OVERSIGHT HEARING ON THE REINTRODUCTION OF THE GRIZZLY BEAR IN THE PUBLIC DOMAIN NATIONAL FORESTS

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FOREST AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

JUNE 12, 1997—WASHINGTON, DC

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OVERSIGHT HEARING ON THE REINTRODUCTION OF THE GRIZZLY BEAR IN THE PUBLIC DOMAIN NATIONAL FORESTS

THURSDAY, JUNE 12, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH,
COMMITTEE ON RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 1334, Longworth House Office Building, Hon. Helen Chenoweth (Chairwoman of the Subcommittee) presiding.

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mrs. CHENOWETH. Ladies and gentlemen, the Subcommittee on Forests and Forest Health will come to order. The Subcommittee is meeting today to hear testimony on the reintroduction of the grizzly bear in the public domain national forests.

Under Rule 4[g] of the Committee rules, any oral opening statements at hearings are limited to the Chairman and the ranking minority member. This will allow us to hear from our witnesses sooner and help members keep to their schedules. Therefore, if other members have statements, they can be included in the hearing record under unanimous consent.

I want to welcome everyone to this hearing today and to offer a special welcome to our witnesses. As everyone knows, I, along with Governor Phil Batt, Senator Larry Craig, Senator Dirk Kempthorne, and Congressman Mike Crapo, have gone on record as opposing the reintroduction of grizzly bears into the Selway-Bitterroot area of Idaho or anyplace in Idaho.

In addition to our opposition, I hold in my hand a Joint Memorial passed by the Idaho State Legislature opposing the reintroduction of the grizzly bear in Idaho. And without objection, I would like to make sure that a copy of this memorial is entered into the record.

[Joint memorial follows:]

Mrs. CHENOWETH. With the Governor saying no, the State legislature saying no, the entire Idaho congressional delegation saying no, and the people of Idaho saying no, what part of no doesn't the Department of Interior understand?

In a letter to Secretary of the Interior Bruce Babbitt dated May 15, 1997, as a unified congressional delegation we wrote to express our concerns with the proposal and to try and obtain more information. We have yet to receive answers to our questions, and our con-

cerns remain unresolved. That is in large part one of the reasons why we are having this hearing today.

The opposition to the reintroduction of the grizzly bear originates from a variety of places. The grizzly bear is known to be unpredictable and dangerous to people and livestock. Its Latin name says it all: Ursus Arctos Horribilis. What is most disconcerting is that the Department of Interior has not demonstrated an understanding nor a willingness to allow State and counties the ability to properly protect its citizens.

It is my belief that the issue of reintroduction of the grizzly bear is an issue of local control, as well as one of States rights. It is an issue of local control. And as we will hear today, the local people do not want the grizzly bear foisted upon them by the Federal Government.

In my view, too many issues remain unresolved. If the Federal Government places this lethal weapon into the public domain, who is liable for livestock and property damage? Who is liable for personal injury and the potential loss of life? What about human life and limb? Who will pay for all of this? How can you pay for a human life or the life of a child?

Additionally, grizzly bears do not recognize boundaries and jurisdictional lines. If a bear were to wander from the initial point of introduction, will the new area become habitat and what effect will that have?

More importantly though is the question that has been raised of whether or not the proposed site of introduction, the Selway-Bitterroot, is even suitable grizzly habitat. The concerns are many but until we received fundamental answers to questions about the loss of local control, about the protection of people and their property, and about the role of the State, I will oppose the introduction at every possible opportunity.

I question the wisdom of an effort to place a lethal weapon into public domain forests when there remain habitat suitability questions and when there currently exists a thriving population of the species just a couple of hundred miles to the southeast of the proposed site.

This, coupled with the State's vehement objections, should provide an easy answer to the question of whether the Administration should proceed at all with this introduction. The Chairman now recognizes Mr. Hill from Montana and without objection would welcome his statement. Thank you.

[Statement of Mrs. Chenoweth follows:]

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

I want to welcome everyone to this hearing today and offer a special welcome to our witnesses. As everyone knows, I, along with Governor Phil Batt, Senator Larry Craig, Senator Dirk Kempthorne, and Congressman Mike Crapo, have gone on record as opposing the reintroduction of grizzly bears into the Selway-Bitterroot area of Idaho. In addition to our opposition, I hold in my hand a Joint Memorial passed by the Idaho State Legislature opposing the reintroduction of the grizzly bear in Idaho.

With the governor saying no, the State Legislature saying no, the entire Idaho Congressional Delegation saying no, and the people of Idaho saying no, what part of no does the Department of Interior not understand.

In a letter to Secretary of the Interior Bruce Babbitt dated May 15, 1997, as a unified Congressional Delegation we wrote to express our concerns with the pro-

posal and to try and obtain more information. We have yet to receive answers to our questions and our concerns remain unresolved.

The opposition to the reintroduction of the grizzly bear originates from a variety of places. The grizzly bear is know to be unpredictable and dangerous to people, and livestock. It's Latin name says it all: *Ursus Arctos HORRIBlLIS*. What is most disconcerting is that the Department of the Interior has not demonstrated and understanding nor a willingness to allow State and counties the ability to properly protect citizens.

It is my belief that the issue of reintroduction of the grizzly bear is an issue of local control as well as one of States rights. And as we will hear today, the local people do not want the grizzly bear foisted upon them by the Federal Government.

In my view, too many issues remain unresolved. If the Federal Government places this lethal weapon into the public domain, who is liable for livestock and property damage? What about loss of human life and limb? Who will pay for all of this? Additionally, grizzly bears do not recognize boundaries and jurisdictional lines. If a bear were to wander from the initial point of introduction, will the new area become habitat and what effect will it have?

Most importantly, though, is the question that has been raised of whether or not the proposed site of introduction, the Selway-Bitterroot, is even be suitable grizzly habitat. The concerns are many, but until we receive fundamental answers to concerns about the loss of local control, about the protection of people and their property, and about the role of the State, I will oppose the reintroduction at every possible opportunity.

I question the wisdom of an effort to place a lethal weapon into public domain forests when there remain habitat-suitability questions and when there currently exists a thriving population of the species just a couple of hundred miles to the southeast of the proposed site. This, coupled with the State's vehement objections, should provide an easy answer to the question of whether the Administration should proceed with the reintroduction.

STATEMENT OF HON. RICK HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. HILL. Thank you, Madam Chairman, and good morning. I want to thank the Chairman for holding this oversight hearing, and I appreciate the opportunity to be here. Grizzly introduction is certainly a very important issue in the State of Montana, and like other endangered species issues, it is proving to be quite controversial.

I would also like to welcome the witnesses who are here today and especially recognize those from Montana who are here today to participate in the hearing. The truth that I am most interested in today is how the Montanans feel about the reintroduction of the grizzly and what is the reality of that reintroduction; not what should happen in a perfect world but what will happen and how will Montana be impacted.

As we go through this process, the most important thing to me is public input and protecting the rights of individuals, industry, sportsmen, and interest groups while being sensitive to the desire of restoring grizzlies in the Selway-Bitterroot. I believe strongly that if reintroduction actually does take place, the locals should be involved in every aspect of grizzly bear reintroduction and management, not just in an advisory capacity but as a group that has real power to effect change and to set policy.

Unfortunately, I think history shows that in spite of good intentions, the public is not the final decisionmaker, nor the chief manager of species and habitat. Final decisions and plans are ultimately made by the U.S. Fish and Wildlife Service here in Washington, DC. I understand the Forest Service has met with impacted communities and will continue to do so as the process goes forward,

and I appreciate the efforts being made to keep communities involved in that process.

I strongly believe that if reintroduction takes place, the only way it will be successful is if there is a consensus among impacted groups. Although there have been assurances that there will be a Citizen Management Committee to develop policy and work plans, there is a great deal of skepticism on the part of most Montanans on whether they really will have a final say on the management responsibility.

So I look forward to the testimony today. Montana is a great State with the most productive game population in the lower 48. I believe Montana has shown that it is most qualified to manage wildlife and resources, develop community-based plans, and address the goals and desires of citizens, not the Federal Government, and will fight for those rights. Thank you again for coming today, and I look forward to hearing from all of you. Thank you, Madam Chairman.

Mrs. CHENOWETH. I thank the gentleman from Montana, and the Chair now recognizes the Minority member, Mr. Bruce Vento from Minnesota.

STATEMENT OF HON. BRUCE VENTO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. VENTO. Thank you, Subcommittee Chairman Chenoweth. I am pleased to be here today for a brief time. I will be coming and going and I apologize for that because of my schedule but wanted to at least weigh in with regards to an interest and concern about the policies that are being advanced in regards to reintroduction of the grizzly in the Rocky Mountain areas.

Obviously, this follows on a controversy with regards to the reintroduction of the wolf, and I think there are some things that—the timber wolf—and there have been some I think lessons learned in that particular process. And it is interesting to note that many of the participants are at the table in terms of the various groups, both from the timber industry and from the conservation or environmental groups, as well as State and local government, that, in fact, Secretary Babbitt and Secretary of Agriculture Glickman and others are attempting to try and draw together a consensus or at least whatever consensus may exist with regards to the science and with regards to the practical aspects and impacts of the grizzly bear reintroduction in this area, which is, of course, and has been or was a significant part of the ecosystem before greater settlement occurred.

In fact, some of the documents historically that you read indicate that there was a significant concentration of grizzly bear in the area. Now, no one, obviously, is advancing the notion that that will occur in the near future or in the far future I guess. But it is I think a worthy effort. I hope that this hearing will provide some information to the members and to the Committee and to Congress so that if indeed any policies that are being advanced administratively are to be addressed by the Congress or informally by members that they can do so in an enlightened manner.

I would note, obviously, that there is tremendous emotional response to any type of reintroduction of a major predator like the

grizzly or the timber wolf. Obviously, the response there I suppose is somewhat predictable but I think has to be measured against the science in terms of what is taking place in these areas, clearly in areas like Yellowstone and other areas where they have extensive visitation, a lot of human contact in terms of the park for recreation and for other purposes.

They have been able to make adjustments to face up to the presence of the bear and their activities in that area. So I think that it is likely that the same thing can occur in areas that are less intensively used for visitation and recreation and where there is less human contact. Obviously, that would take a good will on the part and I think a fair approach with regards to the policies and the use of the information. So I look forward to the hearing. I have no prepared statement and will try to chime in as we go along. Thank you.

Mrs. CHENOWETH. Thank you, Mr. Vento. My colleague, Senator Dirk Kempthorne, was unable to deliver testimony today due to another commitment. But without objection, I would like to place his entire statement in the record. Also, with the committee's indulgence, I would like to read several comments from his statement for the record.

Senator Kempthorne wrote in his testimony prepared June 12, "As an Idahoan, I have significant concerns about the continuing Federal involvement in the management of the grizzly bear, a species that many scientists believe is no longer threatened. And I am particularly concerned about the Administration's plans to artificially introduce the grizzly into Idaho without the explicit permission of the people of this State.

"As an Idahoan, I worry about what these dangerous predators will do to the people of Idaho who happen to come in contact with them. And as Chairman of the Senate Environment and Public Works Subcommittee on Drinking Water, Fisheries and Wildlife, I also take the broader view of the grizzly and its status under the Endangered Species Act. I have seen very credible scientific evidence that the grizzly has already been recovered.

"In my mind, introduction of the grizzly raises a fundamental question: how will we protect our citizens and their property from this dangerous predator? We are constantly told that by following certain safety tips, people can avoid grizzly bears or make encounters with them safe. We are also told that ranchers and other people that use livestock must accept certain small losses for the common good.

"I asked a reconstructive surgeon with more than 20 years' experience with grizzly attacks about the most common bear maulings he has encountered. And I am going to quote from a letter I recently received from Dr. William Wennen on this issue."

The doctor wrote, "Probably the most common bear mauling that I have seen is that from a sow grizzly where the tourist/traveler/hunter/ et cetera, somehow accidentally gets in between the mother [sow] and a cub or two. The attack comes suddenly, usually without warning, and the first time the individual realizes that he is in trouble is when he is virtually face to face with a grizzly in full charge. There is little, if any, time to react, and the injuries usually follow a fairly consistent pattern." "I am going to stop here," the

Senator wrote, "because the injuries that Dr. Wennen describes are gruesome beyond words.

"Because of the very great danger that Idahoans would face if we allow the introduction of grizzly bears into the State, I cannot support any plan unless it is supported by the people of the State. This is not a small issue. No matter how much people in other States may want to see grizzly bears in Idaho, Idahoans should have the right to make that decision.

"This isn't just an Idaho issue. The range of the grizzly when European man came to North America included California. In fact, the only grizzly bears you will find in California today are on the State flag or possibly in captivity. I don't think that I have the right as an Idahoan to insist that California accept introduction of the grizzly to the central valley just because I think there is food and habitat to support it there.

"At a field hearing before my subcommittee in Casper, Wyoming, I heard testimony from Terry Schramm of the Walton Ranch Company of Jackson, Wyoming, near the Idaho line. Terry testified that Teton County is 97 percent federally owned, and that without a grazing permit from the Forest Service, he doesn't have a viable economic ranch operation. In cooperation with the Fish and Wildlife Service, he determined that he is living with 11 grizzly bears and 22 black bears on his 88,000 acre allotment.

"And when he asked for the removal of one or two of the grizzly bears that have become habitualized to preying on his calves, he was given the cold shoulder by the Federal Government. The bottom line is that States should have the right to make the decision about predators like the grizzly bear. And by all measures, the bear appears to have recovered and the species should be delisted." Without objection, I would like to enter the Senator's full testimony in the record.

[Statement of Senator Kempthorne follows:]

STATEMENT OF SENATOR DIRK KEMPTHORNE, A SENATOR IN CONGRESS FROM THE STATE OF IDAHO

Good morning Chairman Chenoweth, ladies and gentlemen. Thank you for holding this hearing on the introduction of grizzly bear into Idaho. As an Idahoan, I have significant concerns about the continuing Federal involvement in the management of the grizzly bear, a species that many scientists believe is no longer threatened. I am particularly concerned about the Administration's plans to artificially introduce the grizzly into Idaho without the explicit permission of the people of the State.

As an Idahoan, I worry about what these dangerous predators will do to the people of Idaho who happen to come in contact with them. As Chairman of the Senate Environment and Public Works Subcommittee on Drinking Water, Fisheries and Wildlife, I also take the broader view of the grizzly and its status under the Endangered Species Act. I have seen very credible scientific evidence that the grizzly has already been recovered. However, the Federal Government does not appear to agree, and seems to constantly revise their criteria for recovery.

In my mind, reintroduction of the grizzly raises a fundamental question: how will we protect our citizens and their property from this dangerous predator? We are constantly told that by following certain safety tips, people can avoid grizzly bears or make encounters with them safe. We are also told that ranchers and other people that use livestock must accept certain small losses for the common good. I question both of these assumptions.

The instructions that hikers get before entering "bear country" include:

warnings to be aware;
don't surprise bears;
make plenty of noise;

camp in open areas away from streams with fish;
don't cook near where you sleep;
don't cook smelly foods;
don't sleep in cloths with food odors;
don't store food, lotions or dirty cloths near where you sleep;
bury garbage; and on and on.

But what do you do if you accidentally encounter a bear? The conventional wisdom is to stay calm, do not run, wave your arms, speak in a loud voice (I might suggest PRAY in a loud voice), don't climb a tree unless you can get up 30 feet, and so on. Apparently, what you should do if you are attacked is lie on your stomach or curl up in a ball with your hands locked behind your neck, and hope that the bear will stop soon. That's not very reassuring.

I was curious about this advice, so I asked a reconstructive surgeon with more than 20 years experience with grizzly attacks about the most common bear maulings he has encountered. I am going to quote from a letter I recently received from Dr. William W. Wennen on this issue.

"[P]robably the most common bear mauling that I see is that from a sow grizzly, where the traveler/tourist/hunter/et cetera, somehow accidentally gets in between mother (sow) and a cub or two. The attack comes suddenly, usually without warning and the first time the individual realizes that he is in trouble is when he is virtually face-to-face with a grizzly in full charge. There is little if any time to react and the injuries usually follow a fairly consistent pattern: . . ."

I am going to stop here, because the injuries that Dr. Wennen describes are gruesome beyond words. Believe me, something very bad happens to the unfortunate person that "suddenly," and "usually without warning" is attacked. I suppose the odds of an attack are low, but tell that to the people who have to live with the injuries . . . if they live.

Because of the very great danger that Idahoans would face if we allow the introduction of grizzly bears into the State, I cannot support any plan unless it is supported by the people of the State. This is not a small issue. No matter how much people in other States may want to see grizzly bears in Idaho, Idahoans should have the right to make that decision.

Turn this question around for a minute. This isn't just an Idaho issue. The range of the grizzly when European man came to North America included California. But, the grizzly was wiped out in California, just like it was through most of its range. In fact, the only grizzly bears you will find in California today are on the State flag or possibly in captivity. I don't think that I have the right as an Idahoan to insist that California accept introduction of the grizzly to the central valley just because I think there is food and habitat to support it there.

At a field hearing before my Subcommittee in Casper, Wyoming, I heard testimony from Terry Schramm of the Walton Ranch Company of Jackson, Wyoming near the Idaho line. Terry testified that Teton County is 97 percent federally owned, and that without a grazing permit from the Forest Service he doesn't have a viable economic ranch operation. Terry has been forced to accept losses of cattle of between 2 and 3 percent as a cost of doing business. But, in just two years he lost 141 head of calves, approximately 9 percent to all causes, including grizzly bears. In cooperation with the Fish and Wildlife Service, he determined that he is living with 11 grizzly bears and 22 black bears on his 88,000 acre allotment.

When he asked for the removal of one or two of the grizzly bears that have become habitualized to preying on his calves, he was given the cold shoulder by the Federal Government. I asked Terry who has the authority for the removal of a nuisance bear. Terry's reply was: "I've been involved in this for 4 years, and I would like to see the bear turned over to the States."

The bottom line is that States should have the right to make the decision about predator's like the grizzly bear. I have to ask, why can't the management of the grizzly bear be turned over to State control. By all measures, the bear appears to have recovered and the species should be delisted.

When the population biologists who specialize in the management of small populations ask the recovery question they turn to a statistical analysis called a "population viability analysis" or PVA. Recently I discovered a PVA that had been done for the grizzly bear.

Dr. Mark Boyce, previously of the University of Wyoming, and now at Stevens Point, Wisconsin, calculated that a ". . . conservative estimate of the probability of persistence of the [Yellowstone area] grizzly bear population for 100 years [is] in excess of 99.2 percent." But because bears are relatively long-lived, Dr. Boyce recalculated the probability of the grizzly bear becoming extinct within the next 500 years at 96.1 percent. That is less than a 4 percent chance that this species will

become extinct considering all of the appropriate population parameters, and the probability of natural disaster.

The other thing that interested me in Dr. Boyce's PVA of the grizzly bear was his desire to have existing data on habitat relationships worked into a PVA model. Dr. Boyce stated that: "We cannot evaluate the consequences of natural resource management actions to grizzly bears in the Rocky Mountains until such a habitat-based PVA is completed." In response to this need, I have asked the Senate Appropriations Committee to provide $75,000 to finish the analysis. There is every reason to believe the completed study will demonstrate that there is an extremely small probability that the grizzly bear will become extinct in the next millennium.

Which brings me to my final point. There appears to be no good reason to continue with the Environmental Impact Statement on introduction of the grizzly bear into the Selway-Bitterroot area. For that reason, I have asked the Senate Appropriations Committee to spend no more money on the EIS except to obtain public comment on the existing draft.

Thank you for the opportunity to provide this statement to you.

Mrs. CHENOWETH. Now, I would like to call forward our first panel, Dr. Ralph Morgenweck, Director, Mountain Prairie Region of the United States Fish and Wildlife Service, Denver, Colorado, and Hal Salwasser, Regional Forester, USDA Forest Service in Missoula, Montana. Gentlemen, before we get started, if you will rise and raise your right hands so we can take the oath.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you and I now recognize our first witness, Dr. Ralph Morgenweck. Dr. Morgenweck, would you please proceed?

STATEMENT OF DR. RALPH MORGENWECK, DIRECTOR, MOUNTAIN PRAIRIE REGION, U.S. FISH AND WILDLIFE SERVICE, DENVER, COLORADO

Mr. MORGENWECK. Good morning and thank you, Madam Chairman, and members of the Subcommittee. I am Ralph Morgenweck, Regional Director of the Fish and Wildlife Service's Mountain Prairie Region in Denver, and I thank you for the opportunity to be here today to talk about the Service's approach to reintroduction of endangered and threatened species on Federal lands; in particular, this discussion of the grizzly bear in the Bitterroot Ecosystem in central Idaho and western Montana.

And I would like to compliment the Chairman for this opportunity to continue the dialog about grizzly bears in the Bitterroot, about grizzly bear biology, and about grizzly bear recovery. I think this is an important part of the overall discussion about what happens to grizzly bears in the future.

One thing I need to inform the Committee of is that the testimony that you have has been modified in one major way. I have been informed that just today that the Department of Interior has come to a conclusion and made a decision about the release of the draft environmental impact statement and the selection of a preferred alternative. And I will pass that information on to you in the course of my comments.

There are three additional points I would like to make in my brief summation of my formal testimony. First, the reintroduction of grizzly bears in the Bitterroot Ecosystem provides an unmatched opportunity to ensure the continued survival of the grizzly bear and to move toward eventual delisting of the species throughout the lower 48 States.

The grizzly bear is a species that has been eliminated from about 98 percent of its historic range and today some 800 to 1,000 remain in the lower 48 States. At the same time, because of the wilderness designation of the Bitterroot Ecosystem, the impact on economic development and other land use would be far less significant than on other Federal lands.

Second, the draft environmental impact statement that the Interior Department just approved and is about to release is a culmination of a comprehensive process of scientific analysis and public comment that began in 1975 with the listing of the grizzly bear, proceeded through the preparation of the first recovery plan in 1982, the formation of the Interagency Grizzly Bear Committee in 1983 of which Idaho was a member, the evaluation of the Bitterroot Ecosystem habitat which culminated in a 5-year study in 1991, leading to the subsequent approval by the Interagency Grizzly Bear Committee of the Bitterroot Ecosystem as a recovery zone.

It moved on then to the preparation of the recovery plan chapter that was completed in 1996, and the scoping for the draft EIS which included working with the Idaho Legislative Oversight Committee. And this process has taken more than two decades. Much of this process is detailed in my formal testimony.

Clearly, it has been one of the most exhaustive such efforts that my agency has undertaken. Hopefully, it ensures that whatever decision is finally reached about the grizzly bear is based on the best available science and takes fully into consideration the viewpoints of everyone affected by the decision, including State and local governments, businesses, conservation groups, and thousands of local citizens, and the national public at large.

Third, the process is not yet completed. The draft EIS contains four alternatives. The Interior Department has chosen a preferred alternative and will publish the draft by the 1st of July. Congressional members and their staff, as well as other key State, local, and tribal participants will be fully briefed before the draft EIS is released. The public will then have an opportunity to comment on the draft.

Alternative one is the preferred alternative, and we believe it contains a novel approach to ensuring continued participation by local citizens in the reintroduction process. It proposes the creation of a Citizen Management Committee tasked with management of the grizzly bear population's recovery.

The idea for this committee was suggested by a diverse group of Idaho timber owners, Idaho labor groups, the Intermountain Forest Industry Association, Defenders of Wildlife, and the National Wildlife Federation. In short, management for the Bitterroot grizzly population would be delegated by the Interior Secretary to this citizen group. The only stipulation would be that their decisions would lead to the ultimate recovery of this population.

A 1995 survey conducted for IGBC showed that 62 percent of local, 74 percent of regional, and 77 percent of national responses were supportive of reintroducing grizzly bears into the Bitterroot. But these views of the majority in no way depreciate the legitimate concerns of others about the reintroduction, including issues of personal safety, and legality of the Citizen Management Committee.

And we believe this EIS process is the means by which this debate should occur. We have addressed and continued to address those concerns in the EIS process. In looking back over this process, I believe that we have made strides in improving how the people and their government can work together to find the solutions to difficult conservation problems, and we look for more dialog on this.

In closing, I would note that the Service has undertaken other reintroductions of threatened and endangered species on Federal land, including the gray wolf, the black-footed ferret, and the California condor. As you know, these reintroductions were not without controversy, and in each case the Service actively sought the involvement of local communities. I am confident that a reintroduction of the grizzly bear to the Bitterroot would be successful and that it would contribute greatly to the ultimate recovery and delisting of the species. Thank you, Madam Chairman.

[Statement of Mr. Morgenweck may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Dr. Morgenweck. Mr. Salwasser, we welcome your testimony.

STATEMENT OF HAL SALWASSER, REGIONAL FORESTER, USDA FOREST SERVICE, MISSOULA, MONTANA

Mr. SALWASSER. Thank you, Madam Chairman. Thank you for this opportunity to discuss the reintroduction of endangered predators on Federal lands. The Forest Service's multiple use management responsibilities include the Endangered Species Act mandate to conserve threatened and endangered species and the ecosystems on which they depend.

Coupled with our mandate from other statutes to provide for sustained yields of many resource uses and to provide for diversity of plants and animals, we manage Federal public land ecosystems for a multitude of uses including the conservation of endangered species.

Madam Chairman, about one-third of all species currently listed as endangered or threatened in this country find their last and best habitats on the national forests and grasslands. And we have successfully protected and improved habitat for many of these species.

For example, bald eagle, peregrine falcon, grizzly bear, eastern timber wolf, California condor, and Puerto Rican parrot have all been or are being brought back from the brink of extinction through Forest Service conservation actions. Through these recovery efforts, we also preserve some of the cultural heritage of American Indian tribes.

As other lands and habitats come under increasing pressure to provide home sites, food, and raw materials for people, public lands become increasingly important places for the rare species or the species at risk of extinction. Today, suitable habitat for the large carnivores, the last pieces of America's natural heritage of large animals, is limited.

And road developments, developments for cities and towns, and private land habitat losses constrain the distribution of these animals. Because these species and their habitats rarely conform to lines on maps, the combined efforts of many agencies, organizations, and communities are needed to conserve these species.

The Forest Service, therefore, is only one of many cooperators necessary to the survival of species at risk. We work closely with the Fish and Wildlife Service and the National Marine Fisheries Service, who are the lead agencies in implementing the Endangered Species Act. States are also partners, as well as the National Park Service, Bureau of Land Management, tribes, and other Federal agencies.

In 1986, the Interagency Grizzly Bear Committee developed recovery guidelines to reduce human-caused mortality and to improve habitat security. These guidelines are the main reason that grizzly bears still exist in the lower 48 States and, in fact, thrive in two of their ecosystems.

Concerns relating to grizzly bears center around four issues: public safety, access restrictions, changes in economic opportunity, and livestock depredation. I will briefly address each of these.

Public safety is the most significant concern in grizzly country. We have found that the key to public safety in grizzly bear country is education. For years, we have been working with local communities, the general public, and with outfitters and guides about living and recreating safely in areas with grizzly bears. While encounters between grizzlies and humans do occur, these incidents are rare. Education works.

Access to Federal lands is another major concern. To protect sensitive public resources, we sometimes restrict access on roads into certain areas. Sometimes restrictions are seasonal; for example, closures to protect water quality or fisheries and reduce activities that would cause erosion and sediment during rainy weather.

Seasonal restrictions also secure essential habitat for wildlife such as protection of elk calving areas and grizzly spring range. Sometimes the closures are permanent where roads are obliterated to reduce administrative costs or environmental damage or to provide secure areas for wildlife.

Federal lands have many values including economic opportunity. These values are in timber and grazing and a wide range of recreation activities such as commercial outfitting and guiding services, tourism, camping, picnicking, hiking, picking berries, hunting, fishing, and watching and photographing wildlife.

In timber-producing areas where grizzly bears are present, conservation efforts have an effect on national forest timber production. However, planning access and scheduling of sales does provide for both grizzly bear recovery and some timber sales to go forward. The quantity of timber available for harvest on national forests has been most influenced by issues related to roadless areas, water quality, and fisheries.

With large carnivores such as the grizzly bear, there is the potential for livestock depredation. There are provisions within the grizzly bear guidelines for rapid removal of animals that prey on livestock. And in primary grizzly recovery habitats, livestock operations may be modified—for example, moving a sheep allotment out of a recovery zone—in order to reduce potential bear and livestock conflicts and still provide public land grazing.

To conclude, Madam Chairman, in recovery of any threatened or endangered species, the Forest Service works together with other Federal agencies, communities, States, tribes, organizations, and

individuals. We strive for the common goals of land stewardship and sustainable resource uses.

I believe the best way to balance these potentially conflicting goals is to work with communities of interest—that is, interests on all sides of the issues—and with locally affected people in civil discussions to create areas of common agreement. To best serve the people, we must work in an open, fair, and inclusive setting to build community solutions on how to share the wealth and bounty of our great public lands and resources. Madam Chairman, I would be happy to answer any questions you or the Committee might have.

[Statement of Mr. Salwasser may be found at end of hearing.]

Mrs. CHENOWETH. I thank you, gentlemen, and the Chair recognizes the gentleman from Montana for opening questions. Mr. Hill.

Mr. HILL. Thank you, Madam Chairman. I guess I would like to start my questioning with Dr. Morgenweck. Just recently in the press, and I think sometime in the last month or so, we had an incident down in Red Lodge where a grizzly bear attacked a horse. You are probably familiar with the incident.

Mr. MORGENWECK. I am.

Mr. HILL. And the woman who owned the horse got a .22 rifle and shot at the bear in an effort to try to scare it away, and, by golly, she shot it in the right place and she killed the bear. And this bear was in the process of attacking her horse. In fact, it was a prized horse. And she reported it—appropriately reported it. An investigation was conducted, and as I understand it, she has been fined $1,600.

And, in addition to that, there was at least the potential for a prison sentence for protecting her property. My question is that under this reintroduction plan, would this citizens group have the authority to provide for private property owners to protect their property from grizzly bear attacks such as that?

Mr. MORGENWECK. Under the proposal in the alternative, it is legal to defend one's life and the life of others in terms of killing a bear. In terms of property damage, the proposal lays out a process whereby nonlethal hazing could be used by a landowner if they are having problems with livestock depredations.

Also the Citizen Management Committee would be asked to develop a protocol for dealing with these kinds of situations. Under the preferred alternative, if the management agencies have done their best to capture the animal, to move it, or destroy it depending on the circumstances, a permit could be issued to the landowner that if they had further problems with the bear, the bear could be taken. So we———

Mr. HILL. But, I mean, in an instance where a person—I mean, the bear is in the process of attacking your livestock.

Mr. MORGENWECK. Right. The———

Mr. HILL. The citizen wouldn't be empowered to act to protect that livestock other than to go out there and wave their arms and try to shoo the bear away. I mean, is that———

Mr. MORGENWECK. Nonlethal hazing would be allowed. Yes, but in a first instance, killing the bear would not be allowed.

Mr. HILL. I mean, you know, this management area has very close proximity to a lot of citizens, a lot of people as I know you

know. In fact, I think that the management area goes right down to Highway 93 or very close to Highway 93. There are a lot of people there. There is a lot of livestock there. There are a lot of horses there. I guess what I am asking is can any provision be made in this management plan that would allow those property owners to protect their property using lethal force or is that absolutely prohibited?

Mr. MORGENWECK. That is a very difficult question because we are trying to reach a balance between not being too precipitous in terms of the use of lethal control and using it when called for. That is one of the things that Mr. Salwasser mentioned about education that I think we have learned with wolves, for example.

The first reaction by many ranchers was, "We really need to be able to kill wolves right off." However, we have found through our process of working with individual ranchers that when they have problems they have been willing to consider nonlethal controls, nonlethal ways of dealing with wolves.

Obviously, there is a time when that may not work and the animals need to be taken. So I think this is a point of importance so that in the course of reviewing the draft if other safeguards are identified I think we would be happy to consider them.

Mr. HILL. Well, as you know, this area is a little bit different than other areas where endangered species, particularly bears, have been introduced because there are a lot of property owners that areas are not in large landholdings anymore. There is a lot of ranchette-type ownership. I mean, there are just a lot of livestock there. One of the things I hear from the people—the residents of that valley is this concern. And so that is why I have raised it with you.

But, I mean, I think you would have to admit that nonlethal hazing of a timber wolf and nonlethal hazing of a grizzly bear are two different things. It takes a certain degree of courage to go after a timber wolf. That takes a lot of courage to go out and haze a grizzly bear. And there is serious concern in the valley if, in fact, you go forward with regard to how this would impact private property, particularly livestock.

Mr. MORGENWECK. Congressman Hill, the proposal would have the release of the bears only north of the Salmon River, and we would expect that given five animals or thereabouts, per year being added, it would be many, many years before we were likely to have enough bears to be spilling out in the other areas. Now———

Mr. HILL. But I would caution you that when we reintroduced timber wolves, I think you substantially misestimated the period of time it was going to take to have full recovery but the impacts would be how wide they ranged. I mean, I think you would admit to that, wouldn't you?

Mr. MORGENWECK. I would admit that wolves are being more successful in terms of reproduction than we predicted. On the other hand, the level of problem we have had with livestock losses hasn't been as bad as we thought it might. And a lot of that credit goes to the individual landowners. We have been working with some people who didn't like wolves very much and have become tolerant of wolves. We have worked with them very well, and as a result we find ourselves both from a biological standpoint and from a so-

cial standpoint, in a more positive place than we thought we might be.

Mr. HILL. Thank you, Madam Chairman.

Mrs. CHENOWETH. Mr. Hill, we will return for another round of questioning. Dr. Morgenweck, you announced today the issuance of your draft environmental impact statement and the fact that you have chosen alternative number 1 as the preferred alternative. Is that correct?

Mr. MORGENWECK. Yes.

Mrs. CHENOWETH. And that decision was announced today?

Mr. MORGENWECK. That is correct.

Mrs. CHENOWETH. Did that have anything to do with these hearings that are being held today?

Mr. MORGENWECK. I don't think so. Actually, we had planned to have this document done last fall. It has been a long review process including legal review and departmental review, until we simply got to the review concluded.

Mrs. CHENOWETH. Are all the permits in place? For instance, the document of decision or a decision of record from the State?

Mr. MORGENWECK. We have to remember that at this point we are not ready to reintroduce grizzly bears. All that we are talking about is a decision on the content and release of a draft environmental impact statement, which means that once the draft is released, there is a lot of dialog, meetings, and public comment to reach a decision as to which alternative should be pursued. So any issues about permits related to a reintroduction would be something that would have to be dealt with in the future. And I might add I apologize for the delay of the release of the EIS.

Dr. Servheen points out to me that under the preferred alternative, on private lands—getting back to Congressman Hill's question—on private lands, bears involved in the act of taking livestock would be allowed to be killed on those private lands and that bears getting down into the Bitterroot Valley, in among people, would be captured and moved back or removed lethally depending on the circumstances.

Mrs. CHENOWETH. Do you remember the case of John Shuler in Montana where two bears were in his sheep pens?

Mr. MORGENWECK. I am sorry. I don't remember the details.

Mrs. CHENOWETH. And a grizzly bear charged him, and he killed the bear on his own property. And the Fish and Wildlife Service brought suit against him for illegally taking a grizzly bear?

Mr. MORGENWECK. Again, I think it is important to remember that the management of bears in the populations that currently exist are different or would be different than with the reintroduced population. That is the point of having the experimental nonessential designation in that we can custom cut the management and the rules associated with how bears are treated for that particular area. That is one of the powerful incentives for reintroduction. The rules are set through a rulemaking process. That is the flexibility that was given to us in 1982 when the Endangered Species Act was amended.

Mrs. CHENOWETH. Well, help me understand this. If a bear is determined to be a bear that was reintroduced and it is charging a person and that person is on his own property and that individual

protects his life by shooting the bear, that is OK. But if it is determined it was a native grizzly bear by chance, then he cannot protect himself. Right?

Mr. MORGENWECK. No. If we reintroduce the bears into the Bitterroot, for example, all the bears that are there would be considered products of reintroduction because you can't, obviously, tell them apart unless they are marked. In the example you gave the person was protecting his life, thus it would be legal for him to kill the bear.

Mrs. CHENOWETH. And you don't see an inconsistency between the bears in Idaho, if this reintroduction should proceed, and the bear that Mr. Shuler encountered on his own property?

Mr. MORGENWECK. The inconsistency, perhaps, is that there are different rules that would be applied in a reintroduced population. Now, while I am not familiar with the specifics of Mr. Shuler's situation, if a person is defending their life or the life of another person, it is legal to kill the bear. Now, if Mr. Shuler was prosecuted, there must have been some reason to suspect that the circumstances were other than that. But I just don't know the particulars of that situation.

Mrs. CHENOWETH. Would you please submit for the Committee your analysis of the case after you have read it?

Mr. MORGENWECK. Yes. I would be happy to.

Mrs. CHENOWETH. All right. And Mountain States Legal Foundation is now defending Mr. Shuler———

Mr. MORGENWECK. All right.

Mrs. CHENOWETH. [continuing] in his appeal. We will go for another round of questioning. Mr. Hill.

Mr. HILL. Thank you again, Madam Chairman. Dr. Morgenweck, one of the situations that we have with I guess two of our bear recovery areas—one is Bob Marshall and the other is the Mission Mountain—is that there is now an argument that in order for those populations to be sustained, we have to link those two populations so that bears can freely migrate between and interbreeding of bears. Is there any likelihood that if bears are recovered in the Bitterroot-Selway that we are then going to be faced with that argument with regard to that bear population as well?

Mr. MORGENWECK. Throughout the whole process of developing the new recovery plan that we approved in 1993, there has been the question of do we have to have linkage zones between the various populations of bears, and that is an analysis that has been going on.

In some situations we have looked at trying to find ways of reaching agreements with private landowners to protect bear habitat, that sort of thing. I believe that Dr. Servheen has been working with the county and some of these issues to try to find ways of allowing bears to move within one of the ecosystems and between various parts of the ecosystem.

I don't know the answer to the linkage zone question other than we have been evaluating it. There is an alternative in the EIS, alternative four I believe it is to look at a linkage zone between the Bitterroot and the Cabinet-Yaak so that question of linkage remains. However, at this point, we have not felt the necessity to have linkage zones between ecosystems—say between the Cabinet-

Yaak and the Bitterroot, between Yellowstone and the Northern Continental Divide, for example.

Mr. HILL. So let me just be clear that I understand your answer, your answer then is that that could happen? I mean, if we have a reestablished bear population in this area that we could then down the road be faced with this issue of linking this population with Cabinet Mountains, for example, which would impact a substantial amount of private property. Is that correct?

Mr. MORGENWECK. Well, I believe there are groups that would make that argument. It is our position that it is not necessary.

Mr. HILL. But, I mean, that position could change. Right?

Mr. MORGENWECK. I suppose that is always possible, but I think it is pretty doubtful. I think that biologically speaking we feel comfortable that the population could exist unto itself in the Bitterroots.

Mr. HILL. I mean, I just have to point out to you that, you know, up in the Flathead Forest when we started a recovery plan for grizzly bears, the rules of the game changed since that period of time. And citizens have great concern that we may have a very well-intentioned effort now to involve citizens to write rules of the game but that those rules might get changed and so there is some concern about that.

But I will have some questions about that later. But there is a possibility that we could be faced then with a later argument once bears are recovered in this area that we then have to go to the next step and link this population with another population?

Mr. MORGENWECK. I, frankly, think that if we are successful in the Bitterroot, we reduce the argument that we have to have linkage zones. One of the major reasons is that if we are successful in the reintroduction in the Bitterroot, we will be adding about 25 percent to the occupied bear habitat in the country.

And if we get to, say, 280 bears or something like that ultimately in 110 years or however long the estimate is, we would have added 20 to 30 percent to the total bear population of the lower 48. I think that reduces rather than enhances the argument for linkage zones because the bigger area we have, the more populations we have, I think the stronger our arguments are that we don't have to link them.

Mr. HILL. OK. Thank you. This population would be designated as an experimental population. Does that designation remain with this population of grizzly bears forever, or would that designation later be changed or could it later be changed?

Mr. MORGENWECK. I am not aware under any circumstances that it would be changed or could be changed but that it would remain. Our objective would be to have it remain experimental nonessential until the point of delisting.

Mr. HILL. OK. And with regard to the citizens group that would be established to develop the management plan, would this citizen group have all the authority of the Secretary? When the Secretary gives them authority, do they have all the authority of the Secretary?

Mr. MORGENWECK. I am not exactly sure what the formal mechanism would be, whether there would be a delegation order to the Citizen Management Committee, but the intention of our special

rule is that they be delegated management authority. The only source of review is the Secretary because by law he has the ultimate authority.

Mr. HILL. And he could take that authority back from them?

Mr. MORGENWECK. According to the rule, under certain circumstances, and those circumstances are very narrow. If the Secretary was to make a finding that the decisions and actions by the Citizen Management Committee are not in the best interests of conservation of the bear or essentially that it is not leading to the recovery of the bear, then the Secretary would have to make known the specific concerns that he has and give the committee a 6-month period of time to make whatever are the required changes in terms of their decisions.

Mr. HILL. But all that orientation is toward recovery of the bear?

Mr. MORGENWECK. That is correct.

Mr. HILL. I mean, there is no other consideration for the other balanced values that might exist there?

Mr. MORGENWECK. Well, I think that one of the arguments that we have to be aware of when we are making arguments about conservation of the bear is sometimes the conservation of a species does involve the taking of the species. For example, we think that taking depredating wolves is an action that can be found in favor of the conservation of wolves. Because if depredating wolves were not removed, the attitudes and the support for the wolves would decrease.

So long-term, it is better and it is in the conservation interests of the wolf to have those animals taken out. So I think we have to remember that that argument is a powerful argument, and I think you could make the same argument for depredating bears in certain situations.

Mr. HILL. Thank you, doctor. Thank you, Madam Chairman.

Mrs. CHENOWETH. The Chair recognizes the ranking Minority member, Mr. Hinchey, from New York whom I just asked if he wanted the bears, and he said he was loaded for bear. So the Chair would like to hear from the ranking member with his opening statement.

Mr. HINCHEY. Well, thank you very much, Madam Chairman, and good morning, gentlemen. It is very nice to see you. I appreciate the announcement that you made today. It is a step forward I think. It is an attempt to bring people in and to get their advice and to try to improve this process by involving a broad array of citizens, and I congratulate you for that initiative.

There is, of course, a great deal of concern on the part of people in the areas where grizzly bears are proposed to be introduced. Their concerns relate to issues of safety, obviously—safety for themselves, for members of their family, for people who work in the area, or livestock—things of that nature. And I think that that is to be expected, and it is a reasonable concern.

Our responsibility—particularly yours I think—is if it is possible to do so to allay those fears. And so I would ask you, for example, what experience have we had in parts of Idaho and elsewhere where the grizzly bear currently resides in its present habitat? I understand the Bitterroot Range, for example, is a place where we have had some experience in that regard. Have people been

mauled? Have there been any deaths? Have there been any injuries? What has been the experience with livestock in those areas where the grizzly bear currently resides?

Mr. MORGENWECK. Thank you for the question. I think that human safety is probably the number 1 concern. I think you are right on there. It is an issue that we must absolutely be most careful about. What we believe in terms of projecting is that when—assuming that we were reintroducing bears in the Bitterroot and they reached 280 bears, which is approximately what we believe full recovery would be there, we believe that the densities———

Mr. HINCHEY. Excuse me, sir. Could you speak into that microphone? I am having a hard time hearing you.

Mr. MORGENWECK. Thank you. Excuse me. At the point of full recovery in the Bitterroot, which we believe would hold about 280 bears at the time, we believe those densities would be similar to areas outside of the national parks but still in bear country in the Yellowstone area.

And, for example, within the Northern Continental Divide Ecosystem outside of Glacier National Park, there have been two bear injuries since 1950. One was a mortality and one was an injury. And the injury rate in the Yellowstone area but outside the park, while it has been increasing over the last couple of decades because there are more and more bears in the Yellowstone area, averages about one injury per year. And outside the Yellowstone Park area, in the last 156 years, there have been three grizzly bear inflicted human mortalities. So bears are dangerous, but the rate of injury is not high.

Now, I think the question is how can we deal with this situation, whether it is one injury or five injuries or whatever? I think Dr. Salwasser really raised the issue of eduction. The States and the Forest Service and the Park Service have worked extensively with the back country outfitters.

They have worked with the public working on such things as camp sanitation, how to act when you are hiking in the country where there are grizzly bears to minimize the possibility of getting into trouble with a bear. They have worked extensively with sanitation of camps in the back country, garbage sanitation, working with private ranchers to deal with dead livestock and cattle feed, horse feed, that sort of thing.

I think that is one of the most important things that we can do in advance of any release of grizzly bears. In the proposal, there would be at least 1 year where issues of sanitation education are focused on very, very heavily before the bears are reintroduced.

Mr. HINCHEY. So the experience has been that bears do injure people—experience has been that these bears do, in fact, injure people. I would be curious to know—more than curious—I think it is important information—I would like to know the circumstances surrounding those injuries and the deaths that you mentioned. What were people doing? What was happening in those particular instances?

Mr. MORGENWECK. In the two instances that I mentioned outside of Glacier Park, they were both hunting related I believe. In one case, a hunter shot a bear that apparently he believed was a threat to him, and the bear in turn then killed the hunter. In the other

case, it was a bird hunter, and the hunter shot the bear and the bear mauled him but did not kill him.

So there are a variety of circumstances that the Chairman mentioned and other situations. Sometimes hikers may get caught between a sow and her cubs. Again, minimizing this is really, really important and teaching people how to minimize it is absolutely essential.

Mr. HINCHEY. I would agree completely that a lot of it has to do with education, and that is very, very important. The citizens management initiative that you have described I think is a very interesting experiment, and it demonstrates, of course, an opportunity for an unusual collaboration between representatives of the government and citizens at the local level.

How do you expect this thing to work? Will this be an advisory board? How much power will they have? How much influence are they going to exercise over decisions that will be made? Will their recommendations be controlling? How do you see the citizens advisory panel fitting into your initiatives and responsibilities and the decisions that will flow from this?

Mr. MORGENWECK. First of all, the Citizen Management Committee is a brand new concept. We have never tried it before. It is an attempt by our agency and the Department to make the ESA more friendly to local people and to users of resources. We believe that the management responsibility will be delegated to the Citizen Management Committee, and they will be making the management decisions.

The only oversight is the Secretary's review, and his review is fairly narrow in our view. So I believe that the Citizen Management Committee will be the decisionmakers, and it will be up to the land managing agencies to appropriately carry out those actual management actions.

Mr. HINCHEY. So as I understand it, the Citizen Management Committee will be making the decisions. Their decisions will be controlling subject to review by the Secretary?

Mr. MORGENWECK. Correct.

Mr. HINCHEY. And what happens if they make mistakes? What happens if they go awry? What will occur there? Would it just be that the Secretary will step in and take some action?

Mr. MORGENWECK. Yes. If there are some serious mistakes made where the Citizen Management Committee appears to be going in a wrong direction as opposed to an isolated mistake that we all make, the Secretary under the rule would have the responsibility to inform the committee of what he believes is the problem and give the Citizen Committee 6 months to fix that situation. Then if those things are fixed, they continue on as before. If they would not be fixed and the Secretary believed that it was serious enough, he could take back the management responsibility.

Mr. HINCHEY. Thank you very much. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hinchey. Dr. Morgenweck, I wanted to followup on the line of questioning from my colleague from New York. I am reading from Section 14 of the 10[j] revised draft of May 20, 1996. Now, has that been changed or altered?

Mr. MORGENWECK. There have been modifications to it since that time.

Mrs. CHENOWETH. Could you produce one for me now?

Mr. MORGENWECK. I can't right now.

Mrs. CHENOWETH. Do you have one with you?

Mr. MORGENWECK. I don't have one with me.

Mrs. CHENOWETH. All right. What kind of modifications have been made?

Mr. MORGENWECK. I am not—OK. Dr. Servheen informs me that item 14 remains the same.

Mrs. CHENOWETH. Item 14 remains the same?

Mr. MORGENWECK. Right.

Mrs. CHENOWETH. With regards to item 14, it is pretty clear that the committee does not really have the ability to do any more than suggest policy because it reads if the Secretary determines through his representatives—that could be you or any Fish and Wildlife Service member or Fish and Wildlife Service agent out in the field—if they determine that the decisions of the committee are not leading to the recovery of the grizzly bear within the experimental area, then the Service shall solicit from the committee a determination whether the decision, the plan, or implementation of components of the plan are leading to a recovery.

Then it goes on to say notwithstanding a determination by the committee. So the committee makes a determination but notwithstanding the determination by the committee that a decision is leading to the recovery of the grizzly bear—notwithstanding, the Secretary of the Interior may find that the decision is inadequate for recovery and will assume management authority. It doesn't look to me like the committee has much authority.

If, for instance, the Secretary says, "You haven't closed enough roads. There is still some multiple use activity going on. You haven't managed for the prey base for the grizzly," or whatever, then whatever may be out there that the agency may think of, and if the committee deems that it is not the right thing to do, they have no authority whatsoever. Isn't that correct?

Mr. MORGENWECK. I believe that the Citizen Management Committee has a great deal of authority to implement the recovery plan for the bear, to develop the management plans and policies for that population, to establish the protocols for reaction to human and livestock safety issues, to refine the recovery goals, and to ultimately determine whether or not the reintroduction is successful.

So I believe that they have a great deal of authority, though we recognize that the Secretary has the ultimate statutory authority. That was part of the reason that we put in the requirement for the Secretary to communicate with the Citizen Management Committee; if the Secretary believes that there is some error in direction there is an opportunity to have a dialog and hopefully agreement upon the part of the committee and the Secretary that some course of action can be taken that clears up whatever the problem is.

Mrs. CHENOWETH. I think it is pretty clear that the committee has the ability to develop, implement, determine, but they don't have the ability to make decisions—final decisions. And I am not at all comfortable with this until they do.

Mr. MORGENWECK. Well, Madam Chairman, I think that if there are suggestions that you have or that anyone has, frankly, about the Citizen Management Committee in terms of clarifying its authorities, strengthening them within the ESA, we would be very pleased to consider those and have a dialog with you and other members about that point because it is a crucial point. It is absolutely key to that alternative.

Mrs. CHENOWETH. Has the Service thought about liability that the Citizen Management Committee would be assuming in developing, implementing, determining, evaluating all of these things? What if someone is killed or injured? They have put themselves in a position of being personally liable.

Mr. MORGENWECK. Well, I am not an attorney, Madam Chairman, but in discussions with our attorneys, our Solicitor's Office does not feel that the members of the Citizen Management Committee are going to be held personally liable. Obviously, the actions that are going to be carried out are going to be carried out by the agencies, i.e., removing a bear, et cetera. So I think that the liability rests, where it always has, with the agencies.

Mrs. CHENOWETH. Aren't you under the doctrine of sovereign immunity? I mean, people can sue you if you give them your permission. Right?

Mr. MORGENWECK. They also can sue us for torts and also, of course, under the ESA. So we do perhaps have some protections, but we also believe that that is a point that if there needs to be more legal discussion on, then perhaps that is a good point to discuss.

Mrs. CHENOWETH. Thank you, Dr. Morgenweck. I am very concerned about the liability in the fact that I don't believe that the government can extend immunity to members of this Citizens Management Committee. We are going to go for another round of questioning, but before we do that, you have just listed the bull trout in Idaho. And the Governor had proposed to put together a State plan. It wouldn't be a plan by a Citizen Management Committee, it was a State plan under the direction of the Idaho Fish and Game.

And that was ignored, and you went ahead and listed it even though Secretary Babbitt had promised the Governor that they would work it out so that the State can manage the bull trout, which is a resident fish. If the Federal agency acted this way with the Governor and the Director of Fish and Game, why do we have any confidence that you would act any better with private citizens making up a Citizen Management Committee?

Mr. MORGENWECK. Well, a two-part answer. First of all, I apologize. I am not that familiar with the details of the bull trout because bureaucratically it is in the lead of a different service region. But one difference between whatever the conservation agreement attempts were for bull trout and the case of grizzly bears, is the bear management is in a regulation. So the agreements in a rulemaking as opposed to whatever agreements had been reached relative to the bull trout are much more explicit and much more binding.

Mrs. CHENOWETH. I think that the very word of the agency is in question here because the Secretary himself promised our Governor

personally that the State could manage the bull trout. Then the agency acted otherwise. So———

Mr. MORGENWECK. I recognize that credibility is a crucial issue for the Service in dealing with the Endangered Species Act and all kinds of situations. One of the things that we are trying to do better is to interact with local units of government and with the States to do a better job in those communications.

Now, one of the things that we can't always control are lawsuits. Many times what we want to do or our agreements are overturned because someone sues. I believe in the case of the bull trout there was a lawsuit, and I believe it was because of that lawsuit that the new petition finding was dictated by the Court. And as a result, I believe a proposal to list may well be in the offing.

Mrs. CHENOWETH. And the suit—the case was what?

Mr. MORGENWECK. I believe that the Fish and Wildlife Service was sued on warranted but precluded petition finding of some time back. The Fish and Wildlife was sued and I believe the Court ordered that a new finding be made, and I believe, the Court gave the Fish and Wildlife Service a date for the new finding. Like I said, I don't have the lead on that so I don't know all the details. And if you wish, perhaps we could provide some details with dates and all that that would be more helpful than my testimony.

Mrs. CHENOWETH. But for the record, the Court did not order the Fish and Wildlife Service to list the species and manage it in Idaho over and above the desires of the State?

Mr. MORGENWECK. Well, the Court ordered———

Mrs. CHENOWETH. They asked the Fish and Wildlife Service to complete their documentation on no significant finding?

Mr. MORGENWECK. No. The Fish and Wildlife Service can be petitioned, as can the National Marine Fisheries Service, to list a species. We made one finding which I believe was a finding that the listing was warranted but it was precluded by other higher priority species. I believe that was the finding. Then a lawsuit ensued after to overturn that finding, and the Court ordered the Fish and Wildlife Service to make a new finding on that petition based upon the existing information at the time which I believe was up to 1994 or 1995—something like that.

Mrs. CHENOWETH. The Chair recognizes the gentleman from New York for further questioning.

Mr. HINCHEY. I have nothing further.

Mrs. CHENOWETH. All right. Mr. Vento, do you have questions?

Mr. VENTO. Yes, I do. As I understand the announcement this morning, Director Morgenweck, is that the Administration is going to pursue the citizens group as an advisory group or as a management group of the grizzly reintroduction. Is that correct?

Mr. MORGENWECK. That is correct. That is the preferred alternative for the EIS process.

Mr. VENTO. And so the Secretary will—he delegates this authority administratively, in other words, within the context of the law, but he still retains responsibility in the end. In other words, if they go off the deep end, then he has to, obviously, intercede. Is that correct?

Mr. MORGENWECK. That is correct.

Mr. VENTO. So you don't know. We haven't tried this particular method before or this particular model?

Mr. MORGENWECK. We never have and, in part, it was to the credit of some members of the industry—timber industry and labor groups in Idaho and the Intermountain Forestry Association and National Wildlife Federation, Defenders of Wildlife—who built the coalition and suggested this alternative. And it is to their credit that they really reached out to bring together different views on this and fashioned this alternative.

Mr. VENTO. So, I mean, the issue is that, for instance, in this particular model, he is depending upon the Governors to make some appointments from Idaho and Montana. Is that correct?

Mr. MORGENWECK. That is correct. Our proposal is that there would be 15 members on the management committee. Seven of those would be from Idaho with the Governor recommending persons to the Secretary and the Secretary would then appoint them; five from Montana; one from the—named by the Department of Agriculture; one from the Fish and Wildlife Service; and one from the Nez Perce tribe.

Mr. VENTO. So what do you anticipate in terms of their—they would be meeting on a monthly basis? They would all be from those regions?

Mr. MORGENWECK. Our intention is that the people be local, and that they would be meeting pretty frequently early on to lay out what needs to be done in terms of the education component, setting the protocols for dealing with nuisance bears. So I would think that early on the meetings would be quite frequent and probably quite lively.

Mr. VENTO. The issue, of course, would be that the Secretary still would be responsible for the administration of the species. Is that correct?

Mr. MORGENWECK. That is correct.

Mr. VENTO. I mean, so he would, obviously, rely—one of the things pointed out is that—in this document that if there is a disagreement between the Secretary and the citizens management group that they would have 6 months to redo the proposal. That seems to be an excessive amount of time, you know, considering the immediacy of some of the problems when there are disagreements.

What was the basis for that? I mean, I don't anticipate that. I would hope that there wouldn't be those types of disagreements, but if there are, it seems to me that permitting something to go on for 6 months on "some minor points" I guess, but if it is major points, it would seem to be an excessive amount of time.

Mr. MORGENWECK. Well, Congressman Vento, this is one of those situations where, well, we have never tried this before, and we felt that 6 months would give people a reasonable amount of time to try to work through it.

Certainly if it is a critical issue, I believe that we could deal with it more quickly than that in terms of getting the input from the Secretary and dealing with the issues with the Citizen Management Committee. So I think that we could certainly accelerate those key issues. Again, this is a proposal, and I think that anyone who has ideas or comment about that very point———

Mr. VENTO. Well, let me ask you another question because I don't have much time. What do you expect the life of this particular citizens management group? I mean, obviously, what is your anticipation in terms of reestablishing the grizzly bear in the Bitterroots area between Montana and Idaho? How long will this group have to be in existence? Is this for 5 years? Is this for a longer or shorter period of time?

Mr. MORGENWECK. We believe that they would be in existence until the point in which the bear is recovered in the Bitterroot because there would need to be management decisions made.

Mr. VENTO. Well, what does your modeling tell you with regards to that, or is it not that accurate? If it is not that accurate———

Mr. MORGENWECK. Fifty to one hundred plus years.

Mr. VENTO. Fifty to one hundred years and you'd think that—but once the policies have become regularized in terms of understood, then there wouldn't be any need for this particular group, would there?

Mr. MORGENWECK. Well, there would still be a need to have the group in case there were decisions to be made, but hopefully it would become regular after, you know, a relatively short period of time and so the frequency of meeting may diminish.

Mr. VENTO. You work very closely with the Montana counterparts in terms of Fish and Wildlife Service in Idaho, do you not, in this instance?

Mr. MORGENWECK. Yes, we do.

Mr. VENTO. And so are they in concert with you? What would their participation—do you expect that some of them might be appointed to such a formal panel?

Mr. MORGENWECK. Yes. It would———

Mr. VENTO. But these types of arrangements now take place informally. They are collaborative, aren't they?

Mr. MORGENWECK. Yes. We certainly try to do that. There are differences of opinions at times as well.

Mr. VENTO. Well, there are differences between the agencies and departments. Someone has to make the decision, obviously, with regards to these issues. The question of liability came up though. Have you been recently sued because of a wildlife species that you manage injuring an individual like buffalo in Yellowstone or something?

Mr. MORGENWECK. We have not.

Mr. VENTO. So, I mean, there are no cases like that in terms of where individuals have been or recovered I guess in terms of punitive damage in terms of a species—I mean, taking on assumptions of livestock depredation and so forth. Is there a plan in place to deal with the livestock depredation? I know we have that with the gray wolf, like all the timber wolves in Minnesota where they have picked up the costs of that. From time to time, there has been controversy about it. Is there a depredation provision for punitive loss in terms of cattle or other types of loss that you anticipate would be in place in this plan?

Mr. MORGENWECK. We would anticipate trying to create or have created a private fund for reimbursing losses of livestock.

Mr. VENTO. Well, that would be one of the tasks of this citizens management group that would look at that as an alternative if it is necessary?

Mr. MORGENWECK. It could well be.

Mrs. CHENOWETH. Mr. Vento, we will return for another round of questions.

Mr. VENTO. Oh, we are on the 5-minute rule. Oh, OK. I didn't know. Thanks.

Mrs. CHENOWETH. The Chair recognizes the gentleman from Colorado, Mr. Schaffer.

Mr. SCHAFFER. Thank you, Madam Chairman. Mr. Morgenweck—just tell me if this has already been covered, Madam Chair. I am sorry. I recently arrived. This may have been covered, but the State of Idaho, as I understand—recently the legislature adopted a resolution basically asking that these grizzly bears not be reintroduced. Are you familiar with that resolution?

Mr. MORGENWECK. Yes. I am aware of it.

Mr. SCHAFFER. What kind of consideration has your agency given to that resolution?

Mr. MORGENWECK. Well, we certainly are aware of the positions of the Governor and the legislature and other units of government in terms of their opposition. And so we consider that very carefully. We also are interested in understanding better the basis for the opposition, and also we remain interested in the conservation of the bear. Also we are interested in the public opinion surveys that have been done—there have been two now—one in 1995 and one just recently that indicate strong support among the public for———

Mr. SCHAFFER. So is it your contention that the public opinion surveys are still relevant in the face of a decision and a resolution adopted by an elected legislature?

Mr. MORGENWECK. I believe they are relevant. How much weight one puts on it one can argue about, but I think it is an indication that there is not unanimous feelings among the populace that grizzly bear reintroduction is simply something that shouldn't be discussed.

Mr. SCHAFFER. No. There is no unanimous decision on this or many decisions, but there is a majority opinion certainly as represented by the legislature which is the—what as the Federal Government—at least the Constitution that I still believe in suggests that we should defer to, as a matter of fact.

I guess the question I just want to get to is do you and your Department intend to honor the—you mentioned the negotiations, the discussions that are going on with the State. That seems to be pretty definitive to me with respect to Idaho as one State. And I just want to know whether you will abide by it or be persuaded by it or whether you intend to ignore it?

Mr. MORGENWECK. Remembering now where we are in this whole process, that we are talking about the release of a draft environmental impact statement which then involves taking comment from the public, from elected officials, all interested parties. Now, what the ultimate decision will be relative to the four alternatives, I don't know.

We are trying to emphasize is the dialog surrounding the EIS where issues raised by the legislature are legitimately considered—

issues raised by the stockmen, issues raised by the public in terms of their human safety. All of those things have to be weighed, but there is no formula for how one balances those things off. But clearly those are important and legitimate concerns, and they are concerns that we need to understand and listen to.

Mr. SCHAFFER. Can you tell me definitively whether your Department intends to honor the stated sentiment of the Idaho legislature in this House Joint Memorial Number 2 that they had passed and forwarded to your office?

Mr. MORGENWECK. The only thing that I can say is I really don't know because the EIS is the process of discussing the alternative———

Mr. SCHAFFER. Let me restate it if you really don't know. Do you have any plans to honor it at the moment?

Mr. MORGENWECK. Again, I am sorry I can't give you the kind of definitive answer you want because we are in the midst of a process that will ultimately lead to that decision, but that decision is sometime off. So I don't know the answer.

Mr. SCHAFFER. But the answer is that you don't have any plans to honor this as you sit here before us today. Is that correct or am I in error?

Mr. MORGENWECK. We consider that as important input into the process of making that decision, but the decision has not been made. So, therefore, I can't say that we are going to abide by that resolution. That decision will be made sometime in the future after much more discussion so I am sorry I just can't give you the sort of definitive answer that I think you would like to have.

Mr. SCHAFFER. How much authority has the Department of the Interior deferred to the Citizen Management Committee that is involved in these listing issues and ultimately formulating the Department's response to the bear?

Mr. MORGENWECK. You mentioned listing. In listing———

Mr. SCHAFFER. It is already listed I guess.

Mr. MORGENWECK. Right. That is correct.

Mr. SCHAFFER. In terms of the management authority, how much authority has been delegated to them by your Department?

Mr. MORGENWECK. As I said earlier, one thing to keep in mind is that this is the first time that we have ever had a proposal like this—to have a Citizen Management Committee. We have, we believe, delegated to them the implementation of the recovery plan, the development of management plans and policies for the management of the reintroduced grizzlies, the development of the necessary work plans for what should be done in directing the recovery effort, and establishing how management should respond to the livestock and human safety issues. They would also have the authority to refine the recovery goals—that is, the definition of how many bears is enough to delist it—and also to make the determination as to whether or not the reintroduction was successful.

Mr. SCHAFFER. We are out of time, and I don't want you to elaborate anymore at this point. But could you submit for our record at a later point of time the specific legislative authority or whatever authority you cite in delegating that much authority to this management commission?

Mr. MORGENWECK. Yes.

Mr. SCHAFFER. Thank you. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Schaffer. The Chair recognizes Mr. Hill.

Mr. HILL. Thank you, Madam Chairman. I would like to stay on this citizen thing just for a couple more minutes. Frankly, one of the things I would like to just suggest is that—and I am not yet endorsing the reintroduction of grizzlies I just want to make clear—but if this does go forward, I really think you ought to think about having legislative authority established for this citizens group and what power they have and what their existence would be.

And, frankly, I want to encourage you. To the extent that you are creating a citizens group here, I think it ought to be encouraged. And I am a strong advocate of local involvement and local control. One of the concerns I have in this instance is that the collaborative process that took place left a lot of people out.

It did involve some of the important interests there, but I think hunters and motorized recreationists, local residents, agricultural interests were kind of left out of the process. And so that makes it a little more difficult I think to build consensus in the community. And it is my sense the closer you get to where the grizzly bears are, the greater the resistance is to the reintroduction.

And, Hal, I don't want you to be left out of all this. I notice that you are sitting over there and nobody is asking you questions. Let me ask you a few questions because whenever you have bears and people, access and roads become an issue. Do you know approximately how many miles of roads exist in this area now?

Mr. SALWASSER. In miles of roads?

Mr. HILL. I am talking about logging roads public———

Mr. SALWASSER. In the proposed recovery area———

Mr. HILL. Yes.

Mr. SALWASSER. [continuing] Selway-Bitterroot?

Mr. HILL. Yes.

Mr. SALWASSER. Zero. It is wilderness.

Mr. HILL. Well, but we are going beyond—the recovery area is going beyond just the wilderness area, and that is where you are going to reintroduce them. But the anticipated recovery area———

Mr. SALWASSER. If you get outside of that wilderness area, there would be some roads. But I couldn't give you an estimate of how many miles of roads would be in that area.

Mr. HILL. There is some Forest Service land that exists outside the wilderness area———

Mr. SALWASSER. Correct.

Mr. HILL. [continuing] of which there are currently roads, access roads. You don't know how many miles of roads that constitutes?

Mr. SALWASSER. I don't have that information.

Mr. HILL. Could you provide that for us?

Mr. SALWASSER. I think we can. I think we probably have an overlay and a data base from the Columbia project that we could estimate the number of miles of roads in the larger area.

Mr. HILL. And in concert with that, now, obviously, road closure is one of the tools that is used for the management of reintroduction of grizzly bears. If you could provide us some estimate of what you think might be road closures in association with what might

be a recovery plan? I know since a recovery plan doesn't exist, it is pretty hard for you to do. But if you could provide us some estimates of that, that would be pretty valuable to us.

Mr. SALWASSER. Right now I can tell you that the plans for road access management in the area outside the wilderness area would be exactly what is in the forest plans as of this date.

Mr. HILL. And what does that call for for reduction of access or motorized access?

Mr. SALWASSER. It would be variable by different areas and by season of year, and I would have to give you the standards from the individual forest plans to show you what that might be.

Mr. HILL. But you are saying at this point you don't think there would be any change in that?

Mr. SALWASSER. My understanding of the information that is in the proposed Citizen Management Committee approach is that the standards that are in the current forest plans are judged to be adequate for grizzly bear recovery.

Mr. HILL. So would it be your view then that—just so that I am clear on this—that snowmobilers and four-wheelers and those motorized groups, they will not see diminished access to the public land areas that surround the wilderness as a consequence of this?

Mr. SALWASSER. Yes. There would be no change from what is in the forest plans, and it wouldn't be a result of the nonessential population of grizzly bears unless the Citizen Management Committee were to make a decision otherwise.

Mr. HILL. OK. And one of the things that occurs in grizzly areas now is that there are restrictions on hunting, restrictions on camping, hiking based upon bear activity. Who would be making the decisions if there were going to be restrictions on those kinds of uses either in the wilderness area or outside the wilderness area under this proposed alternative?

Mr. SALWASSER. My understanding is that the Citizen Management Committee would be the one that would make the decisions on changes and any of the provisions for what kinds of activities are allowed at different seasons of the year.

Mr. HILL. But I am thinking more—for example, we will have an incident of bear encounter so campground is closed; bear encounter, hunting areas are closed down. Who would be making those decisions?

Mr. SALWASSER. I would imagine for efficiency purposes that the Citizen Management Committee would set up a set of criteria or a framework for how those decisions would be made, but the day-to-day implementation of them, the onsite decision would be in the hands of the local Forest Service officials as long as they are consistent with the guidelines and the framework set by the Citizen Management Committee. We wouldn't have to convene the committee every time a bear encountered somebody in a campground.

Mr. HILL. Mr. Morgenweck, you have identified, I think at least on a preliminary basis, 280 bears would be the recovered bear population. Is that correct?

Mr. MORGENWECK. Yes, approximately that. Again, we would have to—the Citizen Management Committee would need to look at that as time went on to judge———

Mr. HILL. And then they could make that 250 or 200 or whatever. Why 280? What evidence do you have that 280 grizzly bears lived in that vicinity at some point in time in the history? Where did that number come from?

Mr. MORGENWECK. Well, it is based upon evaluations of habitat that have occurred over the years in the Bitterroot and looking at the quality of the food, the isolation, the factors related to grizzly bear biology. It is an estimate that has been made by some of our grizzly bear biologists.

Mr. HILL. So basically what you are saying is that you think the area could sustain 280 bears so that is why you picked that number?

Mr. MORGENWECK. Correct.

Mr. HILL. There is some concern in that area that that number is so large that it is going to increase the likelihood of encounters with the residents and the recreationists in that area. Was that taken into consideration in establishing that number?

Mr. MORGENWECK. The number was driven largely by biology but———

Mr. HILL. Not by economics, not by social factors, but simply by biology?

Mr. MORGENWECK. Largely by biology. And, again, there are so many factors that need to be considered as time goes on. That is one of the reasons for having the Citizen Management Committee have the authority to refine that number because if there are situations that are arising, they can adjust the number, as well as the management, to deal with whatever problems come up.

Mr. HILL. Which is one of the concerns of the citizens there is changing targets—is one of the concerns. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. Dr. Morgenweck, you testified that there were no lawsuits with regards to grizzly bear attacks, and yet a ranger in Glacier National Park, Montana, is suing the Federal Government because of emotional and physical scars left from a grizzly rampage at a park campground in 1995.

A number of unreported bear encounters occurred shortly before the ranger and friends had their tents ripped through and were attacked by grizzly bears early in the morning. The attack left the ranger with a number of disfiguring scars.

Furthermore, in August 1996, a man who was on a hiking trip was killed by a grizzly bear in Alaska. The man and his friends had taken all of the suggested precautions in going into known bear country such as wearing bear bells and making noise while they hiked through the brush. The attack was quick, and the man was killed very rapidly.

I am reading to you from press accounts that indeed there are more than the very rare instances of bears attacking humans. In June 1996, an elderly man hiking a common ground trail in Glacier National Park while taking a rest was attacked by a grizzly bear. Park officials determined that the man had inadvertently invaded the bear's space and, therefore, did not need to be relocated or killed.

Since 1990, there have been 17 grizzly bear maulings in Glacier National Park. Hunting is not allowed in the park; but five

maulings in Yellowstone Park; also in British Columbia, Canada, between 1963 and 1992 10 people have been fatally mauled on and on.

An 18-year-old Montana boy while hunting with his family in 1996 was attacked by a bear in northern Montana. The bear took a chunk out of his right torso, had his hand and wrist chewed up, and tore out a big part of his leg, losing about 35 percent of his leg.

In addition, the edition of the June 1996 Time Mirror Magazine Outdoor Life has a full accounting of bear attacks. And so I think that they are much more numerous and the issue of human fear is much greater than I think your testimony reflected. For the record, I would like to enter without objection this copy of the text from the Outdoor Life edition, January 1996.

[Outdoor Life edition follows:]

Mr. MORGENWECK. Madam Chairman, could I respond?

Mrs. CHENOWETH. Yes.

Mr. MORGENWECK. First of all, when I spoke of lawsuits, I spoke of lawsuits against the Fish and Wildlife Service. I think the person you mentioned was a National Park Service employee. I am not aware of any against the Fish and Wildlife Service in that regard. I was not aware of the one against the Park Service that you mentioned.

Secondly, I think it is important to recognize your submission of that article indicates there is no question, that bears do on occasion attack and sometimes kill people. We are not saying that that doesn't happen.

But I also think that we have to consider too when we talk about the parks, both Glacier and National Park—both Glacier and Yellowstone National Park, that we are talking about places that receive 2 to 3 million visitors a year, and have a very high density of bears.

I think with as few incidents as we have, that it does show that education is important. It doesn't always eliminate every one of the instances. When we look at the visitorship———

Mrs. CHENOWETH. Thank you. You have answered my question. In the time that I have, there are some other questions that I wanted to ask you. When we have the State of Idaho sending a resolution to you saying they want no bears, and that was passed unanimously in the Idaho legislature, when the entire Idaho Congressional Delegation says no bears in Idaho, when the Governor says no bears, the attorney general says no bears, and you consider this as part of the dialog and part of the concerns.

Mr. Morgenweck, I think you are operating in an agency that is entirely out of control, and I think there are some serious legal questions here. I would ask that before you issue the draft EIS, I think anyone who reviews that draft EIS ought to know how the people of Idaho feel.

And I think a resolution from the legislature and indications that are more than indications—actual letters from the Governor, the attorney general, and the congressional delegation—should also be part of the environmental impact statement. Documentation such as this normally is part of the environmental impact statement.

And, believe me, Dr. Morgenweck, these are not just ordinary concerns to be put someplace in a poll and then reevaluated.

I have a number of other questions here for you. They are questions that the delegation asked you a long time ago, and I am dreadfully concerned that you went ahead and issued your decision today without even bothering to answer the questions that the entire delegation asked you to answer for them. And so without taking up any more time by putting you through the questions, I am asking you to answer these questions within 10 days. The Chair now recognizes Mr. Hinchey.

Mr. HINCHEY. Thank you very much, Madam Chairman. I just have a technical question, Dr. Morgenweck, about the advisory committee and the decisionmaking process. Will these decisions be made by majority? Will there be an attempt to reach consensus? Have you worked that out as to how decisions will proceed from the advisory committee?

Mr. MORGENWECK. I don't know that there is a specification as to how they will make their decision. Let me turn to Dr. Servheen, and he indicates that it is a consensus process.

Mr. HINCHEY. Consensus process. That is going to be a difficult process I will be so bold as to predict at this particular moment.

Mr. MORGENWECK. Yes. You are absolutely correct. I have had experiences for the last 4 years or so on another recovery program that has a consensus process, and it is very difficult, but it is also a very good opportunity to work through the issues.

Mr. HINCHEY. Well, it is a good opportunity to talk about things, but I am not so sure that any decisions will ever be made. In any case, it will be interesting to watch how this process unfolds. If I may, Mr. Salwasser, just ask you, sir—you may have answered this, and I missed the answer to Mr. Hill's questions a few moments ago, but I am interested in knowing the description of the habitat area where this introduction is proposed to take place. Can you just give us a general description of what it looks like?

Mr. SALWASSER. What it looks like? It is quite hilly. It is the central Idaho wilderness areas that are known as the Selway-Bitterroot with a portion of the Frank Church River of No Return area in the south. It is a grand total of 3 plus million acres ranging from some very high elevation, rocky areas down to the bottoms along the Salmon-Clearwater forks of the Clearwater River drainage; lots of conifers, lots of aspen, lots of open grassy areas.

Mr. HINCHEY. What kind of wildlife are there presently in that area?

Mr. SALWASSER. Well, there are thousands of black bear.

Mr. HINCHEY. Thousands of black bear?

Mr. SALWASSER. That is correct. They harvest about 1,000 black bear a year out of the area; thousands of elk, mule deer, white-tail deer along the bottoms, cougar. There are now wolves in the area.

Mr. HINCHEY. Is this mostly wilderness?

Mr. SALWASSER. The recovery area—the introduction zone is entirely wilderness.

Mr. HINCHEY. What portion of it is not wilderness and how would you describe that portion?

Mr. SALWASSER. Just a second. OK. I needed to get a clarification. The recovery area itself is all wilderness area, but the area

that the experimental population could be in includes some non-wilderness areas that adjoin that, some of which are unroaded.

Mr. HINCHEY. Thanks. Thank you very much. Madam Chairman, I just want to say that I think that we benefited—I particularly felt that I benefited from the trip that you organized out to Idaho just a week or so ago to see the forestry conditions.

I think that perhaps in the future you might consider taking some members of the Committee out to this particular area. I think it would be instructive for us, particularly those of us who live east of the Mississippi River, to have an opportunity to see this particular range.

I live in New York. We have black bear. I have black bear right near my house. I live in the woods. There are some woods in New York contrary to what some people might believe, but there are some woods in New York. I live in the woods, and there are black bear near my home. We never feel particularly threatened by them. They are rather docile creatures, frankly, but I can understand the concerns of people about this particular issue.

But it is hard for some of us particularly in the East to grasp the enormous size of areas in the western part of the country, and it is instructive for us to have an opportunity to see them. So it might be a good idea at some point perhaps, Madam Chairman, for us to go out and take a look at it.

Mrs. CHENOWETH. Thank you, Mr. Hinchey, and it was an honor to have you in our State 2 weeks ago, and Idahoans are grateful that you would take the time to come out. And I certainly will work on putting together a trip into this area so you can see the wilderness. The Chair recognizes Mr. Schaffer from Colorado.

Mr. SCHAFFER. Thank you, Madam Chairman; a couple questions. One I would like to ask Mr. Morgenweck again. I want to go back to the whole notion of the or the issue of the Idaho resolution. I had a chance to go through your prepared comments while I was sitting here, which I have lost all of a sudden. Oh, here it is.

The announcement that I missed and have read about since about the—how many alternatives? Four alternatives it looks like that you had considered, and I guess you announced you are going to pursue this alternative number 1. And I would like you to—the last time I asked you questions about the Idaho resolution, as well as the opinions rendered by the delegation and the Governor, you indicated that you would take those under consideration and consider them.

I don't live in Idaho, but if I did live in Idaho, how would I interpret—how do you think the people in Idaho should interpret the announcement today to move forward with alternative number 1 given the fact that these resolutions and letters had been given to you far in advance of the decision? Does this decision suggest or offer any indication that these opinions are being seriously considered?

Mr. MORGENWECK. I would hope that they would be interpreted as an opportunity to talk more about the reasons for the strong objections by the delegation and by the members of the legislature. We have met on two occasions; one, a group met with the Governor, and we also met with the staff of the delegation of Idaho.

We met with the Idaho Association of Counties, and we met with Mr. Mealey and his commission.

And they made their views quite clear, but also in that discussion, I think that we discovered that there is more discussion to have about why it is that the positions taken have been taken. I think there are a lot of concerns that I think that we may be able to allay, and I think given the importance of the Bitterroot in size and what it can mean to grizzly bear recovery, that it is worth embarking on continuation of this process of going through the draft EIS to have those kinds of discussions.

Mr. SCHAFFER. So is your announcement about alternative number 1 then just a temporary sort of thing, or there is more discussion before you move forward with alternative number 1, or is this a decision you have reached to actually move forward with reintroduction at this point?

Mr. MORGENWECK. No, we have not reached the decision to go ahead with reintroduction. What we have decided is that for purposes of the review of the draft environmental impact statement alternative one is the alternative that the Department prefers. Now, we will go through a long series of meetings, public meetings, public comment, briefings, discussion that will—at the end of that whole process, result in a decision about which alternative to pursue.

Mr. SCHAFFER. OK. You mentioned the term consensus, that decisions will be made on consensus. What kind of consensus did you have with the Idaho delegation, the State legislature, and the Governor that led you to the determination you made this morning on alternative number 1?

Mr. MORGENWECK. I think the positions of the delegation currently are pretty clear, but I think, Congressman Schaffer, one also has to look back that this has been about a 22-year effort since the———

Mr. SCHAFFER. Well, with respect to the consensus that you described earlier and the resolution, the Governor's statements, the delegation statements, how were these folded into the consensus building that led you to alternative number 1?

Mr. MORGENWECK. The consensus that we were talking about—operating under consensus was for the Citizen Management Committee. Clearly, as we have moved through this long process of discussing the Bitterroot, there have been times when the Idaho Fish and Game appeared to be supportive of reintroducing———

Mr. SCHAFFER. Just to be clear, so the consensus that you spoke of is only relevant to the citizens committee, not to the alternatives that your Department is planning to choose?

Mr. MORGENWECK. The specific question that was asked of me dealt with the Citizen Management Committee. This process—if you are asking me the question will we have a consensus of the Idaho legislature, the delegation, and the Governor, when we get to the point of making the ultimate decision, I don't know. I hope that we do, and I think we should try to move in that direction. But in terms of was there a consensus that alternative one should be the preferred alternative, the answer is no.

Mr. SCHAFFER. OK. Let me ask, you know, when the EPA and other agencies in the Federal Government assess the impact that

a State may have or some particular activity would have on the environment and so on and public health, and I think of these new air quality standards, which seem unrelated maybe at the moment, that move from regulating PM10 and expanding that to PM2.5 in a particular matter, we do a risk assessment as to the impact on human health and human safety. Have you done any assessment of the risk associated to human health and human safety with the introduction of these bears—how many humans may die or how many encounters you expect at the 280 level that you have established?

Mr. MORGENWECK. We have done some work in that regard in terms of comparing what we believe would be areas that would have a similar density of bears when full recovery would be reached in the Bitterroot. And we have also looked at the visitorship. I think that during the course of discussion on the draft, that is an area that we could do more work on and should do more work on because as I understand it, human safety is the number 1 concern on the part of the public in Idaho.

Mr. SCHAFFER. Oh, good. How many people will be affected healthwise with alternative number 1? Is there a risk of death, risk of injury, risk of encounter?

Mr. MORGENWECK. Based on our projections from other similar circumstances, we recognize that human visitorship to this area will increase with larger human population and that once bears are recovered in 50 to 110 years, at about 280 bears we project less than one injury per year and less than one grizzly bear induced human mortality every few decades will occur.

Mr. SCHAFFER. Thank you, Madam Chairman.

Mrs. CHENOWETH. Mr. Schaffer, thank you for your questions. The Chair recognizes Mr. Vento.

Mr. VENTO. Thanks. Dr. Morgenweck, there was some discussion I think on the lawsuit issue. What I was trying to get at was a different question I think than what the Subcommittee Chairwoman was talking about, and that is, you know, if you can be held liable for the regulation because you regulate something as a threat or endangered species in the case there is that—I mean, in terms of successful Court cases, I mean, I understand that Court cases sometimes can blossom like the flowers in spring in terms of possible alternatives—but are you aware of any case where you were—in terms of the Fish and Wildlife Service in your region or outside your region where they were, in fact, regulating a species as endangered or threatened and, in fact, were held liable for that—the damage of it?

Mr. MORGENWECK. No, sir, I am not.

Mr. VENTO. Well, I think that is the important point. I mean, obviously, if you are an employer working for the Forest Service or for the Park Service, in this case an example came up—I don't know—I mean, if they didn't take reasonable cautions or there wasn't signs up because there were bear in the area or someone was put in a situation where they were at risk because they didn't have adequate equipment or were told to do something—there are all sorts of incidents that could arise, you know.

But, I mean, I think what really is they are playing around the edges here in some of the questions—is whether just simply the

regulation, the reintroduction of the species, the management of an endangered or threatened species, whether or not that—there would be some liability.

Now, many may think that because you regulate it, you know—I mean, we have had suits against the Food and Drug Administration because they regulate and put a product on the market that their actions were, in other words, complicit with whoever the manufacturer was, you know, of the product. But those suits have been up unto this date I think have not been successful. I guess their arguments are made along those lines.

With regards to the regional forester or supervisor, Mr. Salwasser, the issue with regards to the roads are, obviously, all outside the primary area but in the range I guess of what might be the range for the grizzlies in this case. Is that correct?

Mr. SALWASSER. Correct, in the area———

Mr. VENTO. And even some of these areas are roadless, but in terms of road closure, you close roads for a variety of reasons today, don't you?

Mr. SALWASSER. We do.

Mr. VENTO. I mean, sort of on a temporary basis because, well, somebody might be hunting an area and don't want others driving around berry picking or something. Is that correct?

Mr. SALWASSER. We work with the State wildlife agencies for road closures during hunting season to protect some of the vulnerable animals. We close roads in the spring to protect elk calving. We close roads in the wet season to protect the———

Mr. VENTO. Of course, some of them might just be—where we have road restoration if you had enough money sometimes I guess. That is a real road closure.

Mr. SALWASSER. Right.

Mr. VENTO. And so there are some other bases for that, and I think that you were mentioning that you thought that the management of it—does the Forest Service—because a large segment of this is Forest Service wilderness or Forest Service lands—what type of role do you take in terms of the management with the Fish and Wildlife Service of some of the activities in the land. You, obviously, have a role in hunting, but you also work with the game and fish departments of the various States.

Mr. SALWASSER. We work with the game and fish departments in all of the States with regard to the habitat management, habitat improvements, with managing our transportation access during the hunting season. With the Fish and Wildlife Service, the Federal agency, we work with them wherever there is an endangered species or a proposed endangered species. We do consultation with them to make sure that the projects don't jeopardize the species.

Mr. VENTO. Now, I understand that the citizen management is not required. This would be sort of a try at something new, apparently, there—in other words, because you recognize, Dr. Morgenweck—apparently the policymakers recognize that there were some shortfalls in terms of trying to deal in an informal way, that you are trying to do something more formal. That is at least what the recommendation is. Is that correct? But this would be a pilot. This would be a trial at something. Is this correct?

Mr. MORGENWECK. That is correct.

Mr. VENTO. And so, obviously, trying to write this in law it would provide less flexibility in all likelihood. I mean, that has been sort of the pattern I guess when things like this have been tried to write into law before they have been tried. We don't know that it will work or not.

Mr. MORGENWECK. That is correct.

Mr. VENTO. And it may need reinforcement; maybe not. I guess it is an effort to try to make things work out, and it sounds like you have gained some support from groups in the area that look at this as occurring and that want to have a greater voice or at least participation. I guess the supposition is that if you share the information, everybody has the information, that you will come to decisions that people will be of a common mind. They sometimes find that that doesn't always work out the way it is planned that way.

One of the other features of this particular area, and I think it is pretty relevant because this is sometimes compared to other types of endangered or threatened species as sort of dictating what will happen with the land use, in other words, in terms of timber harvest or recreational use or other use, but the changes that have to be made here are nil, aren't they, in terms of this wilderness area, in terms of how it is managed?

Because the habitat already is suitable, and so it has no—there is no corollary with other endangered species that, for instance, have really resulted in a dramatic change in terms of the land use patterns and management of the land. In other words, it would be very much consistent with the way it is already being managed. Is that correct?

Mr. MORGENWECK. That is correct.

Mr. VENTO. Thank you.

Mrs. CHENOWETH. Thank you, Mr. Vento. The Chair recognizes Mr. Hill.

Mr. HILL. Thank you, Madam Chairman. I would like to actually follow on with some of the questions Mr. Vento asked. The creation of the citizens advisory group—part of the motivation there at least is to gain some public support for this—some confidence on the part of the public that they are going to have a voice in the process and that sort of thing. Is that correct?

Mr. MORGENWECK. That is correct.

Mr. HILL. And I want to go back to this whole issue of public support. In spite of the fact that you have made the suggestion of a citizens advisory group, to my knowledge, at least in Valley County in Montana where—the adjacent county here—you don't have the support at this point of any of the county commissioners there, do you?

Mr. MORGENWECK. I am not aware whether or not we do. I don't know.

Mr. HILL. I believe that you have, in fact, their strong opposition. Any local legislators from that area, are you aware of whether any of them are in support of moving forward with this plan?

Mr. MORGENWECK. I am not. Perhaps Mr. Salwasser is aware of some of the local positions. Dr. Servheen informs me that they have not seen the citizen management proposal either, and so that, again———

Mr. HILL. I guess I would ask this question. Do you see going—if you are unable to secure any local support of any local government representatives, if you are unable to secure any support from the State of Idaho—by that, I mean the legislature, the Governor, local political leaders—if there is a lack of support by both the Montana and Idaho Congressional Delegation, do you see going forward with this even though you had that much opposition to this?

Mr. MORGENWECK. You mean at the end of this whole process?

Mr. HILL. Yes.

Mr. MORGENWECK. Someone will make that ultimate decision that has a higher pay grade than me, but I think that we have a responsibility to work with the local people, local units of government, and do our very, very best to work with them to deal with the concerns that they have.

Mr. HILL. And get their support?

Mr. MORGENWECK. And do our utmost to get their support.

Mr. HILL. I know, you know, that you are hedging some there. I guess first of all, I want to reiterate we have a lot of contentious polarization going on in Montana over public land management issues and endangered species. And I am committed to the concept of collaborative process. Again, my concern here is that the collaborative effort may have been too narrow rather than broad based.

But aside from that, you know, I would really suggest that you consider creating the citizens group and empower that group to actually make the decision of whether there is going to be reintroduction or not or at least to make a recommendation on which the Secretary makes the decision on whether there is going to be reintroduction or not.

Because I believe there is still strong—in spite of the public opinion polls that you have cited—you know, you can ask questions and you can series the questions, and we all know that public opinion polls don't necessarily reflect what really public judgment is. But there is strong resistance yet—very, very strong resistance and concern about this. And some of it may be well founded, some of it may not be.

But I would certainly—I mean, I would urge you to move forward on the collaborative process and a consensus process. But I would certainly urge you to employ that process on a broader base before you make the decision whether you are going to have reintroduction or not. Mr. Salwasser and I have had some conversation about that in the past, and I just want to urge you to do that.

I want to go back to the citizens group. Would you see this citizens group decisions being subject to appeal by interest groups who disagreed with the decisions that they made? And would that be an appeal process that would likely be litigated or not?

Mr. MORGENWECK. One thing I have learned, Congressman Hill, in dealing with the Endangered Species Act is virtually anything we do can be litigated. So I would suspect that there could very well be litigation on the question of the legality of the Citizen Management Committee and the responsibilities that are delegated. Hopefully, if those are going to occur, they would occur early on in the process.

Mr. HILL. Would that argue for us to pass some specific legislation with regard to that?

Mr. MORGENWECK. Well, I am not a lawyer. I guess, you know, Mr. Vento's point was that trying to craft legislation at this early point in our experience with this sort of approach may well be limiting rather than enhancing. So, I think that we ought to try this—in other words, go through the discussions.

Mr. HILL. But, in essence, what you are saying is you are going to make a decision to reintroduce. Then you are going to create a citizens advisory group to manage the reintroduction. I believe that you really need to take a step back from that, and I don't believe you are at the point where you have built enough consensus around the decision of whether you are going to reintroduce the grizzlies, and that you need to employ the collaborative process further before you make that decision.

Mr. MORGENWECK. Right. Yes. And I am sorry. I apologize. I certainly did not miss your point, which is the Citizen Management Committee if OK, if you are reintroducing, but how could citizens have input and advice in advance of that final decision being made and trying to develop a consensus there? I think that is good advice.

Mr. HILL. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. For the record, I would like to enter the letter from the Governor dated January 29, 1997; also, the letter from the entire congressional delegation dated May 15, 1997.

[Governor's letter may be found at end of hearing.]

[Idaho delegation letter may be found at end of hearing.]

Mrs. CHENOWETH. I just want to end this round of questioning by asking Mr. Salwasser if there was a human in your forest who was a known killer, known to maim and maul people, and that he very likely was out or could be in an area where there was multiple-use activity where families were camping or picking berries or hunters were in the area, wouldn't you do all you could to, ahead of an injury, make sure that individual was captured?

Mr. SALWASSER. Well, we certainly would do that, Madam Chairman. We have also got a lot of animals out in the forests that are known to kill human beings at higher rates than grizzly bears, and we don't have the ability to go in and try to take them all out—cougars, rattlesnakes, bees, among them.

Mrs. CHENOWETH. But the grizzly bear is a pretty large and unpredictable animal, and it used to be that when the entire congressional delegation and when the Governor and the State legislature all said no emphatically, it used to mean something. It used to mean that an agency would redirect their resources, and those resources are becoming scarcer and scarcer as we have to allocate resources out and begin to prioritize in the Congress.

I think the American people have reason to be concerned about the fact that money is being spent on something that the State doesn't want, the Representatives don't want, the people don't want, and there are other priorities the government should be investing in. One of those things is managing the health of our forests. And I am very pleased with your candor, but I am very sad about the attitude of moving ahead in spite of all of the governmental authorities from the counties on up simply saying no.

I think you need to rethink that position, and you have gone through a long and arduous session, both of you, especially you, Dr. Morgenweck, and I thank you. I would like to ask your continued patience and ask you to remain for the rest of the hearing so that you might benefit from the testimony that will be presented. If that is possible, we would certainly appreciate it. Thank you very much.

And I call the next panel of witnesses. Senator Ric Branch from the Idaho State Senate, Midvale, Idaho; Steve Mealey, Director, Idaho Department of Fish and Game representing the Governor; Ted Strickler, Custer County Commissioner, Challis, Idaho. Gentlemen, if you would take your seats at the witness table? Gentlemen, as with the preceding panel, if you will all rise and raise your right hand and take the oath.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you and I now recognize our witnesses starting with Senator Branch.

STATEMENT OF SENATOR RIC BRANCH, IDAHO STATE SENATE, MIDVALE, IDAHO

Senator BRANCH. Thank you, Madam Chairman, members of the Committee. I really appreciate the opportunity to testify for you today. My name is Ric Branch, and I serve on the Resources and Environment Committee of the Idaho State Senate.

I also represent the fifth generation of my family to farm and ranch at the foot of the west central mountains in Idaho. Two sets of great grandparents have homesteaded within two miles of where I presently live. My 6-year-old son, Ross, would be the sixth generation of my family to earn his livelihood in the same fashion as his predecessors if he so desires.

There is a major threat that is jeopardizing my son's chances of continuing our family's presence on the land. It is not the normal threat you would associate with operating a farm or ranch such as severe drought, flooding, blizzards, grasshopper infestations, or low commodity prices. No, the number 1 threat to my son's future is from foolish decisions being made by Federal agencies and overzealous Federal regulations.

A small minority of elitists in the West are seeking to lock people out of our environment. Our national resources are now being managed by professional litigants in Court instead of professionally trained scientists and practitioners on the ground.

American families in rural America have for generations made their living by practicing good stewardship of the environment and by providing resources for humankind. These American families are being displaced by a society that has been led to believe that the only way to protect their environment is to lock people out. The casualties of this kind of philosophy are the people closest to the land, the very people who are best able to manage it.

On March 14 of this year, I was the floor sponsor in the Idaho State Senate of House Joint Memorial 2, which states the Idaho Legislature's full support of Governor Phil Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement.

This joint memorial was a bipartisan effort and passed both Houses on a voice vote with no dissenting debate. In our Senate,

there were absolutely no no votes. It came out 35 to zip. When I moved for the adoption of House Joint Memorial 2, it was seconded by the minority leader for the Democratic party, Marguerite McLaughlin from northern Idaho.

She said that her favorite campground would have to be closed if the grizzly bear was introduced into Idaho. I pointed out in debate that a large Boy Scout camp is also located close to this recovery area or in the recovery area.

Over time, a maximum acceptable ratio of bears to humans has been established in Idaho. Reintroduction would disrupt this ratio to the detriment of humans resulting in injury, death, and loss of personal freedoms to the citizens of Idaho.

Montanans have experienced unnecessary loss of human life, unacceptable land use restrictions, and legal denial of the right to protect private property. This reintroduction proposal would have the same result in Idaho. The potential for conflict with campers, hikers, and other users of the public lands is very real.

When Montanans discovered that their homes were in the human-grizzly conflict zone, they asked if they were going to be able to allow their kids to go fishing in the streams behind their homes and not have to worry about them getting consumed by bears.

Well, the recovery coordinator responded by saying, "You might have to modify a few of your children's behaviors." They were told to tie bells on their children when they were sent out to play so that the bears would hear the bells and run the other way.

We must learn from our neighboring States of Montana and Wyoming regarding the difficulties and lack of good faith they have encountered from the U.S. Fish and Wildlife Service. Montana has been forced to deal with a continually expanding recovery goal which has nullified their efforts to manage the grizzly bear which is a game species in that State. Wyoming has been forced to spend $678,000 on their program with only $36,000 in reimbursements.

The so-called Roots proposal for reintroduction is contrary to the existing Endangered Species Act. It was negotiated by a limited number of special interests under duress and cannot be enforced. I will continue to oppose any reintroduction program pretending to offer State or local citizen management unsupported by statute.

The heart of this problem is Rule 10[j], Section 14, which takes in the Citizen Management Committee. This is really not local control at all because it is all left up to the Interior Secretary at his discretion whether the committee is going forward under his wishes. So this is totally unacceptable to the State of Idaho.

The grizzly bear should be removed from the Endangered Species List and turned over to the States for management. The Grizzly Bear Oversight Committee conducted hearings in Grangeville and Sandpoint and Orofino, Idaho, in 1994. 95 percent of the citizens were against any grizzly bear introduction under any conditions.

The people of the State of Idaho, the Governor, and both Houses of the State Legislature agree that the proposal to introduce the grizzly bear into the Selway-Bitterroot Mountains is unnecessary and unworkable. Madam Chairman and members of the Committee, I ask that you see that common sense prevail in this issue and that this proposal be stopped immediately. Thank you.

[Statement of Senator Branch may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Senator. The Chair recognizes Director Mealey, Director of Idaho Fish and Game.

STATEMENT OF STEPHEN MEALEY, IDAHO DEPARTMENT OF FISH AND GAME, BOISE, IDAHO

Mr. MEALEY. Madam Chairman, I am pleased to be here. I am Steve Mealey, Director of the Idaho Department of Fish and Game. It is a pleasure to be here today to present the State of Idaho's position on reintroduction of grizzly bears to the Bitterroot Ecosystem of Idaho.

The Idaho Fish and Game Commission has long opposed reintroduction of grizzly bears into the Bitterroot Mountains of Idaho. My purpose today is to present the broader position of the State of Idaho. I have several written documents to support my testimony.

I represent specifically positions of Governor Batt, the State Legislature, the Idaho Association of Counties, Idaho Congressional Delegation, and the Idaho Fish and Game Commission and Department. I have submitted formal comments for the record. They contain four key messages.

Point number 1, Idaho's Governor, legislature, county commissioners, congressional delegation, Fish and Game Commission and Department strongly oppose reintroduction of grizzly bears to the Bitterroot Ecosystem.

As you have referred to earlier, Madam Chairman, in a January 29, 1997, letter to the Secretary of Interior, Bruce Babbitt, Governor Phil Batt outlined the reasons why he is "adamantly opposed to the reintroduction of grizzly bears into the Bitterroot Ecosystem." A copy of that letter is included with the testimony.

In his letter, Governor Batt questioned the U.S. Fish and Wildlife Service's position that grizzlies in the Bitterroot Ecosystem are necessary for the recovery and survival of grizzly bears in the lower 48 States. Governor Batt also expressed concerns for public safety, social and economic effects on many rural Idaho communities, and overall fiscal impacts to Idaho if grizzlies were reintroduced.

Point number 2, if grizzlies were to return to the Bitterroots, then most Idahoans, in my opinion, would probably agree that the best way would be as a nonessential experimental population under the guidance of a Citizen Management Committee. However, Idaho people have expressed through their elected or appointed representatives strong opposition to their return through reintroduction. Simply put, people have agreed with the "then" but not the "if."

Point number 3, I have serious personal concerns about how data were used in developing the likely preferred alternative. It is not now any longer likely apparently so I now have serious personal concerns about how data were used in developing the preferred alternative for grizzly reintroduction.

Simply put, the Bitterroot grizzly bear evaluation area, referred to as a BEA, that was assessed by Davis and Butterfield in 1991 as suitable for a viable population of grizzlies does not coincide with the grizzly bear recovery area likely associated with the preferred alternative in the draft environmental impact statement.

In fact, there is no document I know of that can demonstrate that the proposed grizzly bear recovery area is sufficient, and I want to emphasize that word sufficient, for a viable or recovered population. The grizzly bear recovery area, which has been previously referred to as the Selway-Bitterroot and Frank Church River of No Return Wildernesses, includes a large area south of the Salmon River that was not evaluated by Davis and Butterfield, and it excludes an area nearly as large north of the Lochsa River that was assessed by them.

Point number 4, should the decision be made to place grizzlies in the Bitterroot, reintroduction would occur without the necessary authority of a permit required by Idaho State law. I would not issue the required permit.

And, Madam Chairman, if you would permit me some personal reflections on this issue, they are included in my comments, but I see I still have an amber light so I will read quickly. As I reflect on this issue, I am reminded of a passage in Teddy Roosevelt's book, "Outdoor Pastimes of an American Hunter."

"Eastern people," he wrote in 1905, "and especially eastern sportsmen, need to keep steadily in mind the fact that the westerners who in the neighborhood of the forest preserves are the men who, in the last resort, will determine whether or not these preserves are to be permanent.

"They cannot, in the long run, be kept as forest and game reservations unless the settlers roundabout believe in them and heartily support them; and the rights of these settlers must be carefully safeguarded, and they must be shown that the movement is really in their interest. The eastern sportsmen," Teddy said, "who fails to recognize these facts can do little but harm by continued advocacy of preserves."

And for me the main relevance of this old message for today's adapted management is to highlight the need for continuing understanding, acceptance, and support for actions by those directly affected by such actions. The fundamental task for all of us in the natural resources business is to make conservation work in a democracy.

When the Governor, the legislature, the congressional delegation of Idaho, the county commissioners, the Fish and Game Commission all have grave reservations about the reintroduction of grizzlies to the Bitterroot area, it is time for agency representatives to pause, take a deep breath, and reexamine where they are headed especially in terms of providing excellent public service. Not to do so would seem to ignore Teddy Roosevelt's wisdom and appear arrogant relative to representative democracy. Thank you for the chance to present Idaho's position.

[Statement of Mr. Mealey may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Mealey. The Chair now recognizes Commissioner Ted Strickler from Custer County. Commissioner?

STATEMENT OF TED STRICKLER, CUSTER COUNTY COMMISSIONER, CHALLIS, IDAHO

Mr. STRICKLER. Madam Chairman, thank you for allowing me to be here today. My name is Ted Strickler, and I am the Chairman

of the Board of County Commissioners of Custer County. I live in central Idaho in and around the Frank Church Wilderness Area for 41 years. I have been a licensed outfitter and guide and have experience in timber and grazing industries, and I am currently a building contractor. Custer County is the gateway to the Frank Church Wilderness Area, the largest wilderness designation in the lower 48 States.

Today, I represent all 44 counties of Idaho as a spokesman of the Idaho Association of Counties and Custer County as a county directly affected by the introduction of grizzly bears. Custer County and the Idaho Association of Counties are on record as opposing the introduction of the grizzly bears into Idaho.

And as said before, the Governor of Idaho opposes, Idaho legislature opposes, Idaho Department of Fish and Game says no, Idaho Association of County says no, Custer County says no, Idaho says no. Elected officials are hopefully making their decisions as representation of their public. As public officials, we are first concerned and are bound by oath to protect the health, safety, and welfare of our citizens and all other users.

The Frank Church Wilderness Area is possibly the only area of its kind where people, and especially families with children, can have a true wilderness experience without fear for their safety and with the mental freedom to enjoy the total natural wilderness experience, a wilderness experience that includes camping and recreational activities free from the threat of attack by wild animals such as the unpredictable, easily provoked, bad attitude grizzly bear.

With the reintroduction of the wolf, this has changed, as people are now expressing fear of camping out. What will it be like under the grizzly bear? There is much fear about this process, some about the bear and some about the government actions against citizens. Some consider this a type of environmental and emotional terrorism.

The citizens of Custer County have presented their commissioners with petitions, offered here as an exhibit, containing over 1,350 signatures, demanding us to do whatever is necessary to protect them and their property from the grizzly bear. What would you do?

We are concerned about the economy of the State and county. Idaho is approximately 67 percent public land. Custer County, the size of the State of Connecticut, is 96 percent public land. The economics of our county and State are heavily dependent upon public land use for mining, timber, grazing, and recreation.

As such, we are already heavily impacted by the Endangered Species Act. Because of the reintroduction efforts and the listing of species in our area, grazing has been cut, logging curtailed, mining is heavily regulated, and even recreation has been affected.

Decisions and regulations are being made by agencies without good, supportable, science and are now suffocating the West. We believe that the introduction of the grizzly bear in the Selway-Bitterroot, with the core areas of nonuse, restricted areas, and more curtailment of public land use, may well be the lethal blow to what remains of our ability to survive.

Tourism makes up less than 10 percent of the total economy of Custer County, yet it is suggested as our salvation as other uses are being diminished. Even if our economy could survive on a 90 percent cut, we do not believe tourism and grizzlies are compatible.

Past experience has shown through the Endangered Species Act in reintroduction efforts that man has not been part of the equation and has not been considered. We believe people in local economies should have the number 1 priority in the equation for every issue and Act.

We are also concerned about the lack of interaction and relationships between our State and local governments and the Federal Government and its agencies, especially Fish and Wildlife and Marine Fisheries, who are in charge of administering these Acts. It is time to put man and the local economics in the equation.

It is time to give the highest consideration to the desires of the people affected by the Act and consider their historical right to protection of their custom, culture, and pursuit of happiness as they pursue life's successes and the American dream. The people of Idaho and the West are speaking out—no grizzly bears. Please hear them. Thank you.

[Statement of Mr. Strickler may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Commissioner. I am going to open the line of questioning in this round, and I would like to begin with Director Mealey. Can you give us your background, your educational background, and your occupational background?

Mr. MEALEY. Yes, ma'am, I would be glad to. Maybe I should only share the appropriate parts which would be my education. I have a Master's Degree in Wildlife, and my graduate work dealt with grizzly bear food habits in Yellowstone. I worked as a grizzly bear researcher for some years and then spent about 10 years as either a wildlife biologist on the Shoshone Forest in Wyoming and forest supervisor there where grizzly bears were our principal occupation.

Mrs. CHENOWETH. Can you———

Mr. MEALEY. My Master's thesis dealt with the food habits of grizzly bears in the Yellowstone Ecosystem. I did develop one of the early evaluation processes for determining habitat quality for grizzly bears and published that many years ago, and it was relative to the Whitefish Range in northern Montana.

Mrs. CHENOWETH. Do you know if your publication was used as part of the scientific background in this new draft EIS?

Mr. MEALEY. Yes, ma'am, it was. I am aware of that.

Mrs. CHENOWETH. Good. Have you reviewed the science of the proposal to reintroduce the bear into the recovery area?

Mr. MEALEY. Yes, ma'am. Two weeks ago I met with all of the Idaho Fish and Game Department people who had involvement in the development of the EIS, and I spent a day with them reviewing all of the data that they had generated, and I had a very good day with them.

Those people included, as I already referred to, Bart Butterfield, who in 1985 and then later, along with Dan Davis in 1991, provided the evaluation that was the basis for the conclusion to the Bitterroot Technical Review Team that, in fact, a certain area

could—was suitable for grizzly bears. I have a copy of that report here.

Mrs. CHENOWETH. Generally, what did you find as far as the science that was presented in the proposal?

Mr. MEALEY. Well, basically, the report that Davis and Butterfield did followed a process that Craigheads—Jay Sumner and John and Frank Craighead had published in the 1980's that used satellite imagery to identify habitat components. I had problems with that, as a matter of fact, simply because it was very general. It told you something. It was a very broad screen assessment tool, and it had some shortcomings.

But for its purpose, it was probably adequate, and that was to make some general—help draw some general conclusions about the overall suitability on a very broad scale for a very large area. They used that methodology, and, frankly, if I had been given the same charge, I probably would have been forced to do something similar because these are not easy problems to solve.

The area they assessed, however, was referred to as the grizzly bear evaluation area, and it was an area that went up to the Mallard Lark and essentially the divide between Kelly Creek and the St. Joe River—as you know, that country up north—and then went down to the Salmon River on the south. So it went—that area then was referred to as the grizzly bear evaluation area.

And they concluded generally that at that level of assessment that the area could reasonably be assumed to be compatible or suitable for grizzlies and made that recommendation to the Bitterroot Technical Review Team. And as Dr. Morgenweck already said, that was the base work that sort of set things in motion toward where we are today.

Mrs. CHENOWETH. Have you read the proposed 10[j] rule?

Mr. MEALEY. Yes, ma'am, I have. And I don't think I answered your question completely because I didn't say what I said in my testimony, and that is that the area now referred to as the grizzly bear recovery area proposed in the preferred alternative is not the same as the area assessed by Davis and Butterfield, which led to my conclusion that I know of no document that now says that the area identified as the grizzly bear recovery area has actually been assessed for its capability to produce grizzly bears.

An area north of the Lochsa area and Lochsa River that was assessed by Davis and Butterfield has been excluded from that recovery area, which is admittedly a pretty high quality area that is an area of maritime climatic influence, quite wet, and has substantial quality. That has been excluded from the recovery area, and a substantial area south of the Salmon River, which is actually influenced by a continental climate, rather dry, has been included.

And I am not suggesting that the inferences could be made that it is suitable, but there is simply no report that says so. So I want to say, and I said this in the testimony, that the information that is the underpinning of the conclusion that the area can have bears does not apply to the recovery area.

Now, probably someone—if you presented that to someone who wanted to make a statement defending the approach would say, "Well, the experimental area outside the recovery area could ac-

commodate them. It does include the area assessed by Butterfield and Davis."

But the bottom line is that it is the recovery area that the rule that you referred to says that "will contain the recovered population," not the experimental area. And so—because I read the rule. It says that all decisions for the Citizen Management Committee———

Mrs. CHENOWETH. Director Mealey———

Mr. MEALEY. Yes.

Mrs. CHENOWETH. [continuing] I want to clearly understand this.

Mr. MEALEY. Yes. I am sorry.

Mrs. CHENOWETH. There was an area described by Davis and Butterfield as suitable———

Mr. MEALEY. Yes.

Mrs. CHENOWETH. [continuing] for relocation of grizzly bears?

Mr. MEALEY. That was referred to as the grizzly bear evaluation area.

Mrs. CHENOWETH. And this was excluded. This is not included in———

Mr. MEALEY. Well, it wasn't excluded, but what I was saying was that the experimental—that is, the grizzly bear recovery area that we will see in the preferred alternative is not the same area as that assessed by Davis and Butterfield. They are different.

Mrs. CHENOWETH. Do you know why that happened?

Mr. MEALEY. No, ma'am.

Mrs. CHENOWETH. How did that happen?

Mr. MEALEY. Well, I could only speculate. I don't know the answer though. The implication of this is—and I only say this simply from a documentation standpoint. From an EIS standpoint, one has to say, "Well, can the area that we are looking at here as a recovery area actually accommodate a population?"

Now, Dr. Morgenweck said perhaps 200 to 250 bears as a recovered population. There is no document that can support any conclusion about a recovered population. We simply don't have such a report. You could only do it by inference. The report we have doesn't cover that area. So it would be very difficult to assess the effects of the alternatives. If I were doing the EIS, I would have a difficult time doing that because the data we have doesn't cover the area proposed for recovery.

Mrs. CHENOWETH. Very interesting. Thank you. The Chair recognizes Mr. Schaffer from Colorado.

Mr. SCHAFFER. Thank you, Madam Chairman. Senator Branch, I was curious. You sat through the previous testimony of Dr. Morgenweck with the United States Fish and Wildlife Service and heard his comments regarding his intention to consider the opinions of people in Idaho and so on. I just would like to get your reaction to the confidence that you have at this point that Idaho will be fully considered in the Fish and Wildlife Service's actions at this point on reintroducing these bears.

Senator BRANCH. Well, Madam Chairman, Congressman Schaffer, I sat through that with utter disbelief. With, you know, the little or no attention that has been paid to the State of Idaho or the legislature, the Governor and our people, I mean, the surveys they cited are real suspect in my opinion. And I just don't have a lot of

confidence, you know, in the ability of the Federal agencies to consult and coordinate with our local governments. It seems as though———

Mr. SCHAFFER. Let me interrupt if I may just because I would like to get some of this on the record. The Idaho legislature, I presume, considered public opinion when they voted for your resolution. Did they consider surveys and letters and so on before they unanimously came to the conclusion that reintroducing the grizzly bear in Idaho was a bad idea?

Senator BRANCH. Madam Chairman, Congressman Schaffer, I guess if we thought, you know, politicians definitely know what is in the wind and if we thought that the surveys were running the other way, I am sure that there would have been some no votes. But according to the surveys the Federal agencies are talking about, I guess there will be a housecleaning in the Idaho State Legislature next year.

But we received no—I received no letters from constituents supporting grizzly bear reintroduction, no phone calls protesting my vote. You know, it was a fairly cut-and-dry issue. The minority supported—the minority party, the Democratic party, really supported the resolution. And, you know, it is just utter disbelief the lack of responsibility of the agencies toward our wishes.

Mr. SCHAFFER. From what appears here, every member of your legislature, your Governor, every member of your Idaho delegation is in opposition to the Fish and Wildlife Service's proposal here. Do you know of any elected officials in Idaho who support—who represent the State or in a relevant capacity, for our purposes, who support reintroduction of grizzly bears in Idaho?

Senator BRANCH. I can speak for the Senate. We had no no votes in our voice vote on the resolution. There was a voice vote in the House, and I can only think of maybe one House member out of 70 that would support grizzly bear reintroduction. I know of no other official in the State of Idaho that supports it.

Mr. SCHAFFER. Let me ask Director Mealey, you heard the numbers that were—the estimates that were given to the Committee—I can't recite them—they are on the record at this point, I presume—about the numbers of bear encounters—just the risk assessment and so on.

Do you have anything further to add about any estimates that we should expect in Idaho if the Fish and Wildlife Service really gets to their target of 280 bears, what kinds of—how many encounters, the nature of them, and so on?

Mr. MEALEY. Madam Chairman, Congressman Schaffer, I can only speculate about that, but I want to say that that question has a whole lot to do about the suitability of the recovery area for bears. If you try to put them where they don't want to be, they go somewhere else.

And I will say that an area north of the Lochsa, which was high quality habitat, would not be in that recovery area, which is where they would have to be in the end. And there is a lot of dry country that is included where they may not want to be. So if you stick them there, they might go somewhere else where they could get in trouble. I can only speculate about that.

Mr. SCHAFFER. Are you familiar with the case of John Shuler in Montana? This is the person who entered the zone of imminent danger when he was attacked by bears.

Mr. MEALEY. Generally I know about that.

Mr. SCHAFFER. According to the Department of the Interior, he entered the zone of imminent danger when a bear came into his yard. Knowing what you know about suitability of habitat and so on and knowing also that the Department of Interior now says that when you get near a bear that you are endangering it or harassing it or provoking these bears, do you think it is a good idea to have 280 more bears in northern Idaho that would meet the definition of being provoked according to—this is the Department of Interior's definition of being provoked? Can that be healthy to bears, do you think?

Mr. MEALEY. Madam Chairman, Congressman Schaffer, again, the one thing you can say for certain is that the risk to humans is greater with bears than without them. That said, there are ways—and I agree with earlier testimony—there are ways to minimize bear-human conflicts.

One of the things I am proud of in my years over in Wyoming is that we were able to do that, and there is a high bear density there. So education can certainly be effective, and you can have people and bears in the same place at the same time, but there is elevated risk. There is no question about it.

Mr. SCHAFFER. Madam Chairman, I would just point out again, given the Department of the Interior's new definition of what constitutes provoking bears, that anybody who is concerned about the well being of bears needs to understand that we are inviting a whole lot of provoking going on up in Idaho or anywhere else humans and bears encounter one another.

Mrs. CHENOWETH. Mr. Schaffer, how does that definition read?

Mr. SCHAFFER. Well, I can just tell you that generally what occurred in the case—this is John Shuler who is actually from Mr. Hill's district over in Montana—had a grizzly bear in his yard or on his property. He was fined $500 for killing the bear.

He went out in his own yard when he heard the noise and confronted the bear. He believed his life was in danger. He shot it and the Department of the Interior ruled that he cannot claim self-defense because he was at fault for placing himself in the zone of imminent danger in his yard. And he appealed that.

The Administrative Law Judge who presided over that—where is the word—says that—criminal laws permits the property owner to enter any part of his or her property with a weapon even if the intruder is present—oh, that Shuler should have known that grizzly bears were in his yard.

He should not have gone there. By doing so, he provoked the bear. And the Interior Secretary's Appeals Board said that—oh, since he was not afraid of being killed by the bear, that somehow had some kind of involvement in determining the outcome of this.

But, essentially, here is a man attacked by a bear, shot it, and is now fined by our government for provoking bears because he was in the zone of imminent danger; and my point merely being that with the numbers of encounters that the Department of the Interior suggests on one hand and then redefining what it means to

provoke bears on the other, that it is not just humans that will be put in some kind of jeopardy, it is, in fact, bears that will endure some kind of hardship by being provoked continuously.

Mrs. CHENOWETH. Thank you, Mr. Schaffer. The Chair recognizes Mr. Hill.

Mr. HILL. Thank you, Madam Chairman. Mr. Strickler, I have to tell you I have great admiration for county commissioners. You have I think the toughest job in the world, but there isn't anybody I don't think that is more in tune with the opinion of the people than county commissioners.

You live there every day. You deal with the issues that impact their lives every day, and I admire your work. You are here representing all 44 counties I think you said. So there is unanimity in Idaho with regard to the county commissioners with regard to the issue of reintroduction of grizzly bears. Is that correct?

Mr. STRICKLER. That is correct.

Mr. HILL. And I am curious. In the process of developing the draft environmental impact statement, as well as the collaborative effort that was done by the groups, were you at anytime ever invited to participate in that collaborative process?

Mr. STRICKLER. They did have some hearings in some areas away from us, and they were not necessarily the type of—it was kind of like a hearing—do you want the grizzly bear type of thing. But the county commissioners—the relationship between the Marine Fisheries particularly and Fish and Wildlife has been very nil. When we asked them to come to our meeting so we can have a face-to-face discussion about our concerns, they don't come.

Mr. HILL. So in other words, you invited them to come to your meetings, and they declined to come. This is the Fish and Wildlife Service that you are talking about?

Mr. STRICKLER. We have asked the Fish and Wildlife Service to be there.

Mr. HILL. And you brought a petition of 1,350 signatures, did you say?

Mr. STRICKLER. Yes, I do.

Mr. HILL. And that is from Custer County?

Mr. STRICKLER. Custer County.

Mr. HILL. And how many people live in Custer County?

Mr. STRICKLER. 4,500.

Mr. HILL. So this is close to a third of the people of Custer County took the time to sign a petition to bring here to the Congress to express their opinion about grizzly reintroduction?

Mr. STRICKLER. That is correct. It was done in a short time. There is a number of people in our county that is government employed. We have a pretty high population of government employment. Most of those refused to sign the petition for fear———

Mr. HILL. Of reprisal?

Mr. STRICKLER. Of reprisal.

Mr. HILL. In the development of the environmental impact statement, are you aware of—was there any analysis done on the economic impacts of Custer County? Are you aware of any?

Mr. STRICKLER. We have a model economic study that was done by the University of Idaho for us. And as far as I know, that has never been used by them. It is a very good study.

Mr. HILL. Thank you very much. Mr. Mealey, in your view, will there be any—if grizzly bears are reintroduced, do you believe—well, let me back up by saying this. First of all, we don't manage species anymore, we manage habitat now. And do you see changes in the management of the habitat outside the wilderness areas if grizzly bears are reintroduced?

Mr. MEALEY. Madam Chairman, Congressman Hill, that is not clear to me, but again I can only answer these things by inference. As I understand it—and I don't say these things with any criticism implied—I am kind of a Johnny-come-lately to this EIS so a lot of it is new to me—but as I understand it, there is a 15.3 million acre experimental population area that encompasses an area from Coeur d'Alene to Stanley, from Grangeville to Hamilton. That is a big chunk of the world where a bear———

Mr. HILL. And this isn't all wilderness?

Mr. MEALEY. No, not at all.

Mrs. CHENOWETH. Excuse me, Mr. Hill. I wonder, Director Mealey, if you might be able to show us on the map the area that it encompasses.

Mr. HILL. Thank you, Madam Chair.

Mr. MEALEY. I will take a shot at this—kind of interpolate it one after another, but the area referred to as the experimental population area that I referred to as being about 15.3 million acres would go roughly from Stanley—and I am circling it here—it would be about this point on down, up to Coeur d'Alene and from this far over here.

That whole area would be an experimental population area. Now, inside that is the recovery area—is the area that would be referred to as the grizzly bear recovery area, and that is limited only to the Selway-Bitterroot and the Frank Church River of No Return Wilderness.

Again, I am interpolating here because these wildernesses are not marked, but basically my left hand marks the Lochsa River on the north, which is the northern boundary, down to the Selway-Bitterroot down to the bottom of the top of Bear Valley, which is essentially the bottom end of the Frank Church River of No Return. So this area of about 3.7 million acres would be the recovery area. Now, that is an area where the population would actually be contained.

Now, your question was, if I understood it, would there be improvements in habitat in any part of the area. I assume there would be no improvements in habitat in the experimental area outside the recovery zone. And since the recovery zone is wilderness, there wouldn't be any improvements there either.

Mr. HILL. So there would be no changes. In other words, if the bears are reintroduced, it is your opinion at this point they would not have to change the management of the habitat? In other words, you wouldn't have to have changes in any forest management plan. We wouldn't have any changes in timber harvest. We would have no changes in road access. Your view is there would have to be no changes in the management of the experimental area outside the recovery area. Is that correct or not?

Mr. MEALEY. Well, again, this is only speculation, Congressman. I can't think of a reason why—since you wouldn't be encouraging

bears in that experimental area, I can't understand why you would do that.

Mr. HILL. But that experimental area would be range for the bears. Is that correct?

Mr. MEALEY. Well, I think, as I understand it, this is a place where bears would be accommodated but not necessarily encouraged. Now, it is not clear to me though when you look at the proposed rule, if the Citizen Management Committee made some decisions that related to bears in that experimental area and that was litigated somehow, it is hard to say how that might come out.

I do know that in Item 14 in Section 10[j] it does allow the Secretary to override the Citizen Management Committee or somehow review their work if it doesn't appear to be consistent with recovery, and this is complex stuff. I would assume, however, the recovery goal for the population would be that as it states in the rule, consistent with the capacity of the recovery area, not the experimental area. And that is the area I said that we don't necessarily have clear studies on.

Mr. HILL. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. Returning to Mr. Hill's question about would there be a change in management in the areas that have traditionally been multiple-use areas, taking in mind the fact that when the salmon was listed, there has been a marked change in management with regards to potential impact on salmon habitat in the streams which have impacted activities on the land; taking that as a blueprint, would you feel it might be more likely that in managing the habitat for the bear that we could see a similar imposition of rules and regulations on multiple-use activities?

Mr. MEALEY. Madam Chairman, all I can do is extrapolate my experience from the Shoshone Forest in Wyoming to what might occur, and much of that country where we had grizzlies was wilderness. And much of the impact on people who use that country, frankly, were recreation users, outfitters and guides, in particular.

And the thing that was affecting bears there were killing females with cubs. And what we did there in the wilderness was make it easier for outfitters to operate and secure things that attracted bears from their availability.

Now, there is no question but what the activities of people who use that wilderness country have been modified. There are requirements to hang meat differently. There are requirements to sanitize camp. So there is no question that in wilderness there are measures that are required to minimize conflicts.

I suspect that in this part of the world that people that conduct floating businesses on the Selway could be affected. Outfitters in the fall could be affected. And I would also guess that it would modify their operations from what they are currently doing. Outside of wilderness, theoretically, if that is not an area where we are encouraging populations but accommodating them, I can't see why we would be necessarily improving populations outside.

Now, there may be some disagreement with folks that would want to litigate that question, and that raises the question about whether or not the Citizen Management Committee, in fact, would be able to operate independently of the Secretary. That is not clear

to me. Section 10[j] would say, however, that the Secretary retains at least oversight and review of their decisions.

Mrs. CHENOWETH. Mr. Mealey, under number 11 of the 10[j] rule it states that there is not sufficient information available to develop a scientifically sound recovery goal. How important is it to have a recovery goal? I know questions were asked of the Service trying to establish what the goal was.

Mr. MEALEY. Yes. Madam Chairman, it is terribly important. I think that everyone in this wildlife business knows that wildlife management is about how many do you want and where do you want them. And if you don't know how many—if you haven't decided how many you want, then any number is OK.

So as I read the rule that describes the role of the Citizen Management Committee, it says that all decisions must lead toward recovery. It must meet the goal, in other words. And, obviously, if you don't have a goal, then you never know whether the Citizens Management Committee is leading toward recovery.

So the first thing to do, of course, is to decide on a goal—some number or some trend in habitat that is a substitute for it. That was one of the first things we did in Yellowstone was agree on some parameters. It wasn't necessarily a number, but it was some characteristics that would help us.

I think the study is correct. It would be very difficult to do that. I have already said twice now it is even harder I think than the rule admits simply because we don't have a study yet to show the real capability—suitability of the country actually described within the wilderness boundary. The study we have included other areas as I have shown.

So the first thing, of course, is to have a good, solid piece of information that tells us what the real suitability is within the area described by the wilderness boundaries for the Selway-Bitterroot and the Frank Church River of No Return independent of the experimental population area because by definition that is not necessary for recovery. It is sufficient but not necessary. So that is the first thing.

And once that is done, then you can draw some conclusions about how many animals you could accommodate. It might be 50. It might be 150. It might be 300. My sense it would be on the low end, frankly—just my own judgment.

Once that is done then, then you can start—then and only then would it be appropriate for the Citizen Management Committee to begin to operate because then you would know whether or not what they were doing was consistent with the goal.

For them to operate before you have a goal wouldn't be useful because you would never know if they were doing anything consistent with recovery. So there are some logic problems in this. But you asked me a question how important is the goal? You can't start without it.

Mrs. CHENOWETH. Thank you, Mr. Mealey. I just have one more question. Senator Branch, what is your main concern over the reintroduction of the bear into Idaho as a Senator?

Senator BRANCH. Madam Chairman, you know, we have already had the wolf recovery taking place contrary to our citizens' wishes. The best way I can—the best analogy I can think of is—and there

is a Country Western song—the title is "What Part of No Don't You Understand?" It is about someone going to—a woman going to a dance and a suitor keeping asking for a dance, and finally she says, "What part of no don't you understand?"

I guess that is what the State legislature is saying to the Federal Government. We don't wish to dance with the Federal agencies on this one. We are going to create a lot more de facto wilderness in areas, and we are going to tie up large tracts of land which are going to create economic hardships in areas of our State.

It is just—we have already got enough predators. We have coyotes. We have wolves, black bear, and we just don't need another predator—cougar. Some of the depredation payments in our State right now our Fish and Game director can't afford to make those. We can't afford with our State budget—we just cannot afford any more programs like this dumped on us by the Fish and Wildlife Service or the Forest Service. So it is just a matter of losing our rights to use the land.

The land being locked up is my greatest concern and the cooperation of the Federal agencies. I serve on a Resource Advisory Council under the Secretary of the Interior, and we work on consensus. We don't ever come to a consensus. We always come down to a vote up or down by the various interest groups. And if that vote is against the wishes of the Secretary of the Interior, he brings it back to us and tells us what we have to change.

So I am afraid the Citizen Management Committee is just a smoke screen. It is kind of a rubber stamp, if you will, to shield some criticism off the Federal agencies, and I don't think it is workable and it just leaves all the power in the control of the Secretary of Interior. So that is my major concern, Madam Chairman.

Mrs. CHENOWETH. Thank you, Senator. Mr. Hill, do you have any further questions?

Mr. HILL. I just have one. I want to go back to Mr. Mealey again on this because in the Flathead Forest, which is about half wilderness—28 percent I think is roadless and 22 percent is multiple use—I guess 10 years or so ago they set a targeted bear population for recovery. And current estimates are that we have met that number. But if you ask the Fish and Wildlife Service, "Have we recovered the bear population?" they will say, "Well, no, because we haven't recovered their habitat."

And so now we are faced with changes in the management of the remainder of that forest outside of wilderness with road closures, restrictions on access, restrictions on use to create more habitat even though everybody would suggest we have met recovery of the bear. I haven't quite figure out yet how it is that we recovered the bears without their habitat, but I guess that is what we did. And I have a real concern about 280 bears being contained within that wilderness area.

I guess what my concern is is do you see any risk here that if we get to that area that the—the area where we have to manage habitat is more than that wilderness area causing substantial changes in terms of how we manage both the public and private lands outside that area? Have you looked at that, or do you have any assessment or any concerns about that?

Mr. MEALEY. Madam Chairman, Congressman Hill, I hope I did express my concerns about that. I think that is a key question. The rulemakes a clear statement that the recovery goal would be limited to the capacity of the area described by the Frank Church River of No Return and the Selway-Bitterroot Wilderness.

Now, we don't know what this is yet. To say that that is 280 as far as I am concerned is—would not be appropriate. We simply don't have any studies of that specific area to say what population could be sustained by that area. So to say that at this point wouldn't be appropriate.

Frankly, in this whole business of determining what is a recovered or a viable population for grizzly bears, that has been something of biological and legal debate now for the better part of 25 years. Something more than 150 actual census population seems to be on the threshold of recovery.

But I will say simply, and I will repeat it again, we have no document that tells us what the capacity of the Frank Church River of No Return and the Selway-Bitterroot is to support a population. And until we have that, until we can have a thoughtful estimate of what that population is, we can't conclude that the area, in fact, could have a recovered population.

And, frankly, I won't speculate here, but I will say that if bear habitat is limited to its drier components—and there are some very important components of all grizzly habitat—one is that it has meats in a spring period and fat in the fall. Fat usually comes from whitebark pine. There were probably bears in this country because of salmon in the streams earlier on, and whether or not elk and deer can provide that in the spring is arguable.

My point is these are not easy questions, and the study that we have does not relate to that specific area we now have in a preferred alternative. That needs to be done. Then you can answer the question you asked or at least do it with an estimate to determine what population it might be. And I already said it would probably be on the lower range. I do not believe personally—this is only my opinion—it is only my professional judgment—it would be something substantially less than 250 bears. But we really need to do some hard work on that.

Mr. HILL. Thank you very much, Mr. Mealey. I will yield back the balance of my time, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. Gentlemen, I want to thank you very much for coming so far. And, Senator Branch, I thought it was interesting that you noted the song about what part of no don't you understand when a man approached or a young man approached a girl about dancing. Can you imagine after she said no what would happen to him if he drug her on the dance floor and insisted on dancing with her anyway? Can you just imagine?

I thank you very, very much for your valuable testimony. We will be submitting other questions to each of you in writing and would appreciate your response between 10 days and 2 weeks if you don't mind. Thank you very much.

This panel is dismissed, and the Chair now calls Shirley Bugli with the Concerned About Grizzlies organization from Stevensville, Montana; Rita Carlson from the BlueRibbon Coalition in Lewiston, Idaho; Kathleen Benedetto, Communities for a Great Northwest in

Billings, Montana. Ladies, if you will take your place at the witness table? As with the preceding panel, if you will all rise and raise your right hand?

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. And I recognize Kathleen Benedetto for your testimony. Kathleen?

STATEMENT OF KATHLEEN BENEDETTO, COMMUNITIES FOR A GREAT NORTHWEST, BILLINGS, MONTANA

Ms. BENEDETTO. Thank you, Madam Chairman. Chairman Chenoweth, members of the Committee on Resources, thank you for the opportunity to present the views of Communities for a Great Northwest on the issue of grizzly bear reintroduction in the Selway-Bitterroot Wilderness Area. Communities for a Great Northwest is a nonprofit group dedicated to educating its members and the public about the difficult choices we face in trying to provide for humankind while protecting the environment.

Today, I am speaking on behalf of Bruce Vincent, President of Communities for a Great Northwest. Bruce would like to thank Chairman Chenoweth for the opportunity to tell his story today and extends his apologies for not being here in person.

My name is Kathy Benedetto, and I am a minerals exploration geologist with 17 years of field experience in the western U.S. I have worked closely with Bruce during the past 4 years on many environmental issues. I also serve on the Executive Committee of the Grassroots ESA Coalition.

Bruce Vincent lives in Libby, Montana, a small timber and mining town in the Kootenai National Forest. His home is one-quarter mile outside the Cabinet-Yaak grizzly recovery area in a zone identified by the U.S. Fish and Wildlife Service as a human-grizzly conflict zone.

In 1988 at the request of the community and Congress, the U.S. Fish and Wildlife Service developed the first of its kind community involvement team for the reintroduction of grizzly bears. Bruce is a 9-year member of this team. As a result of Bruce's experience and the experience of other members of the organization, Communities for a Great Northwest requests the following occur prior to making a final decision on reintroduction of this experimental population.

Number 1, the legality of the local control concept should be tested before, not after, the reintroduction debate. In our experience, the local community has some limited advisory abilities but no real authority and absolutely no control of their recovery program.

Second, we request that a socioeconomic evaluation be completed on the impact of the proposed action. The study should be completed by a third party that is approved by representatives from the local communities that will be impacted by this decision.

Third, that an accumulative effects analysis be completed. Resource providers are constantly reminded that no action is independent of other actions when they propose development of commercial projects both on public and private land.

We believe this proposal does constitute a significant action especially when we look at other issues impacting the Northwest such as the Upper Columbia River Basin EIS, proposed listing of salm-

on, the listing of the bull trout, forest health issues, road closures, and litigation over development projects.

There are two documents—the grizzly bear compendium and the grizzly bear recovery plan that state the single most important factor in the recovery of the grizzly bear is human acceptance of the plan and the bear. In the 900 page grizzly bear compendium, three-quarters of a page is devoted to the single most important factor, and in the grizzly bear recovery plan, less than a dozen pages are devoted to the single most important factor in the grizzly bear recovery. This is ludicrous.

The socioeconomic studies and a cumulative effect analysis are necessary to evaluate the viability of this project as it relates to the single most important factor in the grizzly bear recovery, and that is the human element. If studies of potential impact are not completed and the public is not straightforwardly appraised of the findings, the casualties of this mistake include trust between supposed partners and ultimately the grizzly bear. This has happened in the Kootenai.

In 1991, our community involvement team sent every resident of our county a booklet updating them on the grizzly bear project. That booklet flatly stated that the recovery of grizzly bears would not have an adverse impact on timber management in the Kootenai.

Six weeks later, a U.S. Forest Service monitoring report was released that claimed timber harvests had declined substantially and was continuing to decline due in large part to the changing requirements for grizzly recovery. The Forest Service continues to claim substantial impact. The U.S. Fish and Wildlife Service continues to claim that there is no impact.

When our involvement team requested an economic analysis to prove or disprove impacts, the team was told that there was not enough money or personnel to complete the study. This brings us to our fourth request. Resources set aside for this experimental population be redirected and used to complete socioeconomic impact census studies, et cetera, in areas with existing bear populations such as the Cabinet-Yaak grizzly recovery area.

Number 5, we would like a guarantee people will be protected in encounters with grizzly bears and not subject to the humiliation suffered by John Shuler who was subject to—that he was subject to. He was fined $5,000 for killing a grizzly bear in his yard that had attacked his sheep and threatened his life.

In conclusion, while Communities for a Great Northwest appreciate efforts to find local solutions to issues such as grizzly bear protection and recoveries, those affected by the solutions have a right to know the legality of the promises made, the potential impacts of the solution on their lives and livelihoods, and the track record of the agency with whom they are partnering. Thank you.

[Statement of Ms. Benedetto may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Ms. Benedetto. The Chair recognizes Rita Carlson. Rita?

STATEMENT OF RITA CARLSON, BLUERIBBON COALITION, LEWISTON, IDAHO

Ms. CARLSON. Chairman Chenoweth and members of the Committee on Resources, thank you for the opportunity to present the views of the BlueRibbon Coalition on the issues of the grizzly bear recovery. Mr. Clark Collins sends his regrets for not being here in person, but as a member of his organization, the BlueRibbon Coalition, it is my honor and privilege to read his statement as part of this hearing on behalf of the recreationists.

The BlueRibbon Coalition is a national organization representing over 500 member organizations and businesses. Through these organizations and our individual membership, they represent the interests of over 750,000 back country recreationists.

While our primary constituency is motorized trail users, we have many nonmotorized recreation members who realize the value of working together on shared use trail management. We also work very closely with our resource industries and other multiple-use interests as evidenced by this presentation today of BlueRibbon Coalition's testimony by a timber interest person such as myself.

In the name of resource protection, many recreation user groups are being systematically excluded from traditional use areas. Green Advocacy Groups and preservation orientated land managers are discriminating against first one user group and then the next.

One by one, each interest group is considered guilty unless proven innocent and then locked out of one area after another. Through administrative regulations and biased interpretation of environmental protection laws, responsible recreational users are being denied access to historically used areas.

The tool of choice in these attacks on back country recreationists is often the Endangered Species Act. Our recreationists have seen their access eliminated or threatened in the name of protecting wolves, salmon, desert tortoises, bugs and most certainly grizzly bears.

There has not been one single recorded incident between a grizzly bear and a motorized trail user that has resulted in the death of a bear. Numerous incidents between hikers and photographers have resulted in death or injury to humans involved and led to the destruction of the offending bear.

And I repeat, there has not been one single recorded incident between a motorized back country trail user and a grizzly bear that has resulted in the death of the bear. Yet, Federal agency land management plans abound with proposed motorized access restrictions for the purpose of protecting the bear. Is something wrong with this picture?

The truth is that the extreme antirecreation organizations are using innocent animals in their quest for exclusive use of our back country recreational areas. And it has become obvious by their actions that they will settle for nothing less than a total elimination of first one recreation user group and then another. Back country horsemen, mountain bikers, and even some hikers are realizing that their access too is threatened.

Reintroduction of the grizzly bear is of concern to recreationists nationwide. Even hikers have expressed their opposition to grizzly reintroduction in Washington State. One of our member organiza-

tions, the Washington Back Country Horsemen, has expressed its adamant opposition to grizzly reintroduction in areas they use.

The fact is that while motorized recreationists are often excluded from grizzly recovery areas, it is the nonmotorized recreationists who are most at risk and consequently pose the most risk for the bear.

In our home State, Idaho, grizzly reintroduction is opposed, not only by back country recreationists, but by our Governor in a January 29, 1997, letter to Secretary Babbitt, by our wildlife management agency through a position statement approved by the Idaho Fish and Game Commission in May of this year and through a 1997 joint memorial of the Idaho legislature adopted by nearly unanimous consent.

I contacted Golden Linford of Rexburg, Idaho, Chairman of the Idaho House of Representatives Committee on Resources and Conservation, for his personal perspective on this issue. Representative Linford said, "Sure, some folks fear the grizzly, but what we fear most are the Federal bureaucrats."

Representative Linford's statement, "What we fear most are the Federal bureaucrats," says a lot about what is happening on these wildlife issues. Resource users, State and local government officials, and recreationists care about our wildlife. We enjoy viewing them on our recreational outings into the back country, and we are willing to help protect them as we harvest our natural resources.

We are appalled by the unprincipled use of animals, helpless or ferocious, endangered or not, as mere tools in a power play by greedy extremists to control our public lands. The hatemongering and the contrived user conflicts of these Green Advocacy Groups must not be rewarded.

Secretary Babbitt, the Sierra Club, and Earthfirst do not represent the environmental conscious of this country. We shouldn't call the Green Advocacy Groups environmentalists and passively allow them to refer to us as antienvironmentalists. Neither should the League of Conservation Voters Index be the litmus test for congressional environmental responsibility.

Just who are the real environmentalists? Just who really cares for our wildlife? Pushing to eliminate everyone's impact on the environment but your own doesn't make you an environmentalist. The Green Advocacy Groups and their allies in Congress and our land management agencies are no longer for the environment. They are just against everyone else's use of it.

Chairman Chenoweth and members of this Committee, recreationists shouldn't be discriminated against by our land management agencies and treated like criminals. The cooperation and volunteerism of our members should be recognized and rewarded.

On issues of environmental protection, we should be innocent unless proven guilty instead of the other way around. We can use our natural resources wisely, share our back country recreation areas with one another and wildlife, and preserve our natural resources for the public instead of against the public. Thank you.

[Statement of Mr. Collins may be found at end of hearing.]

Mrs. CHENOWETH. Thank you very much, Ms. Carlson. And now we would like to hear from Shirley Bugli, and you are with a citizens group entitled, "Concerned About Grizzlies"?

Ms. BUGLI. That is right.

Mrs. CHENOWETH. Please proceed.

STATEMENT OF SHIRLEY BUGLI, CONCERNED ABOUT GRIZZLIES, STEVENSVILLE, MONTANA

Ms. BUGLI. All right. Madam Chairman and members of the Committee on Forests and Forest Health, thank you for the opportunity to appear before you today. My name is Shirley Bugli. I am a lifelong, third generation resident of the Bitterroot Valley in western Montana.

In appearing here today, I represent the citizens group, "Concerned About Grizzlies," which is supported by 19 member organizations. I also represent the Montana Chapter of Women Involved in Farm Economics, WIFE, and Grassroots for Multiple Use, a citizens organization where I serve on the Board of Directors.

The grizzly bear is a valued native of Montana and is the official animal of the State of Montana. The grizzly has existed in the State throughout recorded history. With the establishment of livestock ranches and communities in Montana, the effective range of the grizzly bear was generally restricted to the ranges of the Northern Rocky Mountains contiguous to the Continental Divide.

This situation worked well for both the bear and human settlers. Occasional predations by the grizzly bear on domestic livestock were quickly controlled and a carefully regulated hunting season kept bear numbers at a level that maintained a viable breeding population of bears without overly encroaching on their human neighbors. The grizzly bear reintroduction program appears to be aimed at curing problems that do not actually exist.

Concerned About Grizzlies supporters have two overriding things in common. We live, work, recreate among, and depend heavily upon the natural resources within and surrounding our Bitterroot Valley, and we are all strongly opposed to the introduction of grizzly bears in the Selway-Bitterroot and the Frank Church River of No Return Wildernesses.

To date, over 5,000 people in Ravalli County have signed petitions and 28 groups have signed on as opposing the proposal to introduce grizzlies into the Bitterroot Mountains. A telephone survey designed by Dr. Raymond Karr, Ph.D. Forest-Sociology, was done on September 9, 1995, in which 388 calls were completed in Ravalli County.

One question was asked, "Do you favor the placing of grizzly bear in the Selway-Bitterroot Range? Yes, no, or undecided." An overwhelming majority of 59 percent opposed the introduction of grizzly bear. The ratio of pro and con surveyed was three-to-one against the proposal.

Since the last census in 1990, the rate of population growth in Ravalli County is 30.4 percent. Many homes are appearing in the forested lands along the fringes of the national forest. Some are no farther than three or four miles from the eastern boundary of the Selway-Bitterroot Wilderness.

Some of these new places are home to a few horses or cattle. Others are content with a family dog or cat. These animals or pets so close to the wilderness represent an attractive bait for a hungry grizzly.

Dr. Stephen Arno, wildfire research scientist, has noted the marked decline of whitebark pine that used to be common in the higher elevations of the Selway-Bitterroot. Dr. Arno's research has shown that there is just one significant band of whitebark pine remaining and that is located in the higher elevations along the Bitterroot front overlooking the valley.

Seeds from whitebark pine cones are a preferred food for bears. Once this stand of whitebark pine is discovered by introduced grizzlies, they are almost certain to return to that stand year after year to feed. Denning on adjacent lower slopes will likely result in hungry grizzlies descending to the populated Bitterroot Valley in the spring when they emerge from their winter hibernation.

Taking into account the sharply increased population of the Bitterroot Valley and the expected patterns of grizzly behavior, the conclusion is unescapable. More people and bears are going to be forced together. Bear encounters can have a variety of outcomes, but eventually a human is maimed or killed and a bear dies.

Bear predation on livestock will certainly increase bear-human encounters. These encounters seldom have happy endings. The role of the Federal Government in deliberately creating this situation is highly questionable.

The Selway-Bitterroot Wilderness is well used during the summer and fall seasons. In the late spring and early summer, the Selway River is a popular float trip from Paradise to Selway Falls. The numbers of people using the river are carefully limited by the Forest Service to one party of no more than 16 persons per day. However, during the recreation season, the river corridor is steadily used by hikers, trail riders, and hunters as well as rafters.

The many different people that have become part of our group have a wide variety of concerns about the grizzly. One of those concerns is fear. The degree of risk is immaterial. The fact is that some people are simply terrified of grizzly bears and will not risk even the remotest chance of an encounter. Introduction of grizzly bears into the Selway-Bitterroot will have the effect of closing another area to those people.

As citizens, we are concerned about the cost of the grizzly bear reintroduction program. In 1993, the U.S. Fish and Wildlife Service projected an estimated cost of the grizzly bear recovery program at $26 million. In these days of budget reductions and belt tightening, it seems frivolous to spend scarce Federal dollars on a totally unnecessary activity.

In closing, I would assure you that we are not antigrizzly bear. We hold a deep love and respect for the land and its inhabitants. We are ranchers, farmers, guides, foresters, horsemen and women, anglers, campers, and forest users. We believe that we have had a part in assuring that our land has remained beautiful and fruitful.

We are also confident that the grizzly bear will do just fine if we just let them alone and make sure the grizzly bear population doesn't get out of hand as it is threatening to do around Yellowstone.

Thank you and I do have some maps of the wilderness that is marked off, and you can see how very, very closely it comes to our valley floor, and a petition of 3,500 signers here from the Bitterroot

Valley. There is another petition I didn't bring with me. Thank you very much.

[Statement of Ms. Bugli may be found at end of hearing.]

Mrs. CHENOWETH. Without objection, we will enter it into the record.

[Map and petition may be found at end of hearing.]

Mrs. CHENOWETH. The Chair recognizes Mr. Hill.

Mr. HILL. Thank you, Madam Chairman. Kathleen, you are a strong supporter, aren't you, of collaborative process to try to deal with the conflicts in natural resource management?

Ms. BENEDETTO. Yes, I am. I think that it is a real opportunity for people with differing perspectives to come together and to understand one another and work out solutions that are beneficial to those local areas. What happens often in this collaborative process is the local people can come together and craft a solution.

But it is difficult to get that solution implemented because people outside of the local area, say, national environmental organizations, may not support the solution that local environmental organizations have entered into and often will file injunctions or lawsuits to prevent the solution from going forward.

And I also believe sometimes that it is—if people do not share the same principles for how to protect the environment, it often is difficult to come to a consensus where people really understand what they have discussed.

Mr. HILL. Sometimes you don't reach agreement. I mean———

Ms. BENEDETTO. Yes. Sometimes you don't reach agreement.

Mr. HILL. In this instance, there is some collaborative effort went forward. I have some concerns about whether that was a broad based collaborative effort. You know, could you comment on that? Would you agree with my concern or not or———

Ms. BENEDETTO. Are you speaking about the group in Libby?

Mr. HILL. Yes. No. I am talking about here on the reintroduction of grizzlies in the Selway-Bitterroot.

Ms. BENEDETTO. I can't address specifically what that particular group has come up with and who was involved in that group. I am not familiar with all of the players in that group. I think Rita may be able to answer part of that a little bit better than I can.

Ms. CARLSON. I am not sure what group he is talking about.

Mr. HILL. I will come back to that because you have made some specific recommendations or some general recommendations here. One of the concerns that you have is that a citizens group could be created. The local community could be enticed into supporting this effort because the citizens group is created, and then either by virtue of a change in mind of the Secretary or by virtue of a challenge to their authority by an outside group, they could end up with no authority, and then we would end up with a top-down management of this reintroduction. I mean, is that a summary kind of what you———

Ms. BENEDETTO. Yes. That is exactly right, and I think you can look at other issues in other parts of the country and see where that has clearly been the case. And I think the Quincy Library Group is probably one of the most famous instances where that occurred.

And this was a group of—and it was initiated by the local environmentalists in town who recognized that the policies that they were implementing and pushing forward were not working and was having a very severe, adverse impact on the community of Quincy.

So the resource providers and the local environmental groups came together, worked out a solution, and were unsuccessful at getting it accepted because the national environmental organizations filed injunctions or were strongly opposed to it. They have taken their proposal to the State legislature, and it has now been introduced into Congress. And, unfortunately, I don't remember the number of the bill.

Mr. HILL. Following on on that, where should we go from here? What should Congress do in your mind about this issue, the reintroduction of grizzly bears in the Selway-Bitterroot Wilderness Areas? What do you think we ought to do now? What should our next step be? What should the Forest Service's next step be? What should the Fish and Wildlife Service's next step be in your opinion?

Ms. BENEDETTO. In my opinion, what I think would be most appropriate is to take the resources that they are trying to spend on this process and let us finish the studies that were initiated in other areas where they have recovery programs going on.

And I think if we can finish those studies, we would have some information and data that would either help support what they want to do in the Selway-Bitterroot proposed recovery area, and they would have the information so that they could make a better decision.

I know that in the Bob Marshall Wilderness Area there are outfitters up there who would like to have a real census on—a thorough census on how many bears are actually up there. What is the population? So I think before we go and start all kinds of new projects, we ought to finish the projects that we have already initiated.

And, again, before going forward with this plan, I think you need to do the socioeconomic studies and the cumulative effect studies. And then you will have a more complete body of data to make an appropriate decision on.

Mr. HILL. We don't have a socioeconomic study done on this?

Ms. BENEDETTO. No. And from what I understand, we do not have a socioeconomic study done on the Cabinet-Yaak grizzly reintroduction area.

Mr. HILL. If I might follow on with this, just this line at this point is that—I mean, your experience is substantially driven by the experience you have had up there in the Kootenai Forest———

Ms. BENEDETTO. That is correct.

Mr. HILL. [continuing] where early on the suggestions of the community is that one set of circumstances would govern and then what ended up happening is that the game changed, if you will.

Ms. BENEDETTO. The game changed.

Mr. HILL. And it had a substantial impact on recreationists. It has had a substantial—a great impact on the economy of those communities?

Ms. BENEDETTO. That is correct.

Mr. HILL. Thank you, Kathleen. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. I would like to ask Rita Carlson, what effect do you believe that the introduction of the grizzly bear will have on timber sales and other multiple uses in your area?

Ms. CARLSON. Based on what has happened in Montana, even though they claim that there would be no effect—we heard that testimony earlier today—it did, in fact, have a big effect in the Cabinet-Yaak area. And I see no reason for it to be any different for us. And with the decline in timber sales that we have seen over the last few years, I view this is just another ploy to yet limit our access to timber supply and recreational areas as well.

Mrs. CHENOWETH. So you did see a substantial change in management practices?

Ms. CARLSON. Yes, I did. Over in the Libby area they certainly did.

Mrs. CHENOWETH. And primarily those were in timber sales and recreation?

Ms. CARLSON. That is true. In the Libby area, they told them that to offset the degree or the lower numbers in timber sales that they should look toward recreation, that tourism was their future. And so they looked, and Libby is surrounded by large mountains so they were going to put in a ski slope, but they couldn't because the ideal mountain for the ski slope was right in the midst of the grizzly bear recovery area. So that just didn't materialize at all.

Mrs. CHENOWETH. Very interesting. Shirley, I wanted to ask you, are there any other concerns that you have with the introduction of the grizzly bear that you didn't make in your statement?

Ms. BUGLI. Yes. There is one statement I would like to make, and I do think it is pertaining directly to this. I would like our Department of Interior to stop funding all of these organizations that are the environmental organizations that are using the funds to do this. I feel it is our tax dollars that are coming back through the massive amounts of funding that the Department of Interior gives to the environmental groups.

Mrs. CHENOWETH. Would you like to elaborate on that? Who are they funding?

Ms. BUGLI. I had a list that came from a magazine that was called, "Ecologic," and it was published—I am sorry I don't have it with me. I do have access to it, and it was a list of 1995, and it was funding the conservation—Nature Conservancy, the Wilderness Society, Trout Unlimited—just a number. I think that there were $44 million on that list alone and probably one-third of the list were the environmental organizations.

Mrs. CHENOWETH. Would you mind supplying that information for the Committee?

Ms. BUGLI. I will. I will have to wait until I get home to do it, but I will do that.

Mrs. CHENOWETH. Mr. Hill, do you have any other questions?

Mr. HILL. I do, yes, Madam Chairman. Shirley, you brought a petition with 3,500 people from Ravalli County?

Ms. BUGLI. Yes, I did. It is just one of the petitions.

Mr. HILL. Are you aware are there any members of the Ravalli County Commission who support reintroduction of grizzlies?

Ms. BUGLI. I am sorry. I should know that answer, but I don't believe so, but I am not real sure.

Mr. HILL. I am pretty sure that you are right. And legislators? I see, for example, that on your Board of Directors Steve Benedict———

Ms. BUGLI. He doesn't support grizzly reintroduction.

Mr. HILL. He is the State Senator representing that area. And you indicated that you represent I think 19 groups?

Ms. BUGLI. Nineteen groups.

Mr. HILL. Are you aware were any of those 19 groups asked to participate in the collaborative process that initiated the reintroduction or the proposal to reintroduce grizzly bears in the Selway-Bitterroot?

Ms. BUGLI. Not that I really am aware of. We have had several meetings over grizzly bears, and when we stood up and voiced our concerns, we were called radical people and not representative of the Bitterroot Valley.

Mr. HILL. So your participation was limited to just appearance at public meetings during the scoping process for the environmental impact statement, but there was a community collaborative process that went on, and you weren't a participant or your groups were not a participant of that collaborative process that you are aware of?

Ms. BUGLI. Not that I am aware of.

Mr. HILL. And I guess that leads me to the next question. One of the things—and I think that, Kathleen, you made this point—is that the number 1 thing about making a reintroduction successful is to have people accept bears.

Ms. BENEDETTO. That is correct.

Mr. HILL. Because that is necessary. It is the people's encounter with bears. People have to change how they behave in the forests, how they use the forests, et cetera. Shirley, is it your sense, and it is certainly my sense, that there is substantial public opposition in Ravalli County to this reintroduction?

Ms. BUGLI. Very definitely.

Mr. HILL. And there are some who are suggesting that there are public opinion polls that show 60 or 70 percent support. You have done some polling I think that would conflict with that. Is that correct?

Ms. BUGLI. Well, in my statement, there were 388 people that were polled randomly from the telephone directory, and it was a three-to-one margin against and the simple statement of do you support the grizzly bears being reintroduced—yes, no, and undecided.

Mr. HILL. So that wasn't a poll used to try to manipulate the results? It was a simple polling———

Ms. BUGLI. No. It was just a simple poll.

Mr. HILL. And anecdotally—I mean, just in your knowledge of the community that you live in, is it your opinion that two-thirds of the people there support reintroduction of the grizzly bears?

Ms. BUGLI. Oh, I think it is a very, very small number of people that would support it; in fact, so small that when they do testify in support of it, they run out the door quickly.

Mr. HILL. And the opposition there is substantially based on fear. Is that right? I mean, people are afraid of grizzly bears, aren't they?

Ms. BUGLI. Well, fear and economics.

Mr. HILL. And one of the reasons for that is that the valley that you live in there is substantially still associated with timber. We have I don't know—how many log home manufacturing companies are there there? I don't know if you know the answer to that, but there are probably more in that valley than there is anywhere else in America or anywhere else in the world.

Ms. BUGLI. Yes. I believe so and it is still a very strong agriculture area, although we are weakening. We are getting so many people in there, but our valley is only 80 miles long and 20 miles wide. And if anyone wants to look at the map, the boundary—you can see where the boundary comes right down into our area where it will be the logical place for the bears to come.

Mr. HILL. And, I mean, the wilderness—the reintroduction area isn't very far from residences?

Ms. BUGLI. Within a mile or two some places.

Mr. HILL. Right. And that is an area of rapidly growing population. Isn't that correct?

Ms. BUGLI. That is right.

Mr. HILL. So the likelihood of encounters between bears and people is substantial. And I found it interesting—I was in—two weeks ago in Cut Bank, and the Chairman doesn't know where Cut Bank is, but you know where Cut Bank is—and the people in Cut Bank, Montana, are concerned about grizzly bears.

And you ask them why, and it is the grizzly bear is coming out of the Bob Marshall and grizzly bears coming from Glacier Park. I don't know how far that is, but I think it is about probably at least 50—60 miles. And they frequently have encounters with bears. They have wide-ranging areas. They range out of the forests and so it is understandable why you have that fear, and I understand it as well.

Well, thank you, all of you. I really appreciate your traveling this far to be here to represent Montana and Idaho citizens groups, and it has been very informative. Thank you.

Mrs. CHENOWETH. Thank you all very much for your very valuable testimony. And if you wish to supplement the record, you are welcome to do it. The record will remain open for 2 weeks. Thank you.

We call the next panel; Phil Church, Resource Organization on Timber Supply from Lewiston, Idaho; Hank Fischer, Defenders of Wildlife, Missoula, Montana; Jim Riley, Intermountain Forest Industry Association, Coeur d'Alene, Idaho; Tom France, National Wildlife Federation, Missoula, Montana. As with the previous panel, I wonder if you will all rise and raise your right hands please?

[Witnesses sworn.]

Mrs. CHENOWETH. We will begin our testimony with Mr. France.

STATEMENT OF THOMAS FRANCE, NATIONAL WILDLIFE FEDERATION, MISSOULA, MONTANA

Mr. FRANCE. Thank you, Madam Chairman. My name is Tom France. I am with the National Wildlife Federation, and my office is in Missoula, Montana. And while I am often accused of representing one of those big green national organizations, our office has been there for 15 years, and I have lived in Missoula for 25, and gone to the University of Montana and graduated from law school there in 1981.

So my national organization always accuses me of going local on them so I am never quite sure where I am on these issues. And I think that that is at least the beginning of the National Wildlife Federation's efforts in developing a citizen management proposal for the grizzly bear reintroduction into the Selway-Bitterroot Wilderness.

Other members of the panel are going to talk about the origins of our discussions with the timber industry about how we might accomplish grizzly bear reintroduction. I wanted to use my time today—I have submitted written testimony—but to try and respond to some of the concerns that we have heard from the panelists.

And I think it is appropriate that I do this because throughout the three or 4 years that we have been working on the citizen management alternative with the Resource Organization on Timber Supply and the Intermountain Forest Industry Association, we have tried hard to listen to concerns.

We have tried hard to change the rule as we have heard others make points that we thought had merit and doing a better job of reflecting local concerns about the economy and local concerns about recreation and local concerns about how we manage wildlife species in the Northern Rockies.

I have heard several concerns today about Rule 14, the component of the citizen management rule that we developed that deals with how the Secretary of Interior might reclaim authority from the Citizen Management Committee. And let me assure the Chairman that on both sides of the aisle, conservationists accuse us of giving away the farm to citizen managers.

Others on the more conservative side, of course, are afraid that Secretary Babbitt will swoop in immediately upon the Citizen Management Committee being appointed and take back the authority and use it only from inside the Beltway in Washington, DC.

But certainly we constructed that part of the rule, recognizing that under the Endangered Species Act, Secretary Babbitt or whoever might inhabit the Department of Interior legally has to retain authority. But we also recognize that within the framework of the Citizen Management Committee, we wanted to vest all of the relevant decisionmaking authority locally, and we think we have set up a rule that does that.

As we constructed it—and here is what you might call our intent in constructing it—the Secretary can only call back authority where decisions aren't leading to recovery. And we used recovery in a programmatic sense. We did not use it to say that any specific decision would be second-guessed by the Secretary but rather a series of decisions that were not or are not leading to the grizzly bear populations in the Selway-Bitterroot prospering.

And, again, following on this theme of listening, we heard some comments today that I think we will think long and hard about. Perhaps we can strengthen that part of the rule, and as we go through the EIS process, that is I think the kind of constructive dialog we want to have.

In response to concerns that we heard from the Bitterroot Valley that it was a rapidly growing area, something we all recognize, we changed our rule in midcourse to reflect the fact that the Bitterroot—of all the areas adjacent to the national forest lands and wilderness areas that make up the Selway-Bitterroot and central Idaho roadless and wilderness country, the Bitterroot does have the densest population, and we recognize that conflicts there were really going to be irresolvable. There wasn't the space for grizzlies and people.

So the rule that we constructed, and I believe it is reflected in what the Department will release with the EIS, says that grizzly bears won't be pile rated in the Bitterroot, that they will be moved back up into the wilderness country.

And out of that experience, we also developed language where other parts of the experimental population area where conflicts were really irresolvable could be designated by the Citizen Management Committee as areas where we simply don't want bears and where bear occupancy and use will be discouraged.

And I bring that to the Committee's attention as another place where we tried to hear what the concerns were in a place where we think if people pay attention to how this rule has evolved over time, they will recognize that this can be an adaptive process, that their input can have impact on how the decision is finally going to look.

That leads me to a third point, and we have heard several questions for the Committee about the collaborative process that we set up and whether we engaged with other responsible organizations, and we did our best. But no one appointed us. We just got together and said, "Jeez, there is a big problem out here. How can we solve it?" We started small. We worked large.

We have, for the last year since we put out our draft of a rule, tried to meet with everyone we can, and I want to assure that Committee that that is still our commitment. We wish to exclude no one from this process, and if there is a group in McCall or a group in Lewiston or a group in Salmon, we are anxious to go down and talk with them and see whether we can't build our partnership with them.

So those are a few of the things we have done to address concerns, and that is certainly the theme that we have tried to incorporate throughout our efforts on this issue. Thank you very much.

[Statement of Mr. France may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. France. And the Chair recognizes Jim Riley from Intermountain Forest Industry Association, Coeur d'Alene. Mr. Riley?

STATEMENT OF JIM RILEY, INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION, COEUR d'ALENE, IDAHO

Mr. RILEY. Thank you, Chairman Chenoweth, and members of the committee. I am Jim Riley. I am the Executive Vice President

of the Intermountain Forest Industry Association with headquarters in Coeur d'Alene and also offices in Boise, Idaho, and Missoula, Montana. Our association is privileged to represent the forest products businesses, the majority of them in both Idaho and Montana, as well as the private forest owners in those two States.

With your permission, I will submit my full statement for the record and just highlight a couple of elements of this which I think are particularly relevant to today's conversation.

First, let me report that like so many others who have testified today, our history with this proposal began with the recovery plan that was advanced by the Fish and Wildlife Service in 1993. And our response in 1993 and 1994 to that plan was the same response you have seen throughout the West as endangered species proposals have been advanced upon communities and industries, and that was of vigorous resistance.

We didn't believe it was necessary, appropriate, or workable, and spent many hours trying to persuade the Fish and Wildlife Service to withdraw their recovery proposal. We were not making much progress with that, and in 1995 under the guidance of the late Seth Diamond, who was our wildlife biologist out of Missoula, Montana, with his expertise on both the ESA and on grizzly bear management, persuaded our membership to take a fresh look at our approach to this issue and our way of addressing the recovery proposal.

Under Seth's direction, we began meetings with the other folks who I am privileged to be with on this panel today to talk about a more productive way than the high profile conflicts that have always characterized these issues for us to engage each other over grizzly bear management.

And I want to assure everybody, those were not easy conversations, and they took many hours, and there was much contention among the people at this table as we tried to work through what has become known today as the citizens management proposal.

This proposal was born, from our organization's standpoint, not just because of those conversations but because of our experience throughout Idaho and Montana with what we see as failed grizzly bear management policy. I began my career working with a sawmill in Dubois, Wyoming, which is closed today in part because of the management constraints that grizzly bear management placed on the timber supply in that area.

I worked in the Targhee National Forest where we tried to enter into negotiations with grizzly bear advocacy groups to try to find a way—a formula to keep the sawmill, which is now closed there today, in business. I have worked, Congressman Hill, at great length in the Swan Valley trying to resolve the issue there of grizzly bear management and found the distressing situation where citizens have worked with the Federal Government to ensure more bears show up.

You would think that would free up constraints on other uses. It only made those constraints more binding, not less binding and because of those experiences and those failed policies made—motivated us to try to find something new, and that is what this proposal was all about.

The citizens management concept, which you have before you, we believe that that is not only the best way but the only way to bring about sustainable bear populations in this area and to incorporate the interest of local communities, not just override them. The proposal that we have supported in concept includes three principal parts that are extremely important, which I outline in my statement.

And the first of which is that the Secretary of Interior fully delegates management authority to the citizens. Second of which is that the populations be classified as nonessential and experimental. And the third of which is that the recovery zone be defined in a manner which minimizes conflict, not seek to create conflict.

Now, having said that, I also want to echo Tom France's view that in putting this together and talking with folks in the communities about this, the collaborative process is very difficult. We are private citizens. We have other things we work on. We began with the people around this table and then have tried over the last 12 months to the best of our ability to talk to anybody who was interested in talking about this.

I know Seth made several trips to Ravalli County and other places. I just want to underscore it was not our intention to exclude anyone. It was our intention to include as many people as were interested in the citizens sense about this.

Issues have arisen in our conversations and continue to arise today which need further attention, and we support attention of that. First, the question regarding the legal authority to create the Citizen Management Committee that has been talked about in many places. Section 14 has been raised. We would just say it is a simple matter. This has to be a real delegation of authority. It cannot be a sham committee for this proposal to continue to gain our endorsement as the right way to proceed.

Second, our ongoing questions about the science of the bear and what this area can sustain and not sustain in terms of bear populations. Those are also important questions that we think need a response. And most importantly are the personal safety concerns that have been raised over and repeatedly. Those need to be accommodated.

In conclusion, I would say that the IFIA has long advanced the perspective that no single use of our forest lands ought to preclude any other. And it is because of this point of view that we have come to have these conversations about grizzly bears. I would also say that we have promoted the concept of local decisionmaking by the people affected by decisions as being the right way to solve resource management problems.

This proposal is consistent with that long-held view of ours, and I would also say, and underscore, that I believe that it is fundamentally wrong for the Federal Government to impose a species, particularly one that brings the personal safety concerns that the grizzly bear does, upon citizens of any State without the acceptance of those citizens.

It is because of that idea and the idea that it is fundamentally right for the Federal Government to facilitate citizens' management of those species that this proposal has gained acceptance within our association.

And so it is because of those very same concerns that have been raised elsewhere that we find this to be a creative solution to that problem. I appreciate the opportunity to testify and will look forward to questions at the end of this panel. Thank you.

[Statement of Mr. Riley may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Riley. Mr. Church is recognized from Resource Organization on Timber Supply.

STATEMENT OF PHIL CHURCH, RESOURCE ORGANIZATION ON TIMBER SUPPLY, LEWISTON, IDAHO

Mr. CHURCH. Good afternoon. Thank you, Chairman Chenoweth and Committee. Thank you for this opportunity to be able to testify before you. I am Co-Chairman of ROOTS, Resource Organization on Timber Supply—can you hear me OK?—made up of organized labor and industry entities. The group was formed to work on natural resource issues on the Clearwater National Forest and the Nez Perce National Forest.

A brief history of what we went through so you can understand why we promote the concept of the Citizen Management Committee. When we first started a little over 4 years ago, we went to some meetings in Grangeville, Idaho, and those meetings were hosted by the U.S. Fish and Wildlife Service and the Idaho Fish and Game.

And it was at these meetings that, you know, we learned that should a bear wander into this area, then without our proposal then that bear would be listed under Section 7 of the Endangered Species Act with full protection.

In addition, the original proposed area from the U.S. Fish and Wildlife Service and the Fish and Game was about one-third of the roaded front which would have locked us out of that area for any harvestable timber, plus all the unroaded area, plus the proposed wilderness area. So the original plan was a lot broader than it is now.

We had a tremendous fear of loss of jobs, destruction of families, and at that time we came away with a statement of not only no, but hell no. We were not going to tolerate these actions. We were going to fight it in any way we could.

We studied the issues, and we learned that, again, should a bear wander in from the neighboring State of Montana, that bear will be protected. Again, I want to reemphasize that point because then we are locked out of that area regardless. There is no input. There is no say. We are locked out of it.

We also learned by studying that there is more to the ESA than simply Section 7. I firmly believe the Endangered Species Act is broken and needs to be repaired. Based on our discussions, four groups came together, and it wasn't limited to these four groups.

We sent out invitations to as many groups as we could; again, anyone that would be willing to participate. Several groups said no. Several groups said they would like to be kept informed of the situation. Those groups were ROOTS, Defenders of Wildlife, National Defenders of Wildlife, and IFIA—the groups here before you. Again, we had an open-door policy to participate, most of which, again, simply wanted to be kept apprized of it.

Because of our labor and management background, we realized simply saying no is not an option. Under the Endangered Species Act, we looked for what was negotiable and what was not. The whole purpose was to perform damage control, again remembering our sisters and brothers and the loss of jobs, the destruction of families over the spotted owl issue. It was during that same period of time. And how the grizzly bear and those issues have been handled in Montana devastating whole communities. We recognized that and wanted to minimize that damage to our areas.

I did want to add one other point. If that bear under the first proposal would have been reintroduced, it would have been reintroduced into the very back yard of such cities as Elk City. Elk City was part of the proposed area.

We came up with the concept utilizing a Citizen Management Committee, and the bear would be reintroduced into the wilderness of the Selway-Bitterroot as a nonessential experimental population. The Citizen Management Committee is the way of the future.

The grizzly bear is a controversial issue by itself. But remove the bear from that issue, from the equation, and put it in its place—bull trout or salmon. Citizens' management has potential. The concept of citizens' management is visionary, and I ask you to see the vision of the future. The Endangered Species Act is broken, and without citizens' management and other changes to the Endangered Species Act, no one wins including the listed species.

In closing, the Citizen Management Committee is a win-win concept that needs a chance. My membership does not want the bear, but they do see the value of a Citizen Management Committee and are willing to give that a chance. Thank you and I will be happy to answer any questions.

[Statement of Mr. Church may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Church, and you saw a little bit of flurry of activity up here. It is because they have called us to a vote. We have a 15-minute vote on the flag bill which will be interesting. But, Mr. Fischer, before we proceed with your testimony, since Congressman Hill has left, I am going to run out too so that we can resume the Committee just as quickly as possible. So if I can ask your indulgence and recess the Committee temporarily, we will be back in just a moment. Thank you.

[Recess.]

Mrs. CHENOWETH. The bill that we just voted on was a prohibition against desecration of the American flag, and so as you can imagine that one passed by a wide majority. I would like to return now to our activity and the business of the Committee and resume testimony with Hank Fischer. It really is nice to see you again, Mr. Fischer. We are going to have to quit meeting like this.

STATEMENT OF HANK FISCHER, DEFENDERS OF WILDLIFE, MISSOULA, MONTANA

Mr. FISCHER. You had me nervous there for a second. Madam Chairman, Congressman Hill, thank you very much for having me here. I am Hank Fischer. I am the Northern Rockies Representative for Defenders of Wildlife. Defenders is a national nonprofit wildlife conservation organization. I am in Missoula, Montana. Our

organization has approximately 200,000 members, many of them in Montana and Idaho.

I have worked for Defenders for 20 years and have been intensely involved in these endangered species issues, and most recently very involved with the wolf restoration issue. I think plainly wolf restoration will be viewed as an historic conservation achievement. While many people don't agree with it, the action is going to influence the conservation of large predators all around the world.

But I would be just as quick to add that while wolf restoration in Yellowstone and central Idaho may be a historic achievement, it is a less than perfect conservation model for three reasons.

First of all, it cost too much, second, it took too long; and third, there are still too many people in the region who are upset that it ever happened at all. It is that combination of factors that has drawn our group together and made us try to seek a better way to conserve endangered species, and that is what we will present to you here today.

I have my prepared statement, which I will submit for the record. I thought I would go over a few items that came up in testimony today that might help elucidate this issue a bit more. First of all, I wanted to talk a bit about the issue of public support for Bitterroot grizzly restoration.

It is frequently asserted that there is no support for Bitterroot grizzly restoration. Defenders of Wildlife, along with the National Wildlife Federation, commissioned a poll that was conducted in April of this year. We hired a firm called Responsive Management, which is the leading market research firm in the United States on fish and wildlife issues.

This organization has been hired frequently by the Montana Department of Fish, Wildlife and Parks; Wyoming Gam and Fish Department; Idaho Game and Fish Department. It is generally recognized as the leading firm in the United States on wildlife polling. And we will make sure that we get you a copy of the poll so that you can see that for yourself.

Mrs. CHENOWETH. Thank you.

Mr. FISCHER. But, Tom, maybe you could take away the map there. There are a couple key points that I want to go over in this poll that are important. First of all, on—Tom, could you—the order of those isn't right. Could you put the first one up with the no conditions? That is the one. The first sheet is the basic question of support and opposition, with no conditions attached to it. It shows 46 percent support grizzly restoration, 35 percent oppose, 19 percent have no opinion or did not know.

Now, I would be quick to point out to you that in my view, the actual percentages are not that important. It is plain there are a substantial number of people who support grizzly restoration, just as there are also a substantial number of people who oppose it. And we respect that opposition.

We know it is important to acknowledge the opposition. We know it is out there, and we know we have to deal with it. That has really been the point of our work for the last couple of years—trying to develop a constructive way to deal with the opposition and respond to their legitimate concerns.

The results of this poll that are really most important have to do with when we tested the four primary conditions of our citizen management alternative and how that influenced response. Can I have the second one, Tom? The one on the floor I think. OK. And what this one shows is that under the conditions that we have a Citizen Management Committee, cost minimization, no land use restrictions, bear relocated from populated areas, we find that the support goes up to 62 percent; opposition 30 percent; no opinion 8 percent.

And there is a final chart that shows in all three categories—people are opponents, supporters, and those who have no opinion—they all became more supportive of grizzly restoration when we included the citizen management aspect to it. Most notably, people who were uncertain went up the most, but even supporters and opponents became more supportive when they learned about the citizen management alternative.

And so my point here is very simple. We have gone to many places, and I would like to talk to you more about that. We have had extensive conversations with the Idaho legislature, especially with the Grizzly Bear Oversight Committee that was appointed by the Idaho legislature. We have talked with them. We have made visits to many small towns in Montana and Idaho, and what we find is when we talk to people and have the chance to explain this citizen management alternative to them, they become more supportive. We think it is an alternative that has a lot of promise to gain broad support.

In closing, I find it a curious irony that we hear today many, many stories about how the Endangered Species Act isn't working for one reason or another, and yet people remain firmly resistant to trying something new.

To me, that is the absolute reason why we need to try something new because some of our current techniques are not working well. And we must have the confidence to try new approaches to species restoration if we are going to avoid continued polarization. Thank you.

[Statement of Mr. Fischer may be found at end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Fischer, and we will open the questioning with Mr. Hill.

Mr. HILL. Thank you, Madam Chairman, and thank all of you members of the panel. I would just like to comment first of all I encourage you in your process. I am, as was mentioned earlier, a strong advocate of collaborative process. And I know that you folks have invested a lot in a collaborative effort here. I have expressed some concerns about that and I will in my questioning.

But I would certainly urge you to stay with this because no matter what the outcome here—I mean, I think that it is a constructive process with collaborative—I would ask all of you to answer this question, if you would. What is the value that we are after? Why is it so important that grizzly bears be reintroduced in this area at this time? What is that shared value? Start with you, Tom.

Mr. FRANCE. Well, I think we have—each of the participants that have worked on this have values that are similar but not identical. Certainly for the National Wildlife Federation, our priority would be in recovering the grizzly bear in the Selway-Bitterroot-Frank

Church area as part of the larger recovery effort to restore bears in the lower 48.

Having said that, we recognize that that recovery can only occur if we also create—we have got to create biological conditions where that occurs. We have got to create a habitat base for that species, but we also have to create a social contract about how we manage a large predator like the grizzly bear. And we think that what we have done in central Idaho with IFIA and with ROOTS and with Defenders of Wildlife achieves both of those objectives.

It achieves the objective of establishing a grizzly bear population in the largest piece of grizzly habitat we have left in the lower 48, but it does it in a way that respects local communities and we think will enhance local economies. And I conclude by saying we have got a proposal here. We are certainly not sure where that is going to go, but we are committed to the long-term. We recognize that our job doesn't stop when a grizzly bear is released in Moose Creek in the Selway, that there are a lot of things we have to work on after that to make that vision a reality.

Mr. HILL. Mr. Riley?

Mr. RILEY. Congressman, I would respond to that with two points, the first of which is that we have advanced the perspective for many years that no single use of our forest lands needs to preclude another, and that is because our industry has been on the losing end of that preclusion equation, if you will, on lots of issues.

And if we are going to be true to that perspective, here is an issue where it is very difficult for us to argue that our use of the forest ought to preclude this other use of the forest, if you are with me. So that perhaps is at the foundation of what we are talking about.

More immediate and more importantly to many of our members is the question of what would happen if we did nothing in this situation. What would happen to the timber supply in the Bitterroot Valley if nothing was done at all and a bear showed up there today. And I would tell you that the answer to that under the current law, the Endangered Species Act, is because this is a listed species.

It receives the full protections of the Endangered Species Act that we have seen in the Swan Valley and in Yellowstone and other places. And so this is as much, quite candidly, a defensive opportunity for us as it is a way to advance the overall objective of what we see. So for those two reasons is what the value of this proposal is as we see it.

Mr. HILL. Mr. Church?

Mr. CHURCH. Mr. Riley said most of what I would say—damage control. Organized labor would look at it from the point of view. We have seen what took place over in Washington State with the spotted owl. Again, if that bear was to wander in, we know the bear has wandered in from Montana; has not taken up residency yet.

If that bear was to take up residency, full protection under the Endangered Species Act, Section 7, and we don't have a voice. This hearing is a moot point. There is nothing that can happen. That law is—it is a different story then. Everything changes. And we are trying to protect and minimize that damage.

Mr. HILL. Those doggone Montana bears, huh?

Mr. CHURCH. Sorry.

Mr. HILL. They used to beat them in football too. They cheer the grizzlies on Saturdays down there in Ravalli County, and they curse them the rest of the week. But, anyway———

Mr. FISCHER. I guess I would say simply that any collaborative effort depends on some convergence of interest. Our convergence is clearly we would like to see bears restored to this area, and I think, you know, these people want to make sure that it is done in a way that doesn't significantly impact their interests. And I think that is the convergence.

Mr. HILL. You know, but what I hear here is, you know, obviously, we want to restore them—to restore more grizzlies. We want to have more grizzlies in the 48, and we want to restore the opportunity to industry to be able to harvest timber. But the concerns that were expressed mostly today about this was human contact, the impact on people, just their everyday life, not jobs, although there is some concern about jobs—recreation, but also just safety of their children and sense of safety when they recreate. What about that?

Mr. FISCHER. If I could speak to that, you know, our poll asked that question directly, why were people opposed, and our poll showed that too, that almost on a five-to-one basis the primary reason people were afraid of this—were opposed to it because of fear of bears. It wasn't the issues that we think like cost and like land use restrictions. Those were much lower.

It was the fear issue. And in some ways, that is good news because that is something that we can work on, although only to a certain level. I mean, there is a certain fear of bears that I think is similar to the fear some people have of flying on airplanes. And you can tell people driving to the airport you are more likely to die, and, jeez, I could regale you with all kinds of stories about how gruesome it is to be in an airplane crash and all the stories of people going down and all that. And it is. It is awful. It is terrible.

But at the same time, we are all going to get on an airplane again. And in the same way, I think all of us are going to go to Yellowstone Park again. All of us are going to visit Alaska again, and I think in the future all of us are going to visit the Bitterroot, but we are going to do it with care.

Mr. HILL. I just want to remind you when we start talking about air and water quality issues and the environmental impacts and risk to life, I want to remind you of the fact there is a risk in life. And when you talk about bears, it is that way in all parts of life. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. Mr. France and Mr. Fischer, my congratulations to you, Mr. Riley, Mr. Church, for approaching this issue in a manner that I hope we see other issues with regards to local citizen management organizations being formed and work through these to key problems. Certainly, the Quincy Library Group proposal that was one of the first bills in front of this Committee I think is a prime example of how citizens and local interest groups can work together and achieve what everyone wants.

My biggest concern is now that the bill is out of committee, we are seeing a lot of national attention paid to this by the national

environmental groups. And while agreements are made locally, there is nothing that binds the same national group from moving ahead and then opposing the issue and either filing suit or coming in here and heavily lobbying against it.

I know because I asked Mr. Fischer this same question in Montana, and I remember his answer. You know, it is a free country, and we can't bind people. And I understand that. But you can see our concern that while we may agree locally, while we may even, in essence, endorse this, there is no security in knowing that when you speak for the National Wildlife Federation or Defenders of Wildlife that when it reaches the implementation point that it is going to move ahead. Is there anything, Mr. France or Mr. Fischer, you can say that could give us any security about what you may agree to on the field being carried forward?

Mr. FRANCE. Well, I would offer with one example, and I know there are differing opinions on the wolf recovery program, but that too was done under an experimental population rule. And we may disagree about the specifics of that rule, but, nonetheless, it was challenged. It was challenged by the Farm Bureau organizations in Montana, Wyoming, and Idaho. It was also challenged by the National Audubon Society and some other conservation groups.

And I am privileged to represent National Wildlife and Defenders of Wildlife and the Idaho Wildlife Federation in intervening in that case and were there to see that that rule was an effort at compromise. It may not have succeeded as well as we liked, but that middle course was where we wanted to be, and we backed that up by going into Court against other conservation organizations.

And I think we have the same level of commitment, and that is why I made my comment earlier that in many ways if this plan is approved and we get the situation where some day we are putting a bear out in Moose Creek, you know, that is not the end of the story for the National Wildlife Federation.

That has to be viewed as the beginning because that is when the success or failure of the citizen management approach starts to be measured. And it is all theory until then, and if we are going to make a proposal like this, we have to have a commitment to working through as the implementation occurs. And we are well aware of that, and we will do our best.

Mr. FISCHER. If I could make one comment?

Mrs. CHENOWETH. Sure.

Mr. FISCHER. What I would say is, you know, I appreciate your kind words about our process, but at the same time it is very necessary for us at some level to achieve some endorsement, some support for what we are doing. I think it—you know, you wonder what makes these sort of processes grow and succeed. It is by having people step forward and say this is the right thing to do and to support them. And we need that kind of support, and we need that from elected officials as well as from local citizens.

I think what makes this thing strong and such that it repels attacks is by having this bridge across different interest groups. That is a very strong insulation from attack, in my view. And I think lawsuits rarely succeed where you have common interest joined like that.

Mrs. CHENOWETH. Mr. France, you indicated that you have a legal background?

Mr. FRANCE. Yes.

Mrs. CHENOWETH. And are you an attorney?

Mr. FRANCE. Yes, I am an attorney.

Mrs. CHENOWETH. I asked a question earlier about the liability that individuals might be incurring as members of the Citizen Management Committee and even citizens like you who may have helped organize this. The long arm of the law seems to be reaching out in issues of personal liability cases, even piercing the corporate veil. This concerns me and as I examine the agreement, I find nothing that will indemnify or protect individuals or organizations or even corporations and their stockholders. Have you done a legal analysis on this?

Mr. FRANCE. As I said in my testimony, we keep listening and we keep hearing concerns, that this is a new concern for me. And I will take a look at that. Two months ago, Director Mealey raised the concern about whether the Secretary even had the power to delegate to the Citizen Management Committee.

And, obviously, we had made an initial cut on that years ago and said, yes, under the experimental population provision of the ESA that authority was there. But certainly Director Mealey's questions have prompted us to take another look at that. And we hope to form some sort of consensus with lawyers, both in the conservation community and with the timber industry, and we will take a look at that liability issue. And I would hope we could get something to you soon on that.

Mrs. CHENOWETH. Thank you. I really appreciate that, and I would look forward to your response on that. Mr. Riley, welcome. It is good to see you.

Mr. RILEY. It is always good to see you.

Mrs. CHENOWETH. You have been involved in this issue from the very, very beginning. You have seen a lot of things happen to the timber industry in Idaho. As a result of the agreement, if everything in the Citizen Management Committee agreement can go forward, presuming that the introduction has taken place, has there been anything that we have gained?

I know that we are in a defensive measure. What we are trying to prevent is losing more. But in a good agreement, usually two people—both sides really benefit and they gain. While the one side is gaining a huge territory for an endangered species, what have we gained?

Mr. RILEY. You know, we struggled with that very same question internally many times, and I think that it is important to sort of shift your perspective to understand our view on this from who gains and who loses to dealing with the situation.

I mean, we could argue at great length as to who has that ground today, you know, what is going on—remember, this is a wilderness area where the core of the proposal is and outside of it is part of the management area—and who ultimately has more control over, you know, or which interest does over what is going to happen there under the status quo. When we talked about that, we decided that that is sort of one of those endless conversations that there is no win on.

We believe that under all likely possible courses of action that could go forward from here, our interests would be better off if this concept, as we envision it with some important legal questions here—our interests would be better off than the other alternative courses of action which are available. That is our assessment.

And while I am speaking to this, let me also respond to, if I can, your first set of questions. There are some legal questions here—very specific ones about this proposal because make no doubt about it, the Endangered Species Act was not put together to envision citizens managing anything.

In fact, it was put together for the exact opposite purpose where the Federal Government would sort of swoop in and take control in these situations. So we are trying to do something with this law that was not specifically intended by the people who drafted it.

Now, we do think that it is legal, but we also are very much aware that there are people who have pledged without even having seen the proposed rule from the Fish and Wildlife Service that they are going to litigate this. On both sides of this issue, there are people who have pledged that. So that is a highly important question.

And just as a general matter, I want to observe I have come before this Committee and testified numerous times on the need for changes in our environmental laws, the Endangered Species Act being one of them.

I mean, it is for exactly this reason because it is the notion that what happens to make good environmental policy is the Federal Government comes out and does things to citizens of the States like our State rather than comes out and allows things to happen with us is what has caused great resentment throughout Montana toward the bear, toward the Federal Government, as well as our State of Idaho, and as causing polarization in our communities rather than people trying to work together as this small group of us at this table are today to bring about solutions to problems rather than endless fights over resource use.

Mrs. CHENOWETH. Mr. Riley, you are regarded by many people as one of the best professional governmental affairs operators not only in Idaho but probably in the Nation, and I am not blowing smoke. This is something that I have learned since I came back here. It troubles me that when the Governor and the legislature and the delegation and the county commissioners all say no how we can move ahead with a program that cost taxpayers money. And how do you feel about that personally, if you don't mind?

Mr. RILEY. Well, not just personally but professionally I would tell you that it was my advice this morning and it remains my advice to the Fish and Wildlife Service that it is inappropriate for them to force this upon the citizens of Idaho or Montana.

The core of this proposal is based on the fact that the citizens of the State can work with the support of their Federal Government to handle this situation. It is not something that is done to them, but it is something that is done with them.

And I think that it is—as I watched this morning in the conversation that ensued, it seems like people are now pulling apart to a polarized conflict with what we have been trying to advance as coming together. It has been my personal stance and our organization's stance to work with all of the members of the delegations

involved here to try to get understanding and consensus as we have in the local communities throughout both States as to why this concept will work rather than forcing this upon anybody.

Mrs. CHENOWETH. Thank you. Mr. France, I want to return to you for another question, and that question is if the agreement were adjusted so that the citizens were satisfied that they were indemnified, the citizens on the committee, and if Mr. Riley and Mr. Church were satisfied that moving ahead with a multiple-use concept was drafted in the agreement, does it hold up in Court because can we agree to something that is contrary to a statutory authority?

By that I mean if—in the agreement, they agreed to a multiple-use concept, but yet the Endangered Species Act states you have to manage critical habitat singularly. Can you agree to that which is———

Mr. FRANCE. I think the answer on a couple of those questions is clear under the law. Where an experimental population is designated—a nonessential experimental population is designated, the Act expressly relieves the Secretary of designating critical habitat and expressly commands him not to conduct Section 7 consultations for Federal actions.

So at least as far as the usual things that go with the Endangered Species Act, the law itself is clear that once we use this nonessential experimental designation, we do away with the regulatory burdens of the Act, and we encourage flexibility and creativity.

Where the Act is less clear is it says to the Secretary go forth and experiment, but as Mr. Riley correctly observes, it never occurred to Congress in 1982 that somebody might consider it a good experiment to delegate authority to a bunch of people in Montana and Idaho to manage grizzly bears.

And so that question is—there are answers for it. They are precedent in terms of other Federal statutes where delegations have occurred, and that is the kind of law we are pulling together right now, and I will be happy to make that available when we have it in final form.

But we know we can get rid of a lot of the baggage or a lot of the things that have caused friction with endangered species with the designation. We want to take a closer look, and we want to do it in concert with the Fish and Wildlife Service on this delegation issue. We want to provide as much certainty.

I would add too that Jim is also right. We have heard from people around the compass that feel threatened by this, that they will sue us or sue the Secretary. And I think we will have a chance to have the legal questions looked at in Court before we are deep into the management of grizzly bears in the Selway-Bitterroot. I think we will get some firm answers from a Court. I am fairly confident they will be in our favor.

Mrs. CHENOWETH. I have just one more question, and then I will yield more time to Mr. Hill. The Davis and Butterfield report, Mr. France, indicated that there was a certain area that was more suitable for the reintroduction or introduction of the grizzlies. And yet an area that they did not study was set aside for that purpose. Do you know why? What is the science behind it? What happened?

Mr. FRANCE. Well, I do know at least part of the answer, and that is that the Fish and Wildlife Service listened to what we had to say in terms of proposing this citizen management proposal. The Service's initial thought on reintroducing grizzly bears to Idaho was the Selway-Bitterroot and the Clearwater country to the north of the Lochsa. And that is what the initial studies looked at by way of habitat capability.

When we proposed our rule in the summer of 1995, that caused the Service to take a look at it. As Dr. Morgenweck noted this morning, they have adopted it as a preferred alternative, and our proposal called for keying recovery efforts into the Selway-Bitterroot—Frank Church.

And so the study came in advance of that, and we just haven't squared up all the round pegs with the square holes yet. But the Service basically responded to what we said by way of an appropriate area for initial reintroduction and for management emphasis.

Mrs. CHENOWETH. All right. Thank you very much.

Mr. HILL. Thank you, Madam Chairman. Just, Hank, would you be willing to make the complete copy of that poll available to the Committee, cross tabs and everything?

Mr. FISCHER. Absolutely.

Mr. HILL. I sure would like to look at it because it is important to me. Thank you. The big concern I think that comes out, and it is interesting that the poll revealed this as well, in Ravalli County is this issue of fear. I mean, obviously, people there are concerned about their children's lives and livestock and those sorts of things.

What strategies are there in managing a grizzly bear population that can be used to instill a certain amount of fear on the part of grizzly bears to people? I mean, some things I have read would indicate, for example, that without hunting, bears just don't have a natural fear of people. Is that true in your view? Are there strategies that can be used to———

Mr. FISCHER. Yes. I mean, there are definitely strategies that we can use. We are using them in other places, and, yes, we know a lot about this right now. But I think the one thing, and, again, you know, our poll showed this as well, is when we asked people, OK, if we had a policy whereby bears that came into areas that were designated no bear areas were removed promptly, would that allay your fear? Yes, it very much seemed to allay their fears.

And, again, that is what we specifically have done for the Bitterroot have been declare that private lands in the Bitterroot Valley are places where bears won't be tolerated. So as soon as they show up—now, we are not going to wait for them to cause problems. As soon as they show up, we are going to capture them and take them back to the wilderness.

We are not going to tolerate bears on private lands in the Bitterroot Valley, and we thought that was the most effective way to directly address that, and we did that at Governor Racicot's suggestion. He was the one who suggested that we include that after he, you know, went and visited with people in Ravalli County and heard their concerns about safety too.

And I would be quick to say we remain open to other suggestions for how to improve this. This Citizen Management Committee has

the ability to designate other areas that may be appropriate for, you know, declaring offlimits to bears. I think as you have heard from several panels, including Hal Salwasser and Steve Mealey, education makes a huge difference in keeping people from having problems with bears.

The big difference is that, you know, we tend to think of grizzly bears, and we have this national park image. And that is the place where you have millions of people who are not educated in the backwoods going out and encountering bears, and that is where problems do occur. In places that are wilderness areas, you tend to have sophisticated users or you have people going in with outfitters who are sophisticated users, and they know how to not get into trouble with bears.

Mr. HILL. That is when the bears don't wander out of those areas though. I mean, I agree with you. I have seen grizzly bears in the Bob Marshall, and I am afraid of them. But I want to follow that on because I agree with the comment Mr. Riley made. I think that one of the critical elements here from my perspective is I think that we have a problem down there in Ravalli County, and that we have got a lot of work to do down there to turn around public opinion if this is going to go forward.

I don't think that it would be fair to impose on the people of Ravalli County this reintroduction without substantially stronger support down there for them. And, you know, I certainly agree with you that—and I want to encourage this process, but I just don't think the process has gone far enough to deal with the issues with regard to public opinion. I am hopeful that it doesn't go forward—at least reintroduction doesn't go forward until there is some popular support down there.

Tom, I have a couple questions for you. Because in your written testimony, there are a couple statements that you made that are a little inconsistent with some of the answers to questions that I got earlier so I want to probe those a little bit if I could.

Mr. FRANCE. I certainly don't want to be inconsistent.

Mr. HILL. Well, you aren't inconsistent, but your perspective on this is a little different than others. One of them says how would grizzly bear introduction affect current public land use, and I want to read you the statement, and then I want to ask a question.

It says, "The citizen management alternative assumes that current public land management is adequate for grizzly reintroduction. As the reintroduced grizzly bear population expands, the Citizen Management Committee will assess how bears are using the experimental area and make decisions about their management."

And I asked some questions earlier about whether or not there would be changes in the management of the public lands if grizzly bears are reintroduced. And the answer that I got earlier was is that, no, that wouldn't be the case because the only area we are talking about is the reintroduction area, which would be the wilderness areas.

But your statement here would seem to indicate that the citizens advisory group would have authority and would likely be making changes in the management of the other public lands that adjoin that area. Am I right or am I wrong?

Mr. FRANCE. I think you are right. The rule expressly states that outside of the recovery area within the boundaries of the experimental population area grizzly bears will be accommodated. And how that accommodation takes place is the province of the Citizen Management Committee. Mr. Mealey—I read the rule to say that no changes were necessary there, and that could be a right answer.

But I think when we—and all of us at the table are the we that I speak of—when we put that together, we certainly could conceive of a scenario where a grizzly would move into the North Fork of the Clearwater River, which is good bear habitat, where timber operations could be managed in a way that didn't conflict with grizzlies, and the committee would make some recommendations to that extent, and life would go on. And we do know from other areas where we have grizzlies that those kinds of accommodations can be made.

I want to respond to your point about Ravalli County and its concerns, and we have noted that Ravalli County is the fastest growing county in Montana. But two and three on the list are Flathead and Gallatin Counties, and they have grizzly bear populations literally in their back yard, and both of those counties seem to have been able to make accommodation for grizzly bears.

Mr. HILL. But those are existing populations, not reintroductions.

Mr. FRANCE. I understand but I am just saying that we have examples where we can have growing and even vibrant economies and populations and a grizzly bear population which gives us hope that this accommodation can work and work well.

The other example I give to you, Congressman, is the Flathead common groundwork that IFIA and Defenders and National have been doing in the Flathead where we have been trying to work together collaboratively to design timber harvests, to do bull trout protection, to do road management in a way that builds a very strong consensus across both commercial and recreational interests. And we have been very pleased with the success we have had.

Mr. HILL. And one of the reasons there is that you have a little broader group for collaborative purposes than occurred here. And I want to—actually you made the comment that I want to ask a second question about. This is a loaded question so get ready. You talked about the citizen management group may develop reasonable accommodations for long-term occupancy of private lands where bears appear consistently.

Now, accommodation is an interesting word. In your view, does that mean that private lands that adjoin this area which are now bear habitat but don't have bears in them would be subject to what those on our side occasionally refer to as regulatory taking? And if so, would you support some provision here so that that accommodation would include some compensation to those private landowners since right now they have no risk of grizzly bears being—imposing them on the use of their land?

Mr. FRANCE. I think compensation is very much on the table. Defenders of Wildlife, of course, is the expert, as it were, in private compensation funds with the terrific work they have done with the wolf program. We very much see that as a solution that is there, and I think Dr. Morgenweck said that citizen management could

look at that. We very much recognize that private lands is a situation that is one of accommodation. And we have seen———

Mr. HILL. So when you say accommodation, you mean you are going to accommodate the property owner here and not just the bears?

Mr. FRANCE. Absolutely. You have to have a willing property owner and a working relationship, or you are not going to have bears. And as you well know, Congressman, with elk, with many, many species, we work at the good will of the private landowner. And it is an ongoing dialog. There are always going to be areas of friction, but we that want to work with the public's wildlife have to recognize those private concerns and those private rights.

Mr. FISCHER. I would interject that we are already working with Plum Creek in the Lolo Pass area to talk with them about management of their areas to see—we have been investigating how compatible their current land use is with grizzly recovery in that area and seeing what they could do voluntarily to improve it for bear recovery, and they are very receptive to that.

Mr. HILL. OK. Thank you all very much. Again, I want to thank you for being here. I appreciate your input and your comments, and I am looking forward to continuing to work with you to try to find a way through all this. Thank you very much. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Hill. Mr. Church, I have some more questions for you, but we have just gotten a notice that the Speaker has called an emergency meeting in HC5, and we also have another hearing. But I think we better meet with the Speaker, and so we are going to adjourn this long and drawn out hearing. And I thank you very much for coming out.

We do have more questions, and I invite the members of the Committee to submit questions to Mr. Simmons, and we will submit them to you and would appreciate your answer at your very earliest convenience. And the record here in this Committee will be held open. Again, if there is no further business, this Committee is adjourned. Thank you.

[Calgary Herald edition follows:]

[Whereupon, at 3:02 p.m., the Subcommittee was adjourned.]

[Additional materal submitted for the record follows.]

BRIEFING PAPER

SUMMARY

The Subcommittee on Forests and Forest Health will meet on Thursday, June 12, 1997 to hold an oversight hearing on the issue of the reintroduction of the grizzly bear in the public domain National Forests.

BACKGROUND

The U.S. Fish and Wildlife Service has proposed reintroduction of the grizzly bear to the Selway-Bitteroot Mountains of central Idaho and Western Montana. The history of the proposal dates back to 1982 when the Fish and Wildlife Service completed the Grizzly Bear Recovery Plan (GBRP). This plan was revised in 1993 by the Interagency Grizzly Bear Committee.

The GBRP addressed six areas: (l) Northern Continental Divide centered around Glacier National Park and the Bob Marshall Wilderness in northwestern Montana, (2) Cabinet-Yaak also in northwestern Montana, (3) Selkirk in north Idaho and northeastern Washington, (4) Yellowstone including lands surrounding Yellowstone National Park, (5) North Cascades in northwestern Washington, and (6) Bitteroot in central Idaho and western Montana.

In 1995 the Fish and Wildlife Service brought together the Interagency Grizzly Bear Committee (IGBC) to begin the environmental impact statement (EIS) process. IGBC members include specialists from the Fish and Wildlife Service, Forest Service, Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, and the Nez Perce Tribe.

A public Notice of Intent was published in the Federal Register on January 9, 1995 to fulfill requirements of the National Environmental Policy Act (NEPA) to obtain input from other agencies and the public on the scope of the issues to be addressed in the EIS. The IGBC agreed to delay the planned release of the draft EIS.

The 5,500-square mile evaluation area extends from the Salmon River north to include the North Fork of the Clearwater River. Approximately 97 percent of this area is public land managed by the U.S. Forest Service. The remainder is land owned by woods products companies. About half of the area is located in the Selway-Bitteroot and Frank Church River of No Return Wilderness.

The grizzly bear (Ursus arctos horribilis) can weigh up to 900 pounds and live up to 20 years. The oldest grizzly bear captured in North America was a 35 year-old female in the Cabinet Mountains of Montana. Grizzlies are omnivores that eat both plants and animals. About 80 percent of their diet is vegetation and insects. Home territory for a male grizzly can be as large as 300 square miles.

Opposition to the reintroduction of the grizzly bear to the Selway-Bitteroot Mountains is unanimous from elected officials in Idaho. The governor, State legislature and entire Idaho Congressional Delegation including Chairman Helen Chenoweth have made formal statements opposing the grizzly bear being reintroduced into the State and the associated EIS process. The Legislature of the State of Idaho passed a resolution signed by Governor Phil Batt opposing reintroduction of the grizzly bear.

LEGISLATURE OF THE STATE OF IDAHO

Fifty-fourth Legislature First Regular Session - 1997

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 2

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, during the settlement of what is now the state of Idaho and the years immediately following, grizzly bear and human interaction occurred to the extent that it became necessary to reduce the populations of grizzly bear in the interests of personal safety and the protection of private property; and

WHEREAS, the natural result of these efforts over time, has been the establishment of a de facto and maximum acceptable ratio of bears to humans in areas where their populations remain; and

WHEREAS, the reintroduction of grizzly bears to Idaho will disrupt this bear-to-human ratio to the detriment of humans resulting in injury, death, and loss of personal freedoms to the citizens of Idaho; and

WHEREAS, our neighboring state of Montana has experienced unnecessary loss of human life, unacceptable land use restrictions and legal denial of the right to protect private property, which current reintroduction proposals for Idaho also threaten and echo; and

WHEREAS, the state of Idaho is unequivocally opposed to the reintroduction of the grizzly bear into the Selway-Bitterroot ecosystem and we request the Secretary of Interior to withdraw the Federal Notice of Intent (January 9, 1995, Federal Register Vol. 60, No. 5 pp. 2399-2400) dealing with the proposed reintroduction; and

WHEREAS, while we realize that reintroduction of grizzly bears may be desirable in terms of speeding recovery, we know of no scientific data to demonstrate that it is necessary and we have strong concerns about the fiscal impact to the state and to the landowners and other users in the area; and

WHEREAS, the cumulative impacts of the reintroduction programs cause us grave concern as we already have had wolves reintroduced into Idaho contrary to the state's wishes and the Idaho Department of Fish and Game is being requested to assist in the handling of nuisance wolves, and if grizzly bears are reintroduced it will in all probability evolve into a major effort of time and expenditures for the Idaho Department of Fish and Game which is already fiscally challenged; and

WHEREAS, if grizzly bears are reintroduced, the practical effect upon the people of the state is a large unanswered question and the potential for conflict with campers, hikers, and other users of the public lands is very real, as is the potential for restrictions on the use of the public lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are in full support of Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement by the withdrawal of the Federal Notice of Intent regarding the reintroduction of grizzly bears.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the United States Department of Interior, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

REVISED DRAFT 5/20/96
ENDANGERED SPECIES ACT, RULE 10(j)
REINTRODUCTION OF GRIZZLY BEARS INTO THE BITTERROOT
GRIZZLY BEAR RECOVERY AREA

50 CFR Section 17.84 Special rules-vertebrates.

(z) Grizzly Bear (Ursus arctos horribilis)

(1) Definitions. The definitions set out in Section 17.3 apply to this paragraph (z). For purposes of this paragraph --

(i) The term "Bitterroot Grizzly Bear Experimental Population Area" (Experimental Area) means that area delineated in paragraph (z)(9) of this section which surrounds and includes the Bitterroot Grizzly Bear Recovery Area and within which management plans delineated in paragraph (z)(18) of this section will be in effect.

(ii) The term "Bitterroot Grizzly Bear Recovery Area" (Recovery Area) means that area delineated in paragraph (z)(10) of this section within which an experimental population of grizzly bears is released.

(iii) The term "Bitterroot Valley" means those private lands lying within the Experimental Area outside the Bitterroot National Forest boundary south of U.S. Highway 12 to Lost Trail Pass.

(iv) The term "Citizen Management Committee" (Committee) means that Committee delineated in paragraph (z)(12) of this section, which, upon delegation by the Secretary of Interior, in consultation with the Governors of Idaho and Montana, shall exercise the overall policy and management authority for decisions related to the reintroduction and management of grizzly bears in the Experimental Area.

(2) The grizzly bear population reintroduced into the Recovery Area and residing within this area or the Experimental Area is a nonessential, experimental population. This population will be managed in accordance with the provisions of this rule and the management plan incorporated by reference herein.

(3) No person may take this species in the Experimental Area, except as provided in paragraphs (z)(4), (5), (6) and (7) of this section.

(4) Any person with a valid permit issued by the appropriate state agency or the U.S. Fish and Wildlife Service (Service) under Section 17.32 may take grizzly bears in the Experimental Area for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable state fish and wildlife conservation laws and regulations or management plans adopted for this population.

(5) (i) No person may take grizzly bears found in the area defined in paragraph (z)(9) of this section unless that take is in defense of that person's own life or the lives of others, provided that such taking shall be reported within 48 hours to either the Idaho Department of Fish and Game or the Montana Department of Fish, Wildlife and Parks.

(ii) Except for persons engaged in hunting or shooting activities, any person may take grizzly bears found in the area defined paragraph (z)(9), provided that such take is incidental to, and not the purpose of, an otherwise lawful activity, including activities conducted in accordance with plans approved by the Committee, and provided that such taking shall be reported within 24 hours as to date, exact location, and circumstance to the U.S. Fish and Wildlife Service or Service designated authority.

(iii) Persons lawfully engaged in hunting or shooting activities are expected to identify their target before shooting. The act of taking a grizzly bear that is wrongly identified as another species may be referred to the appropriate authorities for prosecution if the taking was negligent, avoidable or was the lack of due care. Such taking is to be reported within 24 hours to the U.S. Fish and Wildlife Service or Service-designated authority.

(iv) Any livestock owner may be issued a permit by the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game, or the Montana Department of Fish, Wildlife and Parks to harass grizzly bears found in the area defined in paragraph (z)(9) of this section that are actually harming or killing livestock, provided that all such harassment is by methods that are not lethal or physically injurious to the grizzly bear and is reported within 48 hours to either the Idaho Department of Fish and Game or the Montana Department of Fish, Wildlife and Parks. Procedures for expeditious permit issuance will be established by the Committee.

(v) Any livestock owner may be issued a permit by the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game, or the Montana Department of Fish, Wildlife and Parks to take grizzly bears found in the area defined in paragraph (z)(9) of this section to protect livestock actually pursued or being killed on private properties if the response protocol established by the Committee has been satisfied and efforts to capture depredating grizzly bears by Service or state wildlife agency personnel have proven unsuccessful, provided that all such taking shall be reported within 48 hours to either the Idaho Department of Fish and Game or the Montana Department of Fish, Wildlife and Parks.

(vi) The ability to take grizzlies in defense of a person's own life or the life of others shall not be constrained within the Experimental Area. In situations

where personal property is imminently threatened or damaged, the Committee will develop guidelines for trained professionals to relocate, remove, or destroy grizzly bears as quickly and efficiently as possible.

(6) Any authorized employee or agent of the Service or appropriate state wildlife agency or tribe who is designated for such purposes, when acting in the course of official duties, may, subject to Committee approval, take a grizzly bear from the wild in the Experimental Area if such action is necessary to:

(i) Aid a sick, injured, or orphaned grizzly bear;

(ii) Dispose of a dead grizzly bear, or salvage a dead grizzly bear that may be useful for scientific study;

(iii) Take a grizzly bear that constitutes a demonstrable but non-immediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, and after it has been demonstrated that it has not been possible to eliminate such threat by live-capturing and releasing the grizzly bear unharmed in the area defined in paragraph (z)(10) or other areas approved by the Committee;

(iv) Move an grizzly bear for genetic purposes;

(v) Relocate a grizzly bear to avoid conflict with human activities; or

(vi) Relocate grizzly bears within the Experimental Area to improve grizzly bear survival and recovery prospects.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any grizzly bear or part thereof from the experimental population that is taken in violation of these regulations or in violation of applicable state fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraphs (z)(3) and (7) of this section.

(9) Bitterroot Grizzly Bear Experimental Population Area. The boundaries of the Bitterroot Grizzly Bear Experimental Population Area will be delineated by U.S. 93 from Missoula, Montana to Challis, Idaho; Idaho 75 to Stanley, Idaho; U.S. 21 from Stanley to Lowman, Idaho; the secondary road from Lowman to Banks, Idaho; U.S. 55 from Banks to New Meadows, Idaho; U.S. 95 from New Meadows to Coeur d'Alene, Idaho; and Interstate 90 from Coeur d'Alene to Missoula, Montana. Grizzly bears within both the Recovery Area and Experimental Area will be accommodated through management provisions provided for in this rule and

through the management plans and policies developed by the Committee.

(10) Bitterroot Grizzly Bear Recovery Area. The Bitterroot Grizzly Bear Recovery Area will consist of the Selway-Bitterroot Wilderness and the Frank Church River of No Return Wilderness. All reintroductions will take place in the Selway-Bitterroot Wilderness unless the Committee determines that reintroduction in the Frank Church River of No Return Wilderness is appropriate. The term "Bitterroot Grizzly Bear Recovery Area" used here identifies the area of recovery emphasis.

(11) Recovery Goal. Sufficient information is currently not available to develop a scientifically sound recovery goal. As this information becomes available, the Committee will recommend the recovery goal to the Secretary and procedures for determining how this goal will be measured. Current information suggests a recovered population may be between 200 and 300 grizzly bears. The recovery goal for the Bitterroot grizzly bear population will be consistent with the habitat available within the Recovery Area and the best scientific and commercial data available. Bears outside the Recovery Area will contribute to meeting the recovery goal. Grizzly bears occupying habitats outside the Recovery Area can be counted toward the recovery goal if there is reasonable certainty for their long term occupancy in such habitats. When the Committee determines that the recovery goal has been met, it will recommend that the Secretary begin delisting of the grizzly bear population within the Experimental Area in accordance with the requirements of 50 CFR. 424.11(d).

(12) Citizen Management Committee. Upon promulgation of this rule and after consultation with the Governors of Idaho and Montana, the Secretary of Interior shall delegate management authority for the Bitterroot grizzly bear experimental population to the Citizen Management Committee. The Committee will:

(i) Base its decisions upon the best scientific and commercial data available;

(ii) Have the authority to solicit technical advice and guidance from outside experts;

(iii) Request staff support from Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, U.S. Fish and Wildlife Service, U.S. Forest Service, other affected federal agencies, and the affected tribes, to perform administrative functions and reimburse Committee members for costs associated with meetings, travel, and incidentals; and

(iv) Develop and oversee management plans, policies and direction for the management of grizzly bears in the Experimental Area in accordance with applicable state and federal laws.

(v) Develop a process for obtaining the best biological, social, and economic data, which shall include

an explicit mechanism for peer-reviewed scientific articles to be submitted to and considered by the Committee, as well as periodic public meetings (not less than every two years) in which qualified scientists may submit comments to and be questioned by the Committee.

(13) The Idaho Department of Fish and Game and the Montana Department of Fish, Wildlife and Parks, in consultation with the Service and appropriate tribes, will exercise day-to-day management responsibility within the Experimental Area while implementing the policies and plans of the Committee.

(14) The Secretary of Interior shall review a two-year work plan submitted by the Committee that outlines the policy directions for the Bitterroot reintroduction effort. If the Secretary of Interior determines, through his/her representative on the Committee, that the decisions of the Committee, the management plans or the implementation of those plans are not leading to the recovery of the grizzly bear within the Experimental Area, the Service shall solicit from the Committee a determination whether the decision, the plan or implementation of components of the plan are leading to recovery. Notwithstanding a determination by the Committee that a decision, the plans, or implementation of the plans are leading to recovery of the grizzly bear within the Experimental Area, the Secretary of Interior may find by a preponderance of the evidence that the decision, the plans or implementation of the plans are inadequate for recovery and may assume management authority. Prior to that assumption, the Secretary of Interior shall provide the Committee with recommended corrective actions and a six-month time frame in which to accomplish those actions.

(15) The Committee shall be composed of 15 members serving six-year terms. Appointments may initially be of lesser terms to ensure staggered replacement. That membership shall consist of seven individuals appointed by the Secretary of Interior based upon the recommendations of the Governor of Idaho; five members appointed by the Secretary of Interior based upon the recommendations of the Governor of Montana; one member appointed by the Secretary of Agriculture or his/her designee; and one member appointed by the Secretary of Interior or his/her designee. Members recommended by the Governors of Idaho and Montana shall be based on the recommendations of the interested parties and shall include at least one representative each from the appropriate state fish and wildlife agency. Other representatives shall be selected from affected interest groups, including local governments. The Secretary of Interior shall solicit recommendations from the affected tribes and shall appoint a tribal member. The Secretary of Interior shall fill vacancies as they occur with the appropriate members based on the recommendation of the appropriate Governor or tribes. The Committee shall continue until the recovery objectives have been

met and the Secretary of Interior has initiated delisting. The Committee shall consist of a cross-section of interests reflecting a balance of viewpoints, be selected for their diversity of knowledge and experience in natural resource issues, and for their commitment to collaborative decisionmaking. The Committee will be selected from communities within and adjacent to the Recovery and Experimental Areas.

(16) Provisions for public involvement. The Committee shall provide means by which the public may participate in, review and comment on the decisions of the Committee. The Committee must thoroughly consider and respond to public input prior to its decisions.

(17) Provisions for Committee Decision-Making. The Committee shall develop its internal processes, where appropriate, such as governance, decision-making, quorum, officers, meeting schedules and location, public notice of meetings, minutes, etc. Given the large size of the Committee, consensus will be the preferred decision-making process, but a simple majority may approve any Committee decisions.

(18) Initial Standards and Guidelines for Bitterroot Grizzly Bear Management. The Committee shall develop management plans, as necessary, giving full consideration to the comments and opinions of the Idaho Department of Fish and Game and the Montana Department of Fish, Wildlife and Parks. The following are standards and guidelines to be utilized by the Committee in developing management plans for the reintroduction and management of grizzly bears within the Experimental Area:

(i) All decisions of the Committee and components of its management plans must lead toward recovery of the grizzly bear and minimize social and economic impacts.

(ii) Forest plan standards and guidelines for wildlife management will be deemed adequate unless the Committee determines otherwise.

(iii) Grizzly bear guidelines for proper camping and sanitation within the Experimental Area will be developed by the Committee. Existing grizzly bear camping sanitation procedures developed in other grizzly ecosystems will serve as a basis for such guidelines.

(iv) Development of appropriate responses to grizzly/human encounters, livestock depredations, and other grizzly/human conflicts within the Experimental Area and not specified in this rule will be the responsibility of the Committee.

(a) This rule anticipates no restrictions on trail systems in back- or front-country areas of the Experimental Area for grizzly security. Policy on trail restrictions for public safety will be set by the Committee.

(b) This rule anticipates no restrictions on black bear hunting within the Experimental Area for grizzly bear security. The Committee's mandate to review all grizzly mortalities during the first 5 years (Section 18(vi)) will apply to any mistaken-identity kills. The Committee will work with both state fish and game agencies to develop solutions that minimize conflicts between grizzly bears and black bear hunting.

(c) This rule anticipates that ongoing animal damage control programs will not be affected by grizzly recovery.

(d) This rule anticipates prompt delisting upon achievement of recovery goals, with subsequent management vested with the Citizen Management Committee, Montana Department of Fish, Wildlife and Parks, and Idaho Department of Fish and Game.

(e) This rule anticipates that laws and regulations, in effect at the time of issuance of the special rule, and governing land management activities will promote grizzly bear recovery. The Committee reviews of grizzly bear mortalities will be the primary mechanism to assess the adequacy of existing management techniques and standards. The Committee has the authority to develop, recommend and implement actions that improve the effectiveness of existing management techniques and standards.

(v) Appropriate revisions of mortality limits, population determinations, succeeding reintroductions, and other criteria for recovery will be the responsibility of the Committee.

(vi) During the first five years, all human-caused mortalities will result in a review by the Committee to determine whether new measures for avoiding future occurrences are required.

(vii) Management techniques may be adapted to respond to new information as the grizzly population establishes itself.

(viii) Grizzly Bear Presence Outside the Recovery Area: The standards and guidelines recognize that grizzly bears will range outside the Recovery Area and that grizzly bear habitat exists throughout the Experimental Area. A principle function of the Committee is to develop strategies to accommodate grizzly bears outside the Recovery Area. Where specific conflicts are both significant and cannot be corrected as determined by the Committee, including conflicts associated with livestock, the Committee will develop strategies to discourage grizzly bear occupancy in portions of the Experimental Area. For purposes of the rule and unless the Committee determines otherwise, private lands

outside the national forest boundary in the Bitterroot Valley are areas where human/grizzly conflicts are significant and cannot be corrected. Grizzly bear occupancy will be discouraged in these areas and grizzly bears will be captured and returned to the Recovery Area.

(ix) All existing grazing allotments within the Experimental Area will be managed similar to Situation 2 habitat, per the Interagency Grizzly Bear Committee Guidelines. The Committee will adapt this classification to minimize adverse impacts to permittees.

(x) When complete, the Committee will review the findings of all studies carried out as a result of the 1993 Grizzly Bear Recovery Plan.

(19) The reintroduced population will be monitored closely for the duration of the recovery process, generally by use of radio telemetry as appropriate.

(20) The status of Bitterroot grizzly recovery will be reevaluated by the Committee and Secretary at five-year intervals. This review will take into account the reproductive success of the grizzly bears released, human-caused mortality, movement patterns of individual bears, food habits and overall health of the population, and will recommend changes and improvements in the recovery program.

(21) Determination of an Unsuccessful Reintroduction Under Nonessential Experimental Designation.' The Committee will establish standards for determining that the experimental reintroduction has been unsuccessful. It is recognized that absent extraordinary circumstances these standards will reflect that the success or failure of the program cannot be measured in less than ten years.

(i) General guidelines for determination of an unsuccessful reintroduction include one or both of the following criteria:

(a) Within the number of years established by the Committee following initial reintroduction or any subsequent year, no relocated grizzly bear remains within the Experimental Area and the reasons for emigration or mortality cannot be identified and/or remedied.

(b) Within the number of years established by the Committee following initial reintroduction, no cubs of the year or yearlings exist and the relocated bears are not showing signs of successful reproduction.

(ii) If, based on the criteria established by the Committee, the Secretary of Interior concludes, after consultation with the Committee, the states of Idaho and Montana, the Idaho Department of Fish and Game and the Montana Department of Fish, Wildlife and Parks, that the reintroduction has failed to produce a self-sustaining

population, this rulemaking will be amended to terminate the experimental reintroduction. Any remaining bears will retain their experimental status.

(iii) Prior to declaring the experimental reintroduction a failure, a full evaluation will be conducted into the probable causes of the failure. If the causes can be determined, and legal and reasonable remedial measures identified and implemented, consideration will be given to continuing the relocation effort and the relocated population. If such reasonable measures cannot be identified and implemented, the results of the evaluation will be published in the FEDERAL REGISTER with a proposed rulemaking to terminate the experimental reintroduction.

Public Opinions and Attitudes Toward Reintroducing Grizzly Bears to the Selway-Bitterroot Wilderness Area of Idaho and Montana

April 1997

Responsive Management National Office

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This report was printed on recycled paper.

INTRODUCTION & METHODOLOGY

This study was conducted for the National Wildlife Federation and Defenders of Wildlife to assess public opinions and attitudes toward the reintroduction of grizzly bears to the Selway-Bitterroot Wilderness Area of Idaho and Montana. The survey questionnaire was developed cooperatively between the Federation, Defenders and Responsive Management. Fieldwork for the survey began April 7, 1997 and lasted until April 12, 1997. A total of 254 surveys were completed.

Telephones were selected as the preferred sampling medium since nearly all residents of Idaho and Montana have access to a telephone. In addition, a central polling site allowed for rigorous quality control over the interviewers and data collection.

A sample of telephone numbers representing Idaho households and the three counties in Montana which border the proposed reintroduction site (Missoula, Mineral and Ravalli) was purchased from Survey Sampling of Fairfield, Connecticut. To overcome bias of those individuals most likely to answer the phone, questionnaire respondents were randomly selected from each household. The random selection procedure used within each household was the "last birthday" procedure. This means that when someone answered the phone, the interviewer asked to speak to the person over 18 who had the most recent birthday. This procedure was used because it is easy for the respondent to understand. Randomly-generated telephone numbers coupled with the "last birthday" method ensure that the survey results can be projected to the adult, resident, English-speaking population of Idaho

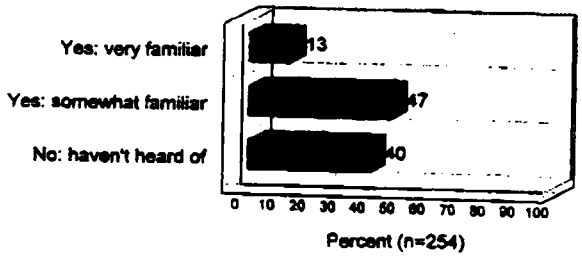
and the three Montana counties as a whole.

RM maintains its own telephone interviewing facilities in-house. These facilities are staffed by interviewers with experience conducting computer-assisted telephone interviews on the subject of natural resources and outdoor recreation for state fish and wildlife agencies. A total of 16 different interviewers collected the data for this project utilizing "Questionnaire Programming Language 4.0." The project supervisor randomly monitored the telephone workstations without the interviewers' knowledge to evaluate the performance of each interviewer.

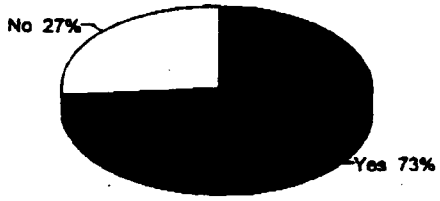
RM has designed a telephone interviewing facility that stresses the importance of highly-trained telephone interviewers who work under the close supervision of RM professional staff. The project supervisor edited each completed survey to check for clarity, understanding, completeness and form. To ensure the data collected is of the highest quality, interviewers were trained according to the standards established by the Council of American Survey Research Organizations. Method of instruction included lecture and role-playing. The project supervisor conducted a project briefing with the interviewing crew prior to working on this project. Interviewers were instructed on the following: study goals and objectives, study type, interview length, termination points and qualifiers for participation, reading of interviewer instructions, reading of survey, reviewing skip patterns, probing and clarifying techniques necessary for specific questions on the survey instrument.

A total of 700 phone numbers were attempted, resulting in 145 disconnected telephones, 106 businesses/government numbers, 8 language barrier problems, 58 "no answer" after 5 attempts (non-

Q5. Have you heard about the proposal to reintroduce grizzly bears to the Selway-Bitterroot Wilderness Area prior to this survey?



Q6. Do you know where the Selway-Bitterroot Wilderness Area is? (n=254)



working numbers), 32 hard refusals, 91 soft refusals (5 or more "call back at a different time"), 6 terminated interviews, and 254 completed surveys. Thus the response rate was 66%.

The sampling error associated with this sample (n=254) is ±6%. Throughout this report, findings are reported at a 95% confidence interval. This means that if this survey was administered 100 times to different samples that were selected in the same fashion, 95 of the surveys' findings would fall within ±6% of each other. Some response distributions may not add to 100% exactly due to rounding, while a few questions allowed for multiple responses.

Interviews were conducted Monday through Friday from 9:00 a.m. to 9:00 p.m. and on Saturday from 10:00 a.m. to 4:00 p.m., local times. A five-callback design was used to maintain the representativeness of the sample, avoid bias toward people easy-to-reach by telephone and provide an equal opportunity for all to participate (in some instances, numbers were called up to eight times). Subsequent calls are placed at different times of the day and different days of the week. This intensive call-back procedure is a good technique for boosting response rates.

The software used for data collection was QPL version 4.0 (National Technical Information Services 1996). QPL is a comprehensive system for computer-assisted telephone interviewing. The survey data is entered into the computer as the interview is being conducted, eliminating manual data entry after the completion of the interviews. The survey instrument is programmed so that QPL branches, codes, and substitutes phrases in the survey based upon previous responses to ensure the integrity and consistency of data collection.

RESULTS

Awareness of Selway-Bitterroot Reintroduction Proposal

An introduction providing some background information was provided to all respondents. Respondents were told that "grizzly bears are a threatened species which used to live throughout Idaho and other western states until the early 1900's when populations were reduced dramatically through killing. A proposal to reintroduce grizzly bears to the Selway-Bitterroot Wilderness of western Montana and central Idaho is currently being considered by government agencies. It is anticipated that grizzly bears will eventually use national forest lands adjacent to the Wilderness Area."

The majority of respondents (60%) had heard about the proposal to reintroduce grizzly bears to the Selway-Bitterroot Wilderness Area prior to this survey. Specifically, 40% had not heard of the proposal, 47% were somewhat familiar, and 13% were very familiar with the proposal.

Not quite three-quarters of respondents (73%) indicated they knew the location of the Selway-Bitterroot Wilderness Area. Twenty-seven percent were not aware of this Wilderness Area's location.

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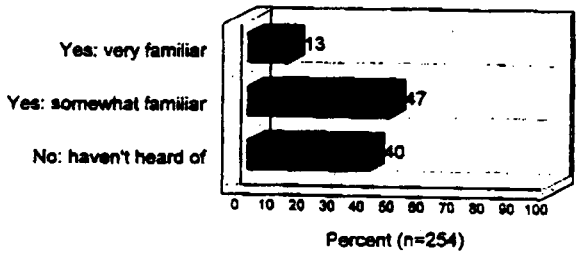

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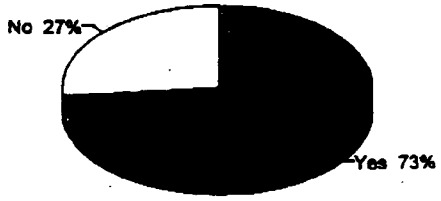
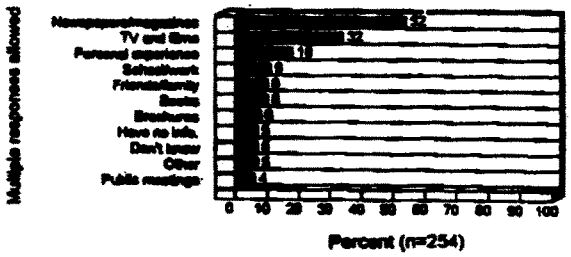


Sources of Information

All respondents were asked from what sources they have received information about grizzly bears. Respondents were allowed to name more than one source. The most frequently cited information source was newspapers and magazines. Over half of respondents (52%) cited newspapers and magazines as sources from which they have received information about grizzly bears. Thirty-two percent mentioned television and films, 16% said personal experience, 9% noted school or work, 8% said friends and family, 8% mentioned books, 6% had seen brochures, 5% said other sources, and 4% have received information from public meetings. Five percent did not know and 5% had not received any information.

Q8. Primarily, where have you received information about grizzly bears?



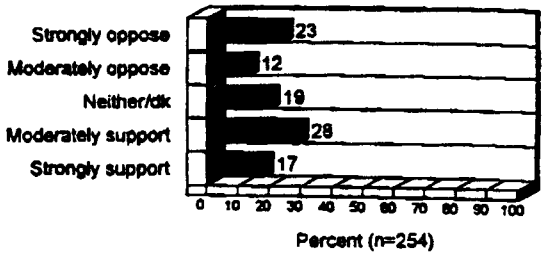
Opinion of Reintroduction

Slightly less than half of the respondents (46%) supported grizzly bear reintroduction to the Selway-Bitterroot Wilderness Area, 35% opposed reintroduction, 9% had no opinion, and 10% did not know. The degree to which respondents supported or opposed reintroduction was also measured. Specifically, 17% strongly supported, 28% moderately supported, 12% moderately opposed, 23% strongly opposed, and 19% did not know or had no opinion.

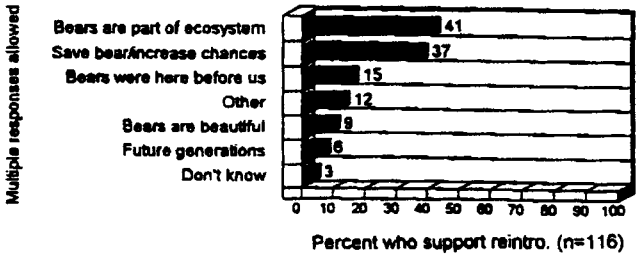
Respondents who supported reintroduction were asked for the main reason why they support it. Forty-one percent of supporters mentioned reasons related to the concept that grizzly bears are part of the ecosystem. Thirty-seven percent of supporters felt this way because reintroduction will help save the bear from extinction and increase its chance for survival. Fifteen percent of supporters mentioned that bears were here before humans, 12% had other reasons, 9% thought bears are beautiful, 6% said we need to preserve bears for future generations, and 3% did not know why they support reintroduction.

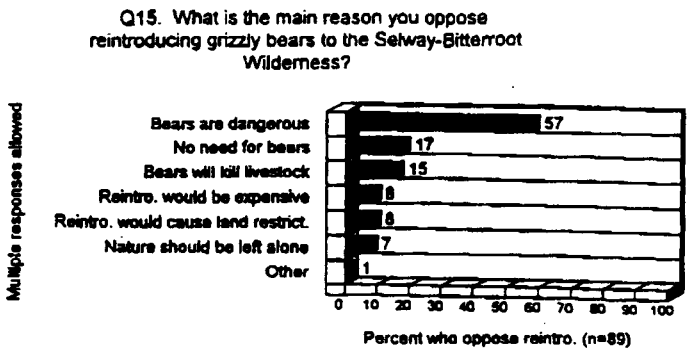
Respondents who opposed reintroduction were asked for the main reason why they oppose it. Over half of opposers (57%) said bears are dangerous to humans. Seventeen percent of opposers did not think there is a need for bears to be in this area, or that bears are already there. Fifteen percent of opposers said bears will kill livestock and pets. Eleven percent of opposers had other reasons, 8% felt reintroduction would be too expensive, 8% felt reintroduction would cause land restrictions, and 7% of opposers thought nature should be left alone.

Q10. Do you support or oppose reintroducing grizzly bears to the Selway-Bitterroot Wilderness Area of Montana and Idaho?



Q12. What is the main reason you support reintroducing grizzly bears to the Selway-Bitterroot Wilderness?





Opinion of Reintroduction Under Specific Circumstances

Four specific circumstances were presented to respondents to see if their opinion became more supportive, stayed the same, or became less supportive under each scenario. For these four questions, responses have been broken out to show change in opinion for those that supported, opposed, or did not know/had no opinion regarding reintroduction (Q10).

Generally, a Citizen Committee was the most well-received caveat to grizzly bear reintroduction. This option made 60% of supporters more supportive, 58% of opposers more supportive, and 76% of those who did not know or had no opinion of reintroduction more supportive. Capping costs to $250,000 per year was the least effective scenario presented: 17% of supporters became less

supportive, only 15% of opposers became more supportive, while 18% of those who did not know or had no opinion became more supportive.

Respondents who Supported Reintroduction

In question 10, 46% of all respondents supported reintroduction (n=116). The majority of these respondents became even more supportive under two of the four scenarios. Seventy-three percent of respondents who supported reintroduction became more supportive if populated areas like the Bitterroot Valley were off-limits to bears and any bears that wandered into populated areas would be relocated back to the Wilderness (17% of supporters had the same opinion, 7% became less supportive, and 3% did not know). Sixty percent of respondents who supported reintroduction became more supportive if a Citizen Committee with representatives of various interests, such as logging, ranchers, and conservationists, rather than the federal government, had authority to make important decisions concerning bear management (27% of supporters had the same opinion, 10% became less supportive, and 3% did not know).

For the other two scenarios, the most frequent response among supporters was still "more supportive," but the was not the response of the majority. Forty-five percent of respondents who supported reintroduction became more supportive if existing wildlife protections regarding timber harvest, grazing, and recreation on national forest lands were declared adequate for grizzly recovery unless the Citizen Committee decided otherwise (35% of supporters had the same opinion, 14% became less supportive, and 7% did not know). Thirty-nine percent of respondents who supported reintroduction became more supportive if costs were limited to $250,000 per year (28% of supporters

had the same opinion, 17% became less supportive, and 16% did not know).

Respondents who Opposed Reintroduction

In question 10, 35% of all respondents supported reintroduction (n=89). The majority of these respondents became more supportive under one of the four scenarios. Fifty-eight percent of respondents who opposed reintroduction became more supportive if a Citizen Committee with representatives of various interests, such as logging, ranchers, and conservationists, rather than the federal government, had authority to make important decisions concerning bear management (36% of opposers had the same opinion, 3% became less supportive, and 2% did not know).

Under one scenario, the most frequent response among opposers was that their opinion would remain the same. Thirty-eight percent of respondents who opposed reintroduction became more supportive if populated areas like the Bitterroot Valley were off-limits to bears and any bears that wandered into populated areas would be relocated back to the Wilderness (47% of opposers had the same opinion, 12% became less supportive, and 2% did not know).

Under two of the four scenarios, a majority of opposers said their opinion would remain the same. Twenty-four percent of respondents who opposed reintroduction became more supportive if existing wildlife protections regarding timber harvest, grazing, and recreation on national forest lands were declared adequate for grizzly recovery unless the Citizen Committee decided otherwise (56% of opposers would have the same opinion, 12% would become less supportive, and 8% did not know). Fifteen percent of respondents who opposed reintroduction became more supportive if costs were

limited to $250,000 per year (61% of opposers had the same opinion, 17% became less supportive, and 8% did not know).

Respondents who Had No Opinion or Did Not Know Their Opinion of Reintroduction

In question 10, 19% of all respondents either had no opinion on reintroduction or said don't know (n=49). The majority of these respondents became more supportive of reintroduction under two of the four scenarios. Seventy-six percent of respondents who had no opinion on reintroduction became more supportive if a Citizen Committee with representatives of various interests, such as logging, ranchers, and conservationists, rather than the federal government, had authority to make important decisions concerning bear management (12% of those with no opinion had the same opinion, 6% became less supportive, and 6% did not know). Seventy-four percent of respondents who had no opinion on reintroduction became more supportive if populated areas like the Bitterroot Valley were off-limits to bears and any bears that wandered into populated areas would be relocated back to the Wilderness (10% of those with no opinion had the same opinion, 10% became less supportive, and 6% did not know).

Forty-one percent of respondents who had no opinion on reintroduction became more supportive if existing wildlife protections regarding timber harvest, grazing, and recreation on national forest lands were declared adequate for grizzly recovery unless the Citizen Committee decided otherwise (27% of those with no opinion had the same opinion, 12% became less supportive, and 20% did not know). Eighteen percent of respondents who had no opinion on reintroduction became more supportive if costs were limited to $250,000 per year (37% of those with no opinion had the same opinion, 14%

became less supportive, and 31% did not know).

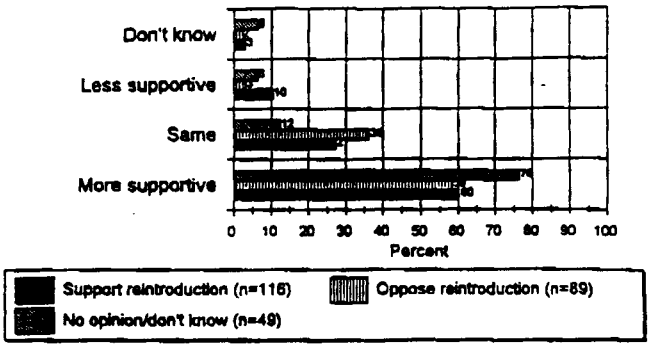
Opinion of Reintroduction if All Four Conditions are Met

After the series of four questions presenting specific conditions which may surround grizzly bear reintroduction, respondents were asked if they support or oppose reintroduction if all four conditions were met, that is, bears that wandered into populated areas were relocated, a Citizen Committee had management authority, no new restrictions were imposed to protect bears, and costs were limited to $250,000 each year. Generally speaking, respondents were more supportive of reintroduction if all four conditions were met, when compared to their opinion of reintroduction at the beginning of the survey: support increased from 46% in Q10 to 62% in Q21. It appears that the increased support came mostly from the don't know and no opinion categories in Q10. Opposition only decreased by 5% from Q10 to Q21.

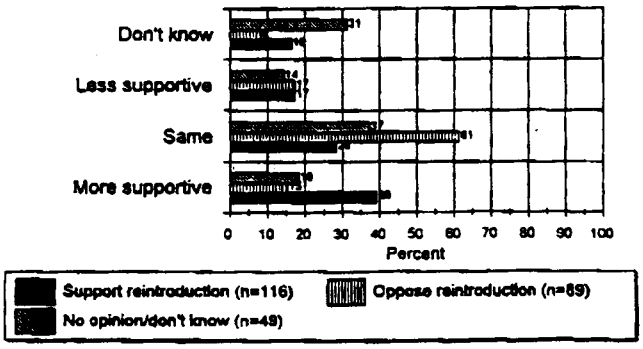
Specifically, 28% strongly supported, 34% moderately supported, 11% moderately opposed, and 19% strongly opposed grizzly bear reintroduction when all four above-mentioned conditions were met (4% had no opinion, and 5% did not know).

Respondents who opposed reintroduction even if all four conditions were met (n=76) were asked if they are totally opposed to grizzly bear reintroduction in the Selway-Bitterroot Wilderness, no matter what conditions are attached to the reintroduction. Seventy percent of the respondents who were opposed to reintroduction with four specific conditions are attached indicated they are totally opposed to reintroduction, 25% of these respondents are not totally opposed, and 5% did not know.

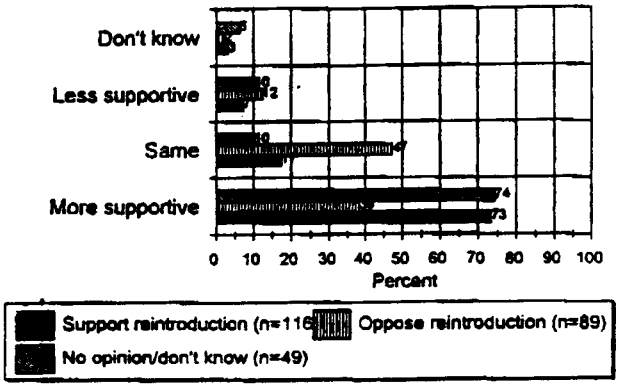
Q17. Would your opinion of bear reintroduction change if a Citizen Committee with representatives of various interest had authority to make important decisions concerning bear management?



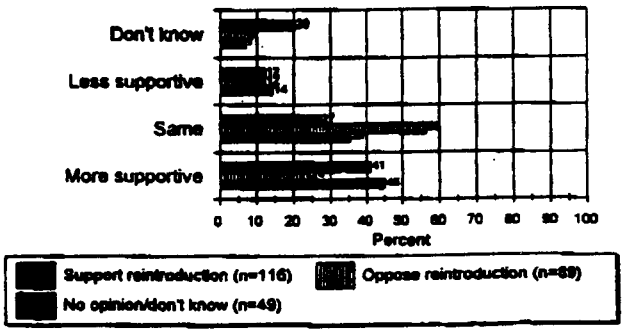
Q18. Would your opinion of bear reintroduction change if costs were limited to $250,000 per year?



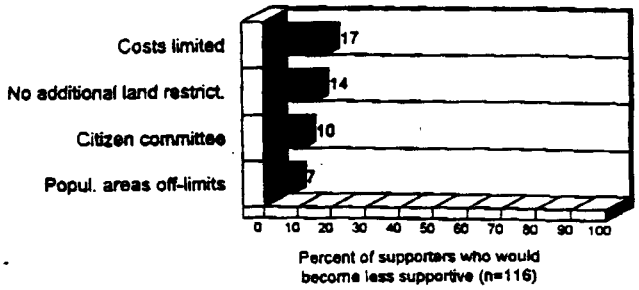
Q19. Would your opinion of bear reintroduction change if populated areas were off-limits to bears, and any wandering into the areas would be relocated?



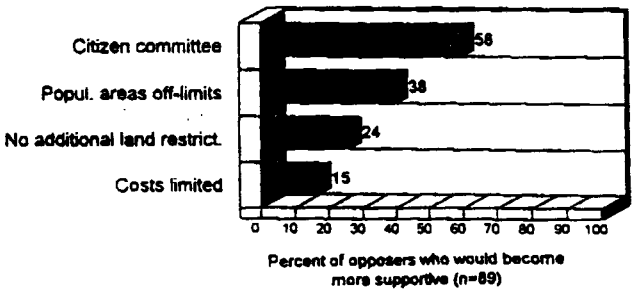
Q20. Would your opinion of bear reintroduction change if existing wildlife protections regarding timber harvest, grazing, and recreation on national forest lands were declared adequate unless the Citizen Committee decided otherwise?



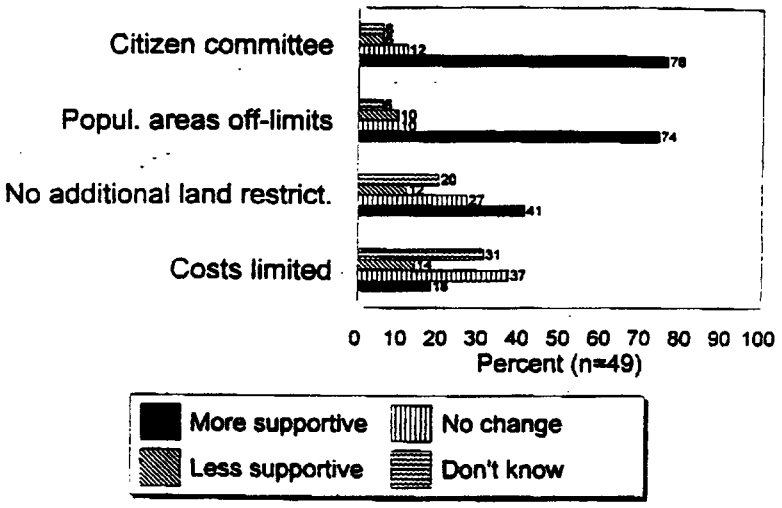
Q17-20. Percent of those who support reintroduction, but became less supportive after hearing these conditions:



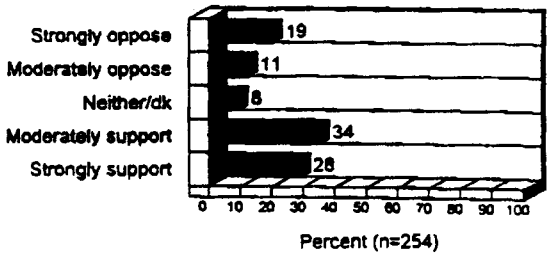
Q17-20. Percent of those who oppose reintroduction, but became more supportive after hearing these conditions:



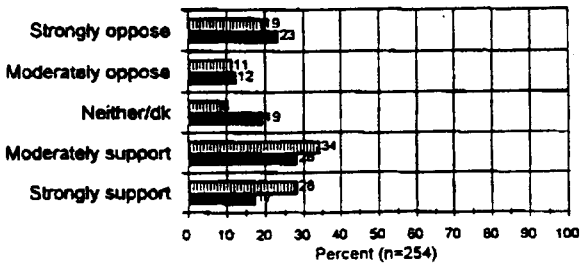
Q17-20. Change of opinion after hearing these conditions among those who have no opinion or do not know about bear reintroduction:



Q21. Opinion of bear reintroduction with these conditions:
relocation of beers from populated areas,
Citizen Committee with management authority,
no new restrictions imposed,
and costs limited to $250,000 per year



Q10 & 21. Opinion of grizzly bear reintroduction in
the Selway-Bitterroot Wilderness.



Initial opinion | Opinion when 4 conditions are met

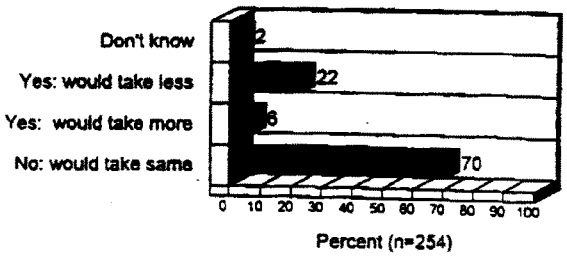
Q22. Are you totally opposed to grizzly bear reintroduction in the Selway-Bitterroot Wilderness, no matter what conditions are attached to the reintroduction?

Asked of those who oppose reintroduction with conditions met (n=76)

Anticipated Changes in Number of Trips Taken

All respondents were asked if the number of trips that take to the Selway-Bitterroot Wilderness Area would change if the grizzly bear were reintroduced. Seventy percent would not change the number of trips they take to the area, 22% would take fewer trips, and 6% would take more trips if bears were reintroduced (2% did not know).

Q23. If grizzly bears were reintroduced to the Selway-Bitterroot Wilderness, would this change the number of trips you take to this area?



Demographics

Gender.

Value Label	Value	Frequency	Percent	Valid Percent	Cum Percent
Male	2	121	47.6	47.6	47.6
Female	3	133	52.4	52.4	100.0
	Total	254	100.0	100.0	

Valid cases 254 Missing cases 0

- -

State of residence.

Value Label	Value	Frequency	Percent	Valid Percent	Cum Percent
Montana (406)	2	45	17.7	17.7	17.7
Idaho (208)	3	209	82.3	82.3	100.0
	Total	254	100.0	100.0	

Valid cases 254 Missing cases 0

- -

Age.

Value Label	Value	Frequency	Percent	Valid Percent	Cum Percent
18-24	1.00	25	9.8	9.9	9.9
25-34	2.00	43	16.9	17.1	27.0
35-44	3.00	59	23.2	23.4	50.4
45-54	4.00	52	20.5	20.6	71.0
55-64	5.00	32	12.6	12.7	83.7
65+	6.00	40	15.7	15.9	99.6
Refused	.	3	1.2	Missing	
	Total	254	100.0	100.0	

Valid cases 252 Missing cases 2

Grizzly Bear Attacks: Facts based on news articles in the last three years in publications in the United States and Canada.

- Grizzly Attacks on humans are seldom, but not rare. They happen on a yearly basis everywhere that grizzly bears exist. In the last few years, attacks have been happening more frequently because of increased human visitation where bears are located, and because bears are "losing their fear of humans."

- Grizzly bear attacks are extremely vicious, and those who survive are often incapacitated, having lost major chunks of flesh from their legs, groin area, arms, and face.

- Wounds caused from bear attacks are difficult and costly too treat. Bear claws and teeth are full of exotic bacteria, and require treatment by a surgeon or severe infection sets in.

- Early September of 1996 an individual hunting elk in an area a few miles north of Yellowstone attacked without provocation. He was with another hunter, (questioning the notion that bears only attack individuals who are alone,) and had part of his biceps bitten off.

- In Alaska, where grizzly bear attacks occur on a regular basisrecently a woman and her husband were backpacking in a wilderness area near Fairbanks. The woman was attacked by a grizzly which resulted in her facial bones being smashed, her nose missing, her scalp shredded or gone, and massive wounds in her legs and buttocks.

- A ranger in Glacier National Park (Montana) is suing the federal government because of emotional and physical scars left from a grizzly rampage at a Park campground in 1995. A number of unreported bear encounters occurred shortly before the ranger and friends had their tents ripped through and were attacked by grizzly bears early in the morning. The attack left the ranger with a number of disfiguring scars.

- In August of 1996 a man on a hiking trip was killed by a grizzly bear in Alaska. The man and his friends had taken all of the suggested precautions in going into know bear country such as wearing "bear" bells and making noise while they hiked through the brush. The attack was quick and the man was killed very rapidly.

- In June of 1996, an elderly man hiking a common trail in Glacier National Park, while taking a rest was attacked by a grizzly bear -- leaving a gash in his scalp, a trail of holes down his back, and a broken leg bone. Park officials determined that the man had inadvertently "invaded" the bear's space, and therefor did not need to be relocated or killed.

- Since 1990, there have been 17 grizzly bear maulings in Glacier National Park, and 5 maulings in Yellowstone Park.

- In August of 1996, a 9-year 550 pound grizzly bear near the Yellowstone area was finally killed after killing dozens of cattle, preying on 10 calves alone in the two weeks before it was killed.

- In August of 1996, an experienced backpacker was killed in the Yukon territory by a grizzly bear.

- An 18 year old Montana boy, while hunting with his family in 1996, was attacked by a bear in northern Montana. The bear took a chunk out of his right torso, had his hand and wrist chewed up, and tore out a big part of his leg (losing about 35% of his leg). The boy has had three surgeries since the incident. His medical costs could run up to as much as $200,000 for his uninsured family.

- A man hiking in British Columbia was attacked by a bear after taking off his shoes and socks near a stream. (October of 1995.)

- In October of 1995, two hunters were killed by three grizzly bears in British Colombia. They were carrying out the carcass of an elk.

TESTIMONY OF DR. RALPH O. MORGENWECK, REGIONAL DIRECTOR FOR MOUNTAIN PRAIRIE REGION, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON FORESTS AND FOREST HEALTH, CONCERNING REINTRODUCTION OF GRIZZLY BEAR INTO THE BITTERROOT ECOSYSTEM

June 12, 1997

Good morning, Madam Chairman and members of the Subcommittee. I am Ralph Morgenweck, Regional Director for the Mountain Prairie Region, U.S. Fish and Wildlife Service, Denver, Colorado. Thank you for the opportunity to appear today to discuss the Service's policies concerning reintroduction of endangered and threatened species on federal lands. I will speak mainly about grizzly bears in the Bitterroot Ecosystem in central Idaho and western Montana, but will mention other reintroduction efforts.

Background:

The grizzly bear (*Ursus arctos horribilis*) was listed as a threatened species in the lower 48 States under the Endangered Species Act (ESA) in 1975 (Federal Register, V.40, No.145, Part IV-3173-4). Under the ESA, federal agencies including the U.S. Fish and Wildlife Service (Service) are mandated to conserve and recover listed species and the ecosystems upon which they depend.

Grizzly bears have been eliminated from approximately 98% of their historic range south of Canada. Today, only 800 to 1,000 grizzly bears remain in 5 populations in Montana (Northern Continental Divide Ecosystem , and portions of the Yellowstone and Cabinet-Yaak Ecosystems), Idaho (portions of the Yellowstone, Cabinet-Yaak, and Selkirk Ecosystems), Wyoming (a portion of the Yellowstone Ecosystem), and Washington (a portion of the Selkirk Ecosystem and the North Cascades Ecosystem). Grizzly bears are vulnerable to extinction when confined to small portions of their historical range and limited to a few, small populations. Large areas are especially important to population persistence because the rate of extinction of a population is inversely related to population size, which is directly related to the size of the area available to them as habitat.

The 1975 listing identified the Bitterroot Ecosystem as an area where grizzly bears were thought to exist and where recovery should be emphasized. Per ESA mandates and Service policy, a Grizzly Bear Recovery Plan was completed in 1982 and called for evaluation of the Bitterroot Ecosystem as a potential recovery area. Three habitat studies were conducted from 1979 through 1991 to determine the status of grizzly bear presence and habitat suitability within the Bitterroot Ecosystem. A detailed habitat evaluation was conducted in the Bitterroot area north of the Salmon River (Davis and Butterfield 1991). This review took 5 years and included detailed mapping and evaluation of the bears' foods, habitat needs, level of human activity, and space and isolation in the area. The results of this evaluation were that sufficient space, isolation, seasonal habitats, and bear foods exist in the area to support a grizzly population. An interagency

Technical Team of bear scientists reviewed the habitat information in 1991 and concluded the Bitterroot Ecosystem could support 200 to 400 grizzly bears. A scientific review team (Servheen et al. 1991) examined the Davis and Butterfield (1991) report and concurred that the area had the habitat to support a grizzly population of between 200-400 grizzly bears. Other studies (Merrill et al. in press) concur that the Bitterroot has the capability to support a grizzly population. Thus, careful habitat evaluations have already documented the capability of the area to support a grizzly population.

Importance of Bitterroot Ecosystem to Grizzly Recovery:

The Bitterroot Ecosystem is one of the largest contiguous blocks of federal land remaining in the lower 48 United States. Recovery of the grizzly bear is now limited to 6 areas south of Canada (the five areas previously mentioned plus the Bitterroot) which together comprise less than 2 percent of the former range of the grizzly in the lower 48 States. The Bitterroot is the only one of these six remaining suitable habitats where bears do not currently exist.

Of all remaining unoccupied grizzly bear habitat in the lower 48 States, this area in the Bitterroot Mountains has the best potential for grizzly bear recovery, primarily due to the large wilderness area. The core of the ecosystem contains the Selway-Bitterroot and Frank Church-River of No Return Wilderness Areas. Because of this wilderness designation, reintroduction of grizzly bears would have fewer impacts on traditional land use activities on this land than it would on other federal lands.

The addition of the Bitterroot Ecosystem to the grizzly bear recovery effort would increase long-term survival probabilities and conservation of grizzly bears within the lower 48 States by increasing the number of grizzly bear populations, total number of grizzly bears, and the habitat size and extent. A grizzly bear population in the Bitterroot has the potential to increase the total number of grizzly bears south of Canada by 200-400 bears or 20-40 percent above current population levels. The potential for grizzly bear recovery would be enhanced because habitat would be increased by almost 10,000 square miles or almost 25% (including the wilderness area and outside buffer zones). Overall, the Bitterroot Ecosystem offers excellent potential to recover a healthy population of grizzly bears and to boost long-term survival and recovery prospects for this species in the contiguous United States.

It is important to note that grizzly bear populations can be recovered and delisted independently of each other because there is no connection between existing populations. The Yellowstone population is very near recovery and a status change will likely be proposed in this ecosystem in the next few years. Recovery in the Bitterroot will take longer (possibly 50 - 100 years) than that in the Yellowstone or Northern Continental Divide Ecosystems, but will have no bearing on achievement of recovery in these other ecosystems. On the other hand, any new or additional populations of grizzly bears will add to the known populations and therefore provide for a higher recovery potential for the species as a whole, decreasing the amount of time the species is on the Endangered Species List and the regulatory burden placed on the public.

Broad Public Participation:

The Interagency Grizzly Bear Committee (IGBC) was formed in 1983 following an agreement with the Secretaries of Interior and Agriculture with the governors of Idaho, Montana, Wyoming and Washington. The Committee is composed of top officials from the National Park Service, Forest Service, Fish & Wildlife Service, Bureau of Land Management, and the State Fish & Game agencies from the four states, as well as management authorities from British Columbia and Alberta. The mission is to implement the recovery plan through interagency coordination, policy development, management planning and research.

With the IGBC endorsement of the Bitterroot Ecosystem as a grizzly bear recovery area, the Service in 1992 organized a Technical Working Group to develop a Bitterroot Ecosystem chapter to append to the Grizzly Bear Recovery Plan. This interagency group of biologists worked with a citizens' involvement group comprised of local residents of central Idaho and western Montana and Federal and State agency personnel to draft a recovery plan chapter. Public comments, including those from local communities in central Idaho and western Montana, were integrated into the final chapter.

The Service revised the Grizzly Bear Recovery Plan in 1993 and produced the Bitterroot Ecosystem Recovery Plan Chapter as a supplement in 1996. The ultimate goal of the plan is removal of the grizzly from threatened status (i.e. delisting) in the conterminous 48 States. The Bitterroot Ecosystem Recovery Chapter calls for the preparation of an Environmental Impact Statement to evaluate the proposed action and a range of alternatives to recover the grizzly bear in the Bitterroot Ecosystem. This action is supported by the IGBC.

Planning for the reintroduction of grizzly bears into the Bitterroot Ecosystem of east-central Idaho and western Montana was initiated in 1994, when the agencies of the IGBC requested that an EIS be prepared. The Service formed and funded an interagency interdisciplinary team to prepare the EIS. The team included specialists from the Service, U.S. Forest Service, Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, and the Nez Perce tribe. The Grizzly Bear EIS program emphasized public participation.

A public participation and interagency coordination program was developed to identify issues and alternatives to be considered. A public Notice of Intent (NOI) concerning grizzly bear recovery in the Bitterroot Ecosystem was published in the Federal Register in January 1995. The notice was furnished as required by the National Environmental Policy Act regulations to obtain input from other agencies and the public on the scope of issues to be addressed in the EIS. This NOI asked the public to identify issues that should be addressed in the draft EIS. A few days earlier the Service also had issued a news release to media in Idaho and Montana announcing the beginning of the EIS process on grizzly bear recovery in the Bitterroot Ecosystem.

Eight preliminary issues were identified in March 1995 from scoping meetings for the Bitterroot Chapter and the NOI to prepare an EIS. Three preliminary alternatives also were identified and published in a Scoping of Issues and Alternatives brochure. This brochure was mailed to 1,100 people from a nationwide mailing list of interested persons and distributed at

seven open houses (described in the following paragraph). The brochure gave background information, described the purpose and need of the proposed action, listed preliminary issues and alternatives, and explained how to become involved in the EIS process. People were asked to identify issues and alternatives related to grizzly bear recovery in the Bitterroot Ecosystem. In June 1995, a notice was published in the Federal Register initiating the formal scoping process with a 45-day comment period. A news release was sent to the print, radio, and television media in western Montana and Idaho announcing the dates and locations for public open houses. The Service initiated public issue scoping by mailing a brochure to the public that detailed the EIS process.

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

Written public comments on issues and alternatives were solicited at the open houses and through the media. More than 3,300 written comments were received from individuals, organizations, and government agencies. These comments arrived in over 565 letters, open house meeting notes, six petitions, and six form letters or postcards. Public comments typified the strong polarization of concerns regarding grizzly bear management. Approximately 80 percent of written responses were from residents of counties in Montana and Idaho adjacent to the proposed reintroduction area. A content analysis of the public comments was completed by the Interagency Team and a summary report completed with copies provided to all people who submitted individual comments during the public scoping process.

Major concerns raised included public safety, impacts of grizzly bears on existing land uses, travel corridors and linkages, nuisance bears and their control, source population health (i.e. the impacts on the original population where the bears were taken), depredation by bears on native ungulates, and economic impacts. In September 1995 the scoping results were summarized in the document, "Summary of public comments on the scoping of issues and alternatives for grizzly bear recovery in the Bitterroot Ecosystem," and this document was distributed to people who had mailed in comments.

Preparation of Draft EIS:

The interagency EIS team began to develop and write the Draft EIS in January 1996. Four alternatives were developed to meet the purpose and need to recover grizzly bears in the Bitterroot Ecosystem. These alternatives were developed in response to public comments and represent a full range of alternatives for consideration. The NEPA process guided the preparation of the Draft EIS.

In August 1996 an internal agency working draft was completed. The EIS team met with most of the agencies represented on the Interagency EIS team (USFS, MDFWP, and Nez Perce Tribe) and presented the pre-release draft and answered questions in October 1996, and requested their review and comments. Although Idaho Fish and Game Department was represented on the EIS team, in a letter from Director Steve Mealey dated January 24, 1997, the Idaho Fish and Game Department declined the opportunity to review and comment on the Draft EIS. In February 1997, a final Draft EIS with partner agency comments incorporated was sent to Service for final review. The Service has made final edits and recommendations to the Draft EIS, and has elevated it to the Department of the Interior to select the preferred alternative. The Department plans to release the Draft EIS with the preferred alternative in the near future.

Congressional members and their staff, administration and agency personnel, states, counties, tribes, advisory committees/councils, and key individuals and organizations will be briefed on the Draft EIS preferred alternative before Federal Register publication and release to the public. A Notice of Availability (NOA) for the Draft EIS will be published in the Federal Register. Public comment periods of at least 60 days will follow. The documents will also be available for public review on the Internet. Public hearings / open houses to gather public comment on the Draft EIS will be held in 6 communities on the perimeter of the Bitterroot area: Boise, Lewiston, Salmon, Idaho, and Helena, Missoula, and Hamilton, Montana. After the comment period ends, a full content analysis of all comments received will occur. All comments will be analyzed and carefully considered and a Final EIS will be prepared.

To date, the Service has conducted two formal briefings in Boise on April 30 and Missoula on May 19 of this year. In addition, the IGBC also briefed the Idaho and Montana delegations in Washington, DC on March 20 & 21, 1997.

Alternatives contained in Draft EIS:

Four alternatives that represent different approaches to grizzly bear recovery and management were developed for evaluation in the Draft EIS because they encompass public concerns raised during scoping, and they represent the full range of alternatives. All four alternatives reflect public comments and suggestions identified through issue and alternative scoping. The alternatives contained in the Draft EIS are:

Alternative 1. Reintroduction of a Nonessential Experimental Population Alternative:

The goal is to accomplish grizzly bear recovery by reintroducing grizzly bears designated as a nonessential experimental population to central Idaho, by

implementing provisions within Section 10(j) of the ESA. Grizzly bear management activities would be conducted to address local concerns. A Citizen Management Committee (CMC), created under an ESA special rule, would be tasked with management of the grizzly bear population recovery. Management authority for the Bitterroot grizzly bear population would be delegated by the Secretary to this citizen committee as long as decisions are made that will eventually lead to recovery for this population. Except in national wildlife refuges or national parks, "nonessential experimental" populations are not subject to the formal Section 7 consultation process.

Alternative 2. The No Action Alternative - Natural Recovery:

The goal is to allow grizzly bears to expand naturally from their current range in north Idaho and northwestern Montana southward into central Idaho and western Montana, and to re-colonize the Bitterroot Ecosystem. Bears recolonizing the Bitterroot Ecosystem would retain full protection as threatened under the ESA. The ultimate goal of this alternative is natural recovery of grizzly bears in the Bitterroot Ecosystem.

Alternative 3. The No Grizzly Bear Alternative:

This alternative would prevent grizzly bear recovery in the Bitterroot Ecosystem and would require changes in the Endangered Species Act to allow elimination of any grizzly bears that eventually moved into this area.

Alternative 4. Reintroduction of a Threatened Population with Full Protection of the ESA Alternative:

The goal of this alternative is to achieve recovery through reintroduction of grizzly bears as fully protected threatened species. Extensive habitat protection and enhancement through substantial restrictions of timber harvest and forest roads would be highlighted to promote natural recovery. The grizzly bear would have full protected status as a threatened species under the provisions of the ESA.

The use of a citizen management committee to manage an experimental grizzly bear population in the Bitterroot ecosystem was originally suggested by a group of Idaho timber industry owners, Idaho labor groups, the Inter-mountain Forest Industry Association, Defenders of Wildlife, and the National Wildlife Federation. This citizen management committee does not currently exist. Alternative #1 would allow the Governors of the States of Idaho and Montana to nominate local citizen members to this citizen management committee. The members would be appointed by the Secretary of the Interior based on the Governors' nominations. This citizens committee would be authorized to make certain decisions relating to the management of grizzly bear recovery in the Bitterroot ecosystem. The committee must make decisions that eventually lead to recovery of the Bitterroot grizzly bear population.

Successful Reintroduction Efforts:

The Service has successfully reintroduced endangered and threatened species as nonessential experimental populations under Section 10 (j) of the ESA.

In 1991, Congress directed the Service, in consultation with the National Park Service and the Forest Service, to prepare an EIS on reintroduction of the Northern Rocky Mountain gray wolf (*Canis lupus*) into Yellowstone National Park and central Idaho. Under a comprehensive, science-based and court-endorsed plan, the Service is proposing to recover and delist the gray wolf in the northern Rocky mountains by establishing 2 nonessential experimental populations in central Idaho and the greater Yellowstone area by establishing a minimum of 10 breeding pairs in each area.

The plan, if successfully completed, will help in the recovery and eventual removal of the gray wolf from the ESA, boost local tourism, and help restore the forest ecosystem to its historic character. Wolves were released into the wild in 1995 and 1996. The released animals have adapted and survived much better that predicted. Further reintroductions are unlikely to be required and recovery is now estimated to take 7 years. In Yellowstone, there are thought to be approximately 100 wolves, including 9 breeding pairs and 13 litters born this spring. In central Idaho, there are thought to be approximately 70 wolves. At least 7 females are known to have denned. Pup activity in the Frank Church Wilderness Area is difficult to ascertain because of it remoteness.

Since the reintroductions began, ranchers have reported 55 cattle and 51 sheep killed by wolves, six cattle and 41 sheep of which were killed by reintroduced wolves. Defenders of Wildlife has compensated 34 ranchers $30,000 for these losses.

The wolf recovery plan was designed to allow wolf populations to grow to recovery levels and have minimal conflicts with existing or anticipated Federal agency actions or traditional public use of park lands, wilderness areas, public lands, and surrounding private lands. All wolves are individuals and there is the possibility that individual wolves may exhibit behavior that will not be tolerated, e.g. attacking livestock or domestic pets. The Service recognizes that such individuals must be managed (moved, placed in captivity or killed) to minimize chronic conflicts. The Service has determined that removal of such individuals within the nonessential experimental population area furthers the conservation and recovery of the wolf population.

The black-footed ferret (*Mustela nigripes*), once thought to be extinct, is today the rarest mammal in North America. The only remaining populations in the wild are the direct result of releases of captive-born animals. In cooperation with 11 western State wildlife agencies, the Service has identified reintroduction sites within the historic range of the species. Reintroduction of experimental, nonessential populations are ongoing in 4 states (Montana, Wyoming, South Dakota, Arizona) and are being proposed for Colorado and Utah. Near self-sustaining populations have become established in Montana and South Dakota, represented by both captive-

reared animals and animals born of animals in the wild. This undertaking by the Service continues to receive extensive public support, as well as support from many partners, including states, federal agencies, conservation organizations, and zoos. The objective of the ferret reintroduction program is to establish 10 self-sustaining, widely distributed populations in the wild within their historic range, with the long-range goal of ensuring the recovery and downlisting of the species.

The Service, in corporation with State and private partners, has also successfully reintroduced populations of California condors, aplomedo falcons, bald eagles and peregrine falcons. In each case, extensive public involvement and support have been key factors in these successful recovery efforts.

Conclusion:

In conclusion, I'd like to point out that a national public survey conducted in 1995 indicated that 62% of local, 74% of regional, and 77% of national respondents were supportive of reintroducing grizzly bears into the Bitterroot Ecosystem. The two most popular reasons given by respondents for supporting reintroduction were the desire to save the grizzly bear from extinction, and to return this species as a missing component of the ecosystem. The Service supports these reasons and has made every effort to prepare a Draft EIS that addresses public concerns while outlining the range of alternatives to achieve recovery of the grizzly bear.

Madam Chairman, this concludes my written statement. I appreciate the opportunity to testify before this Subcommittee. I will be happy to answer any questions you may have.

Final

STATEMENT OF
HAL SALWASSER, REGIONAL FORESTER, NORTHERN REGION
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives
Concerning

Oversight of
Reintroduction of Endangered Predators on Federal Lands

June 12, 1997

Madam Chairman. Thank you for the opportunity to discuss the reintroduction of endangered predators on Federal lands.

The Forest Service's multiple-use management responsiblities include the legal mandate under the Endangered Species Act to conserve threatened and endangered species and the ecosystems on which they depend. Coupled with the mandate under the National Forest Management Act to maintain diversity, our challenge is to manage a multitude of uses with an ecosystem perspective, including protection of resources such as threatened and endangered species. This is no easy task.

About one-third of all species currently listed as threatened or endangered under the Endangered Species Act live on the National Forests and Grasslands. The Forest Service has successfully protected and improved habitat for many threatened and endangered species. For example, the bald eagle, peregrine falcon, grizzly bear, eastern timber wolf, California condor, and Puerto Rican parrot have been or are being brought back from the brink of extinction. Through recovery efforts, we also have the

opportunity to help preserve some of the cultural heritage of American Indian Tribes, who have long revered and respected these animals. As other lands and habitats come under increasing pressure to provide homes, food, and raw materials for people, public lands are becoming increasingly important places for rare species and species at risk of extinction. Large animals such as the bison, gray wolf, and grizzly bear once ranged over the western United States. Today, suitable habitat is limited, especially for the large carnivores such as the grizzly. In addition, roads, development around cities and towns and habitat loss are all barriers to natural dispersal of these animals. Because species and their habitat requirements rarely conform to lines on maps, the combined efforts of many agencies, organizations, and communities are needed if we are to conserve threatened and endangered species.

The Forest Service is only one of the many cooperators necessary to the survival of species at risk. We work closely with the Fish and Wildlife Service and the National Marine Fisheries Service who have the statutory lead in enforcing provisions of the Endangered Species Act. States are also partners in recovering threatened and endangered species as are the National Park Service, the Bureau of Land Management, and other federal agencies.

The grizzly bear, one of these species at risk, was once nearly extinct in the contiguous 48 states and has been the object of conservation measures for some time. The Interagency Grizzly Bear Committee was established in 1983 and includes the State Conservation Directors of Wyoming, Montana, Idaho, and Washington, Bureau of Land Management Director of Montana, the Rocky Mountain National Park Regional Director, Rocky Mountain Regional Director for the Fish and Wildlife Service and Regional Foresters for the Northern, Intermountain, and Rocky Mountain regions of the Forest Service. The U.S. Fish and Wildlife Service recovery plan of 1982 identified 6 recovery areas that could provide the food, habitat, distance from human populations, and space that would allow the grizzly to survive. In 1986, the Interagency Grizzly Bear Committee developed recovery guidelines to reduce human-caused mortality and to improve habitat security.

The Selway-Bitterroot area, the largest contiguous wilderness in the lower 48 states, was identified as one of the recovery areas. Human-caused mortality risk to the bears was thought by the Committee to be relatively low due to the area's great size and remoteness. In 1995, planning efforts by the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Forest Service began to focus

on recovery options for the grizzly bear in the Selway-Bitterroot area. One of our primary concerns has been public reaction, and we have worked hard to involve the public in this process. Public comment was gathered from meetings held in six towns adjacent to the proposed recovery area. Over 300 people attended, and written comments were received from over 3,300 individuals, organizations, and government agencies. A public attitude survey, conducted in 1995 by Responsive Management (under a contract with the Idaho Department of Fish and Game) indicated approximately 62% of local, 74% of regional, and 77% of national respondents supported grizzly bear reintroduction in the Selway-Bitterroot area. General opinion appeared to favor recovery of the grizzly bear in the Selway-Bitterroot.

An interagency team consisting of the USDI Fish and Wildlife Service, the USDA Forest Service, Montana Fish, Wildlife, and Parks Department, Idaho Department of Fish and Game, and the Nez Perce Tribe has worked on a draft Environmental Impact Statement (EIS) for Grizzly Bear Recovery which the U.S. Fish and Wildlife Service will release for further public review and comment next month. During the public comment period, more public meetings will be held in Boise, Salmon, and Lewiston, Idaho and Hamilton, Helena, and Missoula, Montana.

Concerns relating to grizzly bears center around four issues: public safety, access restrictions, changes in economic opportunity, and livestock depredation.

Public safety is always important. We have found that the key to public safety in grizzly bear country is education. For years, we have been working with local communities, the general public, and with outfitters and guides about living and recreating safely in areas with grizzly bears. While encounters between grizzlies and humans do occur, these incidents are rare.

Access to Federal lands is important. However, as land managers, we sometimes restrict access on roads and to certain areas for a variety of reasons. Sometimes these access restrictions are seasonal; for example, seasonal closures are issued to protect roads, water quality, and fisheries by reducing activities that would cause erosion and sedimentation during rainy weather conditions. Seasonal access restrictions also provide secure essential habitat for wildlife, such as protection of elk calving areas, grizzly spring range, or nest sites of peregrine falcons. Some roads are permanently closed to reduce administrative costs or provide secure areas for wildlife such as deer, elk, or grizzly bears.

Federal lands have many values, including economic opportunity. Not only is value found in timber and firewood, but also in the wide range of recreation activities such as commercial outfitting and guiding services, tourism, camping, picnicking, hiking, picking berries, hunting, fishing, watching and photographing wildlife, and birdwatching. In areas where grizzly bear populations are present, conservation efforts have had some effect on National Forest timber production. However, planning access and the scheduling of sales can reduce effects to grizzly bear recovery and allow sales to go forward. The quantity of timber available for harvest has been influenced more by issues related to water quality and fisheries. Recent research in Montana, Wyoming, and Idaho shows that recreation activities with the greatest growth include primitive camping, wildlife viewing and photography, backpacking, and hiking. When properly managed, these activities are compatible with grizzly bear land management and provide local economic activity to surrounding communities.

With large carnivores such as the grizzly bear, there is the potential for livestock depredation. There are provisions within the Interagency Grizzly Bear Guidelines that provide for removal of animals who prey on livestock. The 1986 Interagency Grizzly Bear Guidelines provide for rapid removal of problem grizzly bears in certain habitats. In primary grizzly recovery habitats, livestock operations may be modified - for example, moving a sheep allotment out of the recovery zone - in order to reduce potential bear and livestock conflicts.

In any recovery operation involving threatened and endangered species, our objective is to work in a collaborative manner with communities, States, organizations and individuals. We have the common goal of stewardship. I believe the best way to balance and resolve these issues is by working with communities of interest - that is, interests on all sides of the issues - in civil discussions based on areas of common agreement, and working in an open, fair, and inclusive setting to build community solutions.

I would be happy to answer any questions you may have.

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HEADLINE: Attack!description of a Grizzly bear attack

BYLINE: Brandt, Anthony

BODY:

THE FALL OF 1995 WAS A LEAN ONE FOR Yellowstone bears. According to Thomas McNamee, author of The Grizzly Bear and a close observer of the Yellowstone population, "Whitebark pine and berry crop failures gave us some very hungry and wide-ranging bears. They were desperate. And that makes them incautious."

John Logan, district ranger in Gardiner, Mont., just north of Yellowstone, agrees: "Bears were actually keying into gunshots by elk and deer hunters. With all that viscera lying around, bears are going to take advantage of it. I know of one outfitter and his client who were gutting a deer and looked up to find a grizzly watching them. They hung the deer and planned to return for it, but when they did the bear had gotten the deer out of the trees and was lying on it and wouldn't let them approach. They fired shots over its head, but the bear just stayed right there."

Even when bears are desperate, attacks on humans are rare. McNamee calls them "disappearingly rare-like being struck by lightning." But the logic of bears' hunger--and the rarity of their conflicts with man--are of little consolation if you become one of the unlucky. If you, like 18-year-old Bram Schaffer of Broadus, Mont., are struck.

Horseshoe Mountain, about 10 miles north of Yellowstone in the Absaroka-Beartooth Wilderness, marks the northern limit of the 1988 fire that consumed so much of the park. By last fall, new grasses had pretty well colonized the burn; leftover stands of mature lodgepole and Douglas fir made for perfect cover for elk coming down to their winter range.

For Curt Olson, a commercial fisherman in Alaska during the summer and, for 10 years, a professional guide in Montana, this was a busman's holiday. He and his wife, Julie, his son, Steve, a dose friend 6f his son's, Bram Schaffer, and Bram's father, Dennis, had all come over from the little town of Broadus, on the banks of the Powder River-deep in the Big Empty, the semi-arid steppe of southeastern Montana. People in Broadus claim that the Powder is the source of the saying about high plains rivers, that they're "a mile wide and an inch deep, too wet to plow and too thick to drink." Powder River County is ranch country: 3,300 square miles of land, 2,000 people, a few cattle, a lot of sheep, and an

infinite swell of sagebrush and grassland. Winters are cruel. Even other Montanans say you've got to be tough to grow up in Broadus.

Olson and friends packed into the Horseshoe Mountain area during the week of Sept. 11, taking the horse trailers out of Cooke City as far as Daisy Pass, then following Lake Abundance Trail on horseback to Rock Creek Trail, which runs partway up the mountain. Julie Olson remembers that the weather was warm and clear for those first days. On Monday the 18th, the sky turned overcast and rainy, but elk season had opened by then, and the men were hunting every day. Julie had gone out only once.

"I sat around the campfire the rest of the time and watched for bears," she recalls. "I've always had a deathly fear of them." The bears on Horseshoe Mountain were no secret. On the day the rains came, Olson's party had seen a grizzly sow and her cub. "Another camp right next to us," he says, "they had seen the bears too." And the previous fall, according to John Logan, about a half mile from where Olson was camped, a hunter had killed a bear that attacked him. He shot the bear just before it got to him, says Logan. "The bear took a couple of bites out of the hunter and then crawled off and died."

Nobody really knows how many grizzlies inhabit the Greater Yellowstone Ecosystem. Estimates vary from 200 to as high as 400. However many there are, it was indeed a hungry September for them. They were keying on gunshots.

All of the hunters with Curt Olson were experienced--even slight, wiry Bram Schaffer, just graduated from high school. Besides, they grow up tough in Broadus. Bram rode and roped, and he came from a family in which the sons all played football. He played defensive cornerback his senior year on a team whose record ran to 7-1. "He was a hard-hitter," says his coach, Lynn Safranski. "He was a hard-nosed kid. And when he gets mad, he's intense." "Bram's a scrapper," says one of his friends, "a real scrapper."

ON TUESDAY THE 19TH THE WEATHER WAS still overcast and turning colder, but Olson and his party went out anyway to sweep the mountain one last time. They were planning to go home the next day.

"We left about 4:30 from the top of the mountain," Olson remembers. "We was coming down and we split up. One guy brought the horses back down to camp, and we went right straight down the mountain toward camp." They spread out to about 2 00 or 3 00 yards apart, with Olson next to Bram. It was he who directed Bram to cross a small meadow and start down along the other side; he watched Bram disappear into the treeline.

A routine elk drive late in the afternoon. It's not hard to imagine it: the gray sky casting no shadows in the woods, black burned-out trees everywhere, the remains of branches sticking out of them like spikes, the massive unlovely bulk of Horseshoe Mountain, its flattened crest just above timberline, sometimes visible behind you. It would have been quiet in the woods: no calling out, certainly no bear bells. You climb over the ubiquitous deadfall, move carefully from the burn into clumps of living trees. You keep your eyes mostly on the ground, cutting for fresh tracks, for scat. The thought of bear probably crosses your mind, but you're carrying a Winchester .270, and you're experienced, even at 18, and you're not afraid. You know that bear attacks are "disappearingly rare."

Unless they're desperate and incredibly hungry and unless you step, say, between them and a food cache, probably a gut pile, or come upon them suddenly, or move aggressively toward a cub. Bram had been hunting for an hour when he stepped out of a stand of trees to find the bear already charging him. A full-grown grizz can achieve speeds of up to 35 miles an hour, and they are programmed to chase whatever runs from them. So you don't run. You climb a tree if a tree is available, but Bram had no time. He barely caught a glimpse of the bear before it was on him, a sow with a yearling cub behind her, a sow that probably weighed close to 400 pounds this late in the year. Truly a force of nature.

"I turned," he later wrote to his friends, "took four steps to get out of her way because she was moving real fast, and wham! she had my head in her mouth. She threw me to the ground and started chewing on me like I was a big dog bone." He dropped his rifle when the bear hit him; he, tried to fight her with his arms and legs, but that only made things worse. "She had my left thigh in her mouth and was shaking me around like a dog would a dish towel."

A grizzly's jaws are powerful enough to bite through a six-inch-thick pine tree; Bram is lucky she didn't just take his leg off. His rifle was underneath the bear by this time and he couldn't get to it. He thinks the biting and shaking went on for maybe 40 indescribable seconds. Then suddenly, unaccountably, the bear dropped him and moved away. Maybe she thought he was dead, maybe she was worried about her cub. In any case, she walked off toward her cub, and Bram--very badly wounded, but a tough kid and very angry--reached for his rifle.

The bear must have heard him move, because she turned and came back after him. Bram waited until she was six or seven feet away, then fired into her chest. He saw the fur fly off the bear's back, and she fell quivering on the ground. The cub ran away at once. And it was over. Bram had killed the bear and against all odds, he was alive.

Now he had to survive the mountain. It was getting late, dark, it was beginning to rain. Heavily. And Bram must have looked like he'd stepped on a Claymore. His big down jacket that Olson had said, teasing him, made him look like the Great Pumpkin, was in shreds. Feathers were everywhere. The bear had bitten a chunk of meat from his right side under his arm that was as big as a football; one hand and wrist were chewed up; his scalp was open to the bone. He was covered with blood. But worst of all was his left thigh. It looked like somebody had taken an ax to it, again and again. Most of the big muscle that runs down the front of the thigh, the rector femoris, was hanging out of his jeans, peeled back from his leg for much of its length. Most of us would have fainted at the sight. But Bram tucked the muscle back in his jeans as best he could and tied it up with his hunting vest. He got up and found that while he couldn't bend the leg he could walk stiff-legged, using his wounded left leg as a kind of peg. He couldn't go uphill, but he could go down--and he had his rifle and nine rounds, so he could fire signal shots. He knew they'd come looking for him.

They were, in fact, beginning to worry back at the camp. "When we got to camp," says Curt Olson, "he wasn't there. He should have been there. He's the youngest; He should have been there, and we knew he wasn't lost. Lost was not even a factor in our minds. Hurt was a factor."

Bram was maybe two miles below camp when the bear attacked; nobody is quite sure exactly where it happened. And while it rained on him, it was snowing up above. "I mean it snowed," says Olson. "Blizzard, cold, as bad conditions as you want, and then we got really scared."

THEY WENT OUT LOOKING FOR HIM, FIRING signal shots as they moved from one position to the next. Bram could hear their shots and he fired back, once each time, but they couldn't hear him because Rock Creek was roaring nearby and the wind was wrong. They searched until maybe 10 o'clock, then gave it up at Olson's insistence. It was getting too dangerous to be out there. Dennis Schaffer, Bram's father, had to be forced to return to camp. "I seen grown men sitting on their knees and bawling," says Olson, "and I never seen that before."

No one knows how far Bram walked, and few of us could imagine how he walked at all, wounded as he was, in a hard rain, the temperature on the cusp of the freezing point. Unable to climb over deadfall when he came to it, he rolled underneath. Curt Olson figures he walked about a mile and a half; his wife, looking at the map, thinks it might have been three miles, maybe even four. Call it two, to be conservative, through very rough country. If he didn't fall and break his leg, shock could kill him, or he might bleed to death. And then there was the unimaginable pain.

It was a hunter named Bruce Piasecki and his son who found Bram stumbling through the woods. They had heard his shots and found him just above Lake Abundance Trail, most of the way down Horseshoe Mountain. Piasecki told The Billings Gazette that when they found Bram he was screaming, "Help me! I've been attacked by a grizzly."

Piasecki is a big man, six feet tall, 2 1 0 pounds, and he carried Bram over his shoulder through deadfall and bogs, talking to him to keep him awake and alive. "It could not have been a worse night," Piasecki told the paper. "It was the ultimate nightmare. I just prayed for strength."

On the way down, the three of them met two other hunters, Andrew Wolfe and Dave Krueger, who'd also come up to investigate the shots, thinking it might have been a bear attack. Wolfe got on one side of Bram and Piasecki on the other and they half carried him, half walked him back to their camp at Honeymoon Meadow, at the base of the mountain, while Krueger went ahead to send someone off on horseback for the ranger.

It is good luck that saves us most of the time, if anything does, and Bram was lucky indeed in Andrew Wolfe. Wolfe is a doctor and part of his podiatry training had included two years in a trauma center in southern California. "We saw pretty much everything down there," he says.

Wolfe had his medical kit with him-painkillers, antibiotics, and sterile bandages. He swabbed Bram's wounds with a mixture of disinfectant and detergent, then immobilized his arm against the wound in his side while Bram, feeling better thanks to the painkillers, told jokes.

It was Bram's thigh that most worried Wolfe. A bear's mouth is notoriously foul, especially one that's been feeding on a gut pile. Gangrene can travel through flesh at the rate of six inches an hour. Later in the night, when Bram

began to complain of being hot and was tossing blankets off himself, Wolfe touched the flesh in Bram's thigh wound and could feel gases forming under the surface. It's called crepitus, and it's a sign that infection is flourishing. The bear's teeth had just missed Bram's femoral artery; Wolfe could actually feel the artery when he put his hand in the wound. "If the infection got bad enough to ruin the femoral artery," he says, "I knew he was going to lose the leg for sure, if not his life." Help was a long time coming. Two emergency medical crews from Cooke City spent all night on four-wheelers, sawing through deadfalls and picking their way through the dark and the snow. A helicopter from St. Vincent's Hospital in Billings had to turn back because of the weather. It wasn't until nearly seven the next morning that a Park Service chopper from Mammoth finally made it to the meadow where Bram and Wolfe were waiting. Bram was flown to Mammoth, then to St Vincent's.

JUST AFTER SEVEN, CURTIS OLSON RODE into Honeymoon Meadow and learned what had happened. He and the rest of his group had spent the night up on the mountain waiting for first light so they could resume their search. Olson immediately rode back to camp and rounded up the search party. It was Wednesday, the 20th. Dennis Schaffer rode out ahead of the others; he was the first to get to the hospital, around five that afternoon.

Back in Broadus they already knew the story. They thought then that the doctors were going to amputate Bram's leg. When Olson got to the hospital at 11 that night, after taking the horses back across Daisy Pass, the doctors were still talking about amputating the leg. But before they did that they wanted to make sure Bram would live. About midnight, says Olson, "the doctors come out and tell us he ain't going to make it. He's full of gangrene."

Olson and Bram's family waited in the hospital through Thursday and into Friday. That whole time, says Olson, Bram's fife hung in the balance. At four in the afternoon on Friday the doctors finally told them that maybe Bram would survive after all. On Saturday, Olson remembers, they said they thought they might leave the leg on and see how it went. It was four days after the attack. Bram was beating the infection. He was not going to die.

Bram was in the hospital for nearly a month and had three operations before he was discharged. He still has his leg, but about 35 percent of his thigh is simply gone. Andrew Wolfe had cut away tissue that would never be of any use to him again, and the doctors at the hospital also had to take dead and infected tissue. They grafted skin from his light leg over the wounds in his left. The scalp wound was perhaps five or six inches long. More than likely he'll walk with a limp the rest of his life.

Bram walks with the help of crutches now and faces many months of physical therapy. "He knows," says Curt Olson "that he's got a long road ahead. But his spirits are good. That's the only reason the kid is alive--he's got the heart of a lion."

He's a good-looking kid but definitely a kid. There's no hair on his face yet, just the whisper of a mustache. He's a quiet boy, a "yup" and "nope" type, but that hasn't kept him from making loads of friends. He was an average student, but he's got an artistic streak to him. In his home-economics class at Powder River District High School, Bram drew horses, again and again, and they were pretty good drawings, says his teacher. She taped them to the wall behind

the kitchen counter in her classroom.

They never did find the bear. The day after the attack two teams of rangers, one state, one federal, combed the area where they thought Bram shot the bear, without success.

But bears are undoubtedly out there, and this year they're unusually "incautious" all over the Northwest. A little earlier in September, a Helena, Mont., man named Lester Ashwood was mauled by a grizzly in Glacier National Park. About a week after Bram's encounter, a sow grizzly roared through a campsite at Lake Louise in Alberta, Canada, at three o'clock in the morning, ripping tents apart and mauling six people. In Monroe, Wash., last October, a black bear attacked a 14-year-old girl. She survived by playing dead. Of course, attacks like these are firing up the bear debate once again. Arnold Dood of the Montana Department of Fish, Wildlife and Parks thinks that the time has come for a regulated hunt, not in Yellowstone but in adjacent areas like the Absaroka-Beartooth Wilderness. "When you have an unhunted population," says Dood, "over time the behavior of that population changes. Around Yellowstone you have a population of grizzly bears that's been unhunted for 2 0 years. And it's starting to show in terms of how they interact with people."

Thomas McNamee calls this "the company line--the idea that hunting's going to change grizzly bear behavior is just laughable to me, unless one bear calls up another on the phone and says, Hey, these guys are out here with rifles. We better watch out around the campgrounds.'"

Curt Olson, not surprisingly, knows how he feels about the subject. "Here was a kid had his whole damn life ahead of him," he says, "just to be brought down by a bear. An endangered species people think is just wonderful but never in their life ever seen one."

But Bram is tough. Bram is down but not out. He wouldn't talk about the mauhng--ostensibly because film and television producer Michael Crichton is thinking about buying the story rights. But his mother says it is more complicated than that. "Bram doesn't feel he's done anything heroic," she told Outdoor Life. "He feels like he did what he had to do to make it out of there. He's confused and a little disturbed by all the attention."

You have to hope someone does buy the story, however unlikely a savior Michael Crichton may seem, because Bram desperately needs the money. A friend of the family who's seen his hospital bill says it comes to $ 57,000. The family is one of millions in America that has no medical insurance. The friend, Louise Wilson, thinks that with doctor bills and the cost of physical therapy, Bram's medical expenses could run close to $ 200,000--a huge sum anywhere, but particularly in Montana.

Bram is not alone, though. The community has held benefit dances for him, a benefit basketball game, and on Nov. 4 it held a Ride for Bram, an all-day event that included an auction, a 15-mile ride, and a dance. Proceeds go to Bram's Medical Fund. Clearly this kid is well-loved. And he's got the heart of a lion.

GRAPHIC: Photograph

IAC-NUMBER: IAC 17942909

OFFICE OF THE GOVERNOR
P.O. BOX 83720
BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

January 29, 1997

The Honorable Bruce Babbitt
Secretary of the Interior
United States Department of the Interior
1849 C Street, N. W.
Washington, DC 20240

Dear Mr. Secretary:

The purpose of this letter is to notify you that the state of Idaho remains adamantly opposed to the reintroduction of grizzly bear into the Bitterroot ecosystem, and to request that you withdraw the Federal Notice of Intent (January 9, 1995 Federal Register Vol. 60, No. 5, pp. 2399-2400) dealing with the proposed reintroduction.

There are several reasons for my position and my request. First, while I realize that reintroduction *may* be desirable in terms of speeding recovery, I know of no scientific data to demonstrate that it is necessary for the recovery and survival of grizzly bear in the lower forty-eight states.

Second, reintroduced bears will pose a significant public safety risk for Idaho citizens, and the many tourists who visit our wilderness areas. There is a major Boy Scout Camp located in the proposed recovery zone, and most of the people who frequent our wilderness areas are there for an outdoor family experience. They do not want, nor do they expect, to be confronted by a grizzly bear.

Third, the reintroduction has the potential to affect the social and economic stability of many of our rural communities by placing undue burdens and restrictions on our natural resource industries.

Fourth, I have strong concerns about the fiscal impact to Idaho. Where will the money come from? Who will pay for the management? What will be the fiscal impacts to landowners and other users of this area?

The current situation regarding grizzly bears in Yellowstone raises further concerns. The recovery in Yellowstone has been so successful that excessive numbers of bears may soon need to be removed. However, because the recovery plan is tied up in court, the Department of the Interior is unable to deal with this situation. Grizzly bear reintroduction in the Bitterroot ecosystem should not even be considered until the issues of delisting and management of excessive bears in Yellowstone are clarified.

Finally, the cumulative impacts of reintroduction programs cause grave concern. We already have wolves reintroduced in our state--contrary to the state's wishes. The Idaho Department of Fish and Game has recently been requested to assist in the handling of nuisance wolves. This could easily evolve into a major effort, with significant demands on fiscal and personnel resources. The Idaho Fish and Game Commission and I are both concerned about the impacts of such an effort on an already fiscally challenged agency.

It is for these reasons that I am urging your support in calling for the immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement. On behalf of the citizens of Idaho, I request that you withdraw the Federal Notice of Intent regarding the reintroduction of grizzly bears.

Thank you for your consideration of this important issue.

Very truly yours,

Philip E. Batt

Philip E. Batt
Governor

PEB:jwc

cc: Governor Racicot, Montana
Governor Geringer, Wyoming
Dan Glickman, Sec. of Agriculture
Senator Larry Craig
Senator Dirk Kempthorne
Representative Mike Crapo
Representative Helen Chenoweth

HOUSE JOINT MEMORIAL NO. 2

HJM002.....by RESOURCES AND CONSERVATION
GRIZZLY BEAR - Stating the Legislature's full support of Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement by the withdrawal of the Federal Notice of Intent regarding the reintroduction of Grizzly Bear.

02/03 House intro - 1st rdg - to printing
02/04 Rpt prt - to 2nd rdg
02/05 2nd rdg - to 3rd rdg
02/06 3rd rdg - ADOPTED - voice vote - to Senate
Floor Sponsors - Barrett, Cuddy Linford
02/07 Senate intro - 1st rdg - to Res/Env
03/14 10th ord - ADOPTED, voice vote
Floor Sponsors - Branch
Title apvd - to House
03/17 To enrol
03/17 Rpt enrol - Sp signed
03/18 Pres signed - to Secretary of State

Bill Text

HJM002

LEGISLATURE OF THE STATE OF IDAHO
Fifty-fourth Legislature First Regular Session - 1997

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 2

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, during the settlement of what is now the state of Idaho and the years immediately following, grizzly bear and human interaction occurred to the extent that it became necessary to reduce the populations of grizzly bear in the interests of personal safety and the protection of private property; and

WHEREAS, the natural result of these efforts over time, has been the establishment of a de facto and maximum acceptable ratio of bears to humans in areas where their populations remain; and

WHEREAS, the reintroduction of grizzly bears to Idaho will disrupt this bear-to-human ratio to the detriment of humans resulting in injury, death, and loss of personal freedoms to the citizens of Idaho; and

WHEREAS, our neighboring state of Montana has experienced unnecessary loss of human life, unacceptable land use restrictions and legal denial of the right to protect private property, which current reintroduction proposals for Idaho also threaten and echo; and

WHEREAS, the state of Idaho is unequivocally opposed to the reintroduction of the grizzly bear into the Selway-Bitterroot ecosystem and we request the Secretary of Interior to withdraw the Federal Notice of Intent (January 9, 1995, Federal Register Vol. 60, No. 5 pp. 2399-2400) dealing with the proposed reintroduction; and

WHEREAS, while we realize that reintroduction of grizzly bears may be desirable in terms of speeding recovery, we know of no scientific data to demonstrate that it is necessary and we have strong concerns about the fiscal impact to the state and to the landowners and other users in the area; and

WHEREAS, the cumulative impacts of the reintroduction programs cause us grave concern as we already have had wolves reintroduced into Idaho contrary to the state's wishes and the Idaho Department of Fish and Game is being requested to assist in the handling of nuisance wolves, and if grizzly bears are reintroduced it will in all probability evolve into a major effort of time and expenditures for the Idaho Department of Fish and Game which is already fiscally challenged; and

WHEREAS, if grizzly bears are reintroduced, the practical effect upon the people of the state is a large unanswered question and the potential for conflict with campers, hikers, and other users of the public lands is very real, as is the potential for restrictions on the use of the public lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are in full support of Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement by the withdrawal of the Federal Notice of Intent regarding the reintroduction of grizzly bears.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the United States Department of Interior, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

State of Idaho
Department of Fish and Game
Boise, ID 83707
March 25, 1997

MEMORANDUM

To: Fish and Game Commissioners

From: Director

Subject: Grizzly Bears

Following are comments I made at the Interagency Grizzly Bear Committee (IGBC) meeting in Washington DC on March 17, 1997, and agreed-on IGBC follow-up actions:

Position: "The Idaho Fish and Game Commission disapproves of the proposal to reintroduce grizzly bears to the Bitterroot Ecosystem, and has directed me to ask the IGBC to seek termination of the related Environmental Impact Statement (EIS) process. The Idaho Department of Fish and Game should not be considered a cooperating agency in the EIS process. These statements reflect the positions of Idaho's Governor, the Idaho Legislature, most Idaho County Commissioners, and the Idaho Congressional Delegation.

What it is not: "This position has nothing to do with the designation of the Bitterroot Ecosystem as a grizzly bear recovery zone nor with the natural recolonization of the Bitterroot Ecosystem by grizzly bears.

What it reflects: "This is a social issue -- the local control issue -- closely related to the recent Idaho black bear hunting proposition. In that issue, the perception was that most anti-bear hunting sentiment came from nonhunting advocates from 'the East.' Idaho people rallied to defeat it, based on the value they place on preserving local control, and based on their pro-hunting sentiment. Also, the timing of the grizzly bear reintroduction EIS, relative to wolf reintroduction, has added to the public perception of significant activities happening to the people of Idaho, and not with Idaho people.

"It also reflects Idahoans' general agreement that if grizzlies were to return to the Bitterroot, then the best way to manage them would be as a "nonessential, experimental population" under the guidance of a citizens' advisory group (Citizen Management Alternative). Such agreement never meant there was general statewide support for reintroduction of grizzly bears to the Bitterroot Ecosystem. The Resource Organization on Timber Supply (ROOTS) and the Intermountain Forest Industry Association (IFIA) actively supported the Citizens Management Alternative but this has not translated into statewide political support. In short, most Idaho people have agreed with the "then," but not the "if."

Implications: "This can all be seen by the IGBC as a threat or problem -- or as an opportunity: The bottom line is that a critical mass of Idaho people who are most affected by the proposal (85-90% of the area affected by grizzly reintroduction is in Idaho) strongly oppose it. That's a

message that can be ignored, acknowledged, or acknowledged and responded to in a positive way. I suggest, at least, a pause in the current EIS process to carefully consider this message and its implications and response options. Recent experience by the Interior Columbia Basin Ecosystem Management Project Executive Steering Committee with the Eastside Coalition of County Commissioners suggests the wisdom of carefully considering this message before proceeding with the EIS.

"If the IGBC does nothing, I predict many of the same forces that coalesced to defeat the Idaho bear hunting initiative would come together again to push for the "no-action alternative," and that may be viewed by proponents of reintroduction as undesirable. My own view is that this message is very serious and should be taken seriously, with at least a pause in the EIS process to carefully consider response options."

Follow-up Actions: In response to my message, the IGBC agreed that within the next four- to six-weeks, IGBC members (especially Salwasser, Morgenweck, Bosworth, and Mealey, and Chris Servheen, Grizzly Recovery Coordinator,) should meet with key Idaho government officials before proceeding with the release of the draft EIS. Mealey agreed to set up meetings for IGBC representatives with Governor Batt and his staff, key members of the Idaho Legislature and the Congressional Delegation, the Public Lands Committee of the Idaho Association of Counties, and the Idaho Fish and Game Commission. The purpose of the meetings is to listen to concerns and identify possible common ground related to the EIS project.

SPM:jr

pc: Governor Philip E. Batt
Senator Laird Noh
Representative Golden Linford
George Ennekling
IGBC

GRIZZLY REINTRODUCTION (September 14, 1995)

The process of reintroducing grizzly bears into the Selway-Bitterroot area is occurring. Commissioner Neal Christiansen said that he understood that the Intermountain Forest Industry Association and others are in favor of the reintroduction. The Chairman noted that the groups are reconciled to the fact that the grizzly is coming and are trying to work at the best deal possible. The plan is to put them in the wilderness area and make them stay.

Commissioner Christiansen responded that for the last 3 or 4 years, the counties in the eastern part of the state have been fighting the reintroduction for several reasons. First, there is a decision of where to have the bears and then security areas are defined that are even more restrictive.

Commissioner Dinning said that grizzly bears cause logging to be more costly. Logging still occurs but those who want access for hunting, fishing or recreation are locked out. The minimum bear habitat is 100 square miles. Seventy (70) square miles has to be secured from motorized vehicles. Then there has to be a quarter-mile buffer outside the security area. The rules keep changing. First, Boundary County was told that 90 bears would be enough to delist. Now, that number has been changed to 90 sows with twin cubs. Loggers have to maintain corridors for movement between ecosystems but the bears must cross 2 railroads and Highway 95.

Commissioner Robson said that Yellowstone and the Wilderness will probably provide the impetus to take more area from the Targhee. Commissioner Christiansen said that the goal is 350 bears in Yellowstone and now they are talking about a maintenance plan so the bears do not go back on the list.

Commissioner Heber Stokes made a motion for a resolution to oppose reintroduction of the grizzly. Commissioner Jan Donley seconded the motion. (Note: See attached resolution adopted at the IAC Annual Conference).

IAC PUBLIC LANDS COMMITTEE

RESOLUTION 1

GRIZZLY BEAR REINTRODUCTION

WHEREAS, the reintroduction of grizzly bears is causing restricted access to lands by all public interests due to the restrictions on motorized vehicles;

WHEREAS, the rules developed by federal agencies are constantly changing in regards to how many bears need to be introduced;

WHEREAS, the reintroduction plans for grizzly bears may require additional land restrictions to keep bears off the endangered species list;

WHEREAS, economies are being directly affected by reintroduction of grizzly bears and the accompanying resurictions; and

NOW, THEREFORE, BE IT RESOLVED that the IAC opposes reintroduction of grizzly bears.

ADOPTED THIS 28th DAY OF SEPTEMBER, 1995

GRIZZLY BEAR REINTRODUCTION

The Public Lands Committee wants to make it clear that they are strictly opposed to grizzly bear reintroduction. ***The Committee voted to reconfirm their position on the issue and to support the resolution opposing reintroduction that was adopted by the Association.***

September 16, 1996

IDAHO DEPARTMENT OF FISH AND GAME
AND
IDAHO FISH AND GAME COMMISSION

POSITION STATEMENT ON THE REINTRODUCTION OF GRIZZLY BEARS

The Commission reaffirms its unequivocal opposition to the reintroduction of grizzly bears into Idaho. The Department will continue to participate in the Grizzly Bear Oversight Committee process established by the Idaho Legislature, and in other grizzly bear-related activities that could affect Department programs. The Commission and Department will oppose any actions that allow grizzly bear recovery to significantly interfere with hunting or fishing opportunities in Idaho.

APPROVED AND ADOPTED BY THE IDAHO FISH AND GAME COMMISSION ON MAY 8, 1997.

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Idaho Fish and Game Commission Minutes

October 2-4, 1996 Meeting

Reaffirmation of Commission Policy on Grizzly Bear Reintroduction

96-121 Commissioner Burns moved and Commissioner Wood seconded a motion THAT THE COMMISSION REAFFIRM ITS POSITION OF OPPOSITION TO THE REINTRODUCTION OF GRIZZLY BEARS IN IDAHO AND ADVISE THE U.S. FISH AND WILDLIFE SERVICE THAT IT IS THE COMMISSION'S INTENT TO HOLD A FISH AND GAME HEARING ON THE MATTER IN ANY COUNTY THAT REQUESTS ONE. The motion carried with Commissioners Hansen, Meiers, Wood, Brown, Siddoway and Burns voting yes and Commissioner Carlson voting no.

John Chatburn, representing the Governor's Office, indicated that the Department is welcome to participate fully with the state's working group to develop a state position on grizzly bear reintroduction.

January 16-17, 1997 Meeting

97-10 Commissioner Wood moved and Commissioner Siddoway seconded a motion THAT THE IDAHO FISH AND GAME COMMISSION UNEQUIVOCALLY OPPOSES THE REINTRODUCTION OF GRIZZLY BEAR IN THE STATE OF IDAHO. The motion carried with Commissioner Carlson voting no.

97-11 Commissioner Wood moved and Commissioner Siddoway seconded a motion THAT THE COMMISSION DIRECT DIRECTOR MEALEY TO HAVE THE INTERAGENCY GRIZZLY BEAR COMMITTEE REVISIT THE DRAFT EIS AT THE NEXT MOST APPROPRIATE TIME AND THE PROPOSAL TO GO FORWARD WITH IT, WITH THE INTENT OF WITHDRAWING IT. The motion carried in a unanimous vote.

DIRK KEMPTHORNE
IDAHO

United States Senate
WASHINGTON, DC 20510-1204

Final

May 15, 1997

The Honorable Bruce Babbitt
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

We are writing you today about our strong concerns regarding the United States Fish & Wildlife Service's (USFWS) plan to introduce the grizzly bear (*Ursus arctos horribilis*) into the Selway-Bitterroot area of Idaho. Following meetings between our offices, the Idaho State Department of Fish and Game and the U.S. Fish and Wildlife Service (USFWS), we were left with several significant concerns and unanswered questions regarding proposals to reintroduce the grizzly bear. We urge that release of the draft Environmental Impact Statement (DEIS) on grizzly bear reintroduction be delayed until these questions and concerns have been fully addressed.

In April, Idaho Department of Fish & Game Director Stephen Mealey arranged a meeting between USFWS personnel, members of the Interagency Grizzly Bear Committee (IGBC), the Idaho Congressional delegation, Governor Batt, representatives of the Idaho State Legislature, and the Idaho Association of Counties. During that meeting all of Idaho's elected officials were quite clear in expressing their opposition to the introduction of the grizzly bear into the Selway-Bitterroot area. One of the conclusions of the meeting was that a legal analysis needs to be made of the citizen management alternative under consideration in the DEIS. We are asking you for a complete response, including legal opinions from the Interior Solicitor and U.S. Department of Agriculture Office of General Counsel, to the following unanswered questions before the USFWS proceeds with the DEIS:

1. The grizzly bear is known to be unpredictable and dangerous to people, livestock, and companion animals. We are concerned that existing legal authorities do not take into consideration the desires of the people who live, work and play in the multiple-use public lands in the Selway-Bitterroot area. How will you weigh the concerns of Idaho's elected officials, and the citizens of Idaho so that the voices of the citizens of the State are heard?

2. We understand that a Citizen's Management Committee (CMC) has come forward with an offer to manage the grizzly bear introduction. Concerns have been expressed that existing legal authorities do not allow you to delegate your authorities for introduction to a CMC of an animal listed under the ESA. Are you contemplating delegation of authority to the CMC? If yes, how much authority can be legally delegated? Will the Department of the Interior retain responsibility for deaths, injuries, or loss of property where the management of this project is found to be liable?

3. How does the introduction of the grizzly bear into the Selway-Bitterroot area contribute to recovery under the Endangered Species Act? Is this project necessary for recovery? Is there any analysis of the need to include a population in the Selway-Bitterroot to assure recovery? Is this project contemplated under the revised recovery plan? If not, when will recovery be achieved? If so, when will recovery be achieved?

4. Considering the recent Supreme Court decision in *Bennet v. Spear*, do you anticipate legal review of your decisions in this matter? Will a CMC be subject to the same legal review for decisions they make in this matter? Have delays caused by legal challenges been contemplated in planning?

5. What plans do you contemplate for termination of the introduction project? When will you declare it a success or a failure? At what point will the CMC, if one is chosen, be dissolved, and the project terminated?

6. What role would federal employees play if you decided upon a CMC? What would the federal role cost? Who would fund the portions of the project beyond the federal role? What would be that cost? Over how long of a period? How much project authority would federal employees retain? If you decide on a CMC, would various members of the CMC have voting authority? Would you retain a veto over any decisions?

We are concerned that many questions and issues remain unanswered, and we strongly urge you to delay the release of the DEIS until our questions have been answered. It must be clearly understood that by asking these questions we are not inferring that the Idaho Congressional Delegation supports grizzly bear introduction into Idaho at this time. Thank you for your consideration. We look forward to your timely reply.

Sincerely,

LARRY CRAIG
United States Senator

DIRK KEMPTHORNE
United States Senator

MIKE CRAPO
Member of Congress

HELEN CHENOWETH
Member of Congress

cc: IGBC members
Governor Batt
Director, Idaho Fish and Game

TESTIMONY OF
STEPHEN P. MEALEY, DIRECTOR
IDAHO DEPARTMENT OF FISH AND GAME
BEFORE THE HOUSE SUBCOMMITTEE ON FORESTS AND
FOREST HEALTH HEARING ON FOREST PREDATORS
JUNE 12, 1997

Madam Chairman, I am Steve Mealey, Director of the Idaho Department of Fish and Game. It is a pleasure to be here today to present the State of Idaho position on the reintroduction of grizzly bears to the "Bitterroot Ecosystem" of Idaho. The Idaho Fish and Game Commission has long opposed reintroduction of grizzly bears into the Bitterroot Mountains of Idaho. My purpose today is to present the broader position of the State of Idaho. I have several written documents to support my testimony.

In a January 29, 1997 letter to Secretary of the Interior Bruce Babbitt, Governor Phil Batt outlined the reasons why he is (and I quote), "... *adamantly opposed to the reintroduction of grizzly bears into the Bitterroot ecosystem.*" A copy of the letter is included with this testimony. In his letter, Governor Batt questioned the U.S. Fish and Wildlife Service's position that grizzlies in the "Bitterroot Ecosystem" are necessary for the recovery and survival of grizzly bears in the lower 48 states. Governor Batt also expressed concerns for public safety, social and economic effects on many rural Idaho communities, and overall fiscal impacts to Idaho if grizzlies were reintroduced.

Governor Batt has posed a key question: Is the Fish and Wildlife Service committed to providing funds to monitor bear recovery for 50 or more years? Idaho's experience is that funds are often initially available for threatened and endangered species recovery, but soon become inadequate or nonexistent. For example, Idaho no longer receives any financial support from the Fish and Wildlife Service to monitor the recovery of bald eagles and peregrine falcons, even

though this information is a prerequisite to delisting. Will the same be true for the grizzly bear? It is clear to me that the Governor's concerns are legitimate and real.

Similar concerns were echoed this year in the Idaho Legislature, where both the House and Senate passed, with near unanimous votes, House Joint Memorial No. 2, stating the Legislature's full support for Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement (EIS) process and withdrawal of the Federal Notice of Intent for the Fish and Wildlife Service to complete an EIS on the reintroduction of grizzly bears to the "Bitterroot Ecosystem." This Memorial was submitted to Secretary Babbitt, the President of the U.S. Senate and Speaker of the U.S. House of Representatives, and to members of Idaho's Congressional Delegation. A copy of the Memorial is included with this testimony.

On September 28, 1995, the Public Lands Committee of the Idaho Association of Counties (IAC) adopted a resolution at its annual conference opposing the reintroduction of grizzly bears to the Bitterroot Mountains. On September 16, 1996, the IAC Public Lands Committee voted to reconfirm this position and to strongly support the resolution. Copies of these documents are included with this testimony.

As previously mentioned, the Idaho Fish and Game Commission has long held a position opposing the reintroduction of grizzly bears into Idaho. On May 8, 1997, the Commission approved and adopted an amended position statement that "*. . . reaffirms its unequivocal opposition to the reintroduction of grizzly bears into Idaho.*" A copy of the Position Statement and minutes of the October 1996 and January 1997 Commission minutes that precipitated the current position will be included with these comments.

On March 17, 1997, I met with other members of the Interagency Grizzly Bear Committee (IGBC) here in Washington D.C. to present the Idaho Fish and Game Commission's and Department's position disapproving the proposal to reintroduce grizzly bears to the Bitterroot Ecosystem, and asking the IGBC to seek termination of the related EIS process. I have made it clear that the Idaho Department of Fish and Game should not be considered a cooperating agency in the EIS process. These statements reflect the positions of Idaho's Governor, the Idaho Legislature, most Idaho County Commissioners, and the Idaho Congressional Delegation.

I also made additional comments to the IGBC:

This (the grizzly reintroduction issue) is a social issue—the local control issue—closely related to the recent Idaho black bear hunting proposition. In that issue, the perception was that most anti-bear hunting sentiment came from nonhunting advocates from "the east." Idaho people rallied to defeat it, based on the value they place on preserving local control, and based on their pro-hunting sentiment. Also, the timing of the Bitterroot grizzly bear EIS, relative to wolf reintroduction, has added to the public perception of significant activities happening to the people of Idaho, and not with Idaho people.

It also reflects Idahoans' general agreement that if grizzlies were to return to the Bitterroots, then the best way to manage them would be as a "nonessential, experimental population" under the guidance of a citizens' management committee (Citizen Management Alternative). Such agreement never meant there was general statewide support for reintroduction of grizzly bears to the Bitterroot Ecosystem. The Resource Organization On Timber Supply (ROOTS) and the Intermountain Forest Industry

Association (IFIA) actively supported the Citizens Management Alternative but this has not translated into statewide political support. In short, most Idaho people have agreed with the "then," but not the "if." The bottom line is that a critical mass of Idaho people who are most affected by the proposal (85-90%) of the area affected by grizzly reintroduction is in Idaho) strongly oppose it.

In response, the IGBC agreed that representatives of the IGBC and U.S. Fish and Wildlife Service would meet with key Idaho government officials before proceeding with release of the draft EIS. I agreed to schedule these meetings with Governor Batt and his staff, key members of the Idaho Legislature and the Congressional Delegation, the IAC Public Lands Committee, and the Idaho Fish and Game Commission. The purpose of the meetings was to listen to Idaho concerns and identify possible common ground related to the draft EIS process.

The first of these meetings was held on April 16, 1997, in Governor Batt's office. In the meeting, the Governor restated his position, as did representatives of the Fish and Wildlife Service and IGBC, and no common ground was apparent after almost an hour of discussion. On April 30, 1997, four additional meetings were held in Boise. IGBC members first met with Senator Laird Noh and Representative Golden Linford, Chairmen of the Senate and House resource committees, respectively. This meeting was followed by a meeting with representatives of Idaho's Congressional Delegation in Senator Craig's Boise office. The third meeting was with representatives of the IAC Public Lands Committee, and the fourth with members of the Idaho Fish and Game Commission. In all cases the message was the same and clearly stated: **Idahoans do not want grizzly bear reintroduction in the Bitterroot Mountains forced upon them by the Federal Government or anyone else**.

On May 30, 1997, I convened an all-day meeting in Boise with my staff to review the history and process by which the Bitterroot Grizzly Bear Ecosystem was established, how habitat suitability for grizzly bears was determined, and how data were used in developing alternatives for the draft EIS. For what will likely be the preferred alternative, I learned that key high quality potential habitat north of the Lochsa River that was analyzed as part of the Bitterroot Evaluation Area, has been excluded as an area necessary for grizzlies, while habitat in the Frank Church River-of-No-Return Wilderness south of the Salmon River, which was not analyzed for grizzly bear suitability, has been included as an area necessary for grizzlies. Excluding from the Recovery Area an area that was analyzed, and including an area that was not analyzed would appear to be a serious analytical and NEPA flaw.

Finally, I want to strongly restate Idaho's opposition to the reintroduction of grizzly bears into any portion of Idaho. Furthermore, I have serious personal concerns about how data were used in developing the likely preferred alternative for grizzly bear reintroduction into the Bitterroot Mountains of Idaho and Montana. Should the Fish and Wildlife Service decide to pursue recovery by placing bears in the Bitterroot Mountains of Idaho, they will do so without the necessary authority of a permit required by Idaho State Law. I will not issue the permit.

In conclusion, as I reflect on this issue, I am reminded of a passage in Teddy Roosevelt's book, "Outdoor Pastimes of an American Hunter." *Eastern people*, he wrote in 1905, *and especially Eastern sportsmen, need to keep steadily in mind the fact that the westerners who in the neighborhood of the forest preserves are the men who, in the last resort, will determine whether or not these preserves are to be permanent. They cannot, in the long run, be kept as forest and game reservations unless the settlers roundabout believe in them and heartily support*

them; and the rights of these settlers must be carefully safeguarded, and they must be shown that the movement is really in their interest. The Eastern sportsman who fails to recognize these facts can do little but harm, by advocacy of forest preserves.

For me, the main relevance of this old message for today's adaptive management is to highlight the need for continuing understanding, acceptance, and support for actions, by those directly affected by such actions. The fundamental task of all of us in the natural resources business is to make conservation work in a Democracy. When the Governor, the Legislature, the Congressional Delegation of Idaho, County Commissioners, and Fish and Game Commission all have grave reservations about the reintroduction of grizzlies to the Bitterroot area, it's time for agency representatives to pause, take a deep breath, and re-examine where they're headed--especially in terms of providing excellent public service. Not to do so would seem to ignore Teddy Roosevelt's wisdom, and appear arrogant relative to representative Democracy.

Thank you for the chance to present Idaho's position today.

SUPPORTING DOCUMENTS:

> January 29, 1997, letter to Secretary Babbitt from Governor Batt.

> House Joint Memorial No. 2.

> Resolution on grizzly bear reintroduction (and supporting documents) by the Public Lands Committee of the Idaho Association of Counties.

> Position Statement on the Reintroduction of Grizzly Bears, Idaho Department of Fish and Game and Idaho Fish and Game Commission. Also included are relevant Commission minutes.

> Memorandum to the Fish and Game Commissioners from Director Mealey, March 25, 1997.

HOUSE JOINT MEMORIAL NO. 2

HJM002.....by RESOURCES AND CONSERVATION
GRIZZLY BEAR - Stating the Legislature's full support of Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement by the withdrawal of the Federal Notice of Intent regarding the reintroduction of Grizzly Bear.

02/03 House intro - 1st rdg - to printing
02/04 Rpt prt - to 2nd rdg
02/05 2nd rdg - to 3rd rdg
02/06 3rd rdg - ADOPTED - voice vote - to Senate
Floor Sponsors - Barrett, Cuddy Linford
02/07 Senate intro - 1st rdg - to Res/Env
03/14 10th ord - ADOPTED, voice vote
Floor Sponsors - Branch
Title apvd - to House
03/17 To enrol
03/17 Rpt enrol - Sp signed
03/18 Pres signed - to Secretary of State

Bill Text

HJM002

LEGISLATURE OF THE STATE OF IDAHO
Fifty-fourth Legislature First Regular Session - 1997

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 2

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, during the settlement of what is now the state of Idaho and the years immediately following, grizzly bear and human interaction occurred to the extent that it became necessary to reduce the populations of grizzly bear in the interests of personal safety and the protection of private property; and

WHEREAS, the natural result of these efforts over time, has been the establishment of a de facto and maximum acceptable ratio of bears to humans in areas where their populations remain; and

WHEREAS, the reintroduction of grizzly bears to Idaho will disrupt this bear-to-human ratio to the detriment of humans resulting in injury, death, and loss of personal freedoms to the citizens of Idaho; and

WHEREAS, our neighboring state of Montana has experienced unnecessary loss of human life, unacceptable land use restrictions and legal denial of the right to protect private property, which current reintroduction proposals for Idaho also threaten and echo; and

WHEREAS, the state of Idaho is unequivocally opposed to the reintroduction of the grizzly bear into the Selway-Bitterroot ecosystem and we request the Secretary of Interior to withdraw the Federal Notice of Intent (January 9, 1995, Federal Register Vol. 60, No. 5 pp. 2399-2400) dealing with the proposed reintroduction; and

WHEREAS, while we realize that reintroduction of grizzly bears may be desirable in terms of speeding recovery, we know of no scientific data to demonstrate that it is necessary and we have strong concerns about the fiscal impact to the state and to the landowners and other users in the area; and

WHEREAS, the cumulative impacts of the reintroduction programs cause us grave concern as we already have had wolves reintroduced into Idaho contrary to the state's wishes and the Idaho Department of Fish and Game is being requested to assist in the handling of nuisance wolves, and if grizzly bears are reintroduced it will in all probability evolve into a major effort of time and expenditures for the Idaho Department of Fish and Game which is already fiscally challenged; and

WHEREAS, if grizzly bears are reintroduced, the practical effect upon the people of the state is a large unanswered question and the potential for conflict with campers, hikers, and other users of the public lands is very real, as is the potential for restrictions on the use of the public lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are in full support of Governor Batt's request for immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement by the withdrawal of the Federal Notice of Intent regarding the reintroduction of grizzly bears.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the United States Department of Interior, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

GRIZZLY REINTRODUCTION (September 14, 1995)

The process of reintroducing grizzly bears into the Selway-Bitterroot area is occurring. Commissioner Neal Christiansen said that he understood that the Intermountain Forest Industry Association and others are in favor of the reintroduction. The Chairman noted that the groups are reconciled to the fact that the grizzly is coming and are trying to work at the best deal possible. The plan is to put them in the wilderness area and make them stay.

Commissioner Christiansen responded that for the last 3 or 4 years, the counties in the eastern part of the state have been fighting the reintroduction for several reasons. First, there is a decision of where to have the bears and then security areas are defined that are even more restrictive.

Commissioner Dinning said that grizzly bears cause logging to be more costly. Logging still occurs but those who want access for hunting, fishing or recreation are locked out. The minimum bear habitat is 100 square miles. Seventy (70) square miles has to be secured from motorized vehicles. Then there has to be a quarter-mile buffer outside the security area. The rules keep changing. First, Boundary County was told that 90 bears would be enough to delist. Now, that number has been changed to 90 sows with twin cubs. Loggers have to maintain corridors for movement between ecosystems but the bears must cross 2 railroads and Highway 95.

Commissioner Robson said that Yellowstone and the Wilderness will probably provide the impetus to take more area from the Targhee. Commissioner Christiansen said that the goal is 350 bears in Yellowstone and now they are talking about a maintenance plan so the bears do not go back on the list.

Commissioner Heber Stokes made a motion for a resolution to oppose reintroduction of the grizzly. Commissioner Jan Donley seconded the motion. (Note: See attached resolution adopted at the IAC Annual Conference).

IAC PUBLIC LANDS COMMITTEE

RESOLUTION 1

GRIZZLY BEAR REINTRODUCTION

WHEREAS, the reintroduction of grizzly bears is causing restricted access to lands by all public interests due to the restrictions on motorized vehicles;

WHEREAS, the rules developed by federal agencies are constantly changing in regards to how many bears need to be introduced;

WHEREAS, the reintroduction plans for grizzly bears may require additional land restrictions to keep bears off the endangered species list;

WHEREAS, economies are being directly affected by reintroduction of grizzly bears and the accompanying restrictions; and

NOW, THEREFORE, BE IT RESOLVED that the IAC opposes reintroduction of grizzly bears.

ADOPTED THIS 28th DAY OF SEPTEMBER, 1995

GRIZZLY BEAR REINTRODUCTION

The Public Lands Committee wants to make it clear that they are strictly opposed to grizzly bear reintroduction. ***The Committee voted to reconfirm their position on the issue and to support the resolution opposing reintroduction that was adopted by the Association.***

September 16, 1996

IDAHO DEPARTMENT OF FISH AND GAME
AND
IDAHO FISH AND GAME COMMISSION

POSITION STATEMENT ON THE REINTRODUCTION OF GRIZZLY BEARS

The Commission reaffirms its unequivocal opposition to the reintroduction of grizzly bears into Idaho. The Department will continue to participate in the Grizzly Bear Oversight Committee process established by the Idaho Legislature, and in other grizzly bear-related activities that could affect Department programs. The Commission and Department will oppose any actions that allow grizzly bear recovery to significantly interfere with hunting or fishing opportunities in Idaho.

APPROVED AND ADOPTED BY THE IDAHO FISH AND GAME COMMISSION ON MAY 8, 1997.

Idaho Fish and Game Commission Minutes

October 2-4, 1996 Meeting

Reaffirmation of Commission Policy on Grizzly Bear Reintroduction

96-121 Commissioner Burns moved and Commissioner Wood seconded a motion THAT THE COMMISSION REAFFIRM ITS POSITION OF OPPOSITION TO THE REINTRODUCTION OF GRIZZLY BEARS IN IDAHO AND ADVISE THE U.S. FISH AND WILDLIFE SERVICE THAT IT IS THE COMMISSION'S INTENT TO HOLD A FISH AND GAME HEARING ON THE MATTER IN ANY COUNTY THAT REQUESTS ONE. The motion carried with Commissioners Hansen, Meiers, Wood, Brown, Siddoway and Burns voting yes and Commissioner Carlson voting no.

John Chatburn, representing the Governor's Office, indicated that the Department is welcome to participate fully with the state's working group to develop a state position on grizzly bear reintroduction.

January 16-17, 1997 Meeting

97-10 Commissioner Wood moved and Commissioner Siddoway seconded a motion THAT THE IDAHO FISH AND GAME COMMISSION UNEQUIVOCALLY OPPOSES THE REINTRODUCTION OF GRIZZLY BEAR IN THE STATE OF IDAHO. The motion carried with Commissioner Carlson voting no.

97-11 Commissioner Wood moved and Commissioner Siddoway seconded a motion THAT THE COMMISSION DIRECT DIRECTOR MEALEY TO HAVE THE INTERAGENCY GRIZZLY BEAR COMMITTEE REVISIT THE DRAFT EIS AT THE NEXT MOST APPROPRIATE TIME AND THE PROPOSAL TO GO FORWARD WITH IT, WITH THE INTENT OF WITHDRAWING IT. The motion carried in a unanimous vote.

OFFICE OF THE GOVERNOR
P.O. BOX 83720
BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

January 29, 1997

The Honorable Bruce Babbitt
Secretary of the Interior
United States Department of the Interior
1849 C Street, N. W.
Washington, DC 20240

Dear Mr. Secretary:

The purpose of this letter is to notify you that the state of Idaho remains adamantly opposed to the reintroduction of grizzly bear into the Bitterroot ecosystem, and to request that you withdraw the Federal Notice of Intent (January 9, 1995 Federal Register Vol. 60, No. 5, pp. 2399-2400) dealing with the proposed reintroduction.

There are several reasons for my position and my request. First, while I realize that reintroduction *may* be desirable in terms of speeding recovery, I know of no scientific data to demonstrate that it is necessary for the recovery and survival of grizzly bear in the lower forty-eight states.

Second, reintroduced bears will pose a significant public safety risk for Idaho citizens, and the many tourists who visit our wilderness areas. There is a major Boy Scout Camp located in the proposed recovery zone, and most of the people who frequent our wilderness areas are there for an outdoor family experience. They do not want, nor do they expect, to be confronted by a grizzly bear.

Third, the reintroduction has the potential to affect the social and economic stability of many of our rural communities by placing undue burdens and restrictions on our natural resource industries.

Fourth, I have strong concerns about the fiscal impact to Idaho. Where will the money come from? Who will pay for the management? What will be the fiscal impacts to landowners and other users of this area?

The current situation regarding grizzly bears in Yellowstone raises further concerns. The recovery in Yellowstone has been so successful that excessive numbers of bears may soon need to be removed. However, because the recovery plan is tied up in court, the Department of the Interior is unable to deal with this situation. Grizzly bear reintroduction in the Bitterroot ecosystem should not even be considered until the issues of delisting and management of excessive bears in Yellowstone are clarified.

Finally, the cumulative impacts of reintroduction programs cause grave concern. We already have wolves reintroduced in our state—contrary to the state's wishes. The Idaho Department of Fish and Game has recently been requested to assist in the handling of nuisance wolves. This could easily evolve into a major effort, with significant demands on fiscal and personnel resources. The Idaho Fish and Game Commission and I are both concerned about the impacts of such an effort on an already fiscally challenged agency.

It is for these reasons that I am urging your support in calling for the immediate suspension of the Bitterroot Grizzly Bear Environmental Impact Statement. On behalf of the citizens of Idaho, I request that you withdraw the Federal Notice of Intent regarding the reintroduction of grizzly bears.

Thank you for your consideration of this important issue.

Very truly yours,

Philip E. Batt

Philip E. Batt
Governor

PEB:jwc

cc: Governor Racicot, Montana
Governor Geringer, Wyoming
Dan Glickman, Sec. of Agriculture
Senator Larry Craig
Senator Dirk Kempthorne
Representative Mike Crapo
Representative Helen Chenoweth

State of Idaho
Department of Fish and Game
Boise, ID 83707
March 25, 1997

MEMORANDUM

To: Fish and Game Commissioners

From: Director

Subject: Grizzly Bears

Following are comments I made at the Interagency Grizzly Bear Committee (IGBC) meeting in Washington DC on March 17, 1997, and agreed-on IGBC follow-up actions:

Position: "The Idaho Fish and Game Commission disapproves of the proposal to reintroduce grizzly bears to the Bitterroot Ecosystem, and has directed me to ask the IGBC to seek termination of the related Environmental Impact Statement (EIS) process. The Idaho Department of Fish and Game should not be considered a cooperating agency in the EIS process. These statements reflect the positions of Idaho's Governor, the Idaho Legislature, most Idaho County Commissioners, and the Idaho Congressional Delegation.

What it is not: "This position has nothing to do with the designation of the Bitterroot Ecosystem as a grizzly bear recovery zone nor with the natural recolonization of the Bitterroot Ecosystem by grizzly bears.

What it reflects: "This is a social issue -- the local control issue -- closely related to the recent Idaho black bear hunting proposition. In that issue, the perception was that most anti-bear hunting sentiment came from nonhunting advocates from 'the East.' Idaho people rallied to defeat it, based on the value they place on preserving local control, and based on their pro-hunting sentiment. Also, the timing of the grizzly bear reintroduction EIS, relative to wolf reintroduction, has added to the public perception of significant activities happening to the people of Idaho, and not with Idaho people.

"It also reflects Idahoans' general agreement that if grizzlies were to return to the Bitterroot, then the best way to manage them would be as a "nonessential, experimental population" under the guidance of a citizens' advisory group (Citizen Management Alternative). Such agreement never meant there was general statewide support for reintroduction of grizzly bears to the Bitterroot Ecosystem. The Resource Organization on Timber Supply (ROOTS) and the Intermountain Forest Industry Association (IFIA) actively supported the Citizens Management Alternative but this has not translated into statewide political support. In short, most Idaho people have agreed with the "then," but not the "if."

Implications: "This can all be seen by the IGBC as a threat or problem -- or as an opportunity. The bottom line is that a critical mass of Idaho people who are most affected by the proposal (85-90% of the area affected by grizzly reintroduction is in Idaho) strongly oppose it. That's a

message that can be ignored, acknowledged, or acknowledged and responded to in a positive way. I suggest, at least, a pause in the current EIS process to carefully consider this message and its implications and response options. Recent experience by the Interior Columbia Basin Ecosystem Management Project Executive Steering Committee with the Eastside Coalition of County Commissioners suggests the wisdom of carefully considering this message before proceeding with the EIS.

"If the IGBC does nothing, I predict many of the same forces that coalesced to defeat the Idaho bear hunting initiative would come together again to push for the "no-action alternative," and that may be viewed by proponents of reintroduction as undesirable. My own view is that this message is very serious and should be taken seriously, with at least a pause in the EIS process to carefully consider response options."

Follow-up Actions: In response to my message, the IGBC agreed that within the next four- to six-weeks, IGBC members (especially Salwasser, Morgenweck, Bosworth, and Mealey, and Chris Servheen, Grizzly Recovery Coordinator,) should meet with key Idaho government officials before proceeding with the release of the draft EIS. Mealey agreed to set up meetings for IGBC representatives with Governor Batt and his staff, key members of the Idaho Legislature and the Congressional Delegation, the Public Lands Committee of the Idaho Association of Counties, and the Idaho Fish and Game Commission. The purpose of the meetings is to listen to concerns and identify possible common ground related to the EIS project.

SPM:jr

pc: Governor Philip E. Batt
Senator Laird Noh
Representative Golden Linford
George Enneking
IGBC

Madam Chairman, Honorable Representatives, and other committee members:

My name is Ted Strickler. I am Chairman of the Board of County Commissioner of Custer County. I have lived in Central Idaho, in and around the Frank Church Wilderness Area for 41 years. I have been a licensed outfitter and guide, and have experience in the timber and grazing industries. I am currently a building contractor.

Custer County is the Gateway to the Frank Church Wilderness Area—the largest wilderness designation in the lower 48 states.

Today, I represent all 44 counties of Idaho as a spokesman of the Idaho Association of Counties and Custer County as a county directly affected by the introduction of Grizzly bears.

Custer County and the Idaho Association of Counties are on record as opposing the introduction of Grizzly bears into Idaho.

The Governor of Idaho opposes!

The Idaho Legislature opposes!

The Idaho Department of Fish and Games says no!

The Idaho Association of County says no!

Custer County says no!

Idaho Says No!

As public officials we are first concerned and are bound by oath to protect the health, safety, and welfare of our citizens and all other users.

The Frank Church Wilderness area is possibly the only area of it's kind, where people and especially families with children, can have a true wilderness experience without fear for their safety and with the mental freedom to enjoy the total natural wilderness experience. A wilderness experience that includes camping and recreational activities free from the threat of attack by wild animals such as the unpredictable, easily provoked, bad attitude Grizzly bear. With the reintroduction of the wolf, this has changed, as people are now expressing fear of camping out. What will it be like with the grizzly?

The citizens of Custer County have presented their Commissioners with petitions, offered here as an exhibit, containing over 1350 signatures, demanding us to do what ever necessary to protect them and their property from the grizzly. What would you do?

3

We are concerned about the economy of the state and county.

Idaho is approximately 67% public land and Custer County, the size of the state of Connecticut, is 96% public lands. The Economics of our county and state are heavily dependent upon public land use for mining—timber—grazing—and recreation.

As such, we are already heavily impacted by the Endangered Species Act.

Because of the reintroduction efforts and the listing of species in our area, grazing has been cut, logging curtailed, mining is heavily regulated, and even recreation has been affected. Decisions and regulations are being made by agencies without good, supportable, scientific data and are now suffocating the West. We believe that the introduction of the Grizzly bear in the Selway-Bitterroot, with core areas of non use, restricted areas, and more curtailment of use of public lands, may well be the lethal blow to what remains of our ability to survive. Tourism makes up less than 10% of the total economy of Custer County, yet it is suggested as our salvation as other uses are being diminished. Even if our economy could survive on a 90% cut, we do not believe tourism and Grizzlies are compatible.

Past experience has shown through the Endangered Species Act and reintroduction efforts, man has not been a part of the equation and has not been considered. We believe people and local economies should be the number one priority in the equation for every issue and act. We are also concerned about the lack of interaction and relationship between our state and local governments and the Federal government and it's agencies, especially Fish & Wildlife and Marine Fisheries, who are in charge of administering these acts.

It's time to put man and the local economics in the equation.

It's time to give highest consideration to the desires of the people affected by the act and consider their historical right to protection of their custom, culture and pursuit of happiness as they pursue life's successes and the American dream.

The people of Idaho and the West are speaking out —No Grizzly Bears—Hear them.

Thank you.

TESTIMONY OF KATHLEEN BENEDETTO
GEOLOGIST
COMMUNITIES FOR GREAT NORTHWEST
before
HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
JUNE 12, 1997

CHAIRMAN CHENOWETH, MEMBERS OF THE COMMITTEE ON RESOURCES, THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE COMMUNITIES FOR A GREAT NORTHWEST ON THE ISSUE OF GRIZZLY BEAR REINTRODUCTION IN THE SELWAY BITTERROOT WILDERNESS AREA.

COMMUNITIES FOR A GREAT NORTHWEST (CGNW) IS A NON-PROFIT GROUP DEDICATED TO EDUCATING IT'S MEMBERS AND THE PUBLIC ABOUT THE DIFFICULT CHOICES WE FACE IN TRYING TO PROVIDE FOR HUMANKIND WHILE PROTECTING THE ENVIRONMENT. CGNW MEMBERSHIP INCLUDES HUNDREDS OF FARMING, RANCHING, MINING, AND LOGGING FAMILES THAT LIVE IN THE AREA THAT WOULD BE IMPACTED BY THE PROPOSED GRIZZLY REINTRODUCTION AND HUNDREDS OF SIMILAR FAMILIES THAT LIVE IN OTHER NORTHWEST AREAS THAT HAVE ONGOING GRIZZLY RECOVERY PLANS.

TODAY I AM SPEAKING ON BEHALF OF BRUCE VINCENT, PRESIDENT OF CGNW. BRUCE WOULD LIKE TO THANK CHAIRMAN CHENOWETH FOR THE OPPORTUNITY TO TELL HIS STORY TODAY AND EXTENDS HIS APOLOGIES FOR NOT BEING HERE IN PERSON.

BRUCE VINCENT LIVES IN LIBBY, MONTANA - A SMALL TIMBER AND MINING TOWN IN THE KOOTENAI NATIONAL FOREST. HIS HOME IS ONE QUARTER MILE OUTSIDE THE CABINET/YAAK GRIZZLY RECOVERY AREA IN A ZONE IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE AS A 'HUMAN GRIZZLY CONFLICT ZONE'..

IN 1988, AT THE REQUEST OF THE COMMUNITY AND CONGRESS, THE U.S. FISH AND WILDLIFE SERVICE DEVELOPED THE FIRST OF IT'S KIND COMMUNITY INVOLVEMENT TEAM FOR THE REINTRODUCTION OF GRIZZLY BEARS. BRUCE IS A NINE YEAR MEMBER OF THIS TEAM AND HE OFFERS THIS ADVICE ON THE PLANNING FOR THE SELWAY BITTERROOT:

1) WHILE HE APPLAUDS THE EFFORT OF AGENCIES TO PUT TOGETHER LOCAL GROUPS THAT CAN EXERCISE LOCAL CONTROL IN THE PROPOSED REINTRODUCTION OF GRIZZLY BEARS HE REQUESTS THAT THE LEGALITY OF THIS LOCAL CONTROL CONCEPT BE TESTED BEFORE, NOT AFTER, THE REINTRODUCTION DEBATE. IN HIS EXPERIENCE THE LOCAL COMMUNITY HAS SOME LIMITED ADVISORY ABILITIES BUT NO REAL AUTHORITY AND ABSOLUTELY NO CONTROL OF THEIR RECOVERY PROGRAM. HE FEARS THAT THE PLANS THAT ARE HELD OUT TO THE COMMUNITIES OF CENTRAL IDAHO AS A CARROT FOR REINTRODUCTION WILL BE LITIGATED BY GROUPS WHO OPPOSE LOCAL CONTROL IMMEDIATELY AFTER THE PLANS ACCEPTANCE. THE LOCAL PEOPLE WOULD BE LEFT WITH A BROKEN PROMISE AND A REINTRODUCTION PLAN THAT THEY HAVE NO CONTROL OVER.

2) HE REQUESTS THAT A SOCIO ECONOMIC EVALUATION BE COMPLETED ON THE IMPACT OF THE PROPOSED ACTION. STUDIES SHOULD BE COMPLETED BY A THIRD PARTY THAT IS APPROVED BY REPRESENTATIVES FROM THE LOCAL COMMUNITIES THAT WILL BE IMPACTED BY THIS DECISION. THE ANALYSIS SHOULD INCLUDE A TOURISM 'FEAR FACTOR' (THE GRIZZLY IS A KNOWN CARNIVOR),

AND THE POTENTIAL IMPACT ON BIG GAME HUNTING.

3) IN ADDITION, HE RECOMMENDS THAT A CUMULATIVE EFFECTS ANALYSIS BE COMPLETED. RESOURCE PROVIDERS ARE CONSTANTLY REMINDED THAT "NO ACTION IS INDEPENDENT OF OTHER ACTIONS" WHEN THEY PROPOSE DEVELOPMENT OF COMMERCIAL PROJECTS BOTH ON PUBLIC AND PRIVATE LANDS. OTHER ISSUES FACING COMMUNITIES IN THIS AREA INCLUDE; THE UPPER COLUMBIA RIVER BASIN E.I.S., PROPOSED LISTING OF SALMON AND THE BULL TROUT, FOREST HEALTH ISSUES, ROAD CLOSURES AND LITIGATION OVER DEVELOPMENT PROJECTS. CUMULATIVE EFFECTS MODELING IS DONE ON PROPOSED RESOURCE MANAGEMENT ACTIVITIES IN GRIZZLY RECOVERY AREAS—WE SHOULD DEMAND NOTHING LESS FOR THE PEOPLE OF THE AREA.

BOTH IN THE GRIZZLY BEAR COMPENDIUM AND THE GRIZZLY BEAR RECOVERY PLAN STATE THAT "THE SINGLE MOST IMPORTANT FACTOR IN RECOVERY OF THE GRIZZLY BEAR IS HUMAN ACCEPTANCE OF THE PLAN AND THE BEAR." IN THE 900 PAGE GRIZZLY BEAR COMPENDIUM, 3/4 OF A PAGE IS DEVOTED TO THE SINGLE MOST IMPORTANT FACTOR AND IN THE GRIZZLY BEAR RECOVERY PLAN LESS THAN A DOZEN PAGES ARE DEVOTED TO THE SINGLE MOST IMPORTANT FACTOR IN THE GRIZZLY BEAR RECOVERY. THIS IS LUDICROUS.

THE SOCIO ECONOMIC STUDIES AND ACCUMULATIVE EFFECT ANALYSIS ARE NECESSARY TO EVALUATE THE VIABILITY OF THIS PROJECT AS IT RELATES TO THE SINGLE MOST IMPOTANT FACTOR IN THE GRIZZLY BEAR RECOVERY AND THAT IS THE HUMAN ELEMENT.

IF STUDIES OF POTENTIAL IMPACT ARE NOT COMPLETED AND THE PUBLIC IS NOT STRAIGHT FORWARDLY APPRISED OF THE FINDINGS, THE CASUALTIES OF THIS MISTAKE INCLUDE TRUST BETWEEN SUPPOSED PARTNERS AND, ULTIMATELY, THE GRIZZLY BEAR. THIS HAS HAPPENED IN THE KOOTENAI.

IN 1991 OUR COMMUNITY INVOLVMENT TEAM SENT EVERY RESIDENT OF OUR COUNTY A BOOKLET UPDATING THEM ON THE GRIZZLY BEAR PROJECT. THAT BOOKLET FLATLY STATED THAT THE RECOVERY OF GRIZZLY BEARS WOULD NOT HAVE AN ADVERSE IMPACT ON TIMBER MANAGEMENT IN THE KOOTENAI. SIX WEEKS LATER, A U.S.FOREST SERVICE MONITORING REPORT WAS RELEASED THAT CLAIMED TIMBER HARVEST HAD DECLINED SUBSTANTIALLY AND WAS CONTINUING TO DECLINE DUE IN LARGE PART TO THE CHANGING REQUIREMENTS FOR GRIZZLY RECOVERY.

THE FOREST SERVICE CONTINUES TO CLAIM SUBSTANTIAL IMPACT, THE U.S. FISH AND WILDLIFE SERVICE CONTINUES TO CLAIM THAT THERE IS NO IMPACT. THE TRUST WITHIN THE INVOLVEMENT TEAM AND WITH THE COMMUNITY HAS EFFECTIVELY BEEN BROKEN. THE GRIZZLY BEAR IS NOW BLAMED FOR VERY REAL PROBLEMS AND, BECAUSE OF A LACK OF TRUST, IT IS BLAMED FOR PROBLEMS THAT IT MAY NOT BE THE CAUSE OF.

WHEN OUR INVOLVEMENT TEAM REQUESTED AN ECONOMIC ANNALYSIS TO PROVE OR DISPROVE IMPACTS, THE TEAM WAS TOLD THAT THERE IS NOT ENOUGH MONEY OR PERSONNEL TO COMPLETE THE STUDY.

ANY ASSURANCES THAT THE FISH AND WILDLIFE SERVICE MAKES WITH REGARD TO THE PROPOSED GRIZZLY REINTRODUCTION PLAN IN THE SELWAY BITTERROOT ARE SUBJECT TO NECESSARY SCEPTICISM BECAUSE OF A HISTORY OF IGNORING HUMAN IMPACTS IN GRIZZLY RECOVERY ZONES. ANY ASSURANCES GIVEN MUST BE BACKED WITH PEER REVIEWED ANALYSIS OF THE POTENTIAL IMPACTS.

4.) BRUCE WOULD LIKE TO KNOW WHY WE ARE SPENDING MONEY TO REINTRODUCE A POPULATION IN THE SELWAY/BITTERROOT WHEN THE U.S. FISH AND WILDLIFE SERVICE CONTINUES TO CLAIM THAT IT IS TOO SHORT FUNDED TO COMPLETE SUCH THINGS AS SOCIO-

ECONOMIC IMPACTS, CENSUS STUDIES, ETC. IN AREAS WITH EXISTING BEAR POPULATIONS.

THERE IS ANOTHER REASON WHY THE PEOPLE OF THE WEST OPPOSE FEDERAL GRIZZLY BEAR PLANS. WHILE THE ENDANGERED SPECIES ACT (ESA) HAS A SELF-DEFENSE EXCEPTION, IT HAS BEEN READ OUT OF THE LAW BY SECRETARY BABBITT'S OFFICIALS. IT DOES NOT EXIST IN ANY MEANINGFUL WAY. AS NOTED IN THE *READERS'S DIGEST* COLUMN, "THAT'S OUTRAGEOUS." JOHN SHULER OF DUPUYER, MONTANA, WAS FINED $5,000 FOR KILLING A GRIZZLY BEAR AFTER HE WENT INTO HIS OWN YARD LATE AT NIGHT, WAS CONFRONTED BY A GRIZZLY BEAR, AND FEARING FOR HIS LIFE, KILLED THE BEAR. AN INTERIOR DEPARTMENT ADMINISTRATIVE LAW JUDGE (ALJ) RULED THAT WHILE SHULER'S LIFE WAS IN DANGER, HE COULD NOT CLAIM SELF DEFENSE SINCE HE WAS AT FAULT FOR PLACING HIMSELF IN THE 'ZONE OF IMMINENT DANGER," HIS YARD.

THE ALJ APPLIED CRIMINAL LAW TO AN ANIMAL SAYING SHULER WAS REQUIRED TO MEET THE SAME HIGH STANDARD--DID HE REALLY NEED TO USE DEADLY FORCE--AS IF HE HAD KILLED A HUMAN BEING. NOT ONLY THAT, BUT THE ALJ MISAPPLIED THE LAW, ASSERTING THAT SOMEONE WHO ENTERS A DANGEROUS AREA IS RESPONSIBLE FOR 'PROVOKING' AN ATTACK!

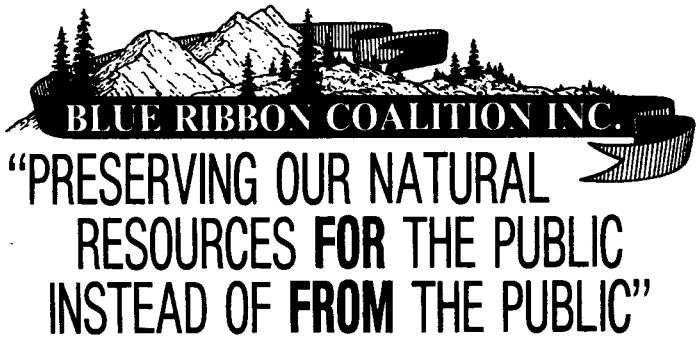
ALTHOUGH CRIMINAL LAW PERMITS A PROPERTY OWNER TO ENTER ANY PART OF HIS OR HER PROPERTY WITH A WEAPON, EVEN IF AN INTRUDER IS PRESENT, AND IF PLACED IN FEAR FOR HIS OR HER LIFE, TO RESPOND WITH DEADLY FORCE, THE ALJ APPLIED A NEW STANDARD. THE ALJ RULED THAT SHULER, KNOWING THAT GRIZZLY BEARS WERE IN HIS YARD, COULD NOT GO THERE; BY DOING SO HE "PROVOKED" THE BEAR.
BABBITT'S APPEALS BOARD, IN ADDITION TO ASCRIBING TO SHULER A STATE OF MIND DIFFERENT FROM HIS SWORN TESTIMONY--SAYING SHULER WAS NOT AFRAID OF BEING KILLED BY THE GRIZZLY BEAR--ALSO INQUIRED INTO THE GRIZZLY'S BEAR'S STATE OF MIND, HOLDING THAT THE BEAR WAS 'PROVOKED BY (JOHN SHULER'S) DOG."

JOHN SHULER, WHO IS REPRESENTED B Y MOUNTAIN STATES LEGAL FOUNDATION OF DENVER, COLORADO, HAS FILED A LAWSUIT IN FEDERAL DISTRICT COURT IN MONTANA, CHALLENGING THE HOLDING OF THAT SELF DEFENSE, AS IT HAS BEEN KNOWN FOR CENTURIES, DOES NOT EXIST UNDER THE ESA. UNTIL THIS CASE IS RESOLVED IN FAVOR OF JOHN SHULER THERE IS NO SELF-DEFENSE EXCEPTION IN THE ESA.

IN CONCLUSION, WHILE CGNW APPRECIATES EFFORTS TO FIND LOCAL SOLUTIONS TO ISSUES SUCH AS GRIZZLY BEAR PROTECTION AND RECOVERIES, THOSE EFFECTED BY THE SOLUTIONS HAVE A RIGHT TO KNOW ...

- THE LEGALITY OF THE PROMISES MADE,
- THE POTENTIAL IMPACTS OF THE SOLUTION ON THEIR LIVES AND LIVELIHOODS,
- AND THE TRACK RECORD OF THE AGENCY WITH WHOM THEY ARE PARTNERING.

THANK YOU.



U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
FORESTS & FOREST HEALTH SUBCOMMITTEE

Oversight hearing on
"THE REINTRODUCTION OF THE GRIZZLY BEAR IN THE PUBLIC DOMAIN NATIONAL FORESTS"

1334 Longworth
Washington, D.C. 20515
June 12, 1997

Written comments of Clark L. Collins, Executive Director
BLUERIBBON COALITION INC.
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Pocatello, Idaho 83204
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www.sharetrails.org

presented by BlueRibbon Coalition member
Rita Carlson
P.O. Box 57
Lewiston, ID 83501

Chairman Chenoweth members of the Committee on Resources, thank you for the opportunity to present the views of the BlueRibbon Coalition on the issue of Grizzly Bear reintroduction.

The BlueRibbon Coalition is a national organization representing over 500 member organizations and businesses. Through these organizations and our individual membership we represent the interests of over 750,000 back country recreationists.

While our primary constituency is motorized trail users, we have many non-motorized recreation members who realize the value of working together on "shared-use" trail management. We also work very closely with our resource industries and other multiple use interests, as evidenced by the presentation today of the BlueRibbon Coalition's testimony by timber interest spokesperson Rita Carlson.

In the name of resource protection, many recreation user groups are being systematically excluded from traditional use areas. Green Advocacy Group (GAGs) and preservationist oriented land managers are discriminating against first one user group, and then the next. One by one, each interest group is considered guilty unless proven innocent and then locked out of one area after another. Through administrative regulations and biased interpretation of environmental protection laws responsible recreational users are being denied access to historically used areas.

The tool of choice in these attacks on backcountry recreationists is often the Endangered Species Act. Our recreationists have seen their access eliminated or threatened in the name of protecting wolves, salmon, desert tortoises, bugs and most certainly grizzly bears.

There has not been a single recorded incident between a grizzly bear and a motorized trail user that has resulted in the death of a bear. Numerous incidents between hikers and photographers have resulted in death or injury to the humans involved and lead to the destruction of the offending bear.

I repeat, there has not been a single recorded incident between a motorized backcountry trail user and a grizzly bear that has resulted in the death of the bear. Yet federal agency land management plans abound with proposed motorized access restrictions for the purpose of protecting the bear. Is something wrong with this picture?

The truth is that extremist anti-recreation organizations are using innocent animals in their quest for exclusive use of our backcountry recreation areas. And it's become obvious by their actions that they will settle for nothing less than a total elimination of first one recreation user group and then another. Back country horsemen, mountain bikers and even some hikers are realizing that their access too is threatened.

Reintroduction of the grizzly bear is of concern to recreationists nationwide. Even hikers have expressed their opposition to grizzly reintroduction in Washington state. One of our member organizations,

The Washington Back Country Horsemen, has expressed it's adamant opposition to grizzly reintroduction in areas they use. The fact is that, while motorized recreationists are often excluded from grizzly recovery areas, it's the non-motorized recreationists who are most at risk and consequently pose the most risk for the bear.

In our home state, Idaho, grizzly reintroduction is opposed not only by backcountry recreationists but by our Governor in a January 29th, 1997 letter to Secretary Babbitt, by our wildlife management agency through a position statement approved by the Idaho Fish and Game Commission in May of this year, and through a 1997 joint memorial of the Idaho legislature adopted by nearly unanimous consent.

I contacted Golden Linford of Rexburg Idaho, Chairman of the Idaho House of Representatives Committee on Resources and Conservation, for his personal perspective on this issue. Representative Linford said, "Sure some folks fear the grizzly bear, but what we fear most are the federal bureaucrats."

Representative Linford's statement "What we fear most are the federal bureaucrats," says a lot about what is happening on these wildlife issues. Resource users, state and local government officials and recreationists care about our wildlife. We enjoy viewing them on our recreational outings into the backcountry and we are willing to help protect them as we harvest our natural resources.

We are appalled by the unprincipled use of animals, helpless or ferocious, endangered or not, as mere tools in a power play by greedy extremists to control our public lands. The hate mongering and contrived user conflicts of these GAGs must not be rewarded.

Secretary Babbitt, the Sierra Club and Earth First do not represent the environmental conscience of this country. We shouldn't call the GAGs "environmentalists" and passively allow them to refer to us as "anti-environmentalists." Neither should the "League of Conservation Voters Index" be the litmus test for Congressional environmental responsibility.

Just who are the real environmentalists? Just who really cares for our wildlife? Pushing to eliminate everyone's impact on the environment but your own doesn't make you an environmentalist. The GAGs, and their allies in Congress and our land management agencies are no longer "for" the environment. They are just "against" everyone else's use of it.

Chairman Chenoweth and members of the Committee, recreationists shouldn't be discriminated against by our land management agencies and treated like criminals. The cooperation and volunteerism of our members should be recognized and rewarded. On issues of environmental protection we should be innocent unless proven guilty, instead of the other way around. We can use our natural resources wisely, share our backcountry recreation areas with one another and wildlife and "Preserve our natural resources FOR the public instead of FROM the public." Thank you!

Concerned About Grizzlies

P.O. Box 1736

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Member Organizations
Bitterroot Backcountry Horsemen
Bitterroot Chapter-Idaho Outfitters
Bitterroot Ridgerunners Snowmobile Club
Bitterroot Stockgrowers
Bitterroot Valley Chamber of Commerce
Darby Civic Group
Grassroots For Multiple Use
Lost Trail Hot Springs Resort
Lost Trail Ski Area
Mill Creek Irrigation District
Montana Stockgrowers Assn.
Montana Wool Growers
National Cattlemens Assn.
Ravalli County Commissioners
Ravalli County Farm Bureau
Sears Lake Irrigation District
South Valley Business Assn.
Western Montana Chapter-WIFE
Western Montana Horse Council

Co-Chairmen
Ray Karr
Harold Maus

Directors.
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Steve Benedict
Gene Broker
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Charlotte Close
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Ron Gibford
Tom Greer
Art Griffith
Harvey Hackett
Claire Kelly
Steve Kenley
Ken Kershner
Merel Lloyd
Bill Mitchel
Bud Richards
Bob Steel
Bob Stewart
Bob Thomas
Larry Wheeler
Simut [illegible]

June 12, 1997

Testimony on Grizzly bear introduction into the Selway-Bitterroot Wilderness for the Subcommittee on Forests and Forest Health for the United States House of Representatives.

Good morning Madame Chairman and members of the Committee on Forests and Forest Health. Thank you for the opportunity to appear before you today. My name is Shirley Bugli. I am a lifelong, 3rd generation resident of the Bitterroot Valley in Western Montana. In appearing here today I represent the citizens group, "Concerned About Grizzlies", which is supported by 19 member organizations. I also represent the Montana Chapter of Women Involved in Farm Economics, (WIFE), and "Grassroots for Multiple Use", a citizens organization where I serve on the Board of Directors.

I have a prepared statement to present.

The Grizzly bear is a valued native of Montana and is the official animal of the State of Montana. The Grizzly has existed in the state throughout recorded history. With the establishment of livestock ranches and communities in Montana, the effective range of the Grizzly bear was generally restricted to the ranges of the Northern Rocky Mountains contiguous to the Continental Divide. This situation worked well for both the bear and human settlers. Occasional predations by the Grizzly bear on domestic livestock were quickly controlled and a carefully regulated hunting season kept bear numbers at a level that maintained a viable breeding population of bears without overly encroaching on their human neighbors. The Grizzly bear reintroduction program appears to be aimed at curing problems that do not actually exist.

*No **GRIZZLY** Reintroduction!!!*

PAGE TWO; CONCERNED ABOUT GRIZZLIES

"Concerned About Grizzlies" supporters have two overriding things in common. We live, work, recreate among, and depend heavily upon the natural resources within and surrounding our Bitterroot valley, and we are all strongly opposed to the introduction of Grizzly bears into the Selway-Bitterroot and the Frank Church-River of No Return Wildernesses.

To date, over 5000 people in Ravalli County have signed petitions and 28 groups have signed on as opposing the proposal to introduce Grizzlies into the Bitterroot Mountains.

A telephone survey designed by Dr. Raymond Karr, Ph.D. Forest-Sociology was done on September 9, 1995 in which 388 calls were completed in Ravalli County. One question was asked. "Do you favor the placing of Grizzly bear in the Selway-Bitterroot range? Yes, No, or Undecided." An overwhelming majority of 59% opposed the introduction of Grizzly bear. The ratio of pro and con of those surveyed was three to one against the proposal.

Since the last census in 1990 the rate of population growth in Ravalli County is 34.4 percent! Many homes are appearing in the forested lands along the fringes of the National Forest. Some are no farther than 3 or 4 miles from the Eastern boundary of the Selway-Bitterroot Wilderness. Some of these new places are home to a few horses or cattle. Others are content with a family dog or cat. These animals or pets, so close to the Wilderness, represent an attractive bait for a hungry Grizzly.

Dr. Stephen Arno, wildfire research scientist, has noted the marked decline of Whitebark pine that used to be common in the higher elevations of the Selway-Bitterroot. Dr. Arnos' research has shown that there is just one significant band of Whitebark pine remaining and that is located in the higher elevations along the Bitterroot front overlooking the valley.

Seeds from Whitebark pine cones are a preferred food for bears. Once this stand of Whitebark pine is discovered by introduced Grizzlies, they are almost certain to return to that stand year after year to feed. Denning on adjacent lower slopes will likely result in hungry Grizzlies descending to the populated Bitterroot valley in the Spring when they emerge from their winter hibernation.

Taking into account the sharply increased population of the Bitterroot Valley and the expected patterns of Grizzly behavior the conclusion is unescapable. More people and bears are going to be forced together. Bear encounters can have a variety of outcomes, but eventually a human is maimed or killed and a bear dies. Bear predation on livestock will certainly increase bear/human encounters. These encounters seldom have happy endings. The role of the federal government in deliberately creating this situation is highly questionable.

PAGE THREE; CONCERNED ABOUT GRIZZLIES

The Selway Bitterroot Wilderness is well used during the summer and fall seasons. In the late spring and early summer, the Selway River is a popular float trip from Paradise to Selway Falls. The numbers of people using the river are carefully limited by the Forest Service to one party of no more than 16 persons per day. However, during the recreation season the river corridor is steadily used by hikers, trail riders and hunters as well as rafters.

The many different people that have become part of our group have a wide variety of concerns about the Grizzly. One of those concerns is fear. The degree of risk is immaterial. The fact is that some people are simply terrified of Grizzly bears and will not risk even the remotest chance of an encounter. Introduction of Grizzly bears into the Selway-Bitterroot will have the effect of closing another area to those people.

As citizens we are concerned about the cost of the Grizzly bear reintroduction program. In 1993 the U.S. Fish and Wildlife Service projected an estimated cost of the Grizzly bear recovery program at $26 million. In these days of budget reductions and belt tightening it seems frivolous to spend scarce federal dollars on a totally unnecessary activity.

In closing, I would assure you that we are not, "anti Grizzly bear". We hold a deep love and respect for the land and its inhabitants. We are ranchers, farmers, guides, foresters, horsemen and women, anglers, campers and forest users. We believe that we have had a part in assuring that our land has remained beautiful and fruitful. We are also confident that the Grizzly bear will do just fine if we just let them alone, and make sure the Grizzly bear population doesn't get out of hand as it is threatening to do around Yellowstone.

Thank You.

Statement of Thomas M. France, Esq.
Committee on Resources, U.S. House of Representatives
June 12, 1997

Members of the committee, I am Thomas M. France. For the past fifteen years, I have worked as an attorney with the National Wildlife Federation, located in our Northern Rockies office in Missoula, Montana. The National Wildlife Federation is the nation's largest member-supported conservation advocacy and education organization, with a long history of involvement in endangered species conservation. Both the Idaho and Montana Wildlife Federations are affiliates of NWF.

I am pleased to be here today to discuss the citizen management alternative which will appear in the Draft Environmental Impact Statement being prepared by the U.S. Fish and Wildlife Service on grizzly bear reintroduction into the Selway-Bitterroot Wilderness. From our first meeting with representatives of the Resource Organization on Timber Supply in the winter of 1994 until today, we have worked long and hard to develop a management program for grizzlies that achieves two fundamental goals. First, we have tried to build a plan that provides for a recovered grizzly population in the Selway-Bitterroot and surrounding areas. Second, by working in concert with the timber industry, we have put together a plan that we believe meets the needs of local residents for economic development and recreation. We are proud to say that we think this is a breakthrough approach for endangered species conservation. In addition, the plan has received widespread attention and support from elected officials and media sources in the region and around the country. Attached to my testimony you will find a sampling of this positive reaction.

I'd like to take the opportunity today to answer the questions we keep hearing about the citizen management alternative:

What is the Citizen Management Alternative?

The Citizen Management Alternative provides for establishment of a committee, made up of local people and wildlife professionals, who will exercise authority for the reintroduction and management of grizzly bears in the Bitterroot. This is not simply an "advisory" committee where people exchange viewpoints. Citizens will assume actual management authority.

Whose idea is it?

A coalition of conservationists, timber industry representatives and organized labor, comprised of the National Wildlife Federation, Intermountain Forestry Association, Defenders of Wildlife and Resource Organization on Timber Supply, has developed this precedent-setting plan to restore grizzly bears while minimizing impacts on local economies and communities. The coalition submitted this proposal to the U.S. Fish and Wildlife Service in 1995.

Why do we need citizen management?

Citizen management is designed to provide a new, more equitable sharing of authority and responsibility between local citizens, state agencies and the federal government. We seek to gain

broader support for grizzly bear restoration by giving citizens an expanded role in management. We believe a citizen committee, with its on-the-ground knowledge and expertise, will devise creative solutions that have broad public acceptance. Our proposal -- which was developed by Montana and Idaho citizens -- provides a direct management role for people living near the reintroduced bears. At the same time, this citizen committee must abide by the same endangered species rules as federal agencies: The committee must use the best available science, and its actions must lead to recovery of the species.

How many people will be on the committee, and who will select them?

The committee will be composed of 15 members (all from communities within or adjacent to the experimental area) serving six-year terms. It will include seven Idaho citizens (one a representative of Idaho's Fish and Game Department), five Montana citizens (one a representative of Montana's Department of Fish, Wildlife and Parks), plus representatives from the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Nez Perce Tribe. Except for the Forest Service, FWS and the tribal position, the Secretary of Interior will make all appointments based on the recommendations of the governors of Idaho and Montana. The committee is intended to represent a cross-section of interests and a balance of viewpoints. Individuals will be selected both for their knowledge and experience in natural resource issues and their commitment to collaborative decision-making.

What authority will this committee have?

While agencies will conduct day-to-day management of reintroduced grizzly bears, the Citizen Management Committee will exercise overall policy and management authority. Like a state fish and game commission, the committee will establish the broad framework for grizzly management and be responsible for dispute resolution. Guided by scientists and resource professionals and in consultation with the public, the Citizen Management Committee also will establish recovery goals and develop strategies for accommodating grizzly bears that occupy habitats outside of wilderness areas.

To whom is the Citizen Management Committee responsible?

Congress has decided that the Secretary of the Interior has ultimate legal authority for all species listed under the Endangered Species Act. If the Secretary of the Interior determines, through a careful review of the best available evidence, that actions of the Citizen Management Committee are not leading to grizzly recovery, the Secretary may reassume management authority. However, the Secretary may reassume authority only after providing the committee with recommended corrective actions and giving the committee at least six months to discuss those actions and to resolve the identified problems.

Will scientists have a role in grizzly bear management?

At least five of the fifteen seats on the committee will be filled by wildlife professionals. The Citizen Management Alternative also requires the committee to base its decisions upon the best available science. In addition, the Citizen Management Committee will host an annual public meeting where biologists and other scientists can present important information.

Where will reintroduction and recovery take place under the Citizen Management Alternative?

The bears will be reintroduced into the Selway-Bitterroot Wilderness as an "experimental population," a special provision of the Endangered Species Act that affords the highest degree of management flexibility. The 4.1-million-acre Selway-Bitterroot and the Frank Church-River of No Return wilderness areas will be the primary recovery zone, while the experimental population area will encompass most of central Idaho and western Montana. The experimental area is purposely large so that the flexibility afforded by this special provision may be extended as broadly as possible. Good grizzly habitat exists on lands outside the wilderness areas, and bears are expected to occupy significant parts of that habitat without conflict.

How will grizzly reintroduction affect current public land use?

The Citizen Management Alternative assumes that current public land management is adequate for grizzly reintroduction. As the reintroduced grizzly population expands, the Citizen Management Committee will assess how bears are using the experimental area and make decisions about their management. Grizzly bears have the lowest reproductive rate of any land mammal in the United States, and it will take decades to establish a healthy population. The unique biology of the grizzly provides the opportunity to take a deliberate, adaptive approach to its management.

How does this proposal deal with grizzly activity on private land?

The Citizen Management Alternative recognizes that while grizzly presence may be appropriate for some private lands, it is not appropriate for others. For instance, due to high human occupancy, private lands in the Bitterroot Valley are not areas where grizzly presence should be encouraged. Therefore, the proposal states that any bears that wander onto these private lands will be captured and returned to the wilderness. The Citizen Management Committee will be responsible for evaluating whether other private lands should be similarly designated as areas where bear use should be discouraged. At the same time, the Citizen Management Committee may develop reasonable accommodations for long-term occupancy of private lands where bears appear consistently.

How many bears will be reintroduced?

Current plans call for the reintroduction of four to six bears per year for up to five years. Bears will be carefully screened to give the program a maximum chance for success; only bears with no history of conflicts with people will be considered for reintroduction. It may take more than fifty years to develop a population of even two hundred bears.

Is the Citizen Management Alternative legal?

Congress created the experimental population provision of the Endangered Species Act specifically to encourage reintroduction of controversial species. The guiding principle for experimental populations is broad, yet simple: Actions taken must move the species toward recovery. While the Secretary of the Interior is ultimately responsible for grizzly bear recovery, because this is an experimental reintroduction the Secretary may delegate authority to a citizen management committee, an action not permissible for existing threatened or endangered populations.

We think the more citizens of Idaho and Montana learn about the citizen management alternative, the more they will come to support it. In fact, Defenders of Wildlife and the National Wildlife Federation have recently commissioned Responsive Management, Inc. to conduct a poll in Idaho and western Montana to test this assumption. The results are startling.

When asked whether they opposed or supported grizzly reintroduction, 46% of the respondents favored the program, 35% opposed reintroduction, 9% had no opinion, and 10% did not know. When asked whether their opinion would change if a citizen management committee were in charge of the reintroduction program, 76% of those that favored reintroduction became more supportive, while fully 58% of those opposed to reintroduction became more supportive of the proposal. When we asked respondents to consider not only citizen management, but the fact that our proposal would also limit costs, allow for the relocation of bears from populated areas and rely on existing land management, support for reintroduction increased to 62% of those polled while opposition decreased to 30% of the respondents.

The final point I would like to stress is that the citizen management proposal is premised on the concept of adaptive management. Rather than trying to solve every possible problem in the experimental population rulemaking, we leave it to the citizen management committee to sort out information and make choices when such choices are necessary.

In a very similar vein, we also look at the rule as proposed today as something that can be improved through the EIS process and through the input of this committee. We recognize that even with our poll results, many people continue to oppose grizzly reintroduction, and we hope that by listening to them, we can find ways to address their concerns.

The Endangered Species Act directs us to recover grizzly populations in the West. But it gives us broad discretion in how we go about meeting this responsibility, especially where experimental populations are designated. We look forward to a dialogue with the members here about how we can best go about refining our proposal to meet our goals of a recovered grizzly population, a vibrant economy, and effective citizen involvement.

Thank you very much for this opportunity to testify.

Supplemental Sheet
Testimony of Thomas M. France, Esq.
House Resources Committee
June 12, 1997

Name: **Thomas M. France**
Address: **National Wildlife Federation**
240 N. Higgins
Missoula, MT 59802
406-721-6705

Summary of Testimony:

My testimony supports reintroducing grizzly bears into the Selway-Bitterroot Wilderness of Montana and Idaho under the citizen management alternative developed by the National Wildlife Federation, Defenders of Wildlife, the Resource Organization on Timber Supply and the Intermountain Forest Industry Association. My testimony focuses on specific components of our proposal, including the make-up of the citizen management committee, its powers and duties, overall grizzly recovery objectives, and other details. In addition, I summarize the results of a poll commissioned by NWF and Defenders that examines public attitudes towards the citizen management approach. This poll found that public support for grizzly reintroducing grows substantially when people understand that local citizens will manage the grizzly bear program.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

RECEIVED
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MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

July 18, 1995

John Weaver, EIS Team Leader
Bitterroot Grizzly Bear EIS
U.S. Fish & Wildlife Service
P.O. Box 5127
Missoula MT 59806

Dear Mr. Weaver:

The purpose of this letter is to provide you my comments and suggestions regarding the current scoping process for reintroduction of the Grizzly Bear into the Bitterroot ecosystem of Montana and Idaho.

Though probably 85-90% of the proposed land base for grizzly bear reintroduction lies in Idaho, it is probable the majority of problems between grizzlies and humans are likely to occur in Montana. Therefore, special attention needs to be given to involvement of Montana citizens, the Montana Department of Fish, Wildlife and Parks, and my office in formulation of a management plan.

With that in mind, I recommend you incorporate into the current preferred alternative the proposal being submitted by the Bitterroot Grizzly Bear Reintroduction Coalition consisting of Intermountain Forest Industry Association, Idaho's Resource Organization On Timber Supply (R.O.O.T.S.), Defenders of Wildlife and the National Wildlife Federation. The special Endangered Species Act 10(j) Rule they prepared in conjunction with the Montana Department of Fish, Wildlife and Parks provides a superb opportunity for local citizen management of grizzly reintroduction. Without the detailed and intensive involvement of Idaho and Montana citizens their proposal envisions, the chances for success in that reintroduction would be greatly diminished.

The Coalition's 10(j) approach represents the kind of Endangered Species Act flexibility and the local partnership concepts that the Secretary of Interior has been advocating. Consequently, it should be reflected in the EIS preferred alternative.

Sincerely,

Marc Racicot

MARC RACICOT
Governor

Idaho Falls Post Register

OUR VIEW

Thursday, Sept. 14, 1995

Members of the Post Register editorial board are **Jerry M. Brady,** *publisher;* **Gene Fadness, J. Robb Brady** *and* **Mei-Mei Chan.**

A new day for species management?

Guess the source of this quote in the debate over whether grizzly bears should be reintroduced in the Bitterroot Mountain area of Montana and Idaho:

"There's no reason why you can't have them (grizzly bears) in rural communities without bringing the resource industries to a halt." And, from the same man: *"It (grizzly reintroduction) doesn't have to be this contentious, polarized situation. Grizzly bears and people and resource industries can coexist."*

So what tree-hugging, granola-crunching, wacko environmentalist said that? Seth Diamond of the Intermountain Forest Industry, the industry that would be most impacted should the grizzly be returned to its habitat in the Selway-Bitterroot Wilderness of Montana and the Frank Church-River of No Return Wilderness in Idaho.

Diamond isn't alone in his positive assessment. Resource industry representatives and members of the National Wildlife Federation and the Defenders of Wildlife have formed the Resource Coalition on Timber Supply (ROOTS) and proposed its own plan for grizzly reintroduction.

The plan assigns management of the bears to a 13-member Citizens Oversight Committee, all but two appointed by the governors of Idaho and Montana. If accepted by the U.S. Fish and Wildlife Service, it will be the first time in the history of the Endangered Species Act that citizens have been trusted to manage a protected species to benefit the species as well as humans. Says Hank Fischer of Defenders of Wildlife: "My guess is, given all the facts, local people will make the right decisions." We agree.

Fish and Wildlife will make the final decision by next June and, naturally, extremists at both ends of the political spectrum are fighting the ROOTS proposal.

Rep. Helen Chenoweth opposes even her friends in the timber industry. In a quote almost as ridiculous as her now famous declaration that Idahoans can still find endangered salmon at Albertson's grocery store, the congresswoman says reintroducing grizzlies is like "introducing sharks to the beach."

Although the official comment period closed recently, the Idaho office of the U.S. Fish and Wildlife Service is still accepting questions or suggestions regarding grizzly recovery. You can write to 4696 Overland Road, Room 576, Boise, ID, 83705.

At the other end of the extreme are a number of environmental groups that think citizens groups can't be trusted to manage the bear. They also don't like the fact that, like the wolf, the bears will be designated "experimental, non-essential." That means they are not protected under the ESA if they leave the wilderness.

When Lewis and Clark explored the West in the early 1800s there were as many as 100,000 grizzlies in the Northwest. Today, grizzlies in the lower 48 states are nearly extinct.

The Idaho Department of Fish and Game surveyed more than 900 people and found that returning the grizzly has the overwhelming support of people locally, regionally and nationally. Of those who live in the two-state area impacted the most, 62 percent favored reintroduction with 26 percent opposed. In the Northwest states, 73 percent are in favor and 10 percent opposed. Nationally, 77 percent favor reintroduction and 8 percent are opposed.

The involvement of resource industry representatives, citizens and environmental groups in this plan is exciting. It could set a new trend for the next couple decades in working out environmental problems and managing the Endangered Species Act for the benefit of all. Imagine the results if we could have had the same cooperation on the spotted owl, the salmon and the wolf.

Gene Fadness

Opinion

WEDNESDAY, JULY 5, 1995

MISSOULIAN EDITORIAL

A better road to recovery

SUMMARY: Interest groups deserve praise for pursuing a better, more cooperative way of tackling thorny endangered species issues.

If there's anything we've learned from the reintroduction of wolves to Yellowstone National Park and central Idaho this past winter, it's how *not* to go about restoring an endangered species.

Now that they're here, the transplanted wolves are doing well. It's already possible to envision, with some luck, a not-too-distant day when wolves can be removed from the endangered species list, their population in the northern Rockies secure.

But people burned too much time, too much money and too many brain cells getting to this point. Nearly two decades were spent with proponents and opponents of wolves locked in fruitless, polarized debate before deciding to proceed. There's got to be a better way of resolving such issues.

In fact, there is. A far better approach to endangered species protection appears to be emerging in the next big, high-profile recovery effort — restoration of grizzly bears to the Selway-Bitterroot Wilderness.

The Selway-Bitterroot is tailor-made for grizzlies. It's a large region of wilderness that was historically home to grizzlies, until they were shot and trapped out more than a half-century ago. Re-establishing grizzlies there could do much to make the future more secure for the great bears. In time, the Selway-Bitterroot could become a third major population center for grizzlies — logically located between the established populations in Yellowstone and Northern Continental Divide ecosystems. Having more bears in more (appropriate) places can do much to make populations overall less vulnerable.

The U.S. Fish and Wildlife Service will hold hearings in Missoula and Hamilton Thursday on plans to transplant grizzly bears from Canada to the Selway-Bitterroot. The proposal is in its early stages. Thursday's hearings are intended to help officials identify which issues and management alternatives to address in an environmental impact statement.

Already, though, there are hopeful signs. At a similar point in the Yellowstone wolf-restoration effort, it had already come to blows. Conservationists, stockmen and other interest groups were doing their best to polarize the issue, and the results were years of expensive, redundant hearings, studies and reports. Remarkably — and commendably — a coalition of interest groups has been constructively working for months to resolve potential problems with Bitterroot bear restoration. Loggers, timberland managers and environmentalists are among the traditional adversaries who are ironing out details for a grizzly-restoration proposal of their own — one that emphasizes local involvement and responsibility for the success of the project.

It's possible, of course, that others not involved in the cooperative effort to restore grizzlies to the Selway-Bitterroot will seek to disrupt the project. There always seems to be a politician or two willing to play the role of obstructionist. Not every participant in these matters has the best interests of the public or wildlife at heart.

But for now, there appears to be great interest in working more cooperatively, learning from the missteps of the past. That's most encouraging.

Bozeman Daily Chronicle

07/25/95

OUR OPINION

Refreshingly open minds

Reintroducing grizzlies becomes a priority for normally angry foes

Montanans did a double take recently over news accounts of a plan to reintroduce grizzly bears to the Selway-Bitterroot Wilderness in Idaho. Nothing all that newsy about plans to reintroduce a threatened species to its historic range. What snapped heads is who's backing the plan — a coalition of conservation groups and timber industry organizations.

The timber industry is backing a grizzly reintroduction plan that also has the blessing of conservation groups?

Hellooo. Does "spotted owl" mean anything to you timber guys?

Industry groups usually regard endangered and threatened species, whether already there or proposed for reintroduction, as anathema. Their presence opens endless doors to challenges to timber sales and has hamstrung the industry at every turn in the road.

A closer look at this coupling of traditional foes, however, reveals one of the most forward-thinking developments on the threatened species front recently. What happened was a refreshingly open-minded group of industry representatives and environmentalists realized that unless they put their heads together on this, both sides were going to be losers.

The history of species reintroduction has been one of acrimony. Witness the wolves of Yellowstone and central Idaho: The wolves are back, but only after years of bitter controversy and hard feelings that will persist long into the future. Testament to the level of rancor surrounding the wolf reintroduction lies in the fact that two of the animals already have been shot.

The grizzly reintroduction plan differs dramatically in that management decisions will be made by ordinary citizens who live in the affected area. It's not rocket science that a lot of the resentment for threatened and endangered species reintroduction plans stems from the fact that they are crammed down the throats of locals by huge bureaucracies that seem totally unresponsive to real human fears and needs. By empowering those that have the most to lose by grizzly reintroduction, unexpected support for the plan has been won.

> The timber industry is backing a grizzly reintroduction plan that also has the blessing of conservation groups?

Management decisions (i.e., should bear reintroduction be a primary consideration in some areas while it will be of little to no importance in other areas where timber harvest takes preeminence) will be made by a panel of 11 people. The area in question lies primarily in Idaho but edges over the Montana border near Hamilton. Seven of the panel's members will come from Idaho and four from Montana with one member of each state's delegation coming from that state's fish and game agency.

This plan is a long way from universal acceptance. Some environmental groups are withholding support. Agriculture concerns have yet to sign off on the deal. And, ultimately, the U.S. Fish and Wildlife Service will have to sign off on the plan.

But this is an idea that's worth getting behind. If it can win the support of groups as diverse as the Intermountain Forestry Association, the National Wildlife Federation, the Resource Organization on Timber Supply, and the Defenders of Wildlife, it's worth looking at.

This much is certain: The old way needs some improvements.

The New York Times

SUNDAY, APRIL 27, 1997

Plan to Repopulate Grizzlies Gains Support

By JIM ROBBINS

MISSOULA, Mont. — For years, the workers and companies that make up the Idaho timber industry have bitterly opposed environmentalists on most issues, particularly those that involve endangered species.

That is why active support by the timber industry and labor for a controversial proposal to reintroduce grizzly bears into a huge chunk of western Montana and eastern Idaho has muddled the traditional battle lines.

"We cannot make the recovery plan go away," said Bill Mulligan, president of Three Rivers Timber in Kamiah, Idaho, whose company supports bringing bears back to the Selway Bitterroot and Frank Church River of No Return Wilderness complex. "There's no sense fighting it."

The compromise agreement, if adopted in an environmental impact statement by the United States Fish and Wildlife Service, could chart a new course for the management of endangered species. Instead of giving Federal officials the power to make unilateral decisions, the proposal would set up a management committee made up of citizens and state officials.

"We hear again and again: 'We're not afraid of grizzly bears; we're afraid of the Federal Government,' " said Tom France, a lawyer for the National Wildlife Federation, which is part of the agreement here.

This new approach to endangered species management has converted some politicians, as well. Gov. Marc Racicot of Montana, a Republican, has endorsed the concept. On the other hand, the Governor of Idaho, Phil Batt, also a Republican, is adamantly opposed.

The approach is part of a nationwide trend to find alternatives to full designations under the Endangered Species Act. Federal protection has become an explosive issue, largely because it removes so much control at the local and state levels. Officials are scrambling to find alternatives both for animals whose numbers are dwindling and for species that are being reintroduced.

When wolves were brought back to Yellowstone National Park several years ago, they were designated an experimental population, which allows biologists more flexibility to remove the animals, even to shoot them if they pose a problem.

A new approach to managing an endangered species.

Still, the Yellowstone wolf reintroduction was bitterly opposed, especially by livestock interests.

Opposition to grizzly bears is widespread in the farming and ranching areas of Montana and Idaho.

"It's absolutely ludicrous," said State Senator Steve Benedict, a Republican from Hamilton, Mont., a small town within several miles of the Selway Bitterroot. "Those bears were eradicated for a reason. It's like saying there's a nice big park in the middle of New York City: let's put bears there. Bears kill people."

Hank Fischer, the northern Rockies representative of Defenders of Wildlife, was active in the wolf reintroduction at Yellowstone. He said that he and others did not want to repeat the problems that occurred.

The big difference in the grizzly bear proposal, which earned the timber industry's support, is the citizens' advisory council.

In what backers call the citizens' proposal, about five grizzly bears would be brought in from British Columbia for five years.

Two other plans are also being considered. Under one, bears would be allowed to come back into the area on their own; under the other, 10 bears would be brought in every year for five years.

Under the citizens' proposal, Mr. Mulligan said, there are parts of the forest, even where there are bears, that will be available for logging. If the timber industry had not been part of the process, he said, that might not be the case.

The Selway Bitterroot and Frank Church River of No Return Wilderness areas are nearly four million acres of wild land. Grizzlies were thought to live there until the 1930's.

There are two primary populations of grizzly bears left in the lower 48 states: in Yellowstone, with about 300 bears, and in the Northern Continental Divide Ecosystem, around Glacier National Park. There are about 200 in western Montana and eastern Idaho that could link the two populations and help insure the long-term viability of grizzlies, biologists say.

The Fish and Wildlife Service's decision is expected in May.

Unlikely Alliance Finds Common Ground for Grizzlies

The Washington Post 10/29/95 A3

By Tom Kenworthy
Washington Post Staff Writer

SELWAY-BITTERROOT WILDERNESS, Idaho—Among the untamed rivers and trackless valleys of central Idaho's forest wilderness, timber workers and environmentalists have, for once, chosen not to do battle over an endangered species. Instead, they have joined forces in the hope of saving the grizzly bear—and the fragile idea that there is room in the woods for both wildlife and men who make their living with chain saws.

In a unique joint venture that began two years ago with a casual conversation in a Denver bar, conservationists and lumbermen are working to restore grizzlies to central Idaho's huge Selway-Bitterroot Wilderness and part of the even larger Frank Church River of No Return Wilderness to the south.

Their proposal, which could be endorsed later this year by the U.S. Fish and Wildlife Service, would give local residents unprecedented authority to manage any bears that move beyond the wilderness recovery zone to adjacent national forest lands open to logging and other commercial uses.

If the project succeeds—and in this marriage of convenience that is still a big if—it could have a profound impact on the resolution of other conflicts over endangered species and on the federal government's approach to managing imperiled wildlife.

"There is enough common ground out there that we don't need to be fighting," said Seth Diamond, manager of wildlife programs for the Intermountain Forest Industry Association (IFIA), a timber group that on other issues frequently goes to the mat with environmentalists.

"We see the opportunity to create a new model for endangered species conflicts throughout the country."

An overly ambitious goal? Considering it is the grizzly, perhaps not. Except for the gray wolf—whose reintroduction last year in central Idaho and Yellowstone National Park came only after a decade of intense conflict—few species ignite more intense emotions, or involve more complex land use decisions, than grizzlies.

Even wolves, for all their mythical ferocity, do not eat people. Grizzlies sometimes do—and their fearsome reputation explains why so many people in Idaho and Montana do not want to cede more of their prime hunting and camping lands to *Ursus arctos horribilis*.

Discussing grizzly reintroduction along Selway River in Idaho are, from left, Seth Diamond of Intermountain Forest Industry Association, Hank Fischer of the Defenders of Wildlife, and Don Johnson of the Resource Organization on Timber Supply. Their plan for local authority could get federal endorsement.

The Selway-Bitterroot, more than a million acres of roadless forest, is the heart of a larger, 5,500 square-mile "grizzly introduction evaluation area" stretching from the Salmon River to the North Fork of the Clearwater River.

This remote area of Idaho, encompassing wilderness areas closed to motorized access and other national forest lands open to "multiple use" management, may be pivotal to grizzly survival in the continental United States.

Once numbering 50,000 individuals and ranging from California to the Great Plains and from Canada to Mexico, grizzly bears have been listed as threatened in the United States (except in Alaska) since 1975. Between 800 and 1,000 grizzlies remain in the Lower 48 states, most concentrated in two big blocks of wild habitat: Yellowstone and surrounding national forest land; and Glacier National Park and the nearby Bob Marshall Wilderness in Montana.

Historically, grizzlies were common in the Bitterroot Mountains that divide central Idaho from western Montana.

The Lewis and Clark expedition killed a half-dozen on its way through, and even at the turn of the century 25 to 40 grizzlies were trapped and killed there every year. But the last grizzly disappeared from this region almost 50 years ago.

Biologists believe the Selway-Bitterroot could provide rich habitat for a new population. Its salmon runs are depleted, but grizzlies are opportunistic omnivores and survive well in other areas without relying on fish.

The area has one major plus: It is big and isolated, with plenty of room for an animal that often has a home range of 100 square miles or more, and with relatively little opportunity for bear-human conflict.

Scientists think the Selway-Bitterroot could support as many as 200 to 300 grizzlies, and the U.S. Fish and Wildlife official recovery plan anticipates introducing bears captured from Canada. That could increase the grizzly population in the Lower 48 states by as much as 30 percent and greatly improve the bear's long-term chances of survival.

But how will the introduced population of grizzlies in the Selway-Bitterroot be managed? Would bears be allowed to roam beyond the wilderness areas into national forest lands that are key to the region's timber economy?

Would the introduced bears have the full protection of the Endangered Species Act, or would they come under special rules governing experimental populations that allow more management flexibility?

Such questions were raised during a 1993 meeting of the federal-state Interagency Grizzly Bear Committee

YELLOWSTONE PARK SERVICE PHOTO

in Denver by Dan Johnson, a staff member of an Idaho timber industry labor-management group called Resource Organization on Timber Supply, or ROOTS.

"We don't want the damn bear," Johnson recalls saying at that meeting, but if the bear is coming to central Idaho anyway, the timber industry would like a say in how it is managed.

Later that night, Johnson was sipping a beer in a hotel lounge when he was approached by Hank Fischer, northern Rockies representative for the environmental group Defenders of Wildlife. "I can live with that," Fischer told Johnson, and handed him his business card.

So began an unlikely alliance.

On the environmental side, Fischer found an ally in Tom France, the National Wildlife Federation's representative for the northern Rockies. After a debilitating 10-year battle with the ranching and agricultural communities over getting the wolf back, they are looking for another way.

Without some support from the timber industry and local people, France said, getting bears established in the Selway-Bitterroot might never happen.

"Industry in Idaho is absolutely key to politics," he said, and having the support of timber workers and companies has meant state legislators and most members of the Idaho congressional delegation have at least been willing to listen.

Johnson has been joined on the timber side by industrial giants and independents alike. From their point of view, the bear is coming to Idaho one way or the other, and if they do not get involved at the beginning they risk losing their future timber supply.

"We've seen what the spotted owl can do," said Phil Hughes, a Potlatch Corp. mill worker in Lewiston, Idaho.

Timber industry officials said they fear that, once the bears arrive, protecting them under the Endangered Species Act could provide the government with a rationale for keeping loggers out of the Clearwater National Forest and other areas critical to the industry.

The plan developed by the coalition of environmentalists and timber industry representatives calls for establishment of an "experimental, non-essential" population of bears in the Selway-Bitterroot and part of the Frank Church River of No Return Wilderness.

Under 1982 amendments to the Endangered Species Act, experimental populations can be managed with greater flexibility than naturally occurring populations of threatened wildlife. Ranchers may even kill them if their livestock is threatened.

Using flexible management rules is hardly a new concept: It is being employed with the gray wolves introduced in the northern Rockies last year.

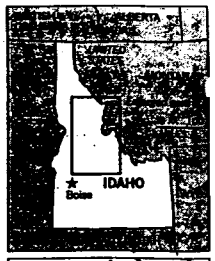
But the alliance of conservationists and loggers would go a step farther by allowing Idaho and Montana residents, rather than federal agencies, to make critical decisions on management of bears that leave the wilderness areas.

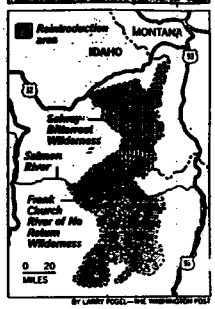
The coalition has proposed a 13-member citizen management committee that would set management policy for the Selway-Bitterroot bears.

The panel would be instructed to ensure grizzly recovery while minimizing social and economic disruption, but beyond that would have considerable autonomy. Its authority could be ended only if the secretary of interior finds it is not moving toward the goal of recovery.

The idea is straightforward: Give local people a stake in grizzly recovery, and some control over its economic consequences, and they will be less likely, in the local vernacular, to shoot, shovel and shut up.

"It becomes a locally owned issue rather than something brought in by





BY LARRY POGGI—THE WASHINGTON POST

the federal government," said Chris Servheen, the U.S. Fish and Wildlife Service's coordinator of grizzly recovery.

Other federal land managers, wary of ceding authority, are less enthusiastic.

Also critical are some other environmental groups, including the Wilderness Society and the National Audubon Society. And almost 3,000 local residents of the Bitterroot Valley in Montana—a rapidly growing area that problem grizzlies might migrate into—have signed a petition opposing the reintroduction program.

But the strange bedfellows of the Selway-Bitterroot are making progress. Some politicians who might be expected to oppose the program, such as Montana's Republican Gov. Marc Racicot, have enthusiastically embraced it. Even some local officials are getting on board.

"I started out as a total adversary," said Chuck Cuddy, a conservative state legislator from central Idaho. "But under current law, we're going to have 'em. And if we're going to have 'em, we have to have local people involved."

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The Washington Post 1/24/95 A3

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The New York Times

Look Who's Hugging Trees Now

Western conservatives thought they had environmentalists on the run. But even loggers don't want timber companies writing laws. By Timothy Egan

"Naturehaters" found common ground with "eco-freaks" at a recent gathering in Idaho.

THE KONKOLVILLE STEAKHOUSE IS A SHRINE TO RED MEAT AND RAW TIMBER, STITCHED TO A HALF-CENTURY-old sawmill on a creek in Orofino, Idaho. There is a certain goofy charm to Orofino, home of the Maniacs, a nickname some people say is drawn from the state mental institution nearby. The high-school emblem, a cartoon of a screaming, wild-eyed man, has survived years of scorn to become something of a rebel icon for teen-agers. Big-wheeled cars tool around with bumper stickers that read, "Are You an Environmentalist, or Do You Work for a Living?" So it was with some trepidation that a handful of people who make their livings trying to restore wolves, bears and other big fauna to the Rocky Mountains showed up at the old steakhouse recently for a night of chewing beef with loggers and mill owners. It would be an understatement to say that the two groups, as a general rule, do not get along — nature haters and property rights wackos versus eco-freaks and humor-impaired granola crunchers.

But as they joked and sparred over steak and beer, they discovered that neither side lived up to its stereotype. "We found that we didn't hate each other," says Alex Irby, a manager at the Konkolville sawmill. "Turns out, we all like to do a lot of the same things. We love the outdoors." The grizzly bear, the biggest land mammal in North America, has been missing from Idaho's backyard for a long time. The Federal Government, under the Endangered Species Act, had made known its intention to restore the big bears to central Idaho, the largest roadless area in the contiguous United States. The steakhouse conferees simply want to get it done quickly, without endless lawsuits or regulations that might lead to major job losses.

Yet, the mere fact that loggers in the back country are sitting down with environmentalists is an astonishing change from just two years ago, when the anti-environmentalist forces were storming Congress. It has infuriated Representative Helen Chenoweth, the Republican Congressman — as she prefers to be called — from the wilder half of Idaho. She compares the timber workers to prey lying down with a predator just before a kill.

Chenoweth has vowed to quash the fledgling effort to bring grizzlies back to Idaho, setting up a most unlikely conflict — with the very people she often claims to speak for. She has her own ideas about the bears. "They are schizophrenic, manic-depressive animals," she says. "I don't want them at all in Idaho." If people want to see a 1,200-pound omnivore, she says, they can go to a zoo.

What's more, Chenoweth had thought that there was no longer any *political* reason for timber workers to build a bridge to their old enemies, the environmentalists. For Chenoweth and other politicians who now make the same green-bashing speeches in Congress that they used to make from the backs of pickup trucks, this is supposed to be a time of triumph.

Nearly half of the 73 members of the House freshman class received a zero rating for 1995 from the League of Conservation Voters — as did Bob Dole, the likely Republican nominee. They never imagined that loggers, of

Timothy Egan is the Seattle bureau chief for The New York Times.

LEFT: GEORGE LANGE FOR THE NEW YORK TIMES. RIGHT: ROBBIE McCLARAN FOR THE NEW YORK TIMES

Merlin McColm, a self-described Gingrich Republican in Nevada, says his party has been "misled by the zealots."

all people, or ranchers, or longtime Republicans would try to make the Endangered Species Act work — just as Congress was trying to bury it. But that is precisely what is happening, and it is one of the major reasons the class of '94 in the House finds itself in so much trouble.

Besides gutting the Endangered Species Act, the new Congressional powers had promised to vanquish the Forest Service; sell public lands; weaken the Clean Water Act; take the regulatory shackles off the mining, timber and grazing industries, open the Alaskan rain forest to more logging, even close some national parks.

These ideas had percolated up from the remotest folds of the land, where a handful of people were preaching that environmentalism had brought America to its knees. They called their movement Wise Use, a term coined by Ron Arnold, a Seattle-area writer and executive director of the Center for the Defense of Free Enterprise. For years, the Wise Use leaders had been recirculating like water in a fountain; the same people showed up at the same annual rallies and seminars. With their limited audience and fringe ideas, they often resorted to blunt theatrics, like the hanging in effigy of two home-grown environmentalists in the eastern Oregon town of Joseph, across the Snake River from Chenoweth's district.

That was just before Election Day, however, when the Wise Use agenda became the Congressional agenda, even though national polls showed no change in the majority sentiment of Americans favoring strong environmental protections. With the Republican sweep, the outsiders became insiders. People for the West!, the largest and best-financed of the Wise Use groups, one of whose members strung the noose on Main Street in Joseph, saw six of its people elected to Congress.

More important, two of the Wise Use movement's biggest allies — though not formally members — took charge of environmental legislation in Congress. Representative Don Young, Republican of Alaska, a onetime taxidermist who keeps a grizzly bear rug on the wall of his Congressional office, became chairman of the House Natural Resources Committee. The first thing he did was drop the word "Natural" from

committee title. Young pronounced himself the "alpha wolf" who would lead a new pack trying to overturn the nation's major laws on public lands, water and wildlife. He called environmentalists a "waffle-stomping, Harvard-graduating, intellectual bunch of idiots."

Representative Tom DeLay of Texas, a former exterminator, became House majority whip. He immediately set his sights on an old nemesis of the pest control business, the Environmental Protection Agency, and tried to reduce the funding and regulatory strength of the agency, which he compared to the Gestapo. A freshman, Wes Cooley, Republican of Oregon, used the same word to describe biologists with the Fish and Wildlife Service. Bills to benefit industries that had pumped a record amount of campaign contributions into the 1994 campaign came flying out of Congressional committees.

But just when the Wise Use movement seemed to be at full flood, it hit a wall. Here in the very heart of Chenoweth country, and in hamlets in Montana, New Mexico, Oregon, Utah, Nevada and elsewhere, the very people cast as enemies of the environment are not playing by the script.

"I'm just about as conservative as you can get — a Gingrich Republican — and I am absolutely furious at what the party is trying to do with the environment," says Merlin McColm of Elko, Nev., the center of a major mining area. Like a lot of Westerners, McColm lives for the outdoors; what he does for a living — operating a mini-storage business — is secondary to what he does after work. On his car is a bumper sticker that reads, "Put the Elk Back in Elko." He is 66, and for the first time in his life he is thinking of voting for a Democrat.

"If you're going to be a conservative, you've got to be a conservative in all areas," says McColm. "The Republicans have made a horrible mistake, an abominable error. When I say this, the party wishes I would go away. But there are a lot of people out here just like me, and we aren't going away."

Initially, it was something of a mystery to McColm why his party — the party of Theodore Roosevelt, a founding father of American conservation, and Richard Nixon, who signed more environmental laws than any other President — had suddenly reversed course. But now he has figured it out, and he does not intend to rest until he can steer Republicans back to the green fold.

"They were misled by the zealots," he says.

THROUGHOUT LAST YEAR, THE MARCH OF THE BROWNS, AS they sometimes call themselves in defiance, continued in Congress. They tried to establish a commission to close some units of the national park system — a long-held dream of Chuck Cushman, a Wise Use leader from Battle Ground, Wash. When Senator Slade Gorton of Washington wanted a bill to overhaul the Endangered Species Act, he had it drafted by lobbyists for the very industries — mainly aluminum, timber, agriculture and oil — that had the most to gain financially from a weakened act.

In the past three years, companies and political action committees intent on rolling back environmental laws gave more in Congressional campaign donations than any other cluster of interest groups — $34 million. Initially, it paid off, as the brown revolution raced through Congress. But back home, in places like Noxon, Mont., and Cedar City, Utah, little brush fires of opposition had started to flare.

"If anybody says people in rural Utah don't want wilderness, we say prove it," says Valerie Cohen of Cedar City, who started a citizens' group to oppose a large coal mine planned for the southern Utah wilderness by Andalex, a Dutch-owned company. The coal would be trucked out of Utah's canyon country and shipped overseas. The catch is the plan can't go forward without passage of a bill that would open up 22 million acres of Utah wilderness to development.

At first, Cohen had only a few supporters, and her cause seemed lost. The entire Utah delegation, after all, was lined up behind the development interests. But lately, her phone has not stopped ringing, reflecting polls in the Beehive State showing that a majority of people want large wilderness areas. "All of a sudden, I've been getting calls from all these people — my neighbors basically — who realize maybe we do have some power out here." That power, evidenced at public hearings throughout the state and at a pro-wilderness rally in Salt Lake City, has derailed and all but killed the bill.

Last November, more than 200 people jammed into a high school gym in Noxon to denounce plans for a big mine planned in the Cabinet Mountains. Noxon is the home of the Militia of Montana, a group that sells videotapes of Helen Chenoweth warning about environmental plots. Most of the fire at the meeting was directed at Asarco, the company that could remove nearly $2 billion of silver and copper without paying anything to the Federal Treasury.

In Nevada, Merlin McColm found that he was not alone in his anger. While Republicans in Congress were promoting a bill to virtually eliminate any citizen involvement in the management of Federal grazing land, McColm went to court to get ranchers to obey existing laws. Late last year, he won, forcing cattlemen who run livestock on Forest Service land to meet certain environmental standards.

In the heart of Chenoweth country, and in hamlets in Montana, New Mexico, Oregon, Utah, Nevada and elsewhere, the very people cast as enemies of the environment are not playing by the script.

"These ranchers are now talking about a holistic approach to grazing," says McColm, chuckling at the sound of it all. "I mean they know the kind of damage cows do to streams in this arid country. They just needed a nudge. And now the courts have given us a sort of citizens' bill of rights."

McColm, far from finished, is trying to organize fellow conservatives to block the grazing bill, sponsored by Senator Pete Domenici, Republican of New Mexico, and Representative Cooley. Domenici says the grazing bill is needed to give cattlemen more security about their future and to free them from worry about bureaucratic meddling. But McColm says: "This bill would set us back 50 years. It would be a terrible, terrible thing."

The Wise Use crusade is supposed to be about local control, giving land back to the people and handcuffing the regulators. But that assumes the local people share the Wise Use agenda. McColm and the steakhouse gang in Idaho are among the Westerners with something else in mind. And in some cases, they are willing to pay top dollar for it. When Senator Conrad Burns, Republican of Montana, cut off a third of the appropriation to bring wolves back to Yellowstone National Park this year, supporters raised $40,000 to keep the program on schedule. Perhaps as much as half the money, supporters say, came from Republicans. In New Mexico and Idaho, a handful of local groups have been bidding on public ranch land, willing to pay for the right to keep livestock away for a given period of time.

In fact, Congress is finding out that there is no great clamor by the states to take over Federal land, as there was during the first Sagebrush Rebellion 20 years ago. Who would pay for fighting forest fires? What about the multibillion-dollar irrigation projects? A study by the Center for the New West, a conservative research organization, concluded that all but two Western states would lose money if they were to take over land now run by the Federal Bureau of Land Management.

Republicans had expected Eastern elitists or Eddie Bauer Westerners — the usual targets of ridicule — to make these kinds of arguments. But not

rural conservatives. How could this be? Phil Brick, a professor of politics at Whitman College in Walla Walla, Wash., conducted a survey of 1,250 voters in the Hell's Canyon area of eastern Oregon, a supposed Wise Use stronghold, in 1994, the year of the Republican sweep. The results astonished him. In a county where people who call themselves conservatives outnumber liberals by better than 4 to 1, 66 percent of those surveyed said private land development should be restricted even if it harms individual property owners, and 62 percent said the area was too dependent on grazing and timber.

What the survey suggests is that people favor a mainstream environmental agenda even if they despise the latte-lapping, urban-liberal expatriates who espouse it. It is this dynamic that the Republicans failed to grasp after the 1994 elections, says Brick. And that is why they now find their environment-stripping proposals so unpopular, he says.

BEFORE DON YOUNG WAS THE ALPHA WOLF, HE WAS THE LONE wolf, baiting his opponents with glee. In the House chamber, Young, the Alaska Republican, put his hand in a metal spring trap to show that it wasn't really all that painful to animals. And he once waved an 18-inch oosik, the penis bone of a walrus, at the director of the Fish and Wildlife Department, Mollie Beattie, during a hearing. But as the alpha wolf, he has been all business, directing his efforts primarily at overhauling the Endangered Species Act. He appointed a rancher, Representative Richard Pombo, a California Republican, to draft a new law. They said it would take less than a year to get it passed.

Ron Arnold, guru of the Wise Use movement, outside his office in Bellevue, Wash.

Pombo had his own Wise Use group, a property rights alliance of agricultural interests and developers, before going to Congress. His district in the San Joaquin Valley is full of farmlands that are fast becoming housing subdivisions. And the area has sprouted another crop as well — large signs for Pombo Real Estate, owned by his first cousin. A big obstacle to development, some realtors fear, is the San Joaquin kit fox, a shy little carnivore whose numbers are diminishing with every new strip mall. The fox's habitat happens to overlap some areas that are dotted with Pombo Real Estate signs.

The bill that Pombo wrote would require the Government to pay property owners for the value lost on land subject to restrictions on behalf of endangered species. It sailed through the Resources Committee. But it is dead for this year, in no small part because of opposition from Pombo's own neighbors.

Mark Connolly, a fellow rancher and fellow Republican, lives just down the road from the Pombo property. He also has kit foxes on his land. He likes open space, foxes and farming, which the Connolly family has been doing in California since the 1870's. Rather than subdivide the land, though, he sold the conservation rights to a nature-protection group. The organization paid him, essentially, to keep the property the way it is. He can ranch it, and foxes can stay on it, chasing rodents as before. "Seemingly, the perfect Republican private incentive program," he says.

Failing to kill the nation's most powerful environmental law, Congress took the next step — trying to paralyze the act with a moratorium on the listing and the introduction of new species. But instead of disbanding, the Idaho grizzly bear group continued to meet, moving from the steakhouse to a small cabin. "The Endangered Species Act is not going to go away," says Alex Irby, the sawmill manager. "There is a tremendous amount of middle ground on this issue." Dan Johnson, who represents unionized loggers in central Idaho in the Resource Organization on Timber Supply, called Roots, says: "It's a pretty powerful thing, this trust we're developing, and I don't think you can kill it. We don't have hidden agendas. We aren't trying to fit into someone's political scheme. Our goal is grizzly bear recovery, but included in that is a way to keep our jobs."

Such talk sets Helen Chenoweth's teeth on edge. A member of People for the West!, with a seat on the House Resources Committee, Chenoweth has said she will try to dash all money for bringing grizzly bears back to her state. "Her bottom line position is, 'Hell no' to the bears," says Johnson, sounding perplexed. "She says we're lying down with the predators. I don't feel like they're predators."

Chenoweth suggests having a referendum on which animals can live and which will be allowed to leave the face of the earth — a sort of ballot-box Noah's ark. "A species goes out of existence every 20 seconds," she says. "Surely a new species must come into existence every 20 seconds. There's no way human beings can regulate that dynamic."

Thanks to Republicans like Chenoweth, Young, Cooley and Pombo, the Democrats have been scoring politically with an issue that has long been bipartisan. Tom DeLay and other Republicans say their party's record has been badly smeared. But with an eye on November, their leader, House Speaker Newt Gingrich, has got green religion.

"The polling data are overwhelming," Gingrich says. "Most Americans agree w the goals of the environmental movement. Draped in tropical snakes and rare animals, Gingrich made a Dr. Doolittle-like appearance on the Larry King show. At the same time, a memo from the party urged Republicans to hold press events where they could be seen planting trees or visiting a zoo.

The Speaker's retreat has angered Wise Use leaders, who are beginning to take on the tone of revolutionaries whose revolution was never tried. Arnold, the Wise Use guru, calls Gingrich a "limousine liberal" who is betraying fellow Republicans. "Gingrich simply wasn't prepared for the Wise Use agenda that came in with a lot of freshmen," he says. "He was blindsided by this issue. And now that some people are saying, 'My God, this is going to hurt us,' he's scared."

It may take three full election cycles to dismantle the major environmental laws, Arnold says. He is encouraged by the fact that some Republicans are holding steady. Trying to reassure her supporters, Chenoweth gave a long speech on the floor of the House earlier this year, her strongest attack yet on environmentalists.

"There is increasing evidence of a Government-sponsored religion in America," she says. "This religion, a cloudy mixture of New Age mysticism, Native American folklore and primitive earth worship — pantheism — is being promoted and enforced by the Clinton Administration in violation of our rights and jobs." The speech was somewhat similar to a talk Ron Arnold gave before a group of New Mexico wool growers in 1991. "Environmentalism is a new paganism that worships trees and sacrifices people," he said at the time.

Arnold has been a big inspiration to Chenoweth. But now Arnold says the Congressman from Idaho, his student, has gone too far. "Is environmentalism a religion?" asks Arnold. "No, of course not. That' nonsense." ■

PHOTOGRAPH BY ROBBIE McCLARAN FOR THE NEW YORK TIMES

Intermountain Forest
Industry Association

Statement of

James S. Riley

Before The

House Committee on Resources
Subcommittee
on
Forests and Forest Health

Concerning
Reintroduction of Grizzly Bears

Washington DC
June 12, 1997

Introduction

Chairman Chenoweth and members of the committee, I am James S. Riley, Executive Vice President of the Intermountain Forest Industry Association from Coeur d'Alene, Idaho. The IFIA is a trade association representing forest products businesses, forest landowners, and private sector forestry professionals through out Idaho and Montana.

I appreciate the opportunity to testify today on the policies of grizzly bear management in the Selway-Bitterroot area of Idaho and Montana.

History

Our involvement with management of the grizzly bear in the Selway-Bitterroot area began with the U.S. Fish and Wildlife Service's revised Grizzly Bear Recovery Plan in 1993. The plan calls for the recovery of grizzly populations in this part of Idaho and set an implementation schedule for various recovery actions.

During 1993 and 1994 we sought to resist the federal government's proposal, not so much because we were concerned about getting along with the bear, but because we were concerned about how all the federal regulations and restrictions which have accompanied the bear elsewhere in the west would effect our interests. We submitted comments to the Fish and Wildlife Service and attended numerous public meetings objecting to the Selway-Bitterroot recovery plan on a wide range of issues. As with other Endangered Species Act issues in the west, the social, economic, and practical concerns we raised did little to dissuade or substantially change the Service's plans to bring the bear back to Idaho.

In 1995 we took a fresh look at our position on grizzly management through the leadership of IFIA's wildlife biologist, the late Seth Diamond, who coordinated IFIA's wildlife programs from our Missoula office. With Mr. Diamond's technical and ESA policy expertise we began discussions with the Resource Organization on Timber Supply, Defenders of Wildlife, and the National Wildlife Federation to explore the prospect of working together to manage grizzly bears in the Selway-Bitterroot area, rather than continue the high conflict path we were on. After many hours of meetings, conversations, and research, I am pleased to say those discussions bore the fruit of a conceptual agreement to facilitate the recovery of grizzly bears in central Idaho through the more flexible authorities of Sec. 10 (J) of the Endangered Species Act and, most importantly, by vesting a committee of local citizens with the authority to make decisions about how this population of bears would be managed.

As a matter of history, let me also say that our association has had many years of experience dealing with grizzly bear populations throughout the west since the bear was listed as threatened in 1975. Our members have had forestry and sawmill operations throughout the inland west where grizzly bears have been actively managed by the federal government. Our experience with the traditional management approach in these areas has been anything but good. Whether with the Yellowstone populations, or those of the Northern Continental Divide in Montana, or the Cabinet-Yaak, or the Selkirk Mountains – the story is the same. Heavy handed, top down management strategies often based on highly speculative scientific findings, which seek to make small gains for the bear at huge costs to other interests. Litigation has proliferated, often directed principally at closing down other uses rather than promoting the interests of the bear. The result is a "winner take all" approach which has polarized our communities, created resentment of the federal government, and, unfortunately, created much resentment for the bear. An unnecessary result, in our view, because if grizzly bear management is approached in partnership with local communities, and flexibility is extended to meet the bears' needs in balance with other uses, we believe both objectives can be satisfied.

These failed policies of the past are largely responsible for where we are today on grizzly bear management policy for the Selway-Bitterroot area of Idaho and Montana.

The Citizen Management Concept

Our discussions with the organizations I mentioned earlier have lead us to a citizen management concept which we have offered to the Fish and Wildlife Service for grizzly bear recovery in Idaho. We believe that if there are to be sustainable bear populations in this area, the citizen management approach is not only the best way to set policy for the bear, but it is the only way that will bring about good decisions for the bear and good decisions for the communities involved. There are three principle parts to the citizen's management proposal.

1) The Secretary of Interior fully delegates management authority for grizzly bear populations in the Selway-Bitterroot to a management committee made up of local citizens appointed by the Governors of the effected states.

2) The Selway-Bitterroot grizzly populations be classified under the Endangered Species Act as "nonessential, experimental," thereby giving the citizens committee broad flexibility on how specific bear management issues are addressed.

3) The recovery zone be defined in a manner which seeks to minimize conflicts with other uses, and, at the same time, to include a sufficiently

broad management zone be identified to ensure that citizens committee's authority over all bears in the area.

For the past twelve months we have been discussing this concept with the U.S. Fish and Wildlife Service, our community leaders, and other citizen groups in Idaho and Montana. We still have much to do in talking to our friends and neighbors about his proposal.

We are also waiting to hear how the U.S. Fish and Wildlife Service will respond to this proposal.

Issues

Conversations in our states and communities have raised several issues which I would like to identify today.

First, are questions regarding the legal authority under the Endangered Species Act to authorize the citizen management structure we have envisioned. Related questions have arisen about how much discretion the citizens committee will actually have under a federal government delegation.

Second, are ongoing questions about the science of bear management in this area. Some people question the historic range of grizzly bears in Idaho and others have raised issues about whether the current habitat conditions will support grizzly populations today.

Third, people are understandably concerned about personal safety issues. These concerns are real and deserving of a response. Grizzly bear management cannot place citizens' personal safety at risk.

All of these issues are legitimate and need to be addressed. For the citizen's management concept to work, and continue to hold our support, the citizen's management committee must be legally and properly empowered. There are also serious issues of trust which go beyond the legal reviews. The delegation of authority by the Secretary of Interior must be real, not a sham under which the Secretary maintains approval authority over the citizens committee's actions. Recently, seemingly arbitrary action by the Departments of Interior and Commerce on bull trout, salmon, and management issues regarding the delisting of Yellowstone bear populations have made many local citizens even more skeptical about the trustworthiness of the federal government and this Administration's intention to adopt and honor this proposal. Perhaps additional safeguards, beyond those already suggested, will be needed to ensure the integrity of the citizen's management proposal.

The fourth, and final issue which continues to arise is related to ongoing questions about revisions to the Endangered Species Act. Many Idahoans and Montanans, including some supporting our organization, believe it is wrong to promote new populations of listed species until the fundamental problems of the ESA are rectified. Given the long record of failed ESA species management programs in the west, where major changes have been forced upon our communities and individuals with little evidence that species actually benefited, this perspective is fully understandable.

Yet, I would offer that the citizen management concept, as conceived of for grizzly bears in the Selway-Bitterroot could, perhaps, provide and example for how to go about solving the broader issues of Endangered Species Act policy.

Conclusion

The Intermountain Forest Industry Association has long advanced the perspective that no single use of our forestlands should preclude another. Current public resource policies which focus on promoting dominant use philosophies and management are outdated, bad policy, and create only conflict rather that solutions.

IFIA has also promoted local decision-making by local people, who know the resource best, and are most effected by management decisions. This is the proper policy for reaching important public natural resource management decisions. The citizens management concept we have helped develop for grizzly bear management in the Selway-Bitterroot is consistent with these views. If there is to be a recovered population of bears in this area, the citizen management concept is not only the best way to bring this about, it is the only way which will gain the support of local communities.

I believe it is fundamentally wrong for the federal government to force an Endangered Species Act listed "species", and all the federal regulations that come with it, upon local citizens and local communities who have not been included in the decision-making process and are not supportive of such an action. It is even more wrong when the species brings with it some personal safety considerations, as does the grizzly bear.

However, I believe it is fundamentally right for the federal government to facilitate actions by all citizens to help secure the future of species threatened with extinction. The citizen management proposal we have helped develop for Selway-Bitterroot grizzlies is a proposal to do just that.

I appreciate the opportunity to testify.

TESTIMONY OF PHILIP CHURCH

UNITED PAPERWORKERS INTERNATIONAL UNION

LOCAL 712

LEWISTON, IDAHO

My name is Phil Church. I am the past President of United Paperworkers International Union Local 712. Seven years ago recognizing the political wars over forest management and national forest timber sale programs were being won by people who could care less about the union families whose jobs were being sacrificed in the name of the environment. I and my union sisters and brothers formed a joint labor/management effort called ROOTS. ROOTS is the Resource Organization On Timber Supply.

Soon after forming ROOTS to try and reverse the decline of the Clearwater and Nez Perce National Forest timber sale programs, the U.S. Fish and Wildlife Service declared their intention to reintroduce the grizzly bear into these forests. We believed the reintroduction of the grizzly bear into our forests would ultimately result in decisions by federal managers favoring the bear over the use and enjoyment of these forests by our families. We were told by the USF&WS that a reintroduced grizzly bear population would be managed under Section 7 of the ESA. **We did not want the grizzly bear reintroduced in our forests.** After much research we were convinced the ESA was stacked against the citizens and would force reintroduction of the grizzly bear and of course our first reaction was to say ***hell no!***

Well, the hell no approach rarely works in labor/management negotiations and so ROOTS began researching grizzly bear management alternatives. We quickly realized we could not stop the bear from being introduced. So ROOTS started to work on <u>where</u> and <u>how</u> the bear was to be managed.

ROOTS, working with the timber industry's Inland Forest Industries Association, the National Wildlife Federation and Defenders of Wildlife suggested the bear be reintroduced as a "non-essential experimental population" managed by a local citizens group *not* the USF&WS, the Forest Service and/or the Idaho Fish and Game. We understand the Citizens Management Alternative may be the preferred alternative in the USF&WS draft EIS. And, we hope this Administration. Legislators and other groups have not altered its clear intent.

If we had a choice, we said NO BEAR! But, if the bear is coming to the Clearwater and Nez Perce forests in spite of the protests we believe the traditional ESA top-down command and control approach will fail, the bear will not recover and our families and the communities we live in will be severely impacted. Citizens management will work because it provides the people with the most to lose, the opportunity to win because of the control they can exercise over their environment. Citizens management is the way of the future for improving the recovery chances of bull trout, salmon and yes, even entire National Forests. There is absolutely every reason to believe local efforts and needs will also provide for the national interest. Trust us to make it work.

Thank you.

TESTIMONY OF HANK FISCHER
NORTHERN ROCKIES REPRESENTATIVE
DEFENDERS OF WILDLIFE
FOR THE HOUSE OF REPRESENTATIVES' COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
WASHINGTON, DC
JUNE 12, 1997

Representative Chenoweth, members of the Committee, thank you for the opportunity to testify before the Subcommittee on Forests and Forest Health regarding the reintroduction of grizzly bears to the Bitterroot ecosystem of central Idaho and western Montana. My name is Hank Fischer, and I am the Northern Rockies Representative for Defenders of Wildlife. Defenders is a national non-profit wildlife conservation organization of approximately 200,000 members, including many who live in Montana and Idaho. I have worked for Defenders in the Northern Rockies for twenty years and have been intensively involved with endangered species recovery efforts for wolves, grizzly bears and black-footed ferrets.

The restoration of wolves to Yellowstone National Park stands as a landmark conservation achievement, one historians will use to mark the end of an era of predator persecution in the United States. This action will influence the conservation of large predators around the globe.

But while Yellowstone wolf restoration may be a historic achievement, it's a less-than-perfect conservation model for at least three reasons: it took too long, it cost a lot of money and too many people in the local area remain angry about it.

Stubborn politicians and anti-wolf zealots made wolf restoration unnecessarily difficult. Nevertheless, many of us who participated in the protracted Yellowstone conflict reached a similar conclusion: While we won the battle — and it was an important battle to win — conservationists will lose the larger species protection struggle unless we adopt less polarizing wildlife restoration strategies.

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Some of the battle-scarred veterans of the Yellowstone wolf wars decided to take a different course with a new initiative to restore grizzly bears to the Bitterroot ecosystem, the huge expanse of wilderness and roadless areas in western Montana and central Idaho. Rather than launching a campaign and igniting a controversy, Defenders of Wildlife and the National Wildlife Federation (NWF) set out to enlist the likeliest opponents of grizzly recovery — the timber industry and millworkers — in a collaborative effort to restore grizzlies.

Our goal from the beginning was to build the broadest base of support rather than engage opposition. The Yellowstone wolf experience helped in a significant way: savvy industry leaders recognized that just saying no to grizzlies might not be such a smart strategy. We began meeting regularly with timber industry and labor groups in 1994. While initial meetings were sometimes tense — both sides occasionally needed to vent their displeasure with the other — we were surprised to discover that many of these people who make their living from the land did not object to restoring grizzlies.

We also learned that nearly all of our so-called opponents shared our passion for the outdoors and enjoyed many of the same recreational activities: hiking, fishing, camping and horseback riding. We came to understand that they, too, choose to live in Montana and Idaho because they appreciate the quality of our environment. In short, we found we had more in common than any of us initially realized.

We learned how much these timber and labor people feel threatened by the Endangered Species Act (ESA). They believe some environmentalists use the ESA to restrict legitimate commercial activities, whether such restrictions are necessary for the conservation of a species or not. They feel environmentalists are often insensitive to the needs of their small communities, and they fear that grizzly recovery could leave no room for people or jobs.

It only took a few months for our disparate groups to reach philosophical common ground: Grizzlies should be restored to the Bitterroot area, but impacts on local economies and local people should be minimized. Nothing about this was groundbreaking. Our critics called it "happy talk", and we had many of them, from both ends of the resource use spectrum.

But the next step was significant and substantive. Defenders of Wildlife and the National Wildlife Federation asked leaders of the two principal commodity groups, the Intermountain Forest Industry Association and the Resource Organization on Timber Supply, to join us in writing the Montana and Idaho congressional delegations to ask for funding to initiate a Bitterroot grizzly environmental impact statement (EIS).

Starting an EIS is probably the single most critical step in any species reintroduction effort. It's the time when opponents typically step forward and make themselves heard. It's the point in the process when politics frequently overrides biology. For instance, wolf foes in Congress blocked funding for a Yellowstone wolf EIS for nearly eight years.

But our timber industry and labor counterparts signed the letter requesting funds, and in 1995 Congress approved the U.S. Fish and Wildlife Service's (FWS) request for $250,000 to start a Bitterroot grizzly restoration EIS. Given events unfolding at precisely the same time, this was nothing short of remarkable.

In early 1995 two major endangered species conflicts were unfolding in the northern Rockies. First, wolves were reintroduced to Yellowstone Park and central Idaho. This was

so controversial with rural interests that the Governor threatened to call out the National Guard to stop the Idaho reintroduction. Second, at this same time Idaho citizens were demonstrating in the streets in Salmon, in response to a judge's ruling on a Pacific salmon suit that temporarily shut down timber harvest activities in Idaho national forests. This was a time many Idahoans were extremely upset about the ESA. The fact that Congress approved Bitterroot grizzly reintroduction funding in such a hostile endangered species climate underscores the strength of this collaborative effort. Under any other scenario, funding certainly would have been denied. Our unusual coalition began to work in earnest once the EIS process started. In conjunction with state and federal agencies, we developed a question-and-answer booklet on grizzly bear recovery that everyone could agree upon. We hosted a series of local meetings in which the public could voice concerns about grizzly recovery. We met with local, state and national political leaders.

But most significantly, our group began to meet regularly to develop a joint plan for restoring grizzlies to the Bitterroot. This process wasn't without its nervous moments. A memorable meeting occurred the day after Election Day in 1994 when both the U.S. Senate and the House of Representatives became more conservative and the outlook for environmental protection seemed reduced. Defenders and NWF went to the meeting suspecting that timber and labor interests might change their minds about further discussions. It was plain that they had the political strength to block any grizzly reintroduction for the foreseeable future.

Surprisingly enough, the elections reaffirmed everyone's commitment to our collaborative process. The timber industry told us they were sticking with our process because it was the right thing to do, and because at some point in the future the political pendulum would swing the other direction. We all agreed that if our groups could find a solution that meets the needs of local people and the bear, we're all better off.

In July 1995, our coalition submitted a proposal to FWS for inclusion as an alternative in the draft EIS. This was not business as usual. Normally, state or federal agencies develop EIS alternatives. Never before had such a diverse group of interests developed such a detailed endangered species reintroduction proposal.

FWS welcomed our proposal and has promised to include it in the draft EIS. We expect it will be the preferred alternative. Our proposal has three key parts. First, grizzly reintroduction would occur as an "experimental" population, a special provision of the Endangered Species Act passed by Congress in 1982 to facilitate the reintroduction of controversial endangered species. Wildlife activists and Congressional leaders observed then that despite the best intentions of the law, strong local opposition continued to thwart reintroduction of many endangered species.

The experimental population designation allows agencies to relax some ESA provisions, provided this furthers conservation of the species. It has been used successfully to reintroduce red wolves in North Carolina, gray wolves at Yellowstone and in central Idaho and black-footed ferrets in several locations.

To use the experimental designation, agencies must meet three requirements: it must be for a reintroduction and the reintroduction must be within the historic range of the species; no existing population of the species may be present in the experimental area; and the reintroduction area must be geographically separate from existing populations.

The Bitterroot grizzly situation meets all of these requirements. Lewis and Clark as well as several other early explorers encountered grizzly bears in this area. In 1891, famous naturalist and hunter William Wright killed 13 grizzlies in the Bitterroot area.

Second, the best available information suggests that no Bitterroot grizzly population now exists. While some people claim a few grizzlies still roam the Bitterroot, no documented sightings have been reported since the 1940s. The Idaho Fish and Game Department surveyed extensively for grizzlies in the early 1990s but could find none. The nearest grizzly populations are well north of the Bitterroot area, more than a hundred miles from where bears would be reintroduced.

The experimental population designation provides important flexibility that otherwise would not be available. For instance, because parts of grizzly bear reintroduction area (the Selway-Bitterroot Wilderness) are less than ten miles from Montana's heavily-populated Bitterroot Valley, some residents worry about having grizzly bears too close to where they live. Our proposal designates private lands in the Bitterroot Valley as areas where grizzly bear presence will be actively discouraged. Bears that come onto these private lands will be captured and returned to the wilderness.

The second key part of our coalition's grizzly plan: while bears would be accommodated throughout the 15-million acre Bitterroot ecosystem, reintroduction would focus on the Selway-Bitterroot Wilderness, which contains excellent bear habitat. This parallels Yellowstone wolf restoration efforts, in which reintroductions have focused on Yellowstone National Park, yet wolves are expected to live and flourish across the broader ecosystem.

While our proposal establishes the 1.4 million-acre Selway-Bitterroot Wilderness and the 2.4 million-acre Frank Church River of No Return Wilderness as the areas of primary recovery emphasis, it specifically acknowledges that grizzly bears occupying habitat outside of the wilderness areas on national forest lands will be part of the recovery effort.

The third part of our proposal is the most innovative and perhaps the most controversial. It calls for joint management of the grizzly recovery program by a committee of Montana and Idaho citizens and state and federal wildlife professionals. Our coalition agrees that the most critical factor in winning broad public support for grizzly restoration is to give citizens a larger and more meaningful participatory role in bear management. Everyone agrees that for any reintroduction proposal to receive serious consideration, careful attention to the needs of local communities is essential.

Both conservationists and scientists have come under increasing criticism for perceived inattention to the needs of rural communities. Conservation biologist Peter Brussard has urged integration of local communities and conservation efforts wherever possible. "If people see that conservation goals are consistent with their own, they will become part of the solution rather than remain a major part of the problem," he has written.

Returning the grizzly to the Bitterroot exemplifies the classic dilemma faced by conservation biologists — a species in danger, scientific uncertainty regarding its biological needs, and a complex backdrop of real or perceived social and economic concerns. Our challenge is to meet the pressing environmental goal of expanding the grizzly's range and numbers while maintaining the support of people who live near the bears.

It may not be completely accurate to hail this citizen management concept as an innovation. Pioneer conservationist Aldo Leopold made a similar proposal in a 1936 essay about protecting rare animals, "Threatened Species." He suggested that government agencies form a committee of diverse public interests to define the needs of endangered species. He viewed cooperation between the government and private citizens as essential to conservation and voiced optimism about the inherent tendency of humans to do what is right for wildlife.

Summarizing his own vision of how citizens should be involved in conservation, Leopold wrote: "I am satisfied that thousands of enthusiastic conservationists would be proud of such a public trust, and many would execute it with fidelity and intelligence. I can see in this setup more conservation than could be bought with millions of new dollars, more coordination of bureaus than Congress can get by new organization charts, more genuine contacts between factions than will ever occur in the war of the inkpots...."

Our citizen management committee for Bitterroot grizzlies would consist of 15 members: seven Idaho citizens including a representative of the Idaho Department of Fish and Game; five Montana citizens, including a representative of Montana's Department of Fish, Wildlife and Parks; and single representatives of FWS, the U.S. Forest Service and the Nez Perce Tribe. Except for the Forest Service, FWS and tribal position, the Secretary of Interior will make all appointments, based on the recommendation of the two governors.

While state and federal agencies would conduct day-to-day bear management activities, the committee would set policy, develop work plans and oversee the controversial aspects of grizzly recovery. This would not be an "advisory" committee where people simply exchange viewpoints. Citizens would be responsible for actual management decisions.

While the Committee would have substantial authority, it would be required to abide by the same rules as federal agencies: Its actions must lead to recovery of the species, and it must use the best available science to make its decisions. If the Committee failed to exercise its authority properly, the Secretary of the Interior could reassume management authority. The Secretary, however, may reassume authority only after providing the

committee with recommended corrective actions and giving the committee as least six months to discuss those actions and to resolve the identified problems.

This unique approach to endangered species conservation has drawn significant praise. The Washington Post published a feature on our nontraditional coalition and ABC Nightly News made it the topic of a special Earth Day report. Nearly every major Montana and Idaho newspaper has editorialized positively about our collaborative tactics. The Idaho Falls Post-Register called the proposal "exciting," suggesting that it "could set a new trend for the next couple of decades in working out environmental problems." The Bozeman Chronicle called it "one of the most forward-thinking developments on the threatened species front." The Spokane Spokesman-Review called it "a model for 1990s environmentalism."

This citizen management concept admittedly takes a plunge into uncharted waters. Grizzly bear management in the United States so far has been based largely on a federally driven system of regulation and enforcement. While this new model embraces the goals and objectives of the federal ESA, it relies on local communities, working in concert with agency professionals and the best available science, to develop the most effective and least costly plan for grizzly restoration. This new model relies on federal control only as a safeguard in the event the local committee fails to take the actions necessary to recover the grizzly.

This new vision requires a leap of faith. Will ordinary citizens, if adequately informed by scientists, make positive decisions for grizzly bears? Will investing citizens with more authority simultaneously invest them with a greater sense of responsibility? Will this new approach to grizzly bear recovery focus people more on problem-solving and less on being angry? It's a critical experiment because it tests Leopold's premise that ordinary citizens, once informed of the biological needs of wildlife, will make good decisions.

Regardless of the outcome, this collaborative approach to Bitterroot grizzly restoration has already produced major dividends. It took eight years and more than $6 million to get a Yellowstone wolf environmental impact statement off the ground. It has taken about two and half years and less than $500,000 to reach the same place with Bitterroot grizzlies. Without this collaborative approach, Bitterroot grizzly reintroduction would not even be on the table.

But most important of all, successful reintroduction could increase bear numbers and range in the lower 48 states by nearly a third, while beginning to link existing bear populations in Yellowstone and northwestern Montana. But the most important benefit of this collaborative effort may be that the social environment these bears step into when they are reintroduced will be much more hospitable to survival than it would have been otherwise.

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HEADLINE: U.S. tourist sues over grizzly bear attack

BYLINE: JAMES MACCARTAN, CANADIAN PRESS

BODY:

A former Montana park ranger who still has physical and emotional scars from a grizzly rampage at a Lake Louise campground last year is suing the federal government.

Park officials should have warned campers about a string of bear encounters in the days before the attack, says a statement of claim filed on behalf of Susan Olin, 39, of Whitefish, Mont.

"The defendant knew or ought to have known that the bear represented a danger to campers," says the statement filed with Court of Queen's Bench in Calgary.

The park "had a duty to close the campground or alternatively warn prospective campers" about the danger and the "aggressive nature" of the previous attacks, Olin claims.

Olin, a ranger with Glacier National Park in the United States, was camping with a friend in the Rocky Mountains when a bear slashed through their tent in the early hours of Sept. 25, 1995.

Four other tourists, two Germany and two Australians, barely escaped when the bear ripped their tents as they slept.

A tent was knocked over and a cyclist was chased by a bear in the weeks before the attack on Olin. A bear also ripped open an empty tent three days before the attack, the statement says.

Olin claims she "was not given details of previous attacks . . . (and) as a trained park naturalist and experienced camper, would not have camped in the campground had she been informed of these details."

Parks Canada knew nothing of Olin's suit and refused to comment.

Park officials later trapped and killed a grizzly sow and cub, only to find after DNA tests months later that they'd killed the wrong bears.

Olin can no longer work as a park ranger after the experience left her with "prominent and disfiguring" scars and physical, emotional and psychological damage, her claim says.

Calgary Herald, October 24, 1996

It says she "may suffer further loss of income as a result of her heightened fearfulness and anxiety of bears."

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