November 4, 2026

Via Regulations.gov

USDA, APHIS-Wildlife Services
Attention: Mr. Dalin Tidwell
P.O. Box 1938
Billings, MT 59103

Re: Grizzly Bear Damage and Conflict Management in Montana Draft Environmental Impact Statement, August 2026, (APHIS-2025-0004)

Dear Mr. Tidwell,

Friends of Animals[1] (FoA) submits these comments in response to the Grizzly Bear Damage and Conflict Management in Montana Draft Environmental Impact Statement, prepared by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service(APHIS), and Wildlife Services Montana (WS-MT) and submitted in August 2026 (hereinafter, "DEIS").[2]

Grizzly bears (*Ursus arctos horribilis*) in the lower 48 states, including Montana, are threatened under the Endangered Species Act (ESA).[3] These magnificent apex predators are an integral part of Montana's natural heritage and ecosystems, and their continued recovery deserves management approaches that prevent conflict without resorting to killing. Friends of Animals recognizes the need to address conflicts involving bears, people, farmed animals, pets, and property. **However, killing grizzly bears is unnecessary to accomplish these objectives.** With significant federal rulemaking underway that could alter grizzly bear protections and management authority in the lower 48 states, USDA, APHIS, and WS-MT, should prioritize expanding nonlethal conflict prevention and coexistence measures rather than further entrenching reliance on lethal control.[4] Friends of Animals urges WS-MT and cooperating agencies to fully evaluate and adopt an alternative providing nonlethal technical and operational assistance, without recommending lethal removal, or facilitating the killing of bears by others.

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[1] Friends of Animals is a non-profit international advocacy organization incorporated in the state of New York since 1957. Friends of Animals has tens of thousands of members worldwide. Friends of Animals and its members seek to free animals from cruelty and exploitation worldwide and promote a respectful view of non-human, free-living, and domestic animals.

[2] U.S. Dep't of Agric., Animal & Plant Health Inspection Serv., Grizzly Bear Damage and Conflict Management in Montana: Draft Environmental Impact Statement (Aug. 2026). [hereinafter, DEIS].

[3] 50 CFR § 17.11(h); 40 Fed. Reg. 31734 (Jul 28, 1975).

[4] *See* U.S. Fish & Wildlife Serv., *Grizzly Bear Listing on the List of Endangered and Threatened Wildlife With Revised Section 4(d) Rule*, 90 Fed. Reg. 4234 (Jan. 15, 2025) (describing the existing threatened listing and proposing revisions to the listed entity and protective regulations).

A. Grizzly bear conflict management should prioritize prevention.

The DEIS identifies several nonlethal methods used in Montana, including bear-resistant garbage and grain containers, range riders, fencing, and carcass removal programs. It also acknowledges that exclusionary methods can deter bears from accessing protected resources and that nonlethal interventions have demonstrated effectiveness for a wide range of predators and conflicts.[5]

These methods address conditions that contribute to conflict by restricting access to attractants and reducing opportunities for bears to encounter human-associated food sources. WS-MT should expand access to education and these tools, as well as provide the technical assistance, maintenance, and follow-up assistance necessary for their effective implementation.

Moreover, APHIS' Nonlethal Initiative[6] provides a foundation for a more comprehensive prevention program. APHIS explains that the initiative funds nonlethal activities in Montana and other participating states, and enables WS to expand access to preventative tools, and hire dedicated personnel to implement them.[7] The FEIS should evaluate its funding, implementation, participation, and outcomes, especially opportunities for expansion. Identifying available tools is not equivalent to evaluating a program that provides the resources and assistance necessary to implement them effectively.

In the occurrence of unsuccessful intervention, this does not establish that nonlethal management is ineffective. WS-MT should reassess contributing conditions, equipment maintenance, remaining attractants, and opportunities for additional measures rather than treating lethal removal as the necessary next step. Appendix D., *Alternatives Not Considered in Detail*, itself acknowledges that nonlethal methods can successfully reduce and eliminate the use of lethal control, and that nonlethal methods may provide more effective short or long-term solutions.[8]

B. Killing individual grizzly bears will not prevent future conflicts.

Removing a grizzly bear may end that individual's involvement in a particular conflict, but it does not necessarily eliminate the conditions that attracted the bear or prevent other bears from encountering the same resources. Montana Fish, Wildlife, & Parks (MFWP) recognizes that securing attractants is the single most effective way to prevent grizzly bears from becoming habituated or food-conditioned and to reduce human-caused mortality and human-bear conflicts. MFWP also identifies reducing or

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[5] DEIS, supra note 2, at 26.

[6] U.S. Dep't of Agric., Animal & Plant Health Inspection Serv., Wildlife Services' Nonlethal Initiative, (Jan. 13, 2026). https://www.aphis.usda.gov/wildlife-services/about/nonlethal.

[7] U.S. Dep't of Agric., Animal & Plant Health Inspection Serv., *Wildlife Services' Nonlethal Initiative* 1-2 (Feb. 2026) https://direct.aphis.usda.gov/sites/default/files/nonlethal-initiative-fs.pdf.

[8] DEIS, supra note 2, app D, at 197.

eliminating the source of conflict as its initial response in most situations.[9] Therefore, the FEIS should examine whether the evidence supporting any lethal management demonstrates reductions in conflict recurrence. It should also explain the relevance and limitations of studies involving other predator species or landscapes.

C. The DEIS fails to consider reasonable, feasible, and effective alternative: Use of Only Nonlethal GBDM .

NEPA requires an EIS to evaluate a reasonable range of alternatives and their environmental consequences.[10] USDA's implementing regulations further require consideration of reasonable alternatives, explanations for eliminating alternatives from detailed study, and comparative analysis sufficient to evaluate their respective merits.[11]

However, these requirements are not satisfied by merely identifying nonlethal methods within alternatives that continue to prioritize killing grizzly bears. Further, although Appendix D identifies an alternative, "Use of Only Nonlethal GBDM, under which WS-MT would provide nonlethal technical and operational assistance without implementing lethal methods or advising others to use them, the agencies dismiss this alternative rather than considering it in any meaningful detail.[12] Specifically the agencies dismiss this alternative as "redundant" because nonlethal methods already appear in Alternatives 1 through 4. However, an alternative where WS-Montana provides only non-lethal technical and operation assistance would vary significantly from all other alternative analyzed. It would avoid cruel and ineffective lethal measures and promote additional resources towards effective prevention and non-lethal tools.

The DEIS claims that removing lethal management from consideration after nonlethal measures did not completely resolve the perceived problem, is not "reasonable, logical, or professional."[13] This conclusion is arbitrary. It fails to consider the weight of evidence showing that nonlethal risk-reduction measures are more effective at preventing conflict, and that lethal removal is unlikely to resolve it. Even when an initial nonlethal measure falls short, continued and improved nonlethal assistance remains the better course. WS-MT can deploy additional nonlethal tools or strengthen how existing measures are implemented, rather than defaulting to killing.

Focusing on nonlethal management and assistance would improve, adapt, and sustain preventative measures. For example, persistent conflict may require equipment maintenance, additional preventative action, changes in attractant management, or other assistance. **Nonlethal approaches should not be deemed illogical simply if**

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[9] Montana Fish, Wildlife & Parks, Montana Grizzly Bear Management Plan 2024, (34-35) https://fwp.mt.gov/binaries/content/assets/fwp/conservation/bears/grizzly-management/plan---clean-format_final.pdf.

[10] 42 U.S.C. § 4332(2)(C)(iii)

[11] 7 C.F.R. § 1b.7(h)(3)(5)

[12] DEIS, supra note 2, app. D, at 197-198.

[13] *Id*.

they may not produce immediate results, nor should the killing of a grizzly bear be treated as the inevitable or professionally responsible next step.

To the extent that the DEIS defines the purpose and need has been in a manner that is intended to preserve lethal management—it is too narrow. The purpose should be aimed at reducing and preventing conflicts involving grizzly bears, people, cattle, and property. A nonlethal approach best meets that purpose.

USDA's regulations require alternatives to address substantiative issues and demonstrate meaningful differences in environmental impacts compared with the proposed action.[14] Therefore, Friends of Animals requests that the FEIS fully evaluate an alternative that would maintain exclusively nonlethal technical and operational assistance, expand preventative measures and adaptive responses to conflicts, and prohibit both grizzly bear killing and any technical assistance that facilitates lethal management. This alternative should also include monitoring to assess whether conflicts recur and how management actions affect grizzly bears. This alternative would also retain personnel, expertise, and operational assistance. WS-MT prediction that other entities would respond with increased killing is not reasonable or supported. The DEIS should consider the preventative services this alternative would provide. It should also address that an expanded nonlethal program would not leave communities without assistance.

D. The existing alternatives do not provide a meaningful comparison of nonlethal grizzly bear protection.

None of the five alternatives[15] adequately evaluate nonlethal management. Alternative 1 retains lethal and nonlethal operational and technical assistance. Alternative 2 limits operational assistance to nonlethal methods but continues lethal technical assistance. Alternative 3 permits lethal assistance after applicable nonlethal measures have been attempted. Alternative 4 retains lethal intervention in specified circumstances involving human health and safety or federally listed species. Alternative 5 eliminates WS-MT involvement and federal assistance, rather than expanding the use of nonlethal services.

Additionally, the DEIS does not provide a meaningful comparison between the existing program and an affirmative federal program dedicated to preventing conflicts without killing grizzly bears.

E. The DEIS fails to take a hard look at the impacts of lethal management, which extends beyond mere mortality percentages and numbers.

The DEIS emphasizes that WS-MT directly kills a small percentage of monitored grizzly bear populations: approximately 0.1% of the Greater Yellowstone population[16] and

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[14] 7 C.F.R. § 1b.11(2)

[15] DEIS, supra note 2, at 29-43.

[16] *Id*., at 61 tbl. 3.2.

0.29% of the Northern Continental Divide population,[17] based on killings between 2021-2025. Of the 41 bears the narrative identifies as captured by WS-MT and transferred to other agencies, 24 were subsequently euthanized, 12 were relocated, and five had unknown outcomes.[18] Although subsequent deaths are included in cumulative mortality, direct-kill percentages along obscure WS-MT's role in captures that ultimately result in killing.

The grizzly bear 4(d) rule,[19] adopted pursuant to Section 4(d) of the ESA, establishes species-specific protections and exceptions to the ESA's take prohibition, allowing certain management actions under prescribed conditions. The authorization in Appendix E requires prior consultation from the USFWS Grizzly Bear Recovery Program before euthanasia.[20] These requirements govern when killing may occur; and not establishing that killing is necessary or require WS-MT to facilitate it. Transferring the final decision to another agency also does not eliminate the need to evaluate the consequences of WS-MT's participation. The FEIS should clearly account for the ultimate outcomes of agency-assisted captures and explain the specific protections on which it relies.

Alarmingly, the DEIS also claims that other entities would increase lethal removals if WS-MT reduced its lethal services.[21] However, there is no support for this assumption. WS-MT's limited direct removals, which average of 5.4 bears annually, provide a concrete basis for evaluating targeted, nonlethal and preventative investment. Therefore, WS-MT should evaluate whether consistent prevention will reduce conflicts and subsequent killing by other agencies.

Critically, mortality percentages do not reflect the full consequences of removing particular bears, especially mothers with dependent cubs or individuals in connectivity areas. For example, a 2021 study examining two small grizzly bear populations in British Columbia found that the population with lower independent female survival and lower cub survival was projected to decline, while the more connected population was projected to increase.[22] Depending on the bear's reproductive status and location, removal may result in cubs losing maternal care, reduce the number of reproductive females, and further compromise fragmented populations. Additionally, a five-year study between 2019-2023 found that 10 out of 12 orphaned grizzly cubs released following rehabilitative care did not survive, with nine of these deaths occurring between the time

[17] *Id*. at 63 tbl. 3.4.
[18] *Id.* at 57.
[19] 50 C.F.R. § 17.40(b); 16 U.S.C. § 1533(d)
[20] DEIS, supra note 2, at 57; app. E, at 204.
[21] *Id*. at 70-71.
[22] Bruce N. McLellan et al., *Vital Rates of Two Small Populations of Brown Bears in Canada and Range-Wide Relationship Between Population Size and Trend*, 11 Ecology & Evolution 3422, 3422-34, (2021), https://doi.org/10.1002/ece.7301.

of release and the first denning period.[23] These findings underscore that removing individual bears has consequences that extend beyond immediate death, with potentially significant implications for dependent offspring and long-term population recovery. The DEIS also fails to take a hard look at the impacts of lethal take outside monitoring areas, and it provides no safeguards to protect grizzly bears there. The DEIS projects a maximum annual lethal take of 15 bears, including up to ten independent females, yet it acknowledges that population estimates are unavailable and that the effects of this mortality are largely unknown. It also does not consider how lethal take could affect long-term persistence and connectivity, which depends on which bears are killed and where they are killed or relocated. Accordingly, WS-MT should not remove or kill bears in key connectivity areas.

Conclusion

For these reasons, Friends of Animals urges WS-MT to fully analyze a non-lethal alternative in the FEIS and select that approach in its final decision. The analysis should evaluate the staffing, funding, equipment, and follow-up assistance necessary to prevent and resolve conflicts through nonlethal methods, together, with the expected benefits for individual bears, population recovery, and connectivity.

As apex predators, grizzly bears have an indispensable place in Montana's ecosystems. Their deaths should not be treated as an acceptable program outcome merely because they fall below a mortality threshold. Friends of Animals urges WS-MT to direct is resources toward preventing conflicts and end its participation in killing grizzly bears, including recommending or facilitating their killing by others.

Respectfully submitted,

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[23] L.M. Ciarniello, *Evidence for a Metabolic Trap and Habituation Limiting Post-Release Survival of Orphaned Grizzly Bears*, 7 Frontiers in Conservation Science 1855000 (2026), https:doi.org/10.3389/fcosc.2026.1855000.