

Testimony House Resources Committee
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Good morning. I was the USFWS Grizzly Bear Recovery Coordinator for 35 years. As such, I led the grizzly bear recovery program from its beginning until I retired in 2016. I am currently the Board Chair and President of the Montana Wildlife Federation.

My testimony will focus on the statutory requirements for determining if a species is able to be delisted from the Endangered Species Act (ESA), the current threats to grizzly bears and wolves, and the importance of the role of science and facts to the management of wildlife, particularly wildlife that have been or are currently listed under the ESA.

I speak to you as a professional grizzly bear biologist. As a FWS employee, I wrote the Grizzly Bear Recovery Plan and the original delisting proposal for the Yellowstone ecosystem grizzly population. That delisting was litigated in federal court, and I participated in the legal defense of the case with the Department of Justice. I am very familiar with the process to recover and delist a species and how these actions are challenged in federal courts. To give you an idea of the extent that I was involved in defending delisting, the legal challenge to the first Yellowstone Ecosystem delisting is designated in legal texts as Greater Yellowstone Coalition versus Servheen.

It is important to know that I believed in and promoted the eventual delisting of recovered grizzlies and wolves and turning them over to state management. I had faith in the wildlife professionals in state fish and game agencies and I believed that these state wildlife professionals would be good stewards who would continue to carefully manage grizzly bears and wolves using science and facts after recovery and delisting.

This all changed in the past few years when state legislatures in Montana and Idaho passed new laws to dramatically reduce wolf numbers and to place aggressive, indiscriminate wildlife killing methods into grizzly bear habitat. Science-based wildlife management in the states was replaced by anti-predator hysteria fueled by misinformation and emotion. Professional wildlife management by fish and game agency biologists was replaced by political intervention that overturned decades of sound wildlife policy.

There have been bills introduced in the House of Representatives that direct the Secretary of Interior to remove ESA protection from grizzly bears and wolves. These bills do not consider the ongoing erosion of grizzly bear mortality regulatory mechanisms by state legislative actions and the threats to habitat security from increased recreation on public lands and increased development on private lands as

more people move into grizzly habitat. These bills do not reference or rely on any scientific data. These bills override the intentions and direction of the ESA.

There are currently 4 grizzly bear populations in the Lower 48 states. The populations of grizzly bears in the Yellowstone and the Northern Continental Divide ecosystems are currently healthy after 42 years of recovery effort. The grizzly populations in the Cabinet/Yaak and Selkirk ecosystems are much smaller and still at risk. It will be important to the genetic and demographic health of these populations to see them eventually connected by natural movements of grizzlies between them. The success of the grizzly bear recovery program is a tribute to the wisdom built into the ESA.

To achieve successful delisting of grizzly bears and wolves, the Secretary of the Interior must evaluate these factors:

- **Is the habitat of the species available in sufficient amount** and productive enough to support a recovered population.
- **Are the population numbers enough** that the animals occupy all the available habitats to allow the population to be recovered and stable.
- **Are adequate regulatory mechanisms in place** to assure that the necessary habitat remains available into the future and are there regulatory mechanisms in place to control mortality in the future to sustainable levels.

The primary threat to achieving successful delisting of grizzly bears and maintaining delisted status for grey wolves are the threats to adequate regulatory mechanisms to control mortality due to humans.

Unfortunately, many people think that delisting only requires reaching a certain number of animals as required by the species Recovery Plan, but this is incorrect. In addition to meeting population objectives, a mandatory requirement of the ESA for a species to be delisted is that adequate mortality management mechanisms are in place to assure that grizzlies (and wolves) remain healthy and recovered after delisting. Healthy and recovered grizzly (and wolf) populations are populations that are carefully managed and distributed across their suitable available habitat.

The greatest threat today to grizzly bears and grizzly bear delisting and to keeping wolves delisted is the state legislatures and governors who are passing and signing legislation that implements harmful anti-predator policies that are not informed by science. These policies from state legislatures will result in more dead grizzly bears and wolves and directly threaten the ability of state fish and game agencies to regulate grizzly and wolf mortality to sustainable levels.

Some examples of harmful state legislation:

- Mandating the use of neck snares to trap wolves in grizzly habitat when grizzly and black bears are out of their dens.
- Allowing the use of hounds to hunt black bears in areas occupied by grizzly bears. The use of hounds to hunt black bears will result in conflicts and death for grizzly bears in the areas where hounds are used.

- Allowing the use of bait around wolf traps and neck snares. Bait will also attract grizzly bears, black bears, and other forest carnivores to these sites where they will be trapped, or neck snared and be killed or maimed.
- Paying people to try to kill wolves. This is a bounty, and it is unethical.
- Allowing shooting wolves at night over bait using spotlights and night-vision scopes. This is unethical and a violation of fair chase hunting.

Black bear hound hunters and wolf trappers have every incentive to not to report conflicts and deaths to grizzly bears as public knowledge of these deaths may result in limitations to their hound hunting and wolf trapping and snaring. Less than 2% of people who hunt Montana black bears hunt with hounds. Hound hunters have no way of knowing what their hounds are chasing until they arrive at a scene of hounds being killed fighting with a grizzly bear or encounter an angry grizzly being chased by hounds. Since hound hunting of black bears and wolf trapping and snaring activities take place away from the public eye and away from agents of state wildlife management agencies, agencies will rarely if ever know of conflicts or dead grizzly bears due to hound hunting or wolf trapping and snaring. What this means in practice is that state fish and game agencies have no way to regulate the mortality of grizzly bears due to hound hunting or wolf trapping and snaring because they will never know about these deaths.

Without adequate regulatory mortality regulatory mechanisms, grizzly bears cannot be delisted, and wolves may be relisted. The lack of regulatory mechanisms is due to political interference in the management of wildlife by the state fish and game agencies.

If it is the intention of state agencies, legislatures, and/or the public that once delisting takes place, regulation of grizzly mortality can be relaxed, this is proof that there are in fact no adequate regulatory mechanisms "in place". "In place" means that regulatory mechanisms will continue after delisting to carefully manage and limit mortality so the species can remain healthy and recovered. Regulatory mechanisms are not a temporary mechanism to be used by state agencies and legislatures to get a species delisted, and once delisting is achieved, then eliminate or reduce regulation of mortality.

It is important to realize that state and federal agencies have programs and dedicated personnel in place to manage grizzly bears that kill livestock. Livestock losses to predators are a real and valid concerns because they impact people's livelihood and property. When there is a depredation, state and federal specialists respond and capture or kill the depredating animal. Most grizzly bears and wolves do not kill livestock. For perspective, in Montana in 2022, grizzly bears and wolves together killed 218 cattle and sheep, which is 0.00822% of the cattle and sheep in Montana. There are also compensation programs in place to pay producers for livestock lost to predators. The Montana Livestock Loss Board paid livestock producers \$237,985 in 2022 for livestock losses due to grizzly bears, wolves and lions (lions killed 59 animals).

In summary, I was a strong proponent of grizzly bear recovery and delisting for decades when I managed to grizzly recovery program for FWS. I believed in and trusted the

wildlife professionals in the state fish and game agencies to carefully manage delisted grizzly populations with science and facts.

It doesn't take a lot of imagination to realize that if grizzly bears were delisted by Congressional action and turned over to state management, that the legislatures and governors would do the same thing to grizzlies that they are currently doing to wolves - they would likely try to legislatively minimize grizzly numbers inside recovery zones and eliminate most grizzlies outside recovery zones. 35 wildlife professionals agree with this concern and signed a public letter opposing delisting if legislators continue to use misinformation and anti-predator emotion to manage grizzly bears and wolves.

If anti-carnivore legislation continues, we stand to lose much more than healthy carnivore populations. These laws threaten the very foundation of scientific wildlife management as well as the acceptance of hunting as a legitimate and non-political management tool. If state politicians are going to ignore science-based wildlife management and prescribe how many predators should be killed and the specific methods to be used to kill them, it will be difficult to ever manage most carnivore populations sustainably, ever achieve grizzly bear recovery, and have in place the adequate state regulatory mechanisms necessary for state agencies to credibly manage recovered grizzly bears and wolves.

The ESA works because it is based on science and facts, and it specifically requires that the listed status of any species must be judged solely on the best available scientific data. I urge you to not pass legislation to circumvent the requirements of the ESA, and Congressionally delist grizzly bears.

Thank you for this opportunity to testify.