

CHAPTER 1

RESEARCHING SPECIES PRESERVATION IN THE GREATER YELLOWSTONE ECOSYSTEM

Introduction

Individuals and the US government have increasingly become aware that healthy ecosystems are essential to human survival. In turn, academics have noticed that the role and influence of environmental organizations on public attitudes regarding federal policy has increased. The recent removal of the grizzly bear from the Endangered Species Act within the Greater Yellowstone Ecosystem poses an interesting case study of the role environmental organizations have taken on throughout the political process.

The objective of this thesis is to assess the growing awareness of environmental preservation and the prospects for taking substantive action to protect species, by using the Yellowstone grizzly bear example. As Aldo Leopold wrote in *A Sand County Almanac*, “Permanent grizzly ranges and permanent wilderness areas are, of course, two names for one problem. Enthusiasm about either requires a long view of conservation, and a historical perspective.” The Greater Yellowstone Ecosystem has been a focus of the media in past decades due to controversial and innovative steps to revive the ecosystem, despite a surge in development throughout the surrounding area. Prior to the de-listing of the grizzly bear, the media had focused its attention on the reintroduction of the grey wolf in 2003, and bison management in Yellowstone National Park.

The Yellowstone grizzly bear is a keystone species of the Greater Yellowstone Ecosystem as well as Yellowstone National Park. Consequences run up and down the proverbial ladder linking not only other species within the ecosystem together but reverberating within the Park itself. Sprawling rural development, oil and gas drilling,

logging, road building and off-road vehicle use have narrowed grizzly bear habitat in the lands surrounding the Greater Yellowstone Ecosystem and these activities continue to close in on the last few fragments of Yellowstone grizzly country. Slow reproduction rates, high human-caused mortality rates and threatened food sources also pose problems for the long-term survival of the bears. However, the success of the Yellowstone grizzly has the capability to influence the way grizzly bear policy is managed in the five other ecosystems where grizzlies reside in the Mountain West.¹

Table 1-1

<u>Response Type</u>	<u>Count</u>
Letters (non form letters)	857
E-mail Messages (non form letters)	2,172
Form Letters (individual modifications)	8,229
Form Letters (twenty five)	182,223
Public Hearing	85
Petitions (974 total signatures)	12
TOTAL	193,578

This study seeks to understand species preservation in a way that explains not only the outcomes, but the driving forces that act as a catalyst for the outcome of Endangered Species Act policy. The Yellowstone grizzly bear case offers an interesting story. Often overlooked by contemporary political science theory, the relationship between society and the biophysical environment must be taken into account in order to more fully the sources the American public receives its environmental news. Environmental organizations were the keystone of the Yellowstone grizzly case accounting for 182,223 of the 193,578 (Table 1-1) public comments received to the Fish and Wildlife Service. For this reason, a close examination of the role of environmental

¹ Grizzly bear distribution in the Mountain West includes the following ecosystems: the Northern Continental Divide, Selkirk, Cabinet-Yaak, North Cascades, and Bitterroot.

organizations, to include the Sierra Club, Natural Resource Defense Council and Greater Yellowstone Coalition, and the information they produce to their constituents will be analyzed throughout this thesis.

Research Questions:

The purpose of this research is to provide academics with literature that identifies the role of environmental organizations in influencing and shaping American environmental attitudes. The primary goal of academics is to provide empirical data which supports their assertions. As a means of achieving this desired outcome a comprehensive examination of the form letters drafted by environmental organizations during the public comment time-frame of the de-listing process will be used in this thesis. It is the intent of the researcher to demonstrate through form letters, that were turned in by thousands of citizens, that environmental organizations play a significant role in the shaping the American public's environmental attitudes. However, since the ultimate decision of the Fish and Wildlife Service was to remove the Yellowstone grizzly's protection as a threatened species, it is the intent of the researcher to explore the effectiveness of environmental organizations and public comment in the political process.

The primary research question to come about upon review of the literature is:

What are the politics of when a species should be removed from the Endangered Species Act? Building on this primary research questions the following questions serve to guide and develop the research: At what point is a species safe enough to no longer be listed as "threatened" under the Endangered Species Act? Where is the information coming from that the American public uses to guide their own environmental values regarding the Endangered Species Act? What is environmental preservation and to what

extent were ecological considerations seen as important to the Federal Fish and Wildlife Services (FWS) during the Yellowstone grizzly bear de-listing process? How effective are environmental organizations at shaping the American public's environmental values? And, who exactly, is shaping species protection policy? The culmination of answers surrounding these questions should attempt to explain what is likely the greatest threat to environmental preservation of the Yellowstone grizzly and should serve as a guideline for the protection of mega-fauna and the role of environmental organizations in the United States.

Understanding the Problem:

The grizzly bear was labeled as a distinct population segment and de-listed as a threatened species in the Greater Yellowstone Ecosystem on April 1, 2007.

Environmental groups, scientists and the concerned section of the American public were split on the implications of de-listing the bear.² Within each community were questions. Questions ranged from the validity of the science used on various studies used to justify de-listing, the temporal insinuation of de-listing, the implications of the science, and the political motivation behind the federal government choosing the Greater Yellowstone Ecosystem as a location to de-list the bear.³

In order to understand the process that grizzly bear management has undergone it is imperative to understand the history behind the settlement of the American West and the creation of the National Park System. With a proper understanding of the

² Data collected by the US Wildlife and Fish Service as dictated by the National Environmental Protection Agency dictates the split that existed between individuals and groups on either side of the issue. This will be further explained in the Methods and Data section of my paper.

³ The idea that subsections of the grizzly population have been listed as endangered while others have not is a controversial topic regarding the Endangered Species Act. For this reason the idea of the Y2Y trail has been proposed. This would create a corridor between ecosystems containing grizzly bears stretching from current populations in the GYE to the Yukon territory of Alaska.

environmental history surrounding Yellowstone grizzly management and the formation of Yellowstone National Park the following questions can begin to be examined: What political and legal conflicts struggles and compromises have emerged over the conservation and resource use of the grizzly bear? How did people's attitudes toward nature and their mental construction of the grizzly change over time?

The Evolution of the American West:

There is a story which Americans have long subscribed to, the one about the Old West, the frontier. For the greater part of the 20th century it was a story recounted by Americans. The story told us where we came from and who we were. Historian William Cronin explained it as, "the ability to turn ordinary people into heroes and to present a conflict ridden invasion as an epic march toward enlightened democratic nationhood."⁴ Still a powerful tale, the myth of the West has helped to define the American psyche and create a collective identity. These stories of the American West are incredibly valuable because they bring structure, order and understanding to what it means to be from America in tandem with what being an American means.⁵ These stories sold the West with promises of paradise, stories about free land, abundant water, gold, silver, but above all, opportunity.⁶

Donald Worster, an environmental historian, argues that a New West has emerged out of research and literature in reaction to understanding the gaps in agrarian literature.⁷

The drive for economic development of the West was often ignorant of the environmental

⁴ Cronon, W. "A Place for Stories: Nature, History and Narrative". *Journal of American History* 78 (March 1992):1347-1376

⁵ Kittredge, W., (1987) *Owning It All* (St. Paul, Minn: Graywolf Press), p. 62.

⁶ In no other written document is this sentiment made more clear than in the New York Times Article where Horace Greeley pronounces, "Go West, young man and seek your fortune." This can be found in: Coy F. Cross II, *Go West, Young Man! Horace Greeley's Vision of America* (Albuquerque, University of New Mexico Press, 1995)

⁷ Worster, D. (1992). *Under Western Skies*. (New York: Oxford University Press).

toll and in its wake left depletion and ruin.⁸ By the 1890s farms dotted the landscape of the plains, cattle had been fenced into corporate ranches and mines occupied the mountainsides. The Old West, was gone. In 1893, nostalgia began to creep into the heart of the American public.⁹ Anything valuable enough to have survived the push Westward was noted to be special and in need of saving. National parks like Yellowstone (1872), Yosemite (1890), and Glacier (1910) became national symbols and soon tourists came seeking out the experience of a world outside of progress. Their search was one which was rooted in a desire to experience things preserved within the parks boundaries but were lost in the name of progress: wildlife, canyons, glaciers, mountains, the frontier and the general wilderness experience.

Yellowstone National Park became renowned as a recreation hotspot and for decades lived up to this expectation. It was assumed that Yellowstone had existed in this capacity forever and would continue to in the future.¹⁰ This assumption was believed largely due because, “the government promised to protect the national parks and preserve them as symbols of America’s heritage.”¹¹ Examples of such promises include Congress’s decision to allocate the responsibility of maintaining national parks to the Department of Interior. Later in 1916, this responsibility was transferred to the National Park Service.

Problems began to arise with the ambiguity of the language surrounding the law, specifically dealing with the mission of the National Park Service and the national parks

⁸ Ib. 156

⁹ Turner, F. (1986) *The Frontier in American History*. (New York: Henry Holt).

¹⁰ White, R. (1991) *It’s Your Misfortune and None of My Own: A New History of the American West*. Norman, Oklahoma: University of Oklahoma Press.

¹¹ Barringer, M. (1962). *Selling Yellowstone: capitalism and construction of nature*. Lawrence, Kansas: University Press of Kansas.

it was to protect. The law states that the National Park Service must promote national parks,

“...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”¹²

Critics argue that the experience visitors sought after was diluted. The old story of the American West neglected the story of Native Americans, marginalized ethnic minorities and women and even the environment itself. Runte argued against the idea that national parks were even the brainchild of forward-thinking, altruistic individuals stating they “encompassed only those features considered valueless for lumbering, mining, grazing, or agriculture and were worthless in the traditional sense.”¹³ Since the Western narrative involved the idea of the rugged mountain man and the salvage Indian and went unchallenged for most of the 20th century, it appeared that National Parks were provided as a protected area, structured in a manner where everyone could enjoy a piece of environmental history.

Finally, while some scholars have stated that, “our wild parks are sacred earth which cannot be bought and sold,”¹⁴ it should be noted that this idea is not entirely true. National parks, like Yellowstone, did not escape commercial development because they were valued as a public treasure. Rather they became some of the most commodified land in the nation albeit in a more subtle manner. This thesis will demonstrate the divide between who actually owns Yellowstone, for whose benefit the park was provided and what that should include. The Yellowstone grizzly provides a new example in which to

¹² National Park Service Organic Act, 16U.S.C.1.

¹³ Runte, A. (1979) *National Parks: The American Experience*. Lincoln: University of Nebraska Press.

¹⁴ *Ib.*

empirically study the relationship the American public has with the Park, the “wilderness experience”, and is reflective of how Yellowstone has been designed and marketed as a landscape created to be what Americans want to believe the Old West once was. Lastly, this thesis hopes to function as an explanation of the identities the bear has taken and the individuals who were involved in the process and the potential reasons for doing so.

Research Methods:

This thesis will function under the parameters of the case study methodology. Case studies provide a fullness of explanation within an identified historical context, which enable the case to reveal itself more comprehensively. Albeit, case studies sacrifice their generalizability in order to obtain this richness of explanation.

This study examines the use of symbolic perspectives in the comments of citizens-how they are expressed, how citizens represent their own and others perspectives and how citizens understand the position of the agencies involved. The Yellowstone grizzly de-listing has comparatively high numbers of public comments, which illustrate the salience of environmental issues and the public desire for input. Process tracing, the observation of links in policy-making causes and outcomes, provides empirically measurable data. This process allows for the development of conceptual refinement through the examination of a small number of cases.¹⁵ Furthermore, processes tracing allows for the researcher to categorize individual comments into separate categories so that public comment can be more thoroughly examined. It allows for an accurate display

¹⁵ George, A.L. & Bennett, A. (2005). *Case studies and theory development in the social sciences*. Cambridge, Massachusetts: MIT Press.

of public concern because it uses an individuals own words, providing for a traceable system without injecting the interpretation or judgment of the researcher.¹⁶

Approach:

Table 1-2

For YGB Removal from ESA	Against YGB Removal from the ESA
General Comments	Fish and Wildlife Service Definition of Recovered
The Use of Science and Data to Best Extent Possible	Value-Based Reasons
For De-listing If No Hunting Season	Protect Habitat or More Habitat
Oil and Gas Development and Mining	Grizzly Bear/Human Conflicts
Connectivity with Other Grizzly Habitats	Grizzlies Attract Tourists
Triggers to Re-list and Slow Responses	Adequacy of Conservation Strategy
Further Research or Analysis Needed	Negative Attitudes toward Grizzlies
Don't Trust Motivations Behind De-listing	Conservation/Precautionary Mgmt Approach

In order to develop the empirical data required to effectively utilize process tracing, examination of summaries and responses to public comment received regarding the proposed rule designating the Yellowstone grizzly as a distinct population segment and removing the Yellowstone distinct population segment of grizzly bears from the federal list of endangered and threatened wildlife.¹⁷ In addition to public comment

¹⁶ Swieringa, R.J., & Weick, K.E. "An assessment of laboratory experiments in accounting research." *Journal of Accounting Research*, supplement, Volume 20, 1982.

¹⁷ The official Fish and Wildlife response of public comment can be found in its entirety at: http://www.fws.gov/mountain-prairie/species/mammals/grizzly/Content_Analysis_Report_final.pdf.

submitted to the Fish and Wildlife Service, qualitative data was collected through the use of literature, which included peer-reviewed writings, published books and wildlife advocacy websites.

The coding of the transcript was based on the codes identified in Table 1-2. The coding was conducted in order to provide empirical evidence for the case study in chapter four. Both direct quotes and summaries are provided within context and are a reflection of support for one or more of the hypothesis. Public comments were submitted to the Fish and Wildlife Service in accordance with requirements placed with the Federal Registrar¹⁸.

Public comment was taken from November 17, 2005¹⁹ until March 20, 2006. Public comments were either coded as in favor of the de-listing process or in opposed to the de-listing process. Comments that withheld a stance were not included in the model. A total of 164,486 individuals, organizations and government agencies responded to the Proposed Rule to de-list the Yellowstone grizzly. Due to the number of comments received, the summary includes trends and common concerns.

Scope:

The scope of this study is public comment provided to the Fish and Wildlife Service as required by the National Environmental Protection Act regarding the removal of a species threatened or protected status under the Endangered Species Act.

¹⁸ 70 FR 69854 Federal Register Proposed Action. Proposed Rule Designating the Greater Yellowstone Ecosystem Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife. This document can also be obtained on-line at: <http://www.fws.gov/mountain-prairie/species/mammals/grizzly/delistFR11172005.pdf> (January 10, 2008)

¹⁹ (70 FR 69844)

Conclusion:

Species preservation is a contentious topic which hits on a nerve of the American public unlike other topics. The de-listing of the Yellowstone grizzly provides an example of this phenomenon by empirically showing the shockwave that went beyond NGO's, local communities and scientists. It generated a rallying effect on the American public that surfaced throughout the de-listing process in multiple mediums: newspapers, TV news sources, letters to the FWS, and attendance at town meetings regarding the de-listing policy.

Whether the individual's position was for or against the de-listing of the Yellowstone grizzly, the passion behind it was fierce. This thesis is an attempt to examine both sides of the Yellowstone grizzly de-listing example, through the case study and process tracing methodologies, in order to produce a document that can stand as a snapshot of current American environmental values and provide insight to where these values are shaped.

CHAPTER 2

A HISTORICAL CONTEXT OF GRIZZLY MANAGEMENT IN YELLOWSTONE NATIONAL PARK

Introduction:

With the American western expansion, grizzlies and other predators were consciously exterminated.²⁰ The Endangered Species Act of 1973 protected the grizzly and provided a means to restore their historic habitat. By including the phrase, “significant portion of its range” Congress declared its intent that a listed species would not only be saved from extinction but went a step further ensuring that a species be recovered prior to its removal from the Act. Currently the main population eco-centers of grizzlies in the lower 48 states are the Greater Yellowstone Ecosystem and the Northern Continental Divide Ecosystem. The former area is centered around Yellowstone National Park (YNP) and includes about 18 million acres of national parks national forests, national wildlife refuges and private land (Figure 2-1). Park officials believe that between 400 and 600 bears currently reside in the Greater Yellowstone Ecosystem.²¹

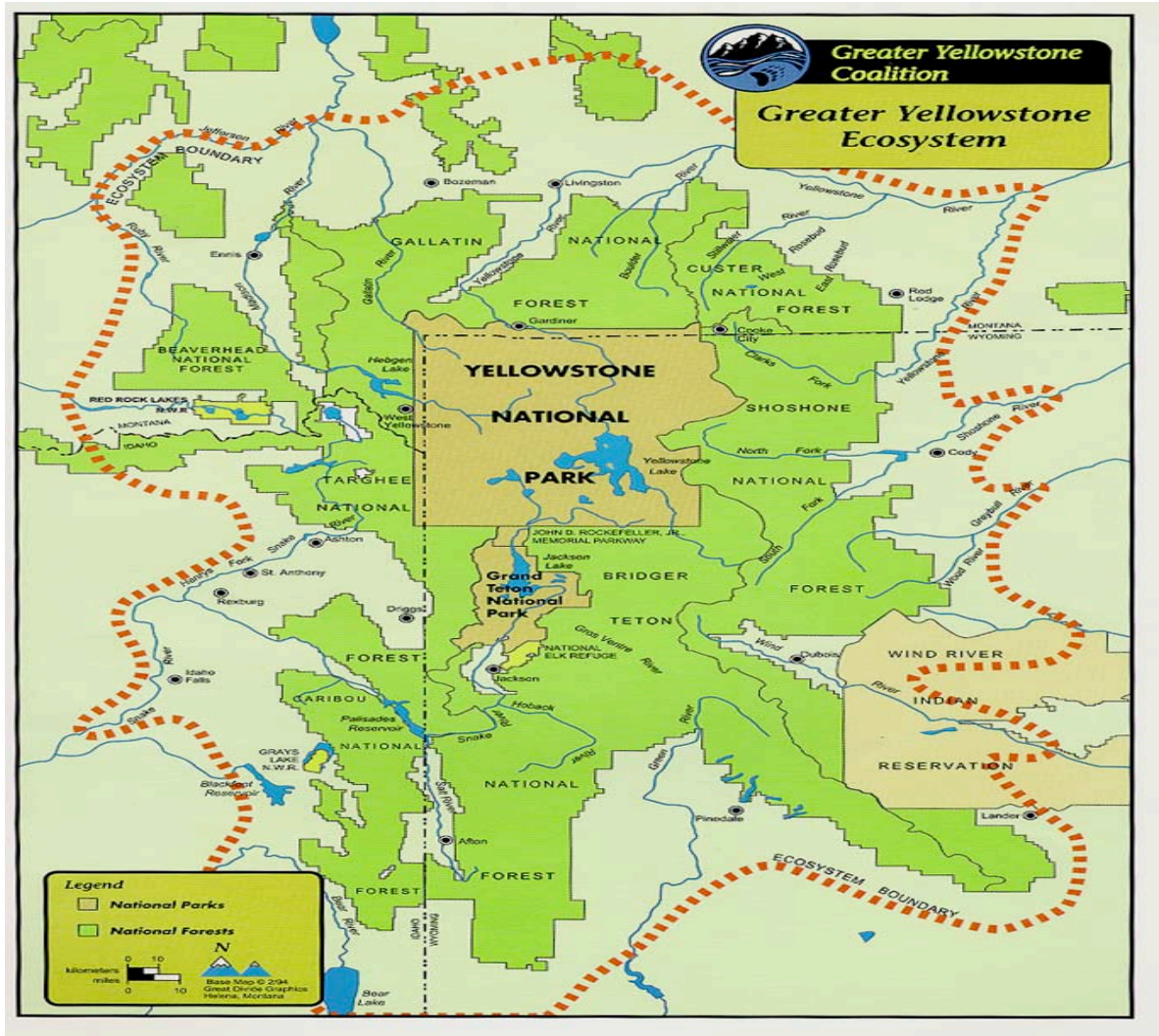
In 2007, the Department of Interior ruled to designate the Greater Yellowstone Ecosystem population of grizzly bears as a distinct population segment and removed the Yellowstone grizzly from the federal list of endangered and threatened wildlife.²² The Department of Interior built on the success of reproduction and mortality rates within

²⁰ Dunlap, T. (1988). *Saving America's Wildlife* (5 ed.). Princeton: Princeton University Press.

²¹ Three other pockets of grizzly habitat exist today in the lower 48 states. The Selkirk Mountains of Idaho and Washington support between 40 to 50 grizzlies, and between 30 to 40 more in the Cabinet-Yaak area of northern Idaho. The North Cascade Mountains of western Washington may support a half-dozen grizzlies at the most. More on the rates of grizzly bear population growth can be found by reading: McLellan, B., Hovey F., Mace R, et al. “Rates and causes of grizzly bear mortality in the interior mountains of British Columbia, Alberta, Montana, Washington, and Idaho.” *Journal of Wildlife Management*, 63 (3): 911-920 (1999).

²² Final Rule Designating the Greater Yellowstone Area Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the

Figure 2-1



the Greater Yellowstone in order to downplay the lack of a presence the grizzly currently has in much of its historic range across the western United States.

However, this ruling was not the first time that that the Department of Interior has faced repercussions from the American public, rallied together by notable environmental organizations like the Sierra Club, National Resource Defense Council and Earth Justice. Among such examples include the signed agreement between Secretary of the Interior

Bruce Babbitt's in 2005 with Governor Roy Romer of Colorado, allowing Colorado to develop and implement its own plans to protect endangered and threatened species throughout the state, by implementing voluntary compliance from private property owners, municipalities and Indian Nations.²³ Other cases include the Northern Spotted Owl in the Pacific Northwest²⁴ and the Delta Smelt in southern California.²⁵

In the end, the Yellowstone grizzly case provides academics with a story of the relationship between American environmental organizations, National Wilderness Preservation System, Forest Service, National Park Service and Fish and Wildlife Service. This chapter seeks to understand the historic background of that relationship. Each section will help to do the following tasks: (1) provide a brief background on the creation of the Endangered Species Act as a piece of legislation (2) describe the role of the National Park System and Yellowstone as a leader in species management and (3) evaluate historical wilderness themes and values.

Throughout this chapter I hope to allude to the increased role that environmental organizations have had throughout the political process. This argument will continue to be built upon the Chapter 3 where I will explore the effectiveness of the role of environmental organization in the Yellowstone grizzly case by investigating the range of public response and strategies used to inform the public. Chapter 3 will further serve as an attempt to evaluate the location in which individuals receive their queues regarding environmental values. Chapter 4 will serve to sum up the overall concepts of the research

²³ See Gary Gerhardt, New Ways to Save Species: Plan to Save Threatened Wildlife Could Become U.S. Model Officials Say, Rocky Mountain News, Nov. 30, 1995.

²⁴ Noon, B., and Blakesley, J. (2006, April). Conservation of the Northern Spotted Owl under the Northwest Forest Plan. *Conservation Biology*, 20(2), 288-296. Retrieved January 25, 2008, from Academic Search Premier database.

²⁵ The overcrowded ark. (2007, September 8). *Economist*, Retrieved January 22, 2008, from Academic Search Premier database.

by measuring the effectiveness of environmental organizations in changing environmental policy.

Historical Wilderness Themes and Values:

In order to more insightfully study environmental attitudes of the American public regarding wilderness preservation, it is important to understand what, “wilderness” means. At one extreme, wilderness can be defined in legal perspective as an area adhering to the definition provided by the Wilderness Act of 1964 and on the other extreme it can be potentially be defined as the entire universe. As this thesis is focused on the role of environmental organization on federal agencies, it is important to note that the range of public comment did not adhere to a particular definition. The lack of a definition indicates the purpose that public comment is designed to achieve, meaning a dialogue between the individual and the State. However, the researcher understands the origin of the term and the diversity of human values associated with it.

The goal of wilderness management is to protect a designated wilderness area’s naturalness and solitude. Problems surface quickly because the diversity of motives and values among wilderness users complicate policy direction. On March 2nd, 1872 Congress established Yellowstone National Park, America’s and the world’s first National Park. Congress’s decision was significant because it recognized for the first time that public lands should be set aside and overseen by the federal government with the purpose of, “the benefit and enjoyment of the people”.²⁶ However, the establishment of Yellowstone, in the beginning, had very little to do with providing a wilderness experience for park users. Yellowstone’s first tourists went seeking a wilderness

²⁶ Culpin, M. (2003). “For the Benefit and Enjoyment of the People”: A History of the Concession Development in Yellowstone National Park 1872-1966. National Park Service, Yellowstone Center for Resources, Yellowstone National Park, WY.

experience, but not too wild. Advertisements for the park included coaches, lavishly decorated lodges and tourists dressed in high fashion.

Yellowstone National Park, as it was in the late nineteenth century, is still a place and an ideal. The notions attached to it during its Wonderland era, as a place of virgin wilderness and “a living reminder of what our country was like before it was civilized and developed,”²⁷ has kept the Park on the tops of must-see attractions. Increasingly, in the past century, Yellowstone’s notability as the nation’s first and largest federal park has solidified it as an emblem of the American wilderness, further signifying it in the American national creation myth.

Over time the experience Yellowstone tourists sought out changed. As values shifted the public began to see the Park as a national treasure. As a result, environmental policy evolved. The Endangered Species Act, the Wild and Scenic Rivers Act and the Wilderness Act are all reflective of the intrinsic value that the American public has placed on the environment and of the expectations they have accrued when they visit a national park.²⁸ Cumulatively, these policies also demonstrate the federal government’s responsibility to establish guidelines for lands under their jurisdiction. The Yellowstone grizzly example validates the function of federal agencies, but at the same time, demonstrates the conundrum of policy makers to pass flexible legislation.

In the 1970s, biologists conducting a landmark study of the habitat of the Yellowstone grizzly bear concluded that its range extended over more than five million acres, of which little more than two million were encased inside the boundary of Yellowstone National Park. This determination allowed for scientists to conceive of the

²⁷ Yellowstone: The First National Park (a video guide), 1990.

²⁸ Hendee, J. and Dawson, C. (2002) *Wilderness Management Stewardship and Protection of Resources and Values* (3 ed.) Golden, CO Fulcrum Publishing.

idea of the Greater Yellowstone Ecosystem.²⁹ However, the idea of ecosystem based management has not caught on as easily as many environmentalists had originally hoped. A similar dissonance has emerged from what-we-think versus what-is regarding wildlife management policy within Yellowstone National Park. The realities of altered populations and decreased biodiversity have become more apparent and belie the Wonderland era image that originally surrounded Yellowstone. Wildlife reported by Theodore Roosevelt in his 1903 excursion is increasingly more difficult to find. Among these species include mule deer, white tail deer, antelope, and beaver

The Wilderness Act

Prior to exploring the issues which surround the Endangered Species Act it is important to understand the Act's origins. Part of the problem surrounding the decision to de-list the Yellowstone grizzly stems from the original verbiage of the Endangered Species Act's predecessor, the Wilderness Act, because it provided tremendous room for interpretation. The 1964 Wilderness Act has continued to stand the test of time, remaining virtually unamended for 44 years. One of the greatest challenges that befall the Wilderness Act is its responsibility to ensure wilderness legislation in check. It is challenged to ensure stewardship toward wild and natural places, *"To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes"*³⁰ The task of keeping the wilderness wild has proved

²⁹ Glick, D., Carr M., and Harting, B., eds., *An Environmental Profile of the Greater Yellowstone Ecosystem* (Bozeman: Greater Yellowstone Coalition, 1991), 10. The grizzly bear study was conducted by Frank and John Craighead.

³⁰ Public Law 88-577 (16 U.S.C. 1131-1136) 88th Congress, Second Session, September 3, 1964.

problematic in application, and as stated in the Wilderness Act “*affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.*”³¹

The Yellowstone grizzly case provides the academic world unlimited reward because it exemplifies the challenges posed to policy makers. Wilderness stewardship seeks to maintain the wildness of wilderness in coexistence with providing accessibility for human use. The mission of the Wilderness Acts provides fodder for both conservationists and preservationists to be in odds with one another and simultaneously argue that their case is re-enforced by the same piece of legislation. However, despite the few changes that have occurred to it the Wilderness Act continues to muddle matters by stating that the purpose of the National Park Service as being: “*...for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness and so far as to provide for the protection of these areas, and the preservation of their wilderness character and for the gathering and dissemination of information regarding their use and enjoyment as wilderness...*”³²

Section 4(c) of the Wilderness Act overviews the actual uses of wilderness areas and further exacerbates confusion by implementing provisions on activities which are not allowed within the park because they interfere with preservation efforts (i.e., commercial enterprise, motorized equipment, roads, structures and installations). However, motorized equipment including cars, and motorcycles are allowed into national parks across the country including Yellowstone and likewise roads have been implemented into parks in order to provide visitors the ability to travel greater distances, more quickly across the Park.

³¹ Ibid.

³² Public Law 88-577 (16 U.S.C. 1131-1136) 88th Congress, Second Session, September 3, 1964. Section 2

Despite the outcome of the Yellowstone grizzly de-listing it is important to note that the case is not reflective of the final achievements in wilderness preservation, as allocating responsibility to federal agencies is only part of the task. The role of environmental organizations brings the thoughts of George Marshall, former president of the Sierra Club and brother of wilderness advocate of Robert Marshall, into fruition, “At the same time that wilderness boundaries are being established and protected by Acts of Congress, attention must be given to the quality of wilderness within these boundaries, or we may be preserving empty shells.”³³ The story that unfolds between environmental organizations involved with the de-listing process and federal agencies exemplifies the challenge of wilderness management: to form and implement programs of stewardship and protection that achieve the objects of wilderness policy.

The Endangered Species Act:

Since 1966, three federal statutes have been implemented in the United States to attempt to establish coordinated programs to rectify what appeared to be the disappearance of multiple wildlife species. Despite the recent removal of the grizzly bear from the Endangered Species Act in the Greater Yellowstone for decades the grizzly was boasted as one of the most noted animals on the list. It is also imperative to understand the Endangered Species Act in order to comprehend the manner in which environmental organization have used its language to champion their own case to their constituents.

The Endangered Species Act was the third in a series of laws aimed at protecting species; however, it was the first to offer protection to any species in danger of extinction

³³ Marshal, G. (1969). Introduction. In: McCloskey, M and Gilligan, J., eds. *Wilderness and the Quality of Life*. San Francisco: The Sierra Club: 13-15.

throughout all or a significant portion of its range.³⁴ The Supreme Court has described the Act as “The most comprehensive legislation for the preservation of endangered species ever enacted by any nation.”³⁵ The purpose of the Act is to protect species, defined as “any species which are in danger of extinction throughout all or a significant portion of its range.”³⁶ Congress recognized that these species of fish, wildlife, and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.”³⁷

The original intent of the- Endangered Species Act in 1966³⁸ was to begin a federally based effort to protect endangered species within the United States. Like the Wilderness Act, the Endangered Species Act included vague language which made enforcement of the Act’s goals more difficult. Examples of vague language include that the Secretary of the Interior was directed to review other programs within the Department of Interior with the intent and purpose of which to use them, “to the extent practicable” for furthering the goals of the endangered species program as well as to, “encourage other Federal agencies to utilize, where practicable, their authorities in furtherance of,” the program.³⁹

Throughout the years Congress has tightened up the language of the Act with the most notable changes being made in the Endangered Species Act of 1973. In the

³⁴ Carroll, C., Phillips, M., Lopez-Gonzalez, C., and Schumaker, N. (2006, January). Defining Recovery Goals and Strategies for Endangered Species: The Wolf as a Case Study. *Bioscience*, 56(1), 25-37. Retrieved January 22, 2008, from Academic Search Premier database.

³⁵ *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 180 (1978).

³⁶ 16 U.S.C. § 1531 (a) (20) (2000).

³⁷ *Id.* § 1531 (a) (3).

³⁸ Pub. L. No 89-669, 1-3, 80 Stat. 926. Sections 4 & 5 consolidate land under the authority of the Department of the Interior.

³⁹ Bean, M. & Rowland, M. (1997). *The Evolution of National Wildlife Law* 3rd Ed. Westport, CT. Praeger Publishers.

Endangered Species Act of 1973⁴⁰ Congress recognized and remedied many of the unclear language of the Act by adding that it provide, “a means whereby the ecosystems upon which endangered species depend may be conserved.”⁴¹ Not stopping here, Congress further provided enforcement features into the Act by declaring a policy, “that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.”⁴² Congress further eliminated any chance of vague language and misinterpretations by defining the wildlife and plant species to be included in the Act for protection included any member of the animal or plant kingdoms.⁴³

However, endangered species protection illustrates the problem of conflicting legislation direction. For example, the Wilderness Act limits managerial freedom to alter an area’s value for any particular purpose, including wildlife. On the other hand, the Endangered Species Act directs agencies to make sure no actions are taken that would, “jeopardizes the continued existence of any endangered species or threatened species or results in the destruction or adverse modification of designated critical habitat.”⁴⁴

Once listed, a species is afforded Endangered Species protection.⁴⁵ Section 7 of the Act prohibits any federal action that Section 9 prohibits any individual of taking an endangered species.⁴⁶ A “take” is defined as, “harass, harm, pursue, hunting, shoot, wound, kill, trap, capture, or collect, or to attempt in any such conduct.”⁴⁷ Section 7

⁴⁰ Pub. L. No. 93-205, 87 Stat. 884

⁴¹ Ibid.

⁴² Ibid.

⁴³ Bean, M. and Rowland, M. (1997). *The Evolution of National Wildlife Law* 3rd Ed. Westport, CT. Praeger Publishers.

⁴⁴ Id. § 1536 (a) (2).

⁴⁵ 16 U.S.C. § 1533 (f) (1) (A).

⁴⁶ Id. § 1536 (e) (2).

⁴⁷ Id. § 1536 (19).

further states that a nonessential experimental population will be treated as a threatened species only when within the confines of a National Park or National Wildlife Refuge.⁴⁸ Section 7 continues by highlighting that all federal agencies must consult with the Department of Interior in order to determine that their actions will not harm a listed species or the habitat in which the species resides.⁴⁹ The Fish and Wildlife Service is the agency which is responsible for the implementation of the Endangered Species Act within the Department of Interior. The Fish and Wildlife Service followed up on the Endangered Species Act by establishing and granting various subspecies of the grizzly bear protection: Yellowstone, Northern-Continental Divide, Selkirk, Cabinet-Yaak, and North Cascades.⁵⁰ This distinction of population segments proved a key argument with environmental organizations during the public comment process and will be discussed later in the chapter.

Environmental Organizations on the Wilderness/Wildlife Relationship:

The presence of the Yellowstone grizzly relates to perceptions of wilderness. The presence of the grizzly is a measure of wilderness character; the grizzly also plays a role in the Greater Yellowstone Ecosystem; the grizzly serves as an environmental baseline to demonstrate the notion of symbolic consensus and how environmental organizations use symbolic consensus to rally public opinion about environmental issues; finally the grizzly has educational, aesthetic, economic and political value. Kroll-Smith and Couch's (1991) ecological-symbolic perspective helps to shed light on the sources of disagreements on environmental management. The ecological-symbolic perspective ties a realistic understanding of the biosphere with socially constructed views that people attach to

⁴⁸ 16 U.S.C. § 1539 (j) (2) (C) (i).

⁴⁹ 16 U.S.C. § 1539 (j) (2) (A)

⁵⁰ See <http://www.fws.gov/mountain%2Dprairie/species/mammals/grizzly/>.

objects and base their reactions toward them. Kroll-Smith and Couch use their perspective to examine community responses to environmental hazards. While threats of environmental hazards are real, the manner in which communities respond is dependent on how they perceive the threat (O'Brien, 2002).

The ecological-symbolic perspective fits the Yellowstone grizzly de-listing case. Rather than exchanges between local communities and local environments, the de-listing of the Yellowstone grizzly involves exchanges between larger and more diverse communities (e.g., regions, states, and the nation) and more distant and dispersed environments (e.g., national forests, national parks, and farmlands). Public participation in the de-listing process becomes a manner to introduce into the decision-making process both ordinary citizens and scientific symbolic perspectives regarding the view and function of nature (Zavestosi, et al, 2006). Within the Yellowstone case, ordinary citizens and scientific experts went about representing their case in drastically different manners. Scientific experts postulated their position and ecological realities by using their technologies and methodologies whereas ordinary citizens, attempted to offer their own accounts of ecological realities. However, differing from scientists they also assert symbolic understanding of reality resulting from cultural beliefs and values. Conversely, scientists and citizens are not the only actors in the policy process. Nor are they single-handedly responsible for the social perception of the grizzly bear in the Yellowstone case.

Governments, NGO's, and private organizations also engaged in the de-listing process. Zavestosi et al (2006) take social construction of environmental issues one step further by offering that the policy process is a negotiated reality, or a reality that in the modern context is dominated by scientific perspectives, or perspectives that use scientific

justifications. The Yellowstone grizzly case builds on this by demonstrating that average citizens challenge the sound-science approach to environmental policy making by relying on firsthand experiences in ecological realities being discussed.

Yellowstone's Role in Protecting the Grizzly

Yellowstone became a haven for grizzlies upon its founding in 1872. However, the Park's role in species protection can be attributed less to forces from within the park and has more to do with forces from beyond Yellowstone's borders. Since its establishment in 1916 the National Park Service has struggled with the dubious task of maintaining Yellowstone in a manner which reflects its mission of preservation alongside the desires of human visitors and evolving ideas about the management of nature.

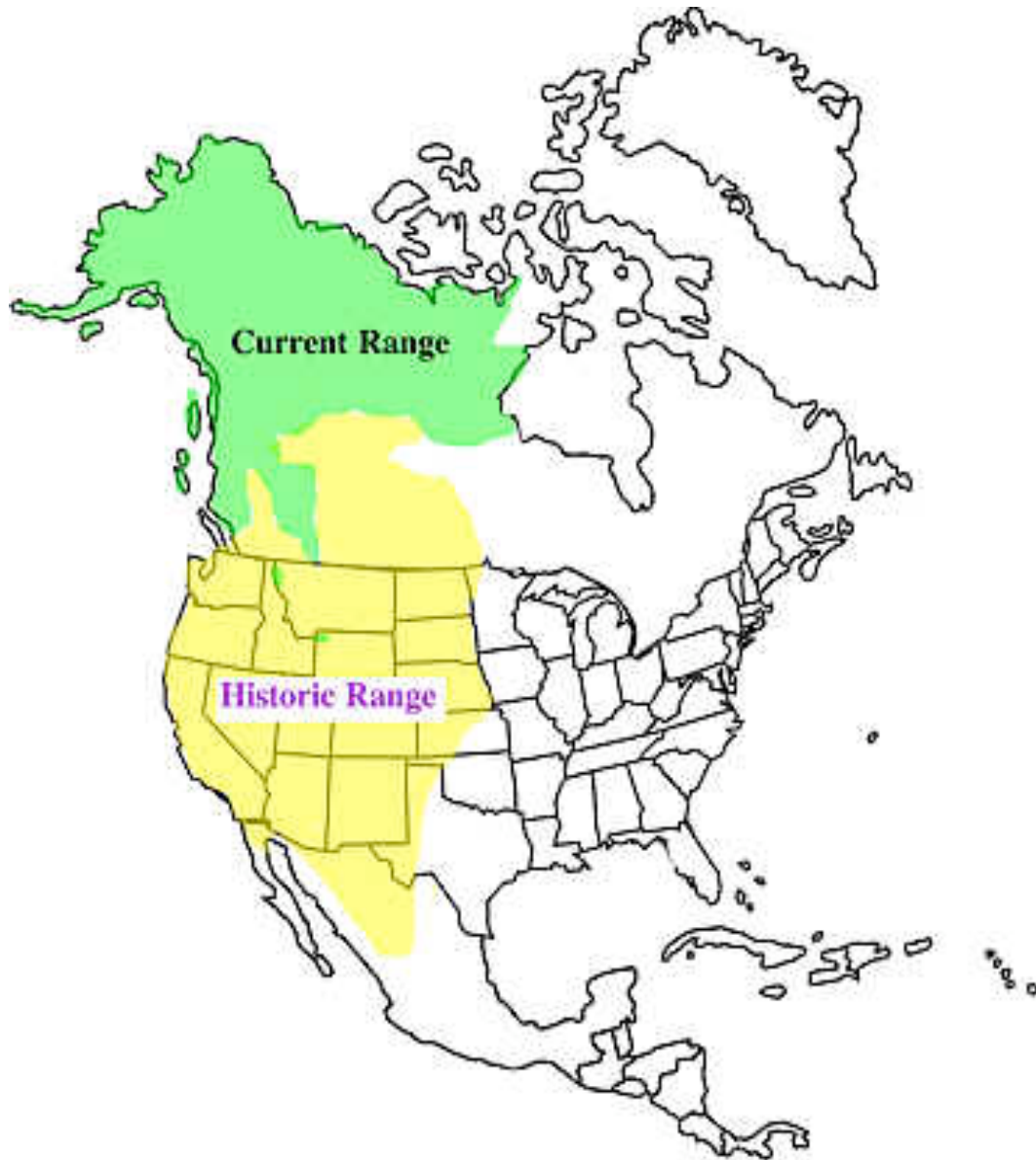
In North America, the grizzly was once present across a wide swath of the continent (Figure 2-2) from Alaska to central Mexico. The expansion of human settlement, the move westward, the growth of agriculture and livestock industry, trapping and hunting, and federal and state predator control led to the extermination of the grizzly (Table 2-1). When the grizzly was classified as a threatened species in the lower 48 states under the Endangered Species Act in 1975 had been eliminated from approximately 98 percent of their historic range.⁵¹

The grizzly has faced its own struggles even within the confines of federally protected land. Collectively recognized as the first noteworthy grizzly studies were those of John and Frank Craighead conducted within YNP. In 1959, the Craighead brothers examined more than 600 grizzlies taking their basic measurements of length, weight,

⁵¹ Go to http://www.wildraven.net/AmericanGrizzly/recent_grizzly_bear_news.html to read the full Sierra Club Grizzly Bear Ecosystems Project press release of August 9, 1999, Federal Plan Fails to Protect Grizzly Habitat: Government Takes Flawed First Step Towards Stripping the Great Bear of Needed Protection

girth and other physical data. Between 1961 and 1969, they radio-tracked 48 grizzlies and gained fame far and wide as a result of a television special by *National Geographic*

Figure 2-2: Historic and Current Range of the Grizzly Bear



that covered their research.⁵² However, the Craighead's spoke out after the garbage-dump-feeding era was suddenly ended in Yellowstone in the late 1960s. As a result, the brothers were no longer welcome to do research in the park and the first major grizzly

⁵² Craighead, Jr., F., & Craighead, J. (1966, August). Trailing Yellowstone's Grizzlies by Radio. *National Geographic*, 130(2), 252. Retrieved January 28, 2008, from Academic Search Premier database.

bear study in the world came to an abrupt end. Upon the closure of the garbage feeding areas, officials moved to restore the natural patterns of grizzly bear populations feeding and migration within the Park.⁵³ After the closing of the garbage dump feeding areas, officials began the daunting task of restoring grizzly bear population and migration

Table 2-1: Documented “Last Grizzlies

<u>State</u>	<u>Year</u>
Arizona	1935
California	1922
Colorado	1979
Nevada	1907
New Mexico	1933
North Dakota	1897
Oregon	1931
Texas	1890
Utah	1923

habitats to their historic beginnings in the Yellowstone area. However, opposition quickly followed from forces outside of the Park, particularly from the U.S. Interstate System which was attempting to build more extensively throughout the Yellowstone Ecosystem.⁵⁴ Restoration efforts in the Fishing Bridge area of Yellowstone were further thwarted in the mid-90s with the onset of the Yellowstone park budget crisis.⁵⁵

⁵³ Magoc, C. (1999). *Yellowstone: The Creation and Selling of an American Landscape*. Albuquerque: The University of New Mexico Press.

⁵⁴ McNichol, D. (2003). *The Roads that Built America: The Incredibly Story of the U.S. Interstate System*. New York: Silver Lining Books.

⁵⁵ Janofsky, M. (1999, July 25). National Parks, Strained by Record Crowds, Face a Crisis. (Cover story). *New York Times*, 148(51594), 1. Retrieved January 28, 2008, from Academic Search Premier database.

In 1982, the Fish and Wildlife Service approved a Grizzly Bear Recovery Plan, whose original objectives were the following:

1. Identify grizzly bear population goals that represent species recovery in measurable and quantifiable terms from the several regions that were determined to have suitable habitat for such populations, and to provide a data base that will allow informed decisions.
2. Identify population and habitat-limiting factors that account for the current populations existing at levels requiring threatened status under the Endangered Species Act.
3. Identify specific management measures needed to remove population limiting factors that will allow the populations to increase or sustain themselves at levels identified in the recovery goals.
4. Establish recovery of at least three grizzly bear populations in three distinct grizzly bear ecosystems in order to de-list the species in the conterminous 48 states.

When the plan was revised in 1991, the stated objective was “to reach viable populations of grizzly bears in each of the areas where grizzly bears are present or were suspected in 1975 in the states of Montana, Washington, Idaho, Wyoming and Colorado where the habitat is able to support a viable population.” Later, in 1993, Colorado was omitted altogether. At this same time, only 30 adult females remained in the Greater Yellowstone.

It wasn’t until 1999, when Chris Servheen, a grizzly bear recovery coordinator that the Yellowstone grizzly had made steps in recovery. “Numbers appear to be on the rise, at least in the Greater Yellowstone Ecosystem. Our counts indicate an absolute minimum of 262 grizzlies there and possible as many as 500,” said Servheen.⁵⁶ It was at this point that the groundwork for de-listing in the Greater Yellowstone began.

Environmental Organizations, the ESA and the Yellowstone Grizzly

The function of environmental groups on the management of federal and public lands has a long-standing history in the United States. While the original intention of

⁵⁶ Chadwick, D. “Helping a Great Bear Hang On.” *National Wildlife*, 37 (1): 22-31 (Dec. 1998/Jan. 1999).

conservation groups in the 1930s emphasized the “draw a circle around it and let it alone” mentality their mission and role quickly became more complex. For instance, the Wilderness Society, which included members such as Robert Marshall and Aldo Leopold, held the primary focus of, “holding wild areas soundproof as well as sight proof from our increasingly mechanized life.”⁵⁷ While the intention of the conservation groups was originally more focused on keeping adverse influences from outside of the boundaries of national parks, it later evolved into understanding and controlling what was happening within park boundaries.

Conservation efforts of environmental organizations became most visible in the 1970s a tremendous amount of attention was placed upon environmental issues in the United States. This increased attention by the American public was spurred by the visibility of environmental degradation occurring both internationally and domestically.⁵⁸ Environmental organizations, like The Wilderness Society, the Sierra Club and the Audubon Society, further helped to bring environmental issues to the broader American public in a real and meaningful way during this time. By acting as a mediator between the public and Administration, environmental organizations were able to direct the focus of policy for nearly 10 years. A shift had occurred within the American public’s view of nature and the environment that opened the gates for these environmental groups to suddenly have a tremendously greater amount of political sway.

It was also during this point that volunteer worker programs expanded considerably in national parks, while at the same time the budget cuts for national parks were being reduced. Environmental groups and wilderness management were switching

⁵⁷ Nash, R. (1982). *Wilderness and the American Mind*. Rev. New Haven, CT: Yale University Press.

⁵⁸ Dunlap, R., “Public Opinion and Environmental Policy,” in *Environmental Politics and Policy: Theories and Evidence*, 2nd ed., ed. (Durham: Duke University Press, 1995).

traditional gears and began to focus more heavily on the power of education.⁵⁹ It was at this point that the new breed of an individual involved with an environmental organization was born. These individuals were concerned about protection wilderness resources and values, and respecting the interest of other wilderness users. Evidence of this includes programs like, “Save the Whales,” and the attraction of environmental groups to other various charismatic, mega-fauna.

The grizzly example in the Greater Yellowstone is reflective of the evolution of environmental groups ability to “learn to play the game,” with the federal government and current Administration. The use of public comment process was heavily utilized by environmental groups in order to make their agenda, mission and ultimately, and their group’s values be known to the Fish and Wildlife Service throughout the de-listing process. However, ultimately the decision remained to continue with the de-listing procedures. Chapter 3 will continue to explore the Yellowstone grizzly case, and evaluate the literature in respect to modern example.

Conclusion:

This chapter’s objective was to set the stage for systematic and progressively more detailed discussion related to wildlife preservation, the role of conservation groups, Yellowstone Park and federal policy. Furthermore, this chapter explored the meaning of wilderness, and basic themes and values espoused by the evolution of environmental groups and the American public. The Yellowstone grizzly case study was offered as an evaluation tool to judge the effectiveness of environmental groups and federal agencies to

⁵⁹ Hendee, J. and Dawson, C. (2002) *Wilderness Management Stewardship and Protection of Resources and Values* (3 ed.) Golden, CO Fulcrum Publishing.

provide policy which fulfills its obligation to the Wilderness Act and the American public.

CHAPTER 3

IS THE PUBLIC BEING HEARD?: ANALYSIS OF THE ROLE OF PUBLIC COMMENT IN THE YELLOWSTONE DELISTING PROCESS

Introduction

A literal translation of wilderness would be “place of wild beasts,”⁶⁰ but what wild beasts? The presence of the grizzly bear, its natural distribution and abundance directly reflects the wilderness conditions of Yellowstone National Park. It can be asserted that the presence of certain wildlife are recognizable symbols of certain wilderness. With that assertion, Yellowstone National Park is grizzly country. Without Yellowstone National Park, the grizzly would not have been afforded the ability to survive and sustain its numbers within the confines of the Greater Yellowstone Ecosystem. Yellowstone without the grizzly and the grizzly without the freedom that Yellowstone National Park provides are virtually unthinkable. However, the grizzly bear is only one component of the stewardship scheme.

Federal agencies are required by the National Environmental Policy Act to seek and consider public comments on proposed actions affecting public land. However, federal agencies are not required to alter or abandon proposals based on a majority view. For example, despite a majority of comments on a project raise concerns, the agency can still proceed, given it thoroughly analyzes the full range of impacts, provides an opportunity for public input and explains the rationale for the decision. The Yellowstone grizzly case demonstrates an example where decision makers were provided by a majority of public comment being in opposition, but ruled to continue with the de-listing process.

⁶⁰ Nash, R. (1970). Wild-deor-ness. In: McCloskey, Maxine E., ed. *Wilderness: The Edge of Knowledge*. San Francisco: Sierra Club.

Most Americans were unable to provide technical insight into the de-listing process of the Yellowstone grizzly. However, they were able to write about and discuss their feelings toward various management styles in the forum of a public hearing and letters to the editor. Citizens could also submit a letter in opposition to de-listing to the Fish and Wildlife Service generated by an environmental organization. The Yellowstone grizzly example illustrates the use of the public submitting pre-made letters from environmental organizations as a means of rallying tremendous support for the organization's cause. Environmental organizations provided an arena for playing out three types of conflicts that have long plagued environmental decision-making processes, to include the Yellowstone grizzly de-listing: conflicts over the trust of federal agencies, the use of science, and the role of public values.

The goal of Chapter 3 will be to highlight elements of symbolic consensus that environmental organization prompted individuals to consider during the decision-making process of the de-listing and shows points of contentions of a broader frame of values. The chapter will be broken up into two sections. The first section of the chapter will be centered around the general make-up of where the public comment received by the Fish and Wildlife Service and from whom to compare general themes between form letters generated by the environmental organization on either side of the position during the Yellowstone grizzly de-listing. The second half of the chapter will analyze certain environmental organizations and the relationship between the organization and the Fish and Wildlife Service.

Research was obtained in the following ways. First, process tracing was conducted through coding each of the twenty-five form letters provided from the US Fish

and Wildlife Summary of Public Comments. Second, a review of the literature surrounding the role of NGO's historically was conducted in order to evaluate the patterns that the Yellowstone grizzly case exemplified and deviated. Finally, telephone interviews were conducted with various leaders within environmental organizations involved in the Yellowstone grizzly case. The intentions of the researcher throughout the interviews was to apply previous academic literature in order to evaluate the process that local, grassroots environmental organizations conducted as opposed to NGO's with a traditionally, more global focus.

Public Involvement during the Yellowstone Grizzly De-listing Process:

Table 3-1 provides a benchmark for the public involvement process throughout the Yellowstone grizzly del-listing process. The public comment period for the Proposed Rule extended from November 17, 2005 through March of 2006. During that time over 190,000 responses were received by the Fish and Wildlife Service demonstrating a range of positions regarding the process. While it may seem that individuals would fall into one of two camps (i.e., either being for or against the de-listing of the Yellowstone grizzly) in reality, the public comment process reveals a much more convoluted and complex narrative. Environmental organizations which were opposed to de-listing the Yellowstone grizzly can be compartmentalized in their rationale. Typically, the rationale behind not wanting the Yellowstone grizzly de-listed was not solely emotional, the way in which human rights networks have been discussed as functioning.⁶¹ Rather, environmental organizations appealed to individuals by functioning under broader focus areas: using scientific rationale, focusing on a lack of a response plan in the case that the

⁶¹ Keck, M and Sikkink, K. (1998) *Activists Beyond Borders*. Ithaca: Cornell University Press.: On page1 Keck and Sikkink define transnational advocacy groups as networks of activists, distinguishable largely by the centrality of principled ideas or values motivated their formation.

Yellowstone grizzly population declined after de-listing, and rationalizing that proper habitat conservation must occur in connecting corridors to the Greater Yellowstone prior to de-listing being deemed an appropriate action among others. Examples and excerpts from each of the key themes will be given later on during the analysis.

Table 3-1

Date/Year	Part of the Process
September 2005	Formal Outreach Plan developed by Region 6 US Fish and Wildlife Service
November 2005	Proposed Rule published in Federal Registrar
November 2005	Press release posted online and sent to news interests announcing the Proposed Rule
November 2005	Press conference with Secretary of the Interior, Gail Norton
November 2005	Proposed Rule made available on-line at Fish and Wildlife Service web-site
November 2005	Conference call with Fish and Wildlife Service, environmental groups, and NGO's to discuss the Proposed Rule
January 2006	Press releases announcing the upcoming open houses to discuss the Proposed Rule
Monday, January 9, 2006: Bozeman, MT	Open house/informational meeting held on Proposed Rule
Tuesday, January 10, 2006: Cody, WY	Open house/informational meeting held on Proposed Rule
Wednesday, January 11, 2006: Jackson, WY	Open house/informational meeting held on Proposed Rule
Thursday, January 12, 2006: Idaho Falls, ID	Open house/informational meeting held on Proposed Rule
Tuesday, Jan 10, 2006: Cody, WY	Formal public hearing
Thursday, February 9, 2006: Bozeman, MT	Formal public hearing
February 2006	Public comment period extends an additional 30 days
March 2006	Public comment period ends

Demographic Summary of Respondents:

With the release of the Fish and Wildlife Service response to public comment on the Yellowstone grizzly de-listing two summaries of respondents were provided. Table 3-2 demonstrates how the organizational type of a respondent was coded. Table 3-2 demonstrates an interesting factor about the manner in which the Fish and Wildlife Service wanted to portray respondents. The breakdown of a typical respondent alludes to the theory that individual citizens were highly motivated to respond to the de-listing. Furthermore, Table 3-2 insinuates that individual citizens were not organized by elites or outside organizations and instead took their own initiative to respond to the Yellowstone grizzly de-listing.

Table 3-2

Organization Type	Count
Business Owners	32
Congressional/Legislative Representatives	2
County Government	4
Environmental Interest	34
Individual Citizens	164,204
Industry Interest (ranch/timber/mine, ect)	10
Private Organization	1
Professional Scientific Organization	7
Recreational Interest	14
Social/Political Interest	3
State Agency	2
State Government	3
Unknown	1
Youth	169
TOTAL	164,486

As previously addressed Table 3-2 illustrates the organization that a respondent stated they were affiliated with during the public comment process. However, Table 3-3 paints a different picture. While Table 3-2 shows that 164,204 individuals participated in

some form of petition it also implies that no organization was established to motivate their response. Table 3-3 explains where the potential motivation was coming from in order to inspire a concentration of individual responses given that 182,223 of the total responses were provided through form letters. Going further, the Fish and Wildlife Service divulged that of the twenty-five form letters than nineteen of these form letters opposed the de-listing process, four favored de-listing and one letter was unclear about its overall opinion.⁶² Furthermore, the Fish and Wildlife Service explained that multiple individuals added their own personal comments to the form letters. These modified comments were labeled and presented in the “Comments on Issues” section of the Fish and Wildlife Service “Summary of Public Comments.”

Table 3-3

Response Type	Count
Letters (non form letters)	857
E-mail Messages (non form letters)	2,172
Form Letters (individual modifications)	8,229
Form Letters (twenty-five)	182,223
Public Hearing	85
Petitions (974 total signatures)	12
TOTAL	193,578

Analysis of Form Letters Response Type:

Table 3-4 illustrates the environmental groups that participated and drafted form letters to the Fish and Wildlife Service, the stance the organization took on de-listing, the number of individuals who sent the form letter back to the Fish and Wildlife Service and the number of modified responses. The Fish and Wildlife Service outlined each of the key issues that was drafted in the form letter and summarized them throughout the

⁶² <http://mountain-prairie.fws.gov/species/mammals/grizzly/yellowstone.htm> as viewed on February 4, 2008. The form letter in which no opinion could be deciphered was eliminated from the content analysis for the purpose of the Fish and Wildlife Service’s research. An explanation of a need to adhere to brevity was listed as the reason behind their rational.

“Summary of Public Comments.” The researcher acknowledges that multiple form letters have an unknown originator. While the traceability of the individuals who created the drafted letter was compromised by not having access to its origin the researcher feels that for the purpose of the overall concepts highlighted in the thesis that they still be included in the project.

Table 3-4

Organization	Position on Delisting	Total # of Responses	Total # of Modified Responses
Natural Resources Defense Council	Against	91,200	639
Sierra Club	Against	533	15
New Jersey 1 st Grade Class	Against	37	0
Greater Yellowstone Coalition	Against	1,843	141
Unknown	For	5	0
Unknown	Unknown	6	0
Earth Justice	Against	13,097	258
Unknown	Against	17,358	3,094
Unknown	For	10	0
Humane Society of the United States	Against	1,107	28
Unknown	Against	19	0
Sierra Club	Against	41,473	3,014
National Wildlife Fund	For	525	8
Predator Conservation Alliance	Against	22	9
Defenders of Wildlife	Against	22,057	1,006
Sierra Club	Against	9	5
Great Bear Foundation	Against	3	0
Unknown	Against	4	0
Unknown	Against	10	2
Sierra Club Grizzly Bear Project	Against	1,044	4
National [sic] Resources Defense	Against	3	0

Council			
Unknown	Against	7	0
Larry Fahn	Against	76	6
Unknown	For	4	0

Obstacles to Public Participation

While NGO's have been observed to overcome obstacles to public participation it is important to note that it has been problematic in the past. Public participation demonstrates that environmental decision making should include multiple stakeholders. Conflicting scientific perspectives, government agendas, and citizens preferences are forced to engage and cooperate with one another in order to obtain an outcome where all parties are, at least partially, comfortable. Furthermore, the use of public comment as a legitimate means of gathering information about an environmental policy issue sheds light on the potential use and misuse of power to privileged actors. Building on this idea, by including the average citizen into the environmental decision making process a chasm is created between the layperson and scientific elites. Renn (1995) recounts that the transformation of an imbalanced power relationship is significant, particularly in American policy making.

Despite the Yellowstone grizzly example allowing a structured opportunity for public involvement, the emphasis on science-based decision making discouraged the expression of average citizens. Many have criticized the privileging of scientific over average citizens in environmental decision making (Short, 1999; Wynne 1996; O'Brien 2002). Scientists and governmental officials have been accused of couching debates under technical terminology which has lead to public mistrust (Szasz and Meuser 1997). However, others have argued that that by allowing public participation to shape a nonscientific discourse, government officials are forced to include value based criteria

into the decision making process (McAvoy, 1998). Given these limitations and the understanding that public involvement was crucial to the de-listing of the Yellowstone grizzly, I will examine the impact of environmental organizations participation platforms.

My position is that the structural and procedural obstacles discussed above point to serious problems in the way public-involvement processes are carried out and that only a reflexive application of the role of environmental organizations to public participation processes can move beyond these obstacles. The research I discuss investigates public participation through environmental organizations and discusses the results in a discourse that moves beyond the distrust of government, appeals to scientific evidence as a source of legitimacy and accepts the assertion of personal values as a basis for one's position. Most importantly, my research points that the construction and manipulation of a symbolic consensus about notions of the American West and ideas of wilderness act as a catalyst for environmental organizations to fulfill their mission statements'.

Citizen Responses to the Yellowstone Grizzly De-listing Proposal: Trust

The overwhelming theme of the form letters generated by environmental organizations was not that the Yellowstone grizzly should never be considered for de-listing. Rather, the contrary argument that the Yellowstone grizzlies success in recent decades is reflective of the success of the Endangered Species Act was offered multiple times throughout the twenty-one supportive form letters. However, the several environmental organization that were familiar with the philosophy and practices of endangered species removal, explained that the temporal appropriateness of the de-listing of the Yellowstone grizzly raised issues regarding trust in the Fish and Wildlife Services

decision. Accordingly, one form letter from the Natural Resources Defense Council wrote:

“I would love to see grizzly bears removed from the endangered species list when they are ready but that will not be the case until permanent protections are put in place to preserve their habitat and ensure their long-term survival.”

“Prematurely removing the species from the endangered species list for political reasons would undermine the bears’ chances of fully recovering across the country.” Earth Justice

“More than three decades of work and expense have been investment in Yellowstone’s grizzly population. I am outraged that at the slightest sign of recovery, the USFWS is willing to sacrifice that work to satisfy hunting and business interests.” Humane Society of the United States

“Given the hard work the American people have invested in restoring the grizzly over the last 30 years, there must be an insurance plan to make sure the success we’ve begun to see endures. The Endangered Species Act can be that safety net, and we the undersigned urge you to keep these important protections in place for the Yellowstone grizzly bear.” Sierra Club

The proposed rule claims that grizzly bears will continue to be protected under a “Conservation Strategy” signed by officials with the U.S. Forest Service and other agencies, but provides no assurance that this Strategy will be implemented, legally enforceable or upheld over time. This is particularly risk under the current administration that has erased binding standards on national forests across the country.” Predator Conservation Alliance

“While the grizzly bear has clearly met the recovery goals, by law delisting can only happen when there are legally binding protections in place for grizzly bear habitat on national forest lands. Due to the Bush Administrations wrecking ball approach to national forest management, the necessary regulatory safeguards are not in place at this time to support delisting.” Defenders of Wildlife

These excerpts illustrate how citizens on various sides of each debate mistrust federal agencies. Interestingly, in examining comments submitted in response to the Yellowstone de-listing, the researcher found at least a few citizens who reported having their trust restored as a result of the Fish and Wildlife Service responsiveness to the Endangered Species Act. One might assume that if mistrust plays such a prominent role

in the opposition to the Yellowstone grizzly de-listing case, environmental organizations would point to institutions that could be trusted to inform the rulemaking process more fairly. One such institution often referred to was science. In the following section, savvy environmental organizations know how to use or challenge science, when it serves their interest

Citizen Response to the Yellowstone Grizzly De-listing: Role of Science

Although supporters of the Yellowstone grizzly de-listing were few, they often pointed to the scientific justification in order to strengthen their argument. The National Wildlife Federation, for example, urged the Fish and Wildlife Service to continue with the de-listing process by relying on the science in standing up to mislead environmentalists:

“After 25 years of cooperative effort by state and federal managers, Yellowstone’s grizzly bears have recovered to the point where all of the recovery objectives in the recovery plan for the Yellowstone have been met.”

Further building on this argument, the National Wildlife Federation supported the Fish and Wildlife Service decision to de-listing the Yellowstone grizzly not because scientific evidence showed that the population was safe, but rather, because they felt the rise in the Yellowstone population was a product of good science and a sign of progress. Supporters of the Yellowstone de-listing ruling also demonstrated scientific sophistication by asking for ecosystem science to be used inclusively with forest management science:

“...the Conservation Strategy for management of the habitat following de-listing mandates protection of 6 million acres were developed cannot exceed levels that existed in 1998. It is now time for the grizzly bears in Yellowstone to be managed directly by the state and federal agencies that have achieved this remarkable recovery.”

“The de-listing rule should clearly state that when the grizzly bear is de-listed, the management will be per the state plans.”

However, while the National Wildlife Federation backed the science behind the Yellowstone grizzly the overwhelming majority of environmental organizations questioned the validity, and reliability of the science behind the de-listing.

Environmental organizations that opposed the ruling often pointed either to scientific evidence demonstrating the risk of de-listing the Yellowstone grizzly prematurely or the lack of scientific evidence demonstrating the grizzly’s safety, as illustrated in the form letter by the Great Bear Foundation:

“Most independent wildlife and conservation biologists suggest that true viability for the lower 48 grizzly populations requires 2-3,000 bears with functional linkages between all 6 Recovery Zones.”

The Great Bear Foundation continued to question the validity of the de-listing science in the following sections of their form letter:

“The Fish and Wildlife Service proposal declares Yellowstone a Distinct Population Segment capable of recovery all on its own, with just 600 bears in total isolation from all other Recovery Zones. For the slowest reproducing mammal in North America, this is a recipe for disaster.”

“The four key foods supporting Greater Yellowstone Ecosystem grizzlies...are imperiled, yet the proposal and the Forest Plan Amendments suggest such claims are ‘speculative’, or that grizzlies will simply adapt by shifting to other foods. Unfortunately, there are no other foods that in quantity and quality provide the same level of nutrition as these four, and the peril is real...Despite the critical nature of these foods, federal proposals contain only monitoring – no safety net or thresholds to trigger action by providing mitigation or emergency habitat.”

Larry Fahn, an environmental organization, drafted another letter to the Fish and Wildlife Service, highlighting the role of global warming to the de-listing process. Larry Fahn addresses that the Conservation Strategy for the Yellowstone grizzly had not taken

the effects of global warming on the Greater Yellowstone Ecosystem into account while drafting the proposal:

“While bears in Yellowstone feed on elk, bison and fish, it is important to understand that their most essential food source is seeds and nuts from the whitebark pine. These trees, which grow at high elevations, are themselves under increased threat from blister rust, an accidentally imported fungus, and from mountain pine beetles, which bore into the tree’s bark to breed and rear young, killing the tree in the process. Both of these trends will increase as global-warming trends continue.”

The Natural Resources Defense Council noted human sprawl across the country and the elimination of grizzly habitat as a means of a larger problem. By referencing that the grizzly, a mammal which requires tremendous space in order to roam, had 99 percent of its previous habitat removed, a sense of urgency is felt from the writing. However, at no point are the numbers given a reference in order to validate how much previous habitat had actually been eliminated:

“Grizzly bears...have already been eliminated from 99 percent of their former habitat. Weakening current protections would further fragment and destroy their last remaining home.”

Finally, in a form letter from an unknown originator, the issue of habitat fragmentation is further addressed. The 10 individuals who turned in the letter to the Fish and Wildlife Service point out the following points:

“Removing the protections of the Endangered Species Act will result in further habitat fragmentation due to increased logging, road building, off-road vehicle use, and oil and gas drilling. Sprawling development threatens to block off any chance of connectivity

Environmental organizations participating in both sides of the de-listing argument demonstrated an ability to use science toward particular ends – whether pointing out its limitations or asserting its importance. The results are a stalemate, similarly to previous history of environmental regulations. But science itself is seldom sufficiently persuasive to settle arguments in the policy realm. Environmental organizations seem to realize this,

as evidence throughout their strategy of critiquing the science on one hand and asserting other important public values on another.

Citizen Response to the Yellowstone De-listing: The Role of Values

Environmental organizations frequently alluded to values that were not being taken into account by the proposed Yellowstone grizzly de-listing. Often, these values were referred to as justification for overlooking scientific evidence that might suggest that the Yellowstone grizzly was safe. For example the Natural Resources Defense Council and Sierra Club wrote:

“...Taking these bears off the endangered species list now threatens to reverse a great conservation success story and jeopardizes the long-term survival of these icons of America’s natural heritage.”

“The Yellowstone grizzly bear is an irreplaceable part of America’s natural heritage, a symbol of the independence that defines the American character and an icon of all that is free and wild.”

“The grizzly bear is a majestic symbol of the American West.”

A group of business owners around the Greater Yellowstone Ecosystem organized in order to draft a form letter to the Fish and Wildlife Service which highlighted the grizzlies tie to business in the area. They highlight that the reliance of Yellowstone National Park and the grizzly are integrated into the tourist experience, and that the removal of the bear threatens rural culture and quality of life in Montana:

“As you know, small business in Montana is big business. Like business across the state, our bottom lines in no small part depend on the clean water and rugged, natural landscapes in Big Sky Country. Our cash registers are evidence that a healthy landscape and healthy economy are closely link...As residents of the greater Yellowstone region, we have proven that we can successfully share the bear’s habitat.”

“Colorado, California, Washington and Oregon all have lovely mountains. But the opportunity to see a grizzly in the wild is one of the things that make Yellowstone so special...The region’s abundant wildlife, clean water and magnificent scenery contribute enormously to the quality of life of our families.”

In addition to such cases of symbolic as opposed to scientific meaning, many environmental organizations mentioned the importance of considering children, the role of God and future generations. These comments expressed what grizzly bears mean to them personally and why the Fish and Wildlife Service should or should not move forward with the de-listing proposal. Comments often stated their objection to the de-listing process in the Greater Yellowstone Ecosystem, but are reported by the Fish and Wildlife Service to, “state their objection more generally to their range-wide extinction.” While no frequency statistics were applied, the researcher maintains that value-based statements which appear in letters left no doubt that most of the respondents were in opposition to de-listing the Yellowstone grizzly. The following comments were added in addition to what environmental organization drafted and all allude to the value of children, religious writing, human health and the planet relative to the possible financial gain that some industries would realize as a result of the proposed Yellowstone grizzly de-listing:

“My wife and I want our grandchildren—and yours, too! – to have at least as much opportunity as we do to enjoy nature and all its varied and wondrous wildlife all over the world. Fortunately for us, we can afford that kind of travel, but no amount of money can replace what has already disappeared for been destroyed. The world simply cannot afford to lose any more of its marvelous creates of their precious habitat.”

“Remember that the Book of Genesis requires us to safeguard creation.”

“...A grizzly bear has significance in and of itself, an intrinsic value that is not manifest simply because humans are witness to it. A grizzly bear has a right to pursue its own good and its own way unrelated to humans.”

“What must change is our attitude toward nature in general. We must stop our encroachment on all forms of nature and develop our civilization in a more consolidated and ecologically harmonious manner. The pressure to eliminate ‘inconveniences’ such as the Grizzly and other large predators must be reversed and viewed as ‘a point of

guidance', instructing us that we must eliminate our adverse impact on all natural things by changing our goals and methods of civilization."

"It is obvious that the Grizzly bear is the latest target for those who believe man has dominion OVER nature."

"It is becoming more and more difficult as we humans continue to encroach on their habitat. Our family practiced living with and beside nature without taking more than our share."

"God gave us stewardship of the earth, we were not supposed to destroy its creatures."

"It is noble to protect grizzlies and it is our moral duty."

Conclusion:

Whether science or values, the bases for asserting one version of ecological reality over another were constantly challenged in the Yellowstone grizzly case. The following chapter will discuss the possible explanations for why environmental organizations used public participation in the Yellowstone grizzly case may simply reproduced the same conflicts found in most disputes on environmental decision making.

CHAPTER FOUR

SUMMARY OF THE USE OF SCIENCE, VALUES, TRUST AND HUMAN VALUES BY ENVIRONMENTAL ORGANIZATIONS DURING THE YELLOWSTONE GRIZZLY CASE STUDY

Implications of Public Comment and Environmental Organizations

The Yellowstone grizzly de-listing process was a consciously meditated attempt at innovation, and offered environmental organizations a platform to provide the general public with a genuine opportunity to engage with the comments and positions to the federal government. Returning to the ecological-symbolic perspective, the researcher suggests that part of the potential of the role of environmental organizations is that they can offer citizens a forum for engaging one another through the sharing of differing perspectives. The Yellowstone case demonstrates the changing role of environmental organizations and public comment in the policy process. Environmental organizations were able to provide a new perspective to the traditional elite driven policy process. Instead, environmental organizations offered a natural heritage drawing on upon old knowledge in new ways, negotiating ecological reality rather than a zero-sum decision made by governmental elites.

The Yellowstone grizzly case illustrates how a symbolic consensus might emerge. A symbolic consensus on the definition of wildlife, the purpose of the grizzly bear within the Greater Yellowstone Ecosystem and Yellowstone National Park, was strong enough to generate the majority of edited responses to the Fish and Wildlife Service. This thesis argues that a symbolic consensus already existed regarding the role of the grizzly bear in the scheme of wilderness, but it was used and seemingly strengthened by repetition throughout the public comment process. The public comment process allowed

environmental organizations to mobilize the public to insist on this consensus against the proposed rule. For example, arguing that the removal of the Yellowstone grizzly bear from the Endangered Species Act would jeopardize decades of hard work, and threaten to undo the progress of restoring a symbol of the American West conflicts with the values underlying what wildlife within National Parks and within Ecosystem Management means to many Americans. As many environmental organizations and citizens suggested, underlying the current symbolic meaning of wildlife and the Yellowstone grizzly is a set of values pertaining to an ethic of environmental stewardship that transcends a strictly scientific determination of what it means of a species to meet its Endangered Species Act requirements and enable the de-listing process.

Conclusion

Future research on the role of environmental organizations and public comment on the policy process should continue to use process tracing to examine the use of science, trust, values and symbolic arguments on the part of the public. The crafting of revised rules should also be examined to see if and how symbolic consensus is integrated into new examples of proposed rules. Multiple environmental organizations are in the process of challenging the Fish and Wildlife Service's decision to de-list the Yellowstone grizzly. Bountiful opportunities to continue the researchers work lie in the examination of the use of the public during this process. In the meantime, trust, science and public values will continue to play significant roles in regulatory rulemaking processes.

Governmental agencies and decision makers will continue to perceive the need for science to drive policy and policy implementation. More open public participation processes may bring values to the forefront of the conversation more often. The

Yellowstone grizzly case study has provided a clear example where both science and values were forced to become a part of the dialogue in the rulemaking process. Yet, the case also demonstrates that environmental organizations, more sophisticated consumers of science than ever, will continue to call into question inconvenient scientific findings or call for more definitive science when existing evidence provides any questions of doubt. Future research should continue to examine the actual impact of the public through environmental organizations on proposed rules for evidence of the presence of this type of discourse.

The frequency with which the public responded through environmental organizations in the Yellowstone grizzly de-listing and the likelihood of increased rates of the use of NGO's in the future raise many further questions. Does public participation through environmental organizations offer the potential for more wide-spread public involvement, and a more satisfied citizenry? Would participation through environmental organizations systematically exclude some segments of the population from participating? What procedures should federal agencies follow for collecting, analyzing, weighting the importance of and incorporation of incorporating value based comments made by citizens? These questions will take time to examine, and methods will have to include yet also go beyond the content analysis used in this study.

In the research discussed here, I examined how humans simultaneously occupy a symbolic social world and a real physical reality. Values become fundamental to environmental and decision making once citizens see their ability to add symbolic meaning to scientifically understand empirical realities. Open and meaningful public involvement, which environmental organizations can provide if used reflexively, may

hold the potential for a working out of scientific and value-based positions in a way
absent in the current rulemaking process.