

University of Colorado Law School

Colorado Law Scholarly Commons

The Public Lands During the Remainder of the 20th Century: Planning, Law, and Policy in the Federal Land Agencies (Summer Conference, June 8-10)

1987

6-9-1987

Grizzly Bears, Politics and the Language of Efficiency

Donald R. Snow

Follow this and additional works at: <https://scholar.law.colorado.edu/public-lands-during-remainder-planning-law-and-policy-in-federal-land-agencies>



Part of the Administrative Law Commons, Animal Law Commons, Animal Studies Commons, Aquaculture and Fisheries Commons, Courts Commons, Dispute Resolution and Arbitration Commons, Energy and Utilities Law Commons, Energy Policy Commons, Environmental Law Commons, Environmental Policy Commons, Forest Management Commons, Indigenous, Indian, and Aboriginal Law Commons, Judges Commons, Jurisdiction Commons, Land Use Law Commons, Law and Politics Commons, Legislation Commons, Litigation Commons, Natural Resources and Conservation Commons, Natural Resources Law Commons, Natural Resources Management and Policy Commons, Oil, Gas, and Energy Commons, Oil, Gas, and Mineral Law Commons, Peace and Conflict Studies Commons, Property Law and Real Estate Commons, Recreation, Parks and Tourism Administration Commons, Soil Science Commons, State and Local Government Law Commons, Water Law Commons, and the Water Resource Management Commons

Citation Information

Snow, Donald R., "Grizzly Bears, Politics and the Language of Efficiency" (1987). *The Public Lands During the Remainder of the 20th Century: Planning, Law, and Policy in the Federal Land Agencies (Summer Conference, June 8-10)*.

<https://scholar.law.colorado.edu/public-lands-during-remainder-planning-law-and-policy-in-federal-land-agencies/14>

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.



William A. Wise Law Library
COLORADO **LAW**
UNIVERSITY OF COLORADO **BOULDER**



Getches-Wilkinson Center Collection

Donald R. Snow, *Grizzly Bears, Politics and the Language of Efficiency, in THE PUBLIC LANDS DURING THE REMAINDER OF THE 20TH CENTURY: PLANNING, LAW, AND POLICY IN THE FEDERAL LAND AGENCIES* (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 1987).

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

Grizzly Bears, Politics and the Language of Efficiency

Donald R. Snow

Executive Director
Northern Lights Research & Education Institute, Inc.
Missoula, Montana

The Public Lands During the Remainder of the 20th Century:
Planning, Law, Policy in the Federal Land Agencies

Natural Resources Law Center
University of Colorado School of Law
June 8-10, 1987



Grizzly Bears, Politics and the Language of Efficiency

- I. The brown bear and its historic range
 - A. Ursus arctos evolution began 25 million years ago and proceeds rapidly today (McNamee, The Grizzly Bear, 1984).
 1. N. American grizzly and Eurasian brown bear are both Ursus arctos; they differ substantially in habit, habitat, and response to human pressures.
 2. Migration of the brown bear across the Bering Strait began 50,000 years ago; Asian and Alaskan bears remained in contact until 10,000 years ago when the land bridge disappeared.
 3. The enormous behavioral differences between these two bears are due to cultural and environmental, rather than genetic, differences (McNamee, 24).
 4. Eurasian brown bears began to disappear first among the "island populations:" England, Ireland and Denmark, an ecological island. Thirteen to nineteen populations remain, with the largest by far in central Russia (there's a bear in the woods).

5. The Eurasian brown has shown remarkable tolerance for human encroachment; the grizzly, however, is "a whole nother kettle of bear."
6. Some believe that the grizzly's 10,000-year-long adaptation to its glaciated, North American environment evolved a bear with uniquely aggressive tendencies as well as individual attributes that humans have always found astonishing.
7. Plantigrade, capable of achieving speeds in excess of 35 mph, weights soaring to a ton, jaws able to snap a 6-inch tree or crush a steer's head like an egg, with uncanny abilities to skate across deep banks of snow, excellent eyesight, and a nose "as much better than a bloodhound's as a bloodhound's is better than a man's, the grizzly bear is an animal of mythic proportions (McNamee, 74-77; Russell, Grizzly Country. 1967).
8. Conflicts with this animal are ancient and inevitable. Its historic range is vastly diminished, particularly in the Lower-48 [overhead transparencies]; its historic numbers have been decimated. Tens of thousands lived south of Canada as late as 1850; there are perhaps 600-900 today

(Chadwick, Grizz: Of Men and the Great Bear, National Geographic, Feb. 1986).

9. The grizzly disappeared from Texas in 1890, California by 1922, Utah by 1923, Oregon by 1931, New Mexico and Arizona by 1935. The last report in Colorado was of a grizzly killed with an arrow in 1979 (Nice, A Grizzly Situation, High Country News, March 18, 1983.)
10. Its current range in the Lower-48 extends into five ecosystems: the Yellowstone, the Northern Continental Divide (including Glacier National Park), the Cabinet-Yaak, the Selkirks, and the North Cascades [transparencies] (U.S. Fish and Wildlife Service, Grizzly Bear Recovery Plan, 1982).
11. The grizzly is under particular stress in the Yellowstone Grizzly Bear Ecosystem, which represents 30 percent of the occupied habitat left in the Lower-48. Yellowstone's is, in effect, an island population and has been for 50 years (Chadwick, 190). Between 1968 and 1973, over 180 Yellowstone grizzlies are known to have been killed because of interaction with people. There are probably 180-200 left, of which about 30 are sexually mature females.

II. The Bear, Man and God

A. Bear mythologies are circumpolar (Rockwell, 1987).

1. European folktales are replete with references to bears. The Berserks, followers of Wotan, were "bear-people." Some schools of psychology suggest that the human psyche is imprinted with meaningful images of bears (Von Franz, The Feminine in Fairytales, 1979).

2. North American Indian myths and traditions paid great homage to bears, especially the grizzly and its Northwest coastal variants. The Blackfeet and Kootenai were especially reverential toward grizzlies (McNamee, 35; Rockwell).

B. The bear lives as well in contemporary letters and folklore.

1. Faulkner's The Bear is a classic American story of the vanished frontier (Faulkner Go Down, Moses, 1942). More recently, William Kittredge's short story, "We Are Not In This Together " has called new attention to the mythic aspects of human-bear interaction within the contemporary range of the grizzly (Kittredge, We Are Not In This Together, 1984).

2. "Bear News" is important local cultural fare in and around bear country of the Lower-48. There is attention paid to the seasonal movements of bears in a manner paid to no other local creature (Frazier, The New Yorker Sept. 9. 1985). Swans and cranes come and go, but bears are noted carefully and local reputations are often caught up in who seems to know the most about bears.
3. Americans' exposure to Asian and Eurasian bear-lore is largely negative, but nonetheless deeply symbolic. The Oriental black market for bear-parts lies at the root of tragic episodes of grizzly poaching (\$700 per ounce for dried grizzly gallbladders, thought to purify the blood).
4. There exist latent, exploitable fears of large bears viewed as, somehow, Soviets. "There's a bear in the woods," was an ominously effective television commercial used to elect Ronald Reagan over Walter Mondale. It used visual imagery to link a living bear to the Soviet nuclear threat.
5. In parts of Montana where grizzly-human encounters are common, there exists what appears to be an irrational, even mythic, hatred of grizzly bears and their advocates. This hatred is easily traced through letters

to the editors of local newspapers (Frazier, 89-91).

C. As a symbol of wilderness, wildness and healthy attractive ecosystems, the grizzly has no peer, even though much lore about this highly evolved opportunist has no basis in fact.

1. Lewis and Clark observed the grizzly at its scavenging best, cleaning up the maggoty remains of the pushkin hunts, yet contemporary grizzly managers spend \$70,000 a year on diesel fuel to remove garbage from around Cooke City, Montana (Chase, Playing God in Yellowstone, 1985).

2. The notion that grizzlies demand vast, untrammelled wilderness in order to survive has been emphatically disproven, yet still lurks on the margins of popular wilderness literature.

III. Contemporary pressures on habitat and individual bear mortality may drive the Yellowstone and other populations to extinction, or may alter the bear culturally in a way that diminishes its legendary "wildness."

A. The plight of the Yellowstone grizzlies has been well documented. Errors in estimates of both actual numbers of bears and population trends, coupled with a 10-year-old debate over

what is "natural" in nature, led to management decisions that exacerbated bear-human conflicts (McNamee, 105-122).

1. While no one has ever known the exact number of grizzlies living in the Yellowstone Ecosystem, a solid contemporary guess is about 200. Of those, about 80 are adults; 38 percent of those, or 30, are females.
2. Since the average breeding interval is three years, and the average litter size there is 1.9 cubs per litter, Yellowstone grizzlies birth about 19 bears per year. For reasons that are not yet understood, the sex ratio of Yellowstone grizzlies is skewed toward males. That means that perhaps as few as three and as many as five of the 19 annual cubs become sexually mature females. This estimate takes into account natural cub mortality (McNamee, 63-4).
3. The mortality of adult females between 1970 and 1982 averaged 8 to 9 per year. Some biologists have used these trends to predict that the Yellowstone grizzly could vanish by the end of the century (Chadwick, 189).
4. The greatest short-term losses are due to legal and illegal killing and removal; the long-term losses will be exacerbated by

habitat loss and disturbance.

5. One popular myth about the decline in the Yellowstone grizzly population asserts that the radical increase of visitations in recent years has created undue confrontations. Yet visitation to the Park has not substantially increased since 1962 (Chase.).

6. At least one biologist has suggested that the Yellowstone population may be gradually losing its 'grizzliness' as aggressive bears are selected out (Chadwick, 198). That could leave the horrific horribilis on par with his docile European counterpart.

B. The Yellowstone situation while interesting and provocative in its own right, ought to be viewed as an instruction for management throughout the rest of grizzly country.

1. Grizzly populations are believed to be stable or on the rise in the Northern Continental Divide Ecosystem (Jonkel, personal communication, 1987).

2. The Cabinet-Yaak population, however, may have dwindled to as few as 16 to 18 bears (Jonkel, 1987).

3. Pressures on these populations are also on the rise, in the form of individual

confrontation, roading and logging, and recent mineral exploration in the Revett Formation (silver-copper).

IV. The political habitat of the grizzly in the Lower-48 is much more precarious than its natural habitat. This is a Pleistocene mammal that has outlived the mammoth the giant ground sloth, the sabre-toothed tiger, the giant bison, the dire-wolf and the mastodon: but in the Lower-48, it might have trouble surviving the politics of accommodation and the concomitant language of efficiency.

A. The legislative politics of the bear and its habitat strain under local sentiment.

1. U.S. Senators with constituents in grizzly country wield outsized power to influence the future of the grizzly (Burns, Proceedings-- Grizzly Bear Habitat Symposium, 1985).
2. County-level land-use decisions, especially over residential and recreational development, are sometimes at odds with even the best management objectives (Olson, personal communication, 1987).
3. There may be a growing trend toward public mistrust of grizzly bear experts and the managers who heed them. Some evidence suggests that when bear problems must be solved through legislation, they will often

be solved to the detriment of the bear despite national consensus over grizzly survival (Burns, 7).

B. Land management of grizzly habitat, coupled with differing mandates and motivations among governmental agencies, makes coordination extremely difficult.

1. The Yellowstone Grizzly Bear Ecosystem, for example, includes portions of three states, five National Forests, two national parks, public domain lands administered by the Bureau of Land Management, ten counties, and thousands of acres of private land (Reese, Greater Yellowstone, 1984).

2. Yellowstone-area foresters report to offices in Denver, Missoula, and Boise.

3. Traditional wildlife managers also get into the act over grizzlies, despite historic unconcern with non-game habitat. In Montana, in particular, the state Department of Fish, Wildlife and Parks demands a major role because the State of Montana still authorizes limited sport hunting of grizzly bears.

C. The federal system of government and what it has evolved into further restricts the opportunity to manage for the survival of the

bear.

1. The multiple use concept in some instances has been adapted in unprecedented ways to accomodate and protect grizzlies (Orme and Williams, Proceedings--Grizzly Bear Habitat Symposium). In other ways, however, "multiple use" leads to tragic collisions with the grizzly.
2. While the goal of grizzly bear recovery enjoys nearly universal acceptance, the social complexities of human communities and interests near bear country make "extreme" regulations precarious. Bear recovery and traditional uses of Western lands must be made as compatible as possible (Burns, 7-9).
4. Heartening gains in management and planning have been achieved: for example, the use of cumulative effects analysis and cooperation among some private lessees. Managing for better grizzly habitat also seems to have been a sharp prod in the direction of more thorough forest planning (Christensen, Proceedings).
3. Despite the gains from the "Decade of Environmentalism," Westerners and tourists may not be willing to tolerate draconian measures to maintain viable grizzly populations. Nevertheless, grizzlies. like

surface water allocations, touch off strong emotions among the quiet people of the West. The bear may prove to be the great unifier, rather than the great divider of the West. There now exist practical methods to make this hope into a reality.