Timothy M. Bechtold
BECHTOLD LAW FIRM, PLLC
PO Box 7051
Missoula, MT 59807
406-721-1435
tim@bechtoldlaw.net

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.	CV 23-101-M-DWM **DECLARATION OF FRANK L. CRAIGHEAD**

Pursuant to 28 U.S.C. §1746, I, Frank L. Craighead, 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.

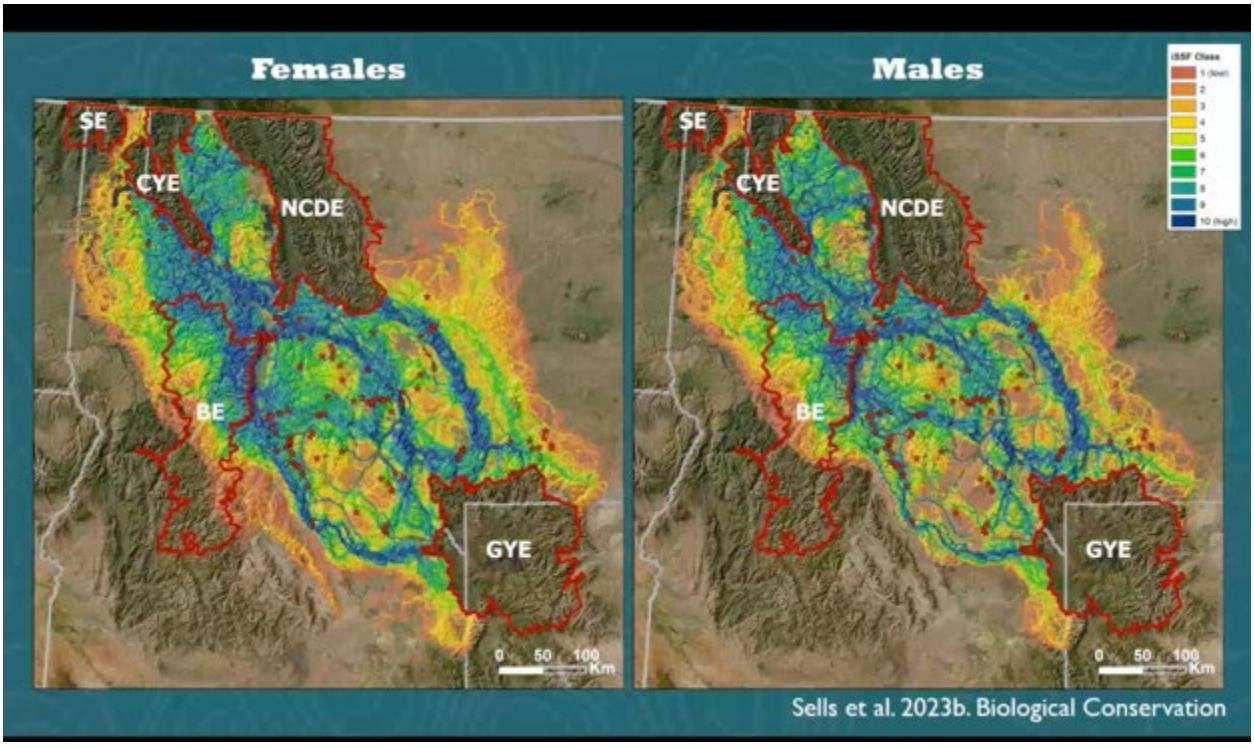
3. I received a B.A. in Biology from Carleton College in 1969, an M.S. in Wildlife Ecology from the University of Wisconsin-Madison in 1976 and a PhD. in Biological Sciences from Montana State University in 1994.

4. I have authored several professional articles and scientific reports and am the lead author of two book chapters on brown and grizzly bear metapopulations and conservation genetics. I have mapped known and probable connectivity

areas between the designated Grizzly Bear Recovery Areas for both male and female grizzly bears.

5. I have been involved in grizzly bear research since my teens including field research in Arctic Alaska, Montana, and British Columbia. My professional responsibilities have included capturing and monitoring grizzly bears for research purposes, genetic analyses, and field observation.

6. I have published reports concerning connectivity routes for female and male grizzly bears between the Grizzly Bear Recovery Areas. My results have been confirmed by Peck, et al. (2017) and Sells, et al. (2023b.). These routes are all entirely or partially within Montana and within the area in which Montana allows wolf and coyote trapping.



7. From my professional experience I know that grizzly bears possess a powerful sense of smell and can be attracted to scents from very long distances including from dead animals or animal parts. Due to their large home ranges relative to other mammals and their wide-ranging movements, scented and baited traps set for wolf, coyote and other furbearers will attract grizzly bears from long distances who will investigate such traps. In those

situations, grizzly bears can be highly vulnerable to being caught in traps and injured or even killed.

8. During the Fall pre-denning period for grizzly bears they enter hyperphagia, the period when grizzly bears often travel widely for feeding to accumulate fat reserves to survive the winter hibernation. Combined with the powerful sense of smell, grizzly bears in hyperphagia are very vulnerable to being attracted to and caught in baited and scented traps.

9. Due to climate change effects, grizzly bears are entering the den later and emerging earlier. I am aware that many grizzly bears in Montana do not enter the den until around Christmas or even later. Some male grizzly bears stay out later to take advantage of gut piles left by hunters as well as unrecovered animals and a few have not denned at all. These bears will be vulnerable to being attracted to and caught in baited and scented traps. Many grizzly bears are emerging from the den earlier than past years when they are very hungry and will be attracted to traps set for wolves, coyotes and other furbearers. The Montana trapping regulations have no process for ending the season earlier than March 15 if grizzly bears are active. The regulations need a mechanism to end the season in early February in lower elevations as bears leave their dens. About 40% of grizzly bears in Montana have historically been active outside their dens either after November 27th or before March 15th and this trend is likely to increase.

10. The methods described by Montana Fish, Wildlife & Parks are inappropriate as a basis for instituting a "floating" season opening date. The method described is primarily dependent on radio telemetry. This is not a reliable method for determining dates when bears are still safe in their dens. The current population estimate for the NCDE is 1,136 (Costello and Roberts 2023). Of this total, 85 were collared for research and management in 2022. This is just 7.3% of the NCDE population, leaving approximately 1,051, or 92.7%, of grizzly bears that are not monitored. Research trapping efforts in the NCDE is concentrated in only a couple of areas. Other areas, including the South End of the NCDE and parts of the Rocky Mountain Front have no research trapping effort, so there are gaps in the observation data. Without access to telemetry data, managers rely on reports from the public. Trappers are unlikely to report grizzly activity if they believe it would shorten the trapping season. Moreover, each Fish, Wildlife & Parks Bear Manager covers thousands of km^2 and cannot site-specifically monitor all that area.

Without telemetry data it comes down to making an educated guess, which lacks the precision required to prevent illegal takings of pre- and post-denning grizzly bears.

11. Grizzly bears in lower elevations den later and emerge earlier. For example, grizzly bears in the Yaak portion of the CYE spend an average of three weeks less per winter than grizzly bears in the Cabinet portion of the CYE (Kasworm et al. 2023). Many areas outside of the Recovery Areas are in lower elevations including the Garnet and Sapphire Mountains and the Ninemile Demographic Connectivity Area, where grizzly bears are likely to have shorter denning periods.

12. I am aware that grizzly bear distribution within Montana has increased significantly in recent decades, including areas between the designated Grizzly Bear Recovery Areas. Grizzly bears may be encountered in all of Montana west of Billings according to the Montana Fish, Wildlife & Parks and these areas are either occupied habitat or mapped as May Be Present by the U.S. Fish & Wildlife Service (see map exhibit).

13. In my professional opinion, it is highly likely that grizzly bears naturally migrating into the Bitterroot Ecosystem and grizzly bears in areas between the Grizzly Bear Recovery Areas will be attracted to, and caught in, traps set by recreational trappers. These bears are highly valuable for gene flow and genetic diversity that is vital to the viability and survival of the grizzly bear populations.

14. In my professional opinion the types of injuries to grizzly bears shown in Lamb, et al. (2022) are highly relevant to Montana. Some of the injuries incurred were the result of baited conibear body-gripping traps. In response to this risk, the Province of British Columbia tightened trapping regulations by limiting size of the opening on cubby boxes to 3.5”. Montana has failed to limit this risk and allows openings on cubbies up to 52 square inches.

15. The Lamb, et al. (2022) study area is adjacent to Montana and includes grizzly bears that are part of breeding populations that span the border of Montana and British Columbia. Grizzly bears cross invisible political boundaries. For example, many grizzly bears in the Greater Yellowstone Ecosystem have ranges that span Wyoming and Montana and Montana and Idaho. Thus, examples of trap injuries to grizzly bears in Wyoming and

Idaho is very relevant to Montana. It is possible that the injuries observed in Wyoming, Idaho and British Columbia may have occurred within Montana.

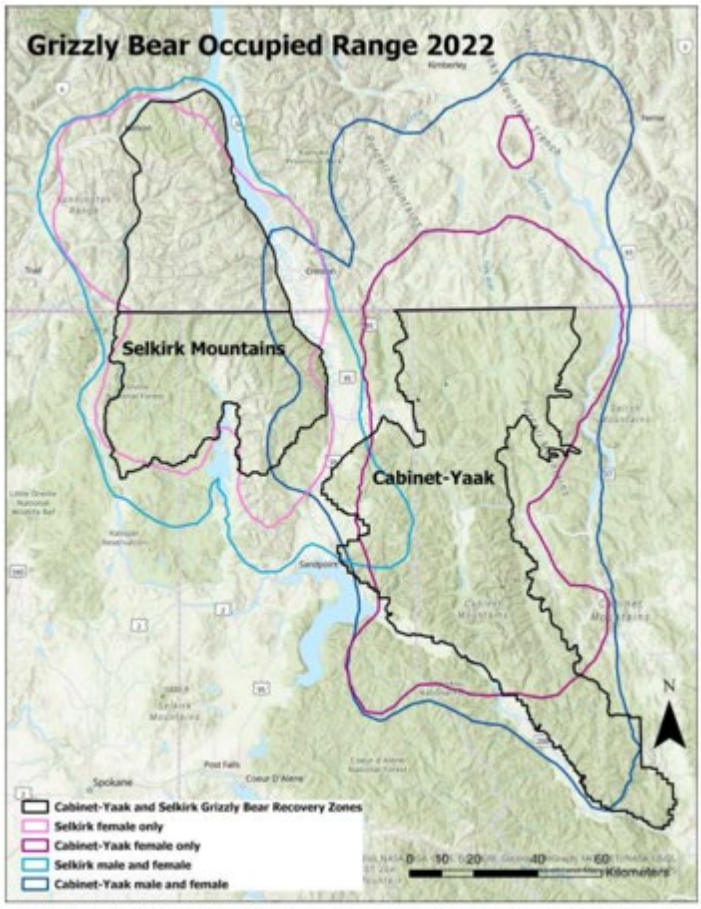


Figure 1. Occupied range of male and female grizzly bears and female grizzly bears only in the Cabinet-Yaak and Selkirk recovery areas, 2000-2022.

16. I have studied and observed grizzly bears for decades. Based on my experience, the types of injuries observed by Manley and Madel are not consistent with the types of injuries bears typically suffer in the wild, such as injuries and wear and tear on bears' bodies from fighting other bears, hunting prey, and foraging. Clean breaks, sliced off toes and feet, and missing limbs are more consistent with trap-caused injuries.

17. Based on my training and experience, 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 because 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 30th day of October, 2023.

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Frank Lance Craighead