



May 9, 2022

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Re: Grizzly bear (*Ursus arctos*) trapping incidents indicate that Wyoming Game and Fish Department must reduce traps, snares and indiscriminate lethal devices in grizzly bear-occupied habitats

Dear Dr. Cooley:

We have been made aware that at least four grizzly bears have suffered injuries that appear to be the result of trapping or snaring in Wyoming since 2015. That year, a cub on the Shoshone National Forest between the Beartooth Highway and Cody was caught in a Conibear trap set for pine martens, and hikers and then a hunter heard the distressed cub's cry before calling the incident in to Wyoming Game and Fish Department officials, and in 2017, an adult grizzly bear had a Conibear trap attached to a right paw on the Bridger-Teton National Forest. The fates of those two grizzly bears were never discovered, as far as we are aware, as these bears' outcomes were never publicly disclosed. This year, trail cameras captured a grizzly bear who has an **amputated left foot** (Image 1). We consulted with Carter Niemeyer, a retired field biologist with both USDA-Wildlife Services (ADC) and USFWS,¹ who suggests that the injury may have stemmed from entanglement with a foot snare. In an email to us, Mr. Niemeyer writes:

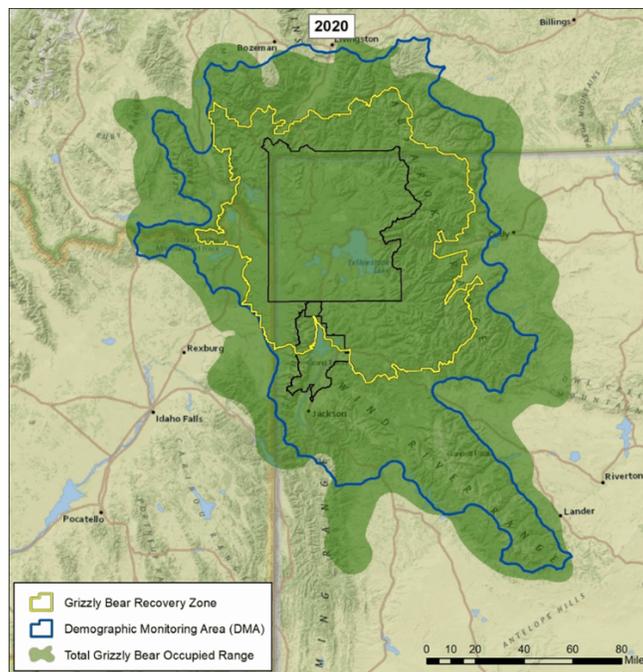
It's tough to get a good look at the missing portion of the leg - IF it is a clean appearing amputation I would have little doubt it happened due to a snare that was cinched up tight before the cable was broken or chewed through. Could have happened from a private trapper's snare or an agency animal that broke loose and escaped during collaring activities. Generally speaking a snare ends up higher on the foot or leg and wraps around the appendage evenly before tightening into a tourniquet. Once the cable has become tightened or embedded into the flesh it obstructs the blood flow and the appendage dies and sloughs off - often appearing as a clean and straight amputation. With foothold traps, they seldom capture a bear's entire foot or leg but rather grasp a portion of the foot. The result is a missing toe or toes and, perhaps some flesh above the toe or toes. Very, very unlikely that a foothold trap would ever grab a grizzly bear over the entire foot, let alone higher on the leg (the wrist area). As for any other logical explanation for a bear losing a foot or lower portion of a leg, I have none. Even a vehicle strike would rarely, if ever create a wound and resulting amputation, in my opinion.

Last fall, a photographer captured photos of a female grizzly bear, a mother of three cubs, who is **missing two toes on her front left foot** (Image 2). It is plausible this injury was suffered in a leghold trap. The Wyoming Game and Fish Department's Greater Yellowstone Ecosystem (GYE) Grizzly Bear Occupancy Map indicates, grizzly bears are increasingly leaving Yellowstone and Grand Teton national parks. *See: Figure 1*. Both of the two bears injured within the last year (likely by a snare and a leghold trap, respectively) were photographed in the Trophy Game Management Area (TGMA) adjacent to

¹ Carter Neimeyer, *Wolfer: A Memoir* (Boise, Idaho: Butterfly Press, 2010).

Grand Teton National Park. *See Figure 2.* However, it is unknown where they sustained those injuries. While biologists dispute why bears have expanded their range, all can agree that they have expanded their footprint. Thus grizzly bears are more likely to be exposed to dangerous and indiscriminate deadly traps and snares, or even potentially to M-44 sodium cyanide bombs on some lands in Idaho, Montana and Wyoming. Wyoming allotted management authority of animals designated as *predators* to the Wyoming Department of Agriculture (W. S. 1977 § 11-6-302). In Wyoming, animals designated as *predators* can be killed without limit or monitoring year round, including by trapping and snaring. The only exception to this rule is for gray wolves (*Canis lupus*), who are designated as both *trophy game* and *predatory animals*. Where wolves are designated as trophy game animals they are managed by the Wyoming Game and Fish Department. When they are designated as predators in the “predator management zone,” which covers about 85% of the state, wolves, like all other predatory animals, are managed for maximum mortality—by any means necessary. *See Figure 3.* Indiscriminate devices such as traps and snares on Wyoming’s lands certainly would not exempt grizzly bears, even as they enjoy “threatened” status under the Endangered Species Act (ESA). Although trappers, and especially wolf trappers, may not be intentionally trying to capture (“poach”) a grizzly bear, their devices still pose significant risk of taking grizzly bears in violation of Section 9 of the ESA.²

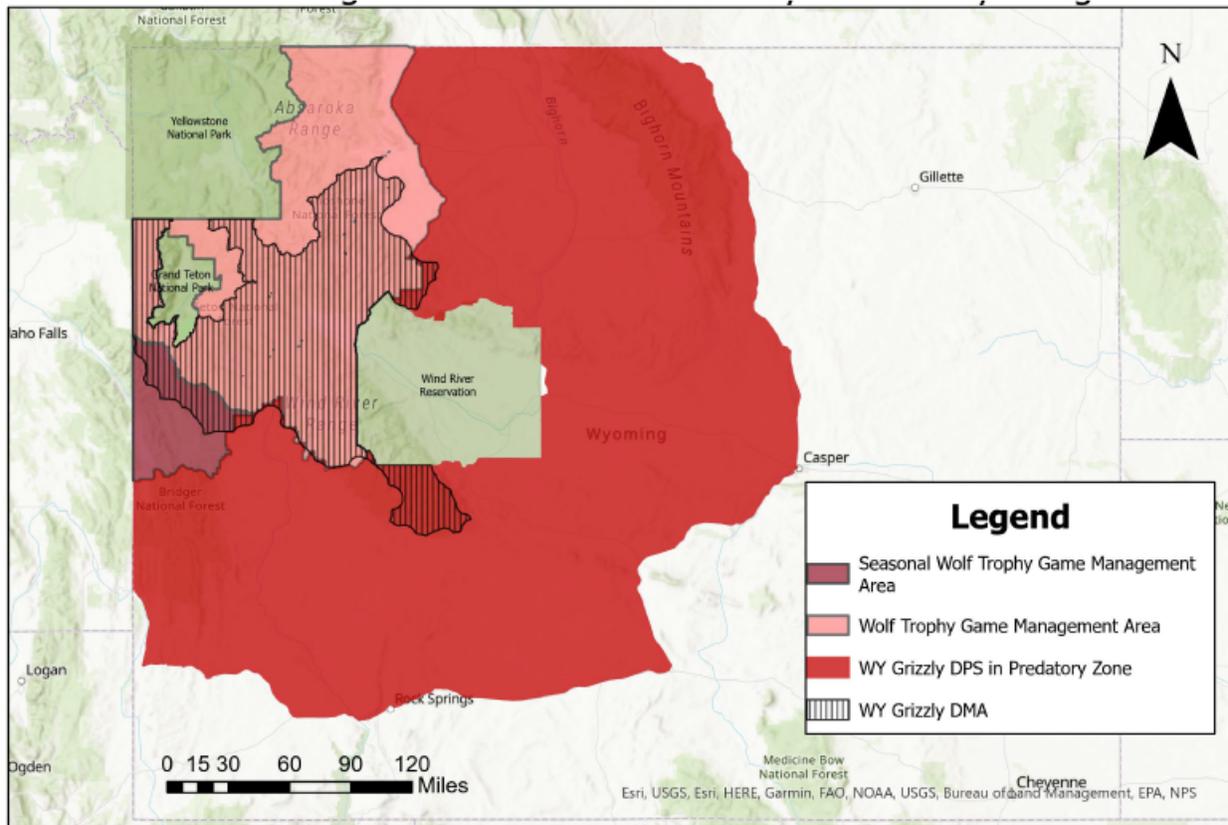
Figure 1. Total GYE Grizzly bear occupied range in 2020, map from Wyoming Department of Game and Fish Department³



² 16 U.S.C. § 1538(a)(1)(B). It is unlawful for any person to *take* a grizzly bear in the lower-48 states. 50 C.F.R. § 17.40(b)(1)(i). To “take” means to “harass, *harm*, pursue, hunt, shoot, *wound*, kill, *trap*, capture, or collect, or attempt to engage in any such conduct.” 16 U.S.C. § 1532(19) (emphasis added). “Take” includes direct as well as indirect harm and need not be purposeful. *See Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 704 (1995). In fact, a take may even be the result of an accident. *See National Wildlife Federation v. Burlington Northern Railroad*, 23 F.3d 1508, 1512 (9th Cir. 1994).

³ WDFG, gif map showing grizzly bear lands expansion by year, 1990-2020, <https://wgfd.wyo.gov/WGFD/media/content/Wildlife/Large%20Carnivore/GB-Occupied-Range-1990-2020.gif>

Figure 2. Wyoming Untrapped’s map of the GYE grizzly bear DMA in relation to gray wolf hunting zones in Wyoming



Data for this map was acquired from Wyoming Game & Fish Trophy Game geospatial data files <https://wgfd.wyo.gov/Wildlife-in-Wyoming/Geospatial-Data/Miscellaneous-Game>. Questions regarding this information can be directed to Loren Taylor, 307-201-2422, or loren@wyominguntrapped.org.

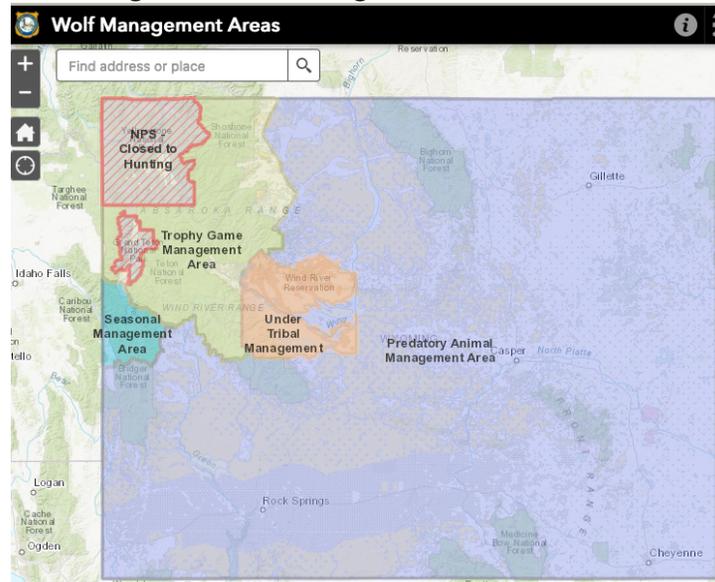


Figure 2 depicts the GYE grizzly bear DMA as it relates to the areas where Wyoming Game and Fish Department and Wyoming Department of Agriculture have jurisdictional management authority for gray wolves when designated as “predators” in Wyoming.

Wolf trapping and snaring is restricted in the Trophy Game Management Area (TGMA). However, trapping, snaring, and killing by any means of species designated as predators occurs year-round and without limit, monitoring or reporting all across the state of Wyoming. The Seasonal Trophy Game Management Area does have restrictions for wolf trapping and snaring during the wolf hunting season but is considered a wolf predator zone during March 1 through October 14 (W.S. §23-1-101(a) (xii) (B) (I) and (II)).

The current grizzly bear DMA overlaps with both the Seasonal TGMA and the Predatory Zone, where grizzly bears are at significant risk of incidental take by wolf trapping and snaring, or even, potentially, M-44 devices. Figure 2. A large portion of the proposed Greater Yellowstone Ecosystem grizzly bear Distinct Population Segment (DPS), as designated in the Service’s now-vacated delisting rule, falls within the Predatory Zone. Grizzly bear populations are already expanding out from the DMA into larger portions of the DPS and thus are subject to greater risk of trapping and snaring incidents.

Figure 3. Wyoming's wolf management areas, image from WGFD



Even in Wyoming's TGMA, where wolf trapping is restricted, trapping for other species persists, still leaving grizzly bears at risk. World renowned grizzly 399 and her cubs frequent Wyoming's wolf TGMA near Jackson Hole, and because two bears were recently photographed missing a paw and digits (see Images 1 and 2) in this area, we urgently request that the Service undertake all that it has the power to do to protect not only these world-famous bears, but all grizzly bears from the unacceptable risk posed by traps and snares. We call upon your agency to advocate for the removal of traps and snares on lands in Idaho, Montana and particularly in Wyoming, including on federal public lands managed by your sister agencies, which share the Service's responsibility to conserve threatened and endangered species.⁴

With regard to the particular incidents described above, we are available to assist you in any way we can. If these bears were illegally and purposefully trapped by poachers, we are eager and able to help the Service put together a reward fund for information that leads to the successful prosecution of the culprit(s).

Sincerely yours,

Wendy Keefover, Senior Strategist, Native Carnivore Protection, Wildlife
The Humane Society of the United States
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Loren Taylor, CWB®, Executive Director
Wyoming Untrapped
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⁴ 16 U.S.C. § 1536(a)(1) ("All other Federal agencies shall...utilize their authorities in furtherance of the purposes of [the ESA] by carrying out programs for the conservation of endangered species and threatened species listed pursuant to [the ESA].").

Image 1. Grizzly photographed by a trail camera who has an amputated left foot



Image 2. Grizzly photographed who is missing two toes on her front left foot

