improve criteria to better ensure recovery of bears, however, such recommendations must meet biological recovery requirements and could only be approved by the Secretary of the Interior. Recovery goals and guidelines should remain in effect until revised by approval of the Secretary of Interior.

Recovery Evaluation Criteria. Recovery evaluation criteria provide periodic touchstones for the management committee to evaluate progress towards achieving recovery goals. They also are essential for the Secretary of Interior to evaluate the efforts of the GBRC and the success of the program. We suggest that the Final Rule establish effective recovery evaluation criteria.

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The intent or purpose of the "Determination of an Unsuccessful Reintroduction" is not clear. The reintroduction efforts may fail for three distinct reasons: 1) biological, 2) socio/political, and 3) flawed recovery strategy. It is important to identify the cause before making a "Determination of an Unsuccessful Reintroduction", as it may be appropriate to terminate reintroduction efforts if the effort is failing for biological reasons, but not appropriate if the cause is socio/political or due to a flawed recovery strategy.

**RECOMMENDATIONS:**

1. Short and long term evaluation criteria should be established in the Final Rule.
2. Short term (within first 5 years) criteria should consider:
  - a) initial bear survival/mortality;
  - b) the distribution of bears in the recovery area;
  - c) evidence of reproduction;
  - d) habitat suitability within distribution of bears; and
  - e) the level of bear/human conflicts

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3. Long term evaluation criteria should be based on monitoring key spatial and demographic parameters which may at a minimum include:
    - a) monitoring the distribution of females with cubs ;
    - b) monitoring the number of females with cubs seen annually;
    - c) monitoring the annual number of known human-caused mortalities; and
    - d) maintaining an increasing and sustainable number of bears well distributed within the BE as determined by recruitment and mortality estimates.
  4. Recovery evaluation criteria should include protocol for determining when reintroduction has failed. Reintroduction efforts should only be determined to be "unsuccessful" based on biological grounds. The US Fish and Wildlife Service should include the intent of developing an alternative recovery strategy if failure of grizzly bear recovery in the Bitterroots is determined to stem from socio/political reasons or a flawed recovery strategy.
  5. The management committee could be allowed to review recovery evaluation criteria and make recommendations to fine tune or improve their effectiveness in recovery of bears. However, such recommendations must meet biological recovery requirements and could only be approved by the Secretary of the Interior. Recovery criteria should remain in effect until revised by approval of the Secretary of Interior.

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#### Protective Status

The Nez Perce Tribe recognizes and supports the benefits of reintroduction efforts under section 10(j) of the Endangered Species Act (ESA) including added management flexibility and the ability to address unique local concerns. This approach has worked well for restoring gray wolves in Idaho. With respect to grizzly bears, there is a concern that a nonessential experimental designation could, on technical grounds, preclude efforts to restore linkage zones. By definition, a nonessential experimental population must be separate and distinct from other populations. The concern is that this requirement under the ESA could preclude needed habitat restoration efforts that are undertaken for the purpose of attempting to provide interchange between the Bitterroot and other neighboring grizzly bear populations. Many bear biologist currently contend that linking grizzly bear populations is vital to establishing long term self sustaining, viable populations in the Rocky Mountains.

The landscape, and bear habitats, could change substantially in the several decades it will take to recovery grizzly bears. In addition, it is impossible to predict the nature of these changes over time. Because of this, the Tribe feels it is important to ensure mechanisms for addressing grizzly bear habitat needs, now and into the future.