



The voice of fish and wildlife agencies

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May 10, 2016

Public Comments Processing
Attn: Docket No. FWS-R6-ES-2016-0042,
U.S. Fish and Wildlife, MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Dear Sir or Madam:

Please accept these comments on behalf of the Association of Fish and Wildlife Agencies (Association) on the proposed delisting rule for the Greater Yellowstone Ecosystem (GYE) grizzly bear Distinct Population Segment (DPS), hereafter referred to as the proposed rule. All 50 state fish and wildlife agencies are members of the Association. The Association lends its' full and strong support to the comments of May 10, 2016, submitted by the Directors thereof and representing the consensus positions of the Wyoming Game and Fish Department (WGFD), Idaho Fish and Game (IDFG), and Montana Fish, Wildlife and Parks (MFWP). The recovery of this GYE grizzly bear DPS is a success story of which we can all be proud, and reflects the dedication and commitment of the states and federal grizzly bear scientists and managers.

These three state fish and wildlife agencies have spent millions of state dollars on grizzly bear recovery, and are committed to continue to working together to collectively manage the recovered GYE grizzly bear DPS at an ecosystem scale for the citizens of their states, and the country. The Association shares the concerns of the three state agencies that the proposed rule is far too prescriptive regarding state post-delisting plans, and it is contrary to Congress' intent in the Endangered Species Act (ESA) that delisted species return to exclusive state authority and management without qualification. Congress directed that the Secretary in cooperation with the states implement a post delisting monitoring plan, but Congress did not give the US Fish and Wildlife Service (FWS) the authority to direct the provisions of the monitoring plan, rather directed that it be done in cooperation with the states. Congress has also given the Secretary emergency authority to list species under circumstances that delisted species or populations experience significant or precipitous declines.

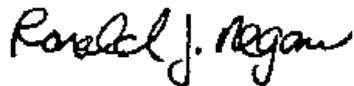
The unassailable biological fact is that the GYE grizzly bear DPS is recovered by all measures of state, federal, and recovery plan objectives. While the population is near the biological carrying capacity of the GYE, it already exceeds the social carrying capacity of the GYE. Once the DPS is delisted, the respective state fish and wildlife agency or agencies will apply the science-based management necessary to maintain a population in balance with its' biological and social carrying capacity. The states have a vested interest in conserving this charismatic species that is emblematic of the GYE at population levels that are both sustainable by the habitat, and tolerated by landowners and local communities.

When giving the Secretary through the FWS the conservation responsibilities (authority) to manage threatened and endangered species, Congress directed in the ESA that state fish and wildlife agency authority remain concurrent with the authority Congress gave to the FWS to manage listed species. That Congress intended the role of the states to be significant is reflected not only in the statute but in the floor statements of several House and Senate Members during the consideration of passage of the ESA.

Congress in enacting the ESA fully intended the distinction between endangered and threatened species, and for the state fish and wildlife agencies to have a significant role in managing threatened species. The three state fish and wildlife agencies have led, in cooperation with the FWS, the successful management of the GYE grizzly bear DPS to recovery which has been sustained for at least 10 years. Yet the proposed rule would compromise the three states' management authority, for example, by requiring the establishment of a hunting season before delisting can occur. It makes good biological, social and common sense to return the management of the DPS to the exclusive authority of the three state fish and wildlife agencies. The Association strongly urges the FWS to accept the changes to the proposed rule requested by the three state fish and wildlife agencies in their letter of May 10, 2016.

Thank you very much for the opportunity to comment on the proposed rule.

Sincerely,

A handwritten signature in black ink that reads "Ronald J. Regan". The signature is written in a cursive, flowing style.

Ronald J. Regan
Executive Director