

3. The trap placement regulations Mr. Kluge cites at ¶6 will do nothing to prevent grizzly bears from being attracted to the traps and caught. Fifty feet is a meaningless distance to a grizzly bear.
4. Mr. Kluge claims that Lynx Protection Zones (LPZs) provide significant protection for grizzly bears. The ONLY thing prohibited within LPZs is the use of snares for wolf trapping. Snares targeting coyotes are allowed, as is wolf trapping with scents and meat baits and all other forms of baited traps.
5. At ¶10, the methods described in McDonald are not adequate for determining when “grizzly bears have entered their dens.” For example, only 7.3% of the NCDE population is radio-collared, meaning approximately 1,051 grizzly bears are not monitored. Moreover, trappers are unlikely to report grizzly activity if they believe it would shorten the trapping season. McLellan et al. (2018) determined that just 12% of unpermitted grizzly bear kills are reported. Rather than report bycatch, trappers are most likely to shoot grizzly bears caught in their traps, which would account for the State of Montana’s ignorance of any reported harms to grizzly bears caused by traps.
6. Mr. Kluge states at ¶12 that most cases of bears missing toes, feet, or limbs do not have definitive causation. However, the types of injuries observed and documented are likely to be trap-caused and unlikely to occur in the wild. Trap-caused injuries include clean breaks of bones and tissue, and slicing type

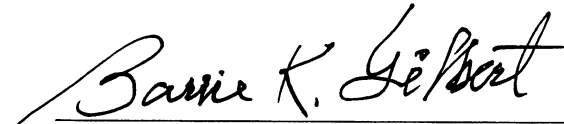
wounds from cable snares and trap anchors. Irregular shaped amputations are likely from trap-caused necrosis of tissue.

7. As part of my field research I have observed thousands of grizzly and black bears in Yellowstone, Yosemite, and Katmai National Parks and also in Canada, including numerous fights between bears for dominance and over food sources such as spawning salmon. The types of injuries observed by Manley, Dkt#6-6 ¶¶6-12 – clean breaks of bone and tissue, slicing type wounds from cables or trap jaws, amputations of toes, feet and arms – are inconsistent with the types of injuries that bears suffer in the wild. The most common source of non-fatal injuries to bears in the wild occur during fights with other bears, injuries suffered when attacking prey, and from accidental falls. Fight injuries are most often scars on the nose and face, puncture wounds, torn ears, and missing patches of fur.
8. Mr. Kluge states: “Regardless, both breakaways stand to be broken free by the average-weight grizzly bear in Montana.” This is highly arbitrary as any grizzly below “average weight,” including females, subadults, yearlings and cubs, would not break free. Moreover, grizzly bears vary by weight depending on their location in Montana. Grizzly bears with more of a meat influence in their diet are larger than grizzly bears with a berry influenced diet (Hilderbrand et al. 1999).

9. Mr. Kluge states at ¶16 the results of Lamb et al. (2022) are not directly relevant to Montana. However, the study area is in an international population shared by Montana and British Columbia. For example, Montana shares the same population of grizzly bears with Canada in both the NCDE and CYE. According to Wayne Kasworm, U.S. Fish & Wildlife Service, the grizzly bear killed by mistaken identity in the Moyie River drainage in Idaho that had a neck snare embedded in its neck had an ear tag that came from British Columbia. A grizzly bear in the North Fork of the Flathead in October 2023 was DNA-identified as from British Columbia. Some of the observed injuries of grizzly bears could have occurred in Montana, as many grizzly bears have home ranges that significantly span the borders of adjacent states and provinces. Moreover, the other grizzly bear populations in Montana are distributed into Idaho and Wyoming as well.
10. Mr. Kluge states at ¶17 that trapping regulations in British Columbia are less restrictive than in Montana. In British Columbia the allowable take of wolves is 3 per person. In Montana it is 20. Montana trapping regulations allow openings on the front of cubby boxes to be up to 52 square inches while British Columbia limits openings to 3.5 inches, or 12.25 square inches.
11. Grizzly bears are highly vulnerable to losing feet and toes in body-gripping traps as demonstrated by Lamb, et al. (2023).

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

Dated this 1st day of November, 2023



Barrie K. Gilbert