



November 13, 2023

Director Martha Williams
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Livestock Industry Comments on the Proposed Rule, "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State," Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

Dear Director Williams,

American livestock producers operate on the frontlines of environmental stewardship across hundreds of millions of acres of both private and public lands. In addition to feeding our nation and forming the backbone of the rural economy, the ranching industry is indispensable to ensuring our rangelands, pastures, and working lands remain open, green, healthy, and resilient. To that end, producers have voluntarily invested immense time and resources into the conservation of numerous wildlife species. No rancher – especially in the West – is under any illusion that the industry can continue to operate for generations to come without a significant component of wildlife conservation and habitat management. Indeed, this component is often one of the aspects that ranchers love the most about their work; working with state, Tribal, and federal authorities to actively manage sustainable levels of the wildlife species that have helped make the Western United States so iconic the world over. However, as you well know after your years of work on this species, grizzly bear conservation presents complex challenges to producers on the ground.

The Public Lands Council (PLC) is the only national organization solely focused on advocating for the approximately 22,000 federal grazing permittees who run cattle and sheep on nearly 250 million acres of Bureau of Land Management (BLM) and U.S. Forest Service (USFS) lands across 13 Western states. The National Cattlemen's Beef Association (NCBA) is the nation's oldest and largest trade association representing American cattle producers, representing nearly 150,000 cattle producer-members through both direct membership and 44 state affiliate associations. The American Sheep Industry Association (ASI) represents the interests of more than 88,000 sheep producers located across the country. The American Farm Bureau Federation

(AFBF) is the nation’s largest general farm organization, with almost six million farm and ranch member families in all 50 states and Puerto Rico. Collectively, we (the “Livestock Associations”) offer the following comments in order to direct the U.S. Fish and Wildlife Service’s (“the Service”) attention to the numerous burdens a grizzly bear population will place on livestock producers in the North Cascades Ecosystem (NCE), and to offer solutions for a more durable conservation effort.

Grizzly Bears Are Rapidly Recovering Nationwide — Without the NCE

The establishment of a nonessential experimental population in the NCE is not necessary to achieve durable conservation of the species. With all the progress being made species-wide and nationwide, and the increasing pressure from Congress to delist the grizzly bear altogether, establishing another pocket of genetically indistinct bears will only jeopardize future science-based efforts to delist.

Today, there are well over 1,000 bears in the Great Yellowstone Ecosystem.¹ In the Northern Continental Divide Ecosystem, there are more than 1,100.² These populations are thriving, and it is difficult to see the value in establishing a population that will – by necessity – add little to no genetic diversity and hybrid vigor to the species nationwide. The Service’s target of reaching 200-400 bears in the NCE population feels particularly arbitrary given that no bears are currently recorded living in the NCE, and we do not have accurate historical records of how many bears were there hundreds of years ago before the explosion of human settlement in the West.

This proposed rule seeks to establish another population in another recovery zone, but does not clearly state how that will get us any closer to the delisting of the grizzly bear. Livestock producers are justifiably wary of this approach, since the gray wolf population has grown year over year and the Service (notwithstanding their efforts to comply with court orders) has shown little urgency to delist the fully recovered species. Producers fear that grizzly bears will go the same; the Service will just grow and grow the nationwide population, forcing these animals closer and closer to humans and livestock, without showing any serious intention to delist the species.

Threats to the Safety of Farmers, Ranchers, and Their Families

The decision to airdrop an 800-pound apex predator into an area that is both home and workplace to ranchers and other rural Americans is not a decision that should be taken lightly, and the Livestock Associations believe that the draft rule accompanying the draft Environmental Impact Study (DEIS) for this proposal grossly understates the risk to the safety of these individuals.

The draft rule cites one study that used isotope analysis of hair samples from bears in a comparable environment to the NCE and found that meat comprised anywhere from “6 percent

¹ “Grizzly Bears in Yellowstone National Park,” National Park Service.

² “Northern Continental Divide Ecosystem Grizzly Bear Population Monitoring Team Annual Report,” Montana Fish, Wildlife, and Parks Department. 2021.

to 37 percent of diet.”³ In another study, researchers found that the diet of adult males may be as high as 70 percent meat.⁴ Clearly, by the Service’s own admission, we do not actually have a firm floor or ceiling on the amount of carnivorous predation that may occur in the NCE; it is highly variable. Additionally, grizzly bears can quickly become conditioned to return to the same food source over and over. As they become habituated to a reliable meal, whether that comes from the ranch house trash cans, bunks of cattle feed, or calves in the calving pasture, the risk to the safety of livestock producers and their families grows and grows. It is disingenuous at best to suggest, as the Service does throughout this proposal, that the occurrence of conflict between humans and the grizzly bear population is going to be minimal when we don’t actually know how many bears are going to seek out food sources in high-conflict areas and we don’t know if meat is going to make up a negligible amount of their diet or the vast majority of their diet.

The fact is, the risk to producers is higher than the Service acknowledges, and that is particularly true for permittees operating on USFS allotments in the NCE. If the reintroduction proceeds, grizzly bears are going to emerge from hibernation (often with young) at higher elevations between March and May, precisely when permittees are trailing cattle and calves up the mountain to turn out on summer grazing allotments. Human-grizzly bear interactions are widely recorded across current recovery zones. In congressional testimony earlier this year, one rancher⁵ living on the eastern edge of the Northern Continental Divide Ecosystem noted that her family and ranch have had to make numerous adjustments to avoid lethal conflicts, including:

- Changing their calving date to February, when most bears are in hibernation. This transition has exposed both the family and their livestock to brutal conditions, with temperatures during their 2021 calving season falling and remaining at -15 degrees.
- Getting out of some production altogether. The Johnson family no longer raises sheep or pigs at all, due to their susceptibility to grizzly bear depredation.
- Investing in a costly grizzly bear fence. The five-foot high woven wire fence includes two electric strands and encompasses 14 acres around the Johnsons’ home and barns. The total cost of the project was approximately \$17,000.
- Increased risk when engaging in basic, everyday life in a rural area. While fulfilling their obligation to manage noxious weeds, the Johnsons often find themselves in prime bear habitat. External childcare is not an option; the kids are out working with their parents, on guard against predators and carrying bear spray. The family no longer walks, swims, or fishes along the creek on their property for fear of bears.

These are just a few examples of quotidian burdens and risks that will face Washington farmers and ranchers in the NCE. In the matrix of bureaucratic federal decision making, these impacts may not seem significant, but they are far from trivial to the families who suddenly have to cope with an apex predator they didn’t ask for in their backyard and which they do have an unregulated ability to defend themselves against.

³ Fish and Wildlife Service’s Proposed Rule, “Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State,” Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

⁴ Proposed Rule, Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

⁵ Testimony of Karli Johnson, Sevens Livestock Company. House Committee on Natural Resources. 3/23/2023.

In light of these safety concerns, at the very least, in addition to the increased management and lethal take flexibilities outlined later in these comments, the Livestock Associations request that the Service be far more cautious about the bears they want to introduce. The current proposal states that the Service “will prioritize capturing grizzly bears that do not have a history of coming into conflict with humans.”⁶ The language should read to the effect of, “the Service will not source any grizzly bears that have a history of coming into conflict with humans, livestock, or livestock guard dogs. The history considered will include all complaints and reports filed by agricultural producers in the vicinity of the proposed donor population of bears, not just confirmed depredation kills.” There must be explicit direction, beyond a shadow of a doubt, that the Service will do everything in their power to avoid translocating a problem bear from another recovery zone into the NCE. If stricter parameters mean that fewer bears can be translocated, then the Service ought to adjust its expectations rather than introduce an unacceptable risk to the lives and livelihoods of farmers and ranchers.

Threats to the Economic Fabric of Rural Washington Communities

In addition to the threat to human safety, the reintroduction of grizzly bears to the NCE will pose a real risk to the economic viability of the ranch and farm families that undergird the rural economy across Washington state. This proposed rule underestimates the potential harm to agricultural producers, and it could go much further in working to ensure that producers can be made whole after depredation and other losses due to predator presence.

The Service’s analysis under the Regulatory Flexibility Act concluded that this proposal would not have a significant and substantial economic impact. In 1935, there were 6.8 million farms in the United States – today, there are 2 million.⁷ In 2012, there were 915 million acres in agricultural production – today, there are 893 million.⁸ Given the continued decline of the number of Americans who are working to feed a steadily climbing population at home and abroad, the Livestock Associations object to the characterization of the loss of *any* agricultural producer as insignificant. Grizzly bear depredation, in addition to the mountain of other economic stressors on family-owned farms and ranches, has the potential to drive producers in the NCE out of business. Nearly 2,300 cattle operations and nearly 500 sheep operations occur in the region of influence (ROI) for this proposal. Each one is valuable to the local economy, supporting numerous other small businesses in rural communities. Losing even 1 percent of those operations would translate to the loss of 28 livestock operations, 28 fewer businesses that are feeding the county taxbase, supporting rural schools, spending at hardware stores, tire dealers, and other small businesses, and more.

The Service similarly minimizes the potential economic harm to federal lands grazers. As of 2015, there were 320,044 acres permitted for livestock grazing in the NCE.⁹ Grizzly bear depredation, risks to safety, and economic loss will impact permittees on public lands just as they

⁶ Proposed Rule, Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

⁷ “The number of U.S. farms continues slow decline,” U.S. Department of Agriculture Economic Research Service. 3/14/2023.

⁸ “The number of U.S. farms continues slow decline,” U.S. Department of Agriculture Economic Research Service. 3/14/2023.

⁹ Proposed Rule, Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

will impact producers operating on private lands, and the loss of grazing permittees poses a similar threat to rural communities. Modelling conducted by the University of Wyoming examined the consequences of removing grazing from federal lands in Idaho, Oregon, and Nevada. Combined, the data set modelled losses on 5,389 active grazing permits that, if removed, would result in a 60 percent decrease in ranch sales, a 50 percent decrease in labor income, a 65 percent decrease in personal income (from \$33,940 to \$11,812) and billions of dollars in direct economic losses.¹⁰ The loss of even a few federal grazing permittees in the NCE could have a severe impact on rural northwest Washington.

Additionally, the range of potential economic loss to producers is broader and more variable than the Service accounts for in this proposed rule. Depredation kills are just one factor that impacts the bottom line of farmers and ranchers; stress-related slowed weight gain, failure to breed back, and spontaneous abortion of calves and lambs can also result from the presence of apex predators. Numerous studies show that livestock weight is reduced in areas where large carnivorous predator species are found. One 2014 study focused on wolves but noted the results can be more broadly applicable to other predators: in areas near a confirmed kill livestock weights were down 3.5 percent.¹¹ This could range in a reduced cattle sales value of \$30-\$50/head depending on beef prices, and confirmed predator presence reduces average ranch income by \$6,679 (\$7,573 in 2021).¹² Another study estimated an 18-24 percent reduction in live born lambs per ewe in herds living with high carnivore densities. In the same study, producers reported spending more time on fence maintenance, animal search and retrieval, and managing general control measures, reducing the efficiency of the ranch.¹³ A third study found 27 percent of ranchers reported nervous behavior, change in distribution patterns, and reduced grazing time (negatively impacting livestock weights), and 19 percent of ranchers reported reductions in conception rates.¹⁴ Finally, another study shows that cattle exposed to wolf packs, surrogates for wolves (e.g. bears), or actual predation tended to cluster more and disperse less efficiently, negatively impacting calf growth and the environmental impact on the landscape.¹⁵

It is imperative that the Service address both actual depredation and the many impacts of grizzly bear presence on livestock. The Service must coordinate with both the State of Washington and the U.S. Department of Agriculture to ensure that compensation for these impacts is clear, consistent, and achievable.

Farmers and Ranchers Need Greater Management Flexibilities

While the Livestock Associations appreciate the Service's decision to establish the grizzly bears in the NCE as a 10(j) nonessential experiment population, we believe the framework outlined in

¹⁰ "Economic Impacts of Removing Federal Grazing Used by Cattle Ranches in a Three State Area (Idaho, Oregon, and Wyoming)," University of Wyoming, College of Agriculture and Natural Resources. 8/2022.

¹¹ "Crying Wolf? A Spatial Analysis of Wolf Location and Depredations on Calf Weight," American Journal of Agricultural Economics. 10/2014.

¹² "Crying Wolf? A Spatial Analysis of Wolf Location and Depredations on Calf Weight," American Journal of Agricultural Economics. 10/2014.

¹³ "Costs of Livestock Depredation by Large Carnivores in Sweden 2001 to 2013," Ecological Economics. 1/2018.

¹⁴ "Modeling Large Carnivore and Ranch Attribute Effects on Livestock Predation and Nonlethal Losses," Rangeland and Ecology Management. 6/2018.

¹⁵ "Predator and Heterospecific Stimuli Alter Behavior in Cattle," USDA National Wildlife Research Center. 2009.

the proposed rule is inadequate for achieving the flexibility the Service intends to provide to producers.

If lethal take of a bear in Management Zone 2 can only be done after confirmed depredation has already occurred, or if lethal take can only be done in Management Zone 3 after the Service determines that a bear presents a “demonstrable and ongoing threat to human safety or to lawfully present livestock,” there will be an inevitable harm to producers.¹⁶ Depredation kills are not always correctly confirmed by agency officials. Others are not confirmed in a timely manner. Asking ranchers to tolerate the loss of at least one, potentially multiple, head of livestock before they have an opportunity to seek authorization for lethal take is overly burdensome.

Additionally, the Livestock Associations request clarification on the Service’s thought process outlined on p. 58 of the proposed rule; “Once the Service or authorized agency determines the threat is no longer ongoing, the authorizing agency will notify the person, terminating the authorization.” Producers need a clear, consistent threshold of what constitutes a no-longer ongoing threat.

The process to request and receive written authorization to engage in lethal take must be as simple and streamlined as possible. Many producers already experience lengthy bureaucratic delays to everything from review of minor range improvements to renewal of grazing permits. Time is of the essence when responding to depredation threats; the authorization of producers to lethally take a grizzly bear must not follow the typical government pattern of delay and hoop-jumping. The Livestock Associations also specifically request that the Service amend the time limit on conditioned lethal take authorizations from two weeks to four weeks.¹⁷ We also urge the Service to make those time-limited conditioned authorizations available to producers in all three management zones.

Timely, Accurate Information Sharing is Critical

Given the high potential for significant negative impact on livestock producers in the NCE, at the very least, proactive steps must be taken by the Service to ensure accurate and timely information sharing on grizzly bears to *all* impacted stakeholders, including ranchers and permittees. Producers deserve to know when there is an apex predator nearby that could impact their business, and the need to know when there is an apex predator nearby that could threaten their family’s safety. Notification on release sites and dates, and updates on the movement of collared bears, must be shared with producers. After a lethal take incident, the circle of information sharing must go beyond the recovery coordinator and Washington Department of Fish and Wildlife; it must also include the USFS staff located in the NCE area. Those USFS range cons are a vital link to communication with their permittees, and full transparency on local lethal take incidences is vital to tracking the pace, frequency, and proximity of aggressive bear behavior.

Conclusion

¹⁶ Proposed Rule, Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

¹⁷ Proposed Rule, Docket No. FWS-R1-ES-2023-0074. Federal Register 9/29/2023.

The proposed reintroduction of grizzly bears to the NCE has the potential to devastate the hundreds of livestock producers in the ROI. There will be numerous significant economic harms to both private and public lands producers, as well as a severe rise in risks to human safety. These consequences are bad enough on their own, but they are even harder for producers to stomach when this reintroduction is not even required for the continued nationwide growth of the grizzly bear population. Local farmers and ranchers, as well as elected leaders from Washington state, have objected to this proposal for years. We urge the Service to listen to these local voices and withdraw the proposal. If the Service continues to ignore the objections of those most closely impacted, we urge you to make changes to ensure that producers in all three management zones have the flexibility they need to lethally control bears and protect their livestock.

We appreciate your consideration of these comments, and are happy to discuss any of the points outlined above in greater detail.

Sincerely,

Public Lands Council
National Cattlemen's Beef Association
American Farm Bureau Federation
American Sheep Industry Association
Washington Cattlemen's Association
Washington Cattle Feeders Association
Washington Farm Bureau
Washington State Sheep Producers
Oregon Cattlemen's Association
Oregon Farm Bureau
Idaho Cattle Association
Idaho Farm Bureau Federation
Wyoming Stock Growers Association
Wyoming Farm Bureau Federation
Montana Stockgrowers Association
Montana Farm Bureau Federation