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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FLATHEAD-LOLO-BITTERROOT
CITIZEN TASK FORCE and WILDEARTH
GUARDIANS,

Plaintiffs,

vs.

STATE OF MONTANA,

Defendant.

**DECLARATION OF
BRIAN L. HOREJSI**

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Pursuant to 28 U.S.C. § 1746, I, Brian L. Horejsi, declare as follows:

1. I am more than 18 years of age and competent to make this Declaration.
2. I am a retired wildlife biologist.
3. I received a B.S. in Forestry from the University of Montana and a Ph.D in the Behavioral Ecology of Large Mammals from the University of Calgary. I have worked extensively from 1976-present with grizzly bears and

conservation efforts in western Canada (Alberta, British Columbia, Yukon) and Idaho and Washington as an independent scientist.

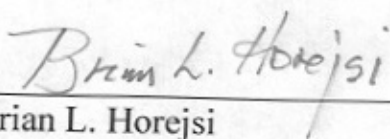
4. I have field research experience with grizzly bears including trapping, radio-tracking and monitoring.
5. I have authored a number of professional articles and scientific reports on grizzly bear habitat use and mortality risk.
6. From my professional experience, and the findings of a long line of reputable bear researchers, I know that grizzly bears possess a powerful sense of smell and can be attracted to scents from very long distances including those of dead animals and animal parts. It has been said that bears “smell their way through life.” Due to their large home ranges and their wide-ranging movements, scented and baited traps set for wolf, coyote and other furbearers will attract grizzly bears from long distances; they will investigate these attractants. In those situations, grizzly bears become vulnerable to being caught in traps and injured or even killed.
7. Grizzly bears caught in traps have lost claws, toes, feet and lower limbs. These bears suffer pain and strain myopathy from being restrained even if they manage to break free. Grizzly bears with these types of injuries suffer impaired foraging ability particularly when digging for food; they surely have great difficulty excavating a secure winter den. These bears are likely to experience decreased mobility which reduces biological and genetic fitness, including survival and breeding potential. Lamb et al. (2022) report that grizzly bears maimed by traps appear to have a higher incidence of management actions from seeking human-related foods.
8. During the Fall and early Winter pre-denning period grizzly bears enter a physiological state know as hyperphagia, an often extended late summer – fall period when grizzly bears travel widely and feed intensively in order to accumulate fat reserves which are critical to survival during winter hibernation. Grizzly bears exceptional sense of smell contributes to hyperphagia but makes them highly vulnerable to attractants like baits and to being attracted to and caught in baited and scented traps.
9. Climate change is altering grizzly bear denning behavior; they are entering dens later and emerging earlier. We now have common reports of bears not

entering the den until well into winter. Some male grizzly bears delay den entry to take advantage of gut piles or unrecovered shot animals; occasionally they do not den at all. These bears are at elevated risk of being attracted to and caught in baited and scented traps.

10. Grizzly bears are also emerging from their dens earlier than historically. After months without food they are hungry and hunger drives risk taking; these bears are subject to increased risk of attraction to baits / traps set for wolves, coyotes and other furbearers.
11. I am aware that grizzly bear distribution within Montana has increased significantly in recent decades including areas between the designated Grizzly Bear Recovery Areas. According to the Montana Fish, Wildlife & Parks Grizzly bears may be encountered in all of Montana west of Billings and these areas are either occupied habitat or mapped as May Be Present by the U.S. Fish & Wildlife Service.
12. My professional opinion is that grizzly bears naturally occupying in the Bitterroot Ecosystem and grizzly bears in areas between the Grizzly Bear Recovery Areas will be subjected to elevated risk of being attracted to, and caught in, traps set by recreational trappers.
13. My academic training and field and conservation experience lead me to conclude that the current wolf and furbearer trapping regulations approved by the Montana Fish and Wildlife Commission on August 17, 2023, will result in increased incidences of accidental capture and harm to grizzly bears with unfavorable population and human-bear conflict consequences; these regulations increase the likelihood of traps being set in areas occupied by non-denning grizzly bears.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of September, 2023.



Brian L. Horejsi