

POLITICS, FOREST MANAGEMENT, AND BEARS

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Abstract: Grizzly bear (*Ursus arctos*) recovery in the western states has been hampered by poor interagency cooperation, minimal attention to habitat protection, and continuing degradation of habitat on both private and public lands. Some positive actions, such as increased research and agency focus on mortality reduction, have taken place. I advocate the adoption of mandatory standards for U.S. Department of Agriculture Forest Service land-management actions such as road building and cumulative effects analysis, and greater attention by both Forest Service and U.S. Department of the Interior Fish and Wildlife Service to the Endangered Species Act mandate to develop programs to improve grizzly habitat.

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While the title of this paper suggests a focus limited to national forest management, I have taken the invitation to present a paper to this conference as an opportunity to look back on how we in the United States have managed and mismanaged grizzly bears since the species was listed under the federal Endangered Species Act (ESA) in 1975. I have taken the bear's listing as a marker because I think it is appropriate to compare the goals and objectives of the ESA with what has actually occurred, and I hope to see where we have gone wrong and where we might go right in the future. Certainly, seventeen years is more than long enough to grade a program, and it has been interesting for me to try and step back from the day-to-day issues confronting grizzly managers and look more broadly at what has really been accomplished.

What are the goals of the ESA (16 U.S.C. §§1531 et seq.)? First and foremost, the law speaks to halting actions that might further jeopardize or take a listed species and to taking actions that will promote its recovery. But the law, and the cases interpreting it, also speak more broadly of developing cooperative programs of wildlife management, of realigning priorities to promote species recovery, and of developing mechanisms for protecting not just listed species but also the ecosystems "upon which they depend."

What progress have we made in achieving these impressive objectives in 17 years of grizzly bear management under the ESA? Institutionally, I think it is quite clear that the cooperation envisioned by the ESA has been very difficult to achieve, with frequent breakdowns between state fish and wildlife departments and the federal bureaucracy, and between the different federal agencies with grizzly management responsibilities. While a great deal of effort has gone into developing cooperative and coordinated programs, in many respects grizzly management continues to resemble United States-Soviet efforts at detente a few years ago. There have been many expressions of eternal friendship, even while the arms race—or the pursuit of

traditional objectives—has continued unabated.

In the absence of real cooperation, efforts to change priorities and protect ecosystems have been both controversial and of limited effectiveness. Most agencies, including the U.S. Department of Agriculture [USDA] Forest Service, the Bureau of Land Management, the National Park Service, and to a greater or lesser degree, the state fish and wildlife departments, have found it difficult to step away from traditional agendas for a variety of political and institutional reasons. This, in turn, has led to piecemeal and uneven efforts at protecting habitat, much less moving forward with ecosystem management.

All of this says that after 17 years, many of the ESA's most positive goals remain unfulfilled. The changes in thinking and outlook suggested by the law, and the interagency cooperation that it anticipated, continue to be elusive commodities. Our accomplishments since listing have been more pedestrian and harder to measure, but in reviewing them, we can certainly gain some sense of where to go in the future.

Perhaps most obviously, the bear's status as a threatened species has promoted a veritable industry of grizzly managers, biologists, lawyers, and handwringers across the spectrum of governmental and private entities. A grizzly bear bureaucracy has been created that, of its own weight, has brought some limited success out onto the landscape and into the grizzly bear's habitat.

Because the grizzly bear's habitat in the lower 48 states largely overlaps public land in the northern Rockies, the grizzly bear's status under the ESA has engaged not only the U.S. Department of the Interior Fish and Wildlife Service (FWS) but the federal land-management agencies as well. Each of these agencies—the Forest Service, the National Park Service, and to a lesser degree, the Bureau of Land Management—have built programs and budgets around the grizzly bear. Over the years, these agencies have

spent millions of dollars directly and indirectly on grizzly bear programs, primarily in the form of increased staffing to study and analyze the effects of agency actions on grizzly bear populations. At the same time these federal efforts have evolved, Section 6 of the ESA has led to considerable amounts of money flowing into state programs in Montana, Idaho, and Wyoming. While I have not quantified these dollar figures, over the years, state agencies have spent hundreds of thousands of dollars managing grizzly bears. In addition to these federal dollars, the states have supplemented their programs with traditional sources of revenue.

In addition to these governmental efforts, ESA listing has stimulated the private sector to take actions on behalf of grizzly bear conservation. These private activities have included, but are not limited to, such direct actions as those of the Nature Conservancy in purchasing grizzly bear habitat along the Rocky Mountain Front, to small, but well publicized, changes in the timber-management programs of the Plum Creek Timber Company. The development of a grizzly bear "industry" has also prompted private conservation organizations such as the National Wildlife Federation and the Sierra Club to file lawsuits, develop educational programs, and commit to significant lobbying programs on behalf of the bear.

Across the private and public sectors, this society has probably spent more time and money on grizzly bears since 1975 than it has on any other species in this part of the country. As I have remarked on more than one occasion, "never have so few been managed, studied or thought about by so many."

While ESA listing has been both the cause and the vehicle for spending this small treasury of financial and human resources, what has it bought us? What have we actually accomplished for grizzly bears and their habitat through this outpouring of interest and resources? This is where the line grows very jagged.

I think the answers to these questions can be best found by examining 3 distinct areas of activity: first, the work carried out by researchers in both the public and private sectors; second, the work undertaken by state and federal land managers; and last but not least, the work of private conservation groups and interested individuals. Each of these groups have contributed to the progress that has been made in our grizzly bear efforts.

The work of the researchers has been uneven, but there have been some positive and useful results. It is worth noting that some of the research has been unspeakably expensive and produced results of

questionable worth—the most obvious example being the Forest Service's Cumulative Effects Model (USDA For. Serv. 1990a). Other good research has been underfunded because it did not contribute to the enhancement of budgets or agency stature—again, the obvious example being the work of Steve and Marilyn French (Yellowstone Grizzly Foundation).

But through such studies as those conducted on the East Front by the Montana Department of Fish, Wildlife and Parks (Aune and Kasworm 1989) and the Interagency efforts in the Yellowstone ecosystem, we now have some confidence that an illusive animal exists in fair densities in at least some parts of the northern Rockies, and appears to be prospering as well as can be expected under the sorts of developmental pressures we see throughout the region. The notable exception to this general proposition is in the Cabinet-Yaak Ecosystem (Kasworm and Manley 1988).

These and other studies have also confirmed our common-sense appreciation of the need for secure habitat and the impacts of humans on grizzly bear populations, in terms of both direct mortality and displacement (McLellan and Shackleton 1988, McLellan 1990). The recent findings of the South Fork study in Montana, as well as some of the work being done elsewhere, only confirm that grizzly bears, for all their adaptability, are vulnerable to human intrusion, whether through the direct effect of a bullet or the indirect impact of roads, clearcuts, and subdivisions. I think this research effort has been important in terms of both exposing the problems we face and reassuring ourselves that we have some time in which to make reasoned decisions before the light goes out.

While we can point to specific study results and the insights gained from them as accomplishments, the conclusions are much less clear as we look at our efforts on behalf of the grizzly bear through changing land-management strategies. I think it is relatively clear that management decisions, coupled with the legal protection offered by the ESA, have reduced the rate of grizzly bear mortality throughout the 3 ecosystems that bears inhabit in this part of the country. We have been able, apparently, to reduce mortality resulting from poisoning and livestock conflicts. While the evidence is less than clear cut, most managers agree that eliminating these conflicts has helped grizzly bear populations throughout the region. Another important step taken by managers in the state of Montana, although not without heated debate first, was the decision in 1986 to reduce grizzly bear mortality quotas in this region from 25 to 14 (Dood et al. 1986). This decision to reduce human-caused mortality has

apparently helped grizzly bears throughout the Northern Continental Divide Ecosystem just as the efforts of Yellowstone bear managers to reduce mortality levels down to zero have allowed bear populations to expand after the severe contraction that occurred in the wake of the Yellowstone dump closures.

If reductions in mortality have been one area where managers justly deserve some congratulations, our land-management decisions, in terms of providing bear security and protecting bear habitat, are much less easy to track. Here, the primary federal actor is the U.S. Forest Service, which conducts dozens of management activities each year in grizzly bear habitats. Through hundreds of interactions and consultations between the U.S. Fish and Wildlife Service and the Forest Service, the Forest Service professes to have altered its management through much of the grizzly bear's range, especially as it relates to timber harvest practices. Evidence as to the effectiveness of these altered management practices, or even the agency's on-the-ground commitment to implementing changes called for by policy-makers, remains obscure.

It should be recognized that until the last year, Forest Service timber targets and road construction goals changed very little in grizzly bear country. Indeed, 1989 saw record amounts of timber harvested from national forest lands in the northern Rockies. Instead of reducing harvests or limiting road construction, the agency's principle concession to the grizzly bear has been a road closure program, with gates being the usual tool for limiting timber harvest impacts.

Both private and public studies of the Forest Service road closure program, however, call into question both its effectiveness and the agency's commitment to it. On the ground, gates have been left open or vandalized, while institutionally, some managers have simply ignored the agency's professed commitment to maintaining grizzly bear security (Hammer 1986, USDA For. Ser. 1990b). Meanwhile, the ongoing results of the South Fork study only serve to re-emphasize the problems associated with developing grizzly bear habitat. Many thoughtful biologists and observers remain concerned that the Forest Service's commitment to changing how grizzly bear habitat is utilized by other consumptive users is insufficient to the task at hand.

The National Park Service and Bureau of Land Management have had similar difficulties in integrating grizzly bear recovery into their traditional programs. Along the Rocky Mountain Front, for example, the Bureau of Land Management has pushed forward with proposals for full-field development of the Blackleaf

Canyon area in the absence of any specific application by an oil and gas company (U.S. Dep. Int. [USDI] Bur. of Land Manage. 1990). Similarly, the National Park Service has had difficulty at both Glacier and Yellowstone National Parks in balancing the agency's traditional orientation to park visitors with opportunities for grizzly bear enhancement (USDI Natl. Park. Serv. 1988).

Finally, what has the private sector accomplished for all of its intense interest in grizzly bear management? As I have already noted, private conservation groups have consistently been filing lawsuits over grizzly bear management for the last decade. This litigation has protected some habitat (*Glacier-Two Medicine Alliance*, 88 IBLA 133 [1985]), reduced grizzly bear mortality (*Fund for Animals v. Turner*, Ca. No. 91-2201 [MB], Sep 27, 1991 [D.C. Dist. 1991]), and consumed a great deal of time and money. But as is obvious from inconsistent actions of the federal agencies, this private litigation has not demonstrably changed the fundamental attitudes of the agencies administering the ESA, or brought on the kind of coordination and prioritization demanded by the law.

I would submit that this list of accomplishments over the last 17 years is not insignificant, and that grizzly bear populations in this part of the country are better off because of the steps that have been taken. But no one should think that there have not been failures, or that these failures are not precisely the issues that stand in the way of grizzly bear recovery down through the years.

First and foremost, despite the expenditure of millions of dollars on grizzly bear research and management, we have yet to contribute any significant financial resources towards securing key habitats such as exist on private lands. With the exception of the purchase of the Pine Butte Swamp by the Nature Conservancy, no land has been purchased directly for grizzly bear recovery. Some lands on the eastern front of the Rockies have been purchased by state agencies and the Boone and Crockett Club for big-game ranges; these lands have also provided valuable grizzly bear habitats. However, the primary motivation and financial support for these purchases came from big-game habitat programs. The failure to acquire or otherwise protect key private land habitats has come despite the fact that most biologists would agree that important low-elevation habitats are being destroyed or significantly altered and that these losses are contributing to the fragmentation of the grizzly bear ecosystems in the northern Rockies. Whether one looks in the Mission or Swan valleys, at Island Park in the

Yellowstone Ecosystem, or development around Lake Pend Oreille and Priest Lake in Idaho, one can see a continued loss of grizzly bear range in some of the most biologically productive parts of the region. The federal, state, and private entities engaged in grizzly bear recovery efforts have yet to address this loss in any meaningful way. Indeed, the 1991 draft recovery plan, which will guide grizzly bear recovery strategies for the rest of this century, is almost completely silent on this problem.

If trends in private land development and our ability to mitigate this loss are cause for significant concern, the failure of public land-management agencies to fully integrate grizzly bear requirements into their management programs continues to undermine grizzly bear conservation strategies. In this failure, I think we can point fingers in many directions. The Fish and Wildlife Service, which is primarily responsible for providing consultation to the Forest Service, Bureau of Land Management, and National Park Service under the ESA, has shown a consistent reluctance to dictate management direction to the federal land agencies. This reluctance stems from both the benign—the FWS does not wish to dictate to fellow federal agencies—to the more malignant—when the Fish and Wildlife Service senses political controversy in its consultation role and shies away from providing the kind of advice necessary.

In this vacuum, the Forest Service, and to a lesser extent the National Park Service and Bureau of Land Management, have developed management strategies that combine continued adherence to the agencies' traditional mission with budget maximization for grizzly bear programs that do not compromise other agency objectives. Nowhere is this more apparent than in the Forest Service, which has filled biologists' positions, undertaken extensive mapping efforts, developed an elaborate computer model, and mounted high-visibility public relations campaigns. All of this has occurred even while the agency continues to drive hundreds of miles of roads into grizzly bear habitat, continues timber harvests relatively unchanged, and employs mitigation measures that impinge as little as possible on other agency activities.

This failure to reconstruct these federal agency attitudes reflects the other significant problem that continues to plague grizzly bear managers. While the ESA speaks in broad terms about cooperative efforts between federal agencies and the states, in reality, 17 years of grizzly bear programs have not erased the considerable tension that exists between the Fish and Wildlife Service, its sister federal agencies, and the

state fish and wildlife agencies. Both Montana and Wyoming fish and wildlife agencies, in particular, remain harshly critical of federal efforts, and this ongoing feud between competing bureaucracies has done little to instill public confidence in grizzly bear programs; at the same time this feuding has consumed considerable agency resources in bureaucratic battling. Whether for reasons of agency turf or legitimate professional disagreement, efforts at peacemaking and developing common causes have failed, and failed repeatedly, over the last decade, and we continue to see agencies moving at cross purposes with one another with the bear the principle victim.

While I confess I have no good prescription for curing the poison that exists between state and federal agencies, I do see much room for improvement in how the FWS works with the Forest Service and other federal entities. Ten years ago, as the FWS was gearing up its consultation process under Section 7 of the ESA, I think it seriously underestimated the size of the task confronting it. The Fish and Wildlife Service assumed that if it consulted in good faith and developed broad guidelines of conduct (IGBC 1986), the Forest Service would eventually integrate grizzly bear needs into its central decision-making across the northern Rockies. In making this assumption, however, the FWS failed to recognize significant institutional barriers within the Forest Service that would frustrate the goal of grizzly bear recovery.

First, the FWS failed to recognize the decentralized nature of Forest Service decision-making, and that every district ranger and forest supervisor needed to understand both the law and science of grizzly bear management. Instead, the FWS ended up negotiating grizzly bear strategies with Forest Service biologists and program directors who had little influence on day-to-day management decisions. Finally, the FWS failed to appreciate the ongoing pressure on Forest Service managers to meet timber targets and other output goals and an agency culture that gave priority to achieving these commodity outputs. The result has been that the same issues continue to arise on timber sale after timber sale, drawing down agency resources and undermining public confidence in grizzly bear programs.

I think the FWS would have been better off then, and certainly now, if simple, standard, but relatively inviolate rules had been developed, with a heavy burden placed on Forest Service rangers who proposed to depart from them. No single problem better illustrates this need than how the Forest Service and the FWS handle road closures and grizzly bear security. While most national forests, through their forest planning

process, have developed road density standards, different forests have different standards and there is no agreement on what actually constitutes a closed road. There is also no consistent monitoring program. The lack of consistency has no biological basis, and has been extraordinarily frustrating for the public, for Forest Service employees trying to do right by the grizzly bear, and for the FWS.

On-the-ground examples of how this inconsistent approach continues to trouble grizzly bear managers are not hard to find. Consider the Kootenai Forest, where the region's toughest road density standard of .75 miles of open road per square mile was adopted on paper and then ignored by a Forest Supervisor who considered it inconvenient to implement (USDA For. Serv. 1987). Or the Flathead Forest, which even now has a draft Environmental Impact Statement on the table that proposes a tiered system of seasonally adjusted road density standards that will be virtually impossible to measure, implement, or enforce (USDA For. Serv. 1990c).

I would suggest that everyone would have been better off had the FWS simply adopted mandatory minimum standards, defined what constituted a closed road, and then waited out the grumbling, complaining, and chest beating coming from Forest Service offices across the region. While the initial pain would have been significant, bears, managers, and the public would today be benefitting from a consistent and understandable program.

Identical problems exist with agency efforts to evaluate cumulative effects. Different techniques have been developed across the region, with some forests using an expensive computer program (USDA For. Serv. 1990d), others using a simpler model (USDA For. Serv. 1989), and some using no model at all (USDA For. Serv. 1990c). Each national forest has been allowed to develop its own floor for when cumulative effects might prevent a particular project from going forward (USDI Bur. of Land Manage. 1990). Again, I believe that a consistent approach, consistently applied to all ranger districts in grizzly bear country, is the best way to build the kind of cooperative effort demanded by the ESA and by the task of grizzly bear management. Paradoxically, I think the best way to achieve this is for the FWS to develop minimum standards and then demand that other federal agencies adhere to them.

If the FWS has found it difficult to lead in terms of minimizing impacts from proposed federal actions in grizzly bear country, I also think both the FWS and the rest of the federal establishment have failed to

adequately heed the very clear but very ambitious duty imposed by the ESA to develop programs for improving grizzly bear habitat. I have often suggested that we need to evaluate projects in grizzly bear country under the concept of "no net loss in habitat," but I actually think that is too moderate a goal. Too often, the FWS suggests only the most cautious steps in its "conservation" recommendations, while federal agencies simply ignore important opportunities for improving the grizzly bear's prospects for recovery in this region.

Four years ago, I lost a suit against the National Park Service over its failure to close the Fishing Bridge Campgrounds. While I won't recount the legal details, one of the things that bothered me the most about the case was that we had an opportunity to actually reclaim important habitat for grizzly bears in the heart of Yellowstone National Park, and I think wherever possible we need to be expanding available space for bears, rather than slowly whittling away at it. In many instances, proposed actions of all sorts present opportunities for substantive gains, rather than an exercise in avoiding adverse impacts.

In this context, I can close on an optimistic note. For the last five years, the FWS and other agencies have been evaluating the potential for expanding grizzly bear range into the north Cascades and the Bitterroot-Selway wilderness complex. The FWS has also been closely examining the possibility of promoting grizzly bear dispersion between the ecosystems of the northern Rockies (USDI FWS 1991). These expansive initiatives are important not only because they will allow bear populations and habitat to expand, but because they recognize the potential range of choices available for the public and grizzly bear managers.

I have sometimes argued that grizzly bears will always be a threatened species because their habitat is so obviously finite and so obviously under constant pressure for development. Certainly when one looks at the island of the Yellowstone Ecosystem and its booming population growth, it is difficult to be sanguine about grizzly bear populations in 50 years. But when one sees the opportunities in central Idaho and along the Montana-Idaho border, and the potential of low-density bear populations outside the traditional grizzly bear ecosystems, the future is as ripe with possibilities as it is with threats.

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