



May 11, 2020

Bozeman City Commission
Bozeman Planning Board
agenda@bozeman.net

Re: Comments on Draft Bozeman Community Plan; Recommendations to Incorporate Human-Bear Conflict-Prevention Measures

Dear Bozeman City Commission and Bozeman Planning Board:

Thank you for your leadership and for all that the City has done to keep Bozeman residents safe and supported over the last few months. We are grateful to live in such a close-knit and compassionate community—particularly during such a difficult time.

On behalf of the Natural Resources Defense Council (“NRDC”) and our more than 300 Bozeman-area members, as well as the undersigned Bozeman-area conservation organizations, we appreciate the opportunity to submit the following comments on Bozeman’s Draft Community Plan (“Draft Plan”). Thank you for all of the time, consideration, and effort that has gone into developing the Draft Plan. It is a thoughtful, forward-looking document that will serve as an important guide to help Bozeman successfully navigate the many challenges that the City will face in the years ahead.

We offer the following thoughts and recommendations on one issue that remains, however, largely unaddressed: reducing Bozeman-area human-wildlife conflicts. Specifically, we suggest measures that could be incorporated into the Draft Plan—as well as other City planning documents, municipal ordinances, and the City’s webpage—that could help mitigate human-bear conflicts. Bozeman has a long history of human run-ins with black bears; unless action is taken, not only will those conflicts continue, but residents could also begin to experience encounters with grizzly bears as the Yellowstone-area grizzly population continues to expand northward toward the Gallatin Valley.

Despite Bozeman’s history of human-bear problems, there seem to be very few plans, policies, committees, or ordinances in place aimed at reducing them. By contrast, numerous other communities throughout the Northern Rockies region and across North America have adopted effective measures designed to keep both humans and bears safe. We propose several steps the City could take to help ensure that Bozeman residents and their property remain safe and secure, and that bears remain in the wild and out of harm’s way.

I. Human-Bear Conflicts in Bozeman

For many years, Bozeman residents have regularly encountered black bears. Bozeman Police Department reports published in the Bozeman Daily Chronicle indicate that between 2014 and 2019, there were at least 47 human-black bear conflicts, and dozens more black bear sightings. These are just the published reports—a small fraction of total reports. These reports also do not include calls to the Gallatin County Sheriff’s Office or Montana Fish, Wildlife & Parks (“FWP”), or unreported incidents or sightings (of which there were likely many more). Reported conflicts included: bears trying to access chickens¹ and fruit from trees;² wandering inside garages,³ homes,⁴ and the high school;⁵ eating garbage;⁶ and getting hit by vehicles.⁷

Such incidents can result in property damage and put human safety at risk. In addition, all too often, they can result in bears being killed. For example, FWP captured and euthanized a black bear in Bozeman last summer, because it had become accustomed to food rewards from humans. Before being killed, the bear had visited multiple residential neighborhoods, followed a woman who was walking her dogs in Lindley Park, broke into a backyard livestock enclosure, and frequented homes with bird feeders. FWP’s Regional Supervisor in the Bozeman area described this as “a sad news story with an all-too-common sad ending.”⁸

Unless steps are taken to reduce such incidents, they will continue—and could even increase. As Bozeman continues to grow, more people could come into contact with bears. In addition, climate change is expected to exacerbate fluctuations in “natural food productivity years”—that is, years when natural bear foods like berries are far less available.⁹ Studies indicate that bears use urban areas (and come into conflict with people) more frequently during poor natural food years.¹⁰

¹ See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-sept/article_eb7141bd-fea7-5518-9f91-131575d67a95.html.

² See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-sept/article_75e9b072-4efc-5b36-ba27-54c1fc17cbb4.html.

³ See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-oct/article_96154fb7-a758-5bfe-8945-c0b5b2bbe80b.html.

⁴ See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-sept/article_d3c11fea-c24f-5aba-8cef-6a4cdcff82bf.html.

⁵ See <https://www.youtube.com/watch?v=Y4jIBVIW5UY>.

⁶ See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-nov/article_8e2caa5e-6c58-11e4-9f40-873523b6316b.html.

⁷ See, e.g., https://www.bozemandailychronicle.com/police_reports/police-reports-for-oct/article_a600b3be-fe2c-51db-bdb7-eb09940c25c2.html.

⁸ See http://fwp.mt.gov/news/newsReleases/fishAndWildlife/nr_1244.html.

⁹ See Baruch-Mordo, Sharon et al. “Stochasticity in natural forage production affects use of urban areas by black bears: implications to management of human-bear conflicts.” *PloS one* vol. 9,1 e85122. 8 Jan. 2014, doi:10.1371/journal.pone.0085122.

¹⁰ *Id.*

Also, while we are not aware of any conflicts between humans and grizzly bears having occurred in the Bozeman area in recent decades, it is possible that such encounters could occur in the near future. As indicated by the maps in Appendix I, the Yellowstone-area grizzly population is expanding northward. It seems likely that dispersing individuals (such as young male bears in search of new territory) could appear near—or even within—Bozeman’s city limits one year soon. Being well-prepared for this scenario in the Bozeman area will benefit both people and bears.

II. Existing Plans and Policies

Despite its history of human-bear conflicts, the City appears to have very few plans or policies in place to reduce the risk of future incidents.

A. City Plans

Bozeman’s Strategic Plan does not mention human-wildlife conflicts. Nor does its Parks, Recreation, Open Space and Trails Plan, its Downtown Bozeman Improvement Plan, its Bozeman Creek Neighborhood Plan, its Bozeman Creek Enhancement Plan, or its Urban Forestry Management Plan.

Encouragingly, Bozeman’s 2009 Community Plan does refer to human-wildlife conflicts several times. For example, it states:

- “Interactions between humans and wildlife created by subdivisions in important wildlife habitat often create situations which are harmful to wildlife.”¹¹
- The “wildlife urban interface [between the City and public lands] poses threats and conflicts for property owners not often encountered in urban areas. Wildland fire and wildlife conflicts are the two most common concerns.”¹²
- “Conflicts with wildlife can also create very emotional and costly situations. Learning to live alongside wildlife like bears, mountain lions and elk will help property owners manage their property in ways which reduces these conflicts.”¹³
- “Bozeman and Gallatin County, along with other municipalities, have prepared a Hazard Mitigation Plan, 2006” in order to address “[t]he safety of people and property due to threats to public health and safety, including but not limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards.”¹⁴

¹¹ See 2009 Community Plan, available at <https://www.bozeman.net/home/showdocument?id=9641> (June 1, 2009), p. 15-5.

¹² Id. at p. G-9.

¹³ Id.

¹⁴ Id. at p. H-19.

However, the only substantive commitment identified by the 2009 Community Plan aimed at reducing human-wildlife conflicts is to “ensure the maintenance of an adequate transition zone between the community and” nearby national forest and state lands.¹⁵ It is not clear what is meant by “adequate transition zone”—the phrase does not appear anywhere else in the Plan.

Further, neither that phrase nor that commitment appear in the City’s current Draft Plan. The only mention of human-wildlife conflicts in the Draft Plan is:

The habitat needs of larger and/or predatory wildlife species such as deer, moose, bears, coyotes, or similar species will not be met within urban density development and will likely be in conflict with people. Therefore, these types of animals are found to be undesirable within the City boundaries.¹⁶

However, merely finding the presence of large wildlife species to be undesirable and in conflict with people, without identifying any corresponding steps to prevent such conflicts from occurring, is not solutions-oriented.

Finally, the 2009 Community Plan indicates that a 2006 joint City-County Hazard Mitigation Plan addresses, among other things, “hazardous wildlife interactions.” However, the most recent version of the Hazard Mitigation Plan, published in 2019, contains no mention of human-wildlife conflicts or interactions.

B. City Ordinances

Bozeman’s Municipal Code also contains few ordinances designed to reduce human-wildlife conflicts. For example, it does not contain any provisions prohibiting the feeding of wildlife (intentionally or unintentionally), requiring solid waste to be stored in bear-proof containers in high-risk areas, or regulating the planting of vegetation that attract bears (such as fruit trees, berry bushes, and vegetable gardens).

Bozeman ordinances do require that chickens (a common bear attractant) be provided with “predator-proof” houses and enclosures;¹⁷ however, no such protections are required for other domestic animals, such as honey bees (and their hives) or livestock. Similarly, city ordinances require that chicken feed be kept in “predator-proof” containers,¹⁸ but do not require the same of other types of bear attractants, such as barbeques, pet food, or bird seed.

¹⁵ *Id.* at p. 9-9.

¹⁶ *See* 2020 Draft Community Plan, available <https://www.bozeman.net/home/showdocument?id=10026> (March 17, 2020), p. 58.

¹⁷ *See* Bozeman Municipal Code § 8.02.070(C)(3), (4).

¹⁸ *Id.* at § 8.02.070(C)(8).

In addition, the use of electrical fencing—an extremely effective bear deterrent—is prohibited in most areas within city limits.¹⁹

III. Other Communities

Several other communities in Montana and other states have taken steps to reduce human-bear conflicts. These examples offer useful ideas for policies and programs that Bozeman could also consider implementing.

A. Missoula

In 2004, an organization called Missoula Bears began to focus on minimizing human-bear conflicts in the Rattlesnake neighborhood in Missoula. Since then, the effort has expanded to include all of Missoula County, as well as the Bitterroot, Blackfoot, upper Clark Fork, lower Clark Fork, and Mission valleys. It has also grown to include a number of partners, including Defenders of Wildlife, FWP, the University of Montana, and the U.S. Fish and Wildlife Service. The group’s mission is to minimize conflicts with bears and other wildlife, while also increasing human safety, minimizing bear mortalities, keeping neighborhoods clean, and “[r]educing the amount of time FWP spends addressing bear conflicts each year, allowing FWP to use their time more effectively in other areas of concern.”²⁰

The group’s website provides regular reports about bear and mountain lion activity in the area. It also provides information about how to effectively use electric fencing, as well as how to prevent bears from damaging bird feeders, fruit trees, gardens, compost, barbeques, coolers, chickens, livestock, livestock feed, pet food, garbage, and other bear attractants.²¹

In 2016, the City of Missoula also designated a “Bear Buffer Zone” in areas around the perimeter of the City that were experiencing bear conflicts. The City adopted ordinances regulating the storage of garbage and allowing the use of electric fences within the zone.²²

B. Big Sky

In 2013, the Wildlife Conservation Society led the formation of the Bear Smart Big Sky Council, a diverse coalition of conservation groups, state and federal agencies, local businesses, and community organizations that came together to provide Big Sky residents with information about, and assistance with, reducing human-bear conflicts. In the time since, the Council has overseen a more than 50% increase in the number of Big Sky residents using bear-resistant trash

¹⁹ Id. at § 38.350.060(D)(1).

²⁰ See <http://missoulabears.org/about/our-mission/>.

²¹ See <http://missoulabears.org/>.

²² See Missoula Municipal Code §§ 8.28.085, 12.31.070(D).

cans, and a notable decline in bears relocated and lethally removed each year as a result of coming into conflict with humans.²³

C. Gardiner

Through its website, the Gardiner Chamber of Commerce provides information to visitors, including links to National Park Service instructional videos, about how to avoid surprise encounters with bears and how to react if they do occur; how to carry and use bear spray; how to camp in bear country; and how to safely view bears from vehicles.²⁴ While these guidelines focus more on reducing bear conflicts with recreationists than with urban residents, the website is nonetheless a useful example of how information about living safely with bears might be effectively conveyed to the public.

D. Jackson and Teton County, Wyoming

In 2006, the Town of Jackson and Teton County signed the “10x10 Resolution” to commit to a ten percent reduction in electricity use and a ten percent reduction in fuel use.²⁵ The Resolution also implemented a “Green Building Energy Checklist,” which included potential points for green-certification if there were no fruit-bearing trees or bear attractants on the property’s landscape, in order to reduce human-bear conflicts.

Later, in 2015, Teton County adopted a Resolution titled the “Teton County Land Development Regulations,” which established bear conflict-prevention standards and bear-resistance standards within “Conflict Priority Areas” as determined by data obtained from the Wyoming Game and Fish Department.²⁶ The conflict-prevention standards require the use of bear-resistant containers or enclosures and bear-proof bird feeders. The Resolution also prohibits the feeding of black bears and grizzly bears in all areas of Teton County, outlining the risks posed by supplemental feeding to both human and bear populations.²⁷ The Land Development Regulations can be accessed on the County’s website alongside its Comprehensive Plan.²⁸

E. Boulder and Colorado Springs, Colorado

In 2012, an organization called the Boulder Bear Coalition began investigating ways to reduce human-bear conflicts within the City of Boulder. The organization and City officials identified trash as a major attractant that lured bears into town. Since then, the Boulder Bear Coalition has worked with the City and Colorado Parks and Wildlife to implement a “Mandatory Bear-

²³ See <https://www.wcscommunitypartnerships.org/bear-smart>.

²⁴ See <https://www.visitgardinermt.com/item/229-staying-safe-in-bear-country?highlight=WyJiZWYyYmVhcidzII0=>.

²⁵ See <https://www.jacksonwy.gov/DocumentCenter/View/335/10-by-10-Initiative-Final-Report-PDF?bidId=>

²⁶ See Teton County Land Development Regulations, § 5.2.2.

²⁷ *Id.* at § 5.1.3.

²⁸ See <http://www.tetoncountywy.gov/1188/Comprehensive-Plan-LDRs>.

Resistant Cart Zone” established through the city’s Bear Protection Ordinance in 2014.²⁹ The ordinance requires all trash and curbside compost to be secured from bears at all times by being placed in a bear-resistant cart or container until collected by waste management services. Information on bear-resistant containers and other proactive bear resources are available on the City’s “Co-existing with Bears” webpage.³⁰

More recently, in March 2020, the Colorado Springs City Council established a “Bear Management Area” to help mitigate human-bear conflicts west of I-25. The City enacted two ordinances that require residents and business owners to secure their trash using bear-resistant containers within the Bear Management Area.³¹

F. Other Communities

The Get Bear Smart Society, a conservation organization based in Whistler, British Columbia, describes how communities in many other states, including Alaska, Nevada, Virginia, and New Jersey, as well as in several Canadian Provinces, such as British Columbia and Ontario, have also implemented successful bear-conflict reduction programs.³²

IV. Recommendations

To reduce the potential for human-bear clashes in Bozeman, we recommend that the City of Bozeman consider taking the following steps:

A. Strategic Plan

Section 6 of Bozeman’s Strategic Plan (“A Sustainable Environment”) includes many important recommendations for how to “cultivate a strong environmental ethic” by protecting “clean air, water, open spaces and climate.”³³ One missing component of cultivating a strong environmental ethic, however, is promoting coexistence between humans and wildlife by implementing proactive, non-lethal conflict-prevention methods. Therefore, we propose the following addition to the strategic plan:

6.7 Reduce human-bear conflicts – Develop a plan to mitigate conflicts between humans and bears through the use of proactive, non-lethal measures.

NRDC, and the undersigned organizations, would welcome the opportunity to work with the City to develop such a plan.

²⁹ See City of Boulder Ordinance 8161.

³⁰ See <https://bouldercolorado.gov/wildlife>.

³¹ See <https://coloradosprings.gov/bears>.

³² See <http://www.bearsmart.com/managing-communities/success-stories/>.

³³ See Bozeman Strategic Plan, available at <http://weblink.bozeman.net/WebLink8/0/doc/154660/Electronic.aspx> (March 5, 2018), p. 9.

B. Draft Community Plan and Other City Plans

Similarly, Theme 3 of the Draft Plan (“A City Influenced by Our Natural Environment, Parks, and Open Space”) recognizes important conservation principles shared by the Bozeman community, such as that the City is “home to an outdoor-conscious population that honors and protects our natural environment” and that “[t]he natural environment should be conserved and development should respect significant natural features and systems.”³⁴

Of course, wildlife is a central feature of Bozeman’s natural environment. Therefore, the Draft Plan’s goals should be expanded to reflect the City’s aspirations to coexist with local wildlife—particularly bears. Under Goal EPO-4, we suggest adding a sub-goal identical to the strategic plan provision recommended above:

EPO-4.7 Develop a plan to mitigate conflicts between humans and bears through the use of proactive, non-lethal measures.

Similar provisions could be added to other City plans where relevant.

C. Advisory Board

We applaud the City’s creation of numerous Citizen Advisory Boards to address important issues ranging from climate change to economic development to trails and open space.³⁵ The City should consider forming an additional board, or expand the scope of an existing board, to focus on reducing human-wildlife conflicts—perhaps with an initial emphasis on reducing human-bear conflicts. Particularly given the number of conservation organizations based in Bozeman, and the number of resident wildlife enthusiasts, it is likely that community members would show significant interest in participating on, and would bring considerable expertise to, such a board.

D. Education and Outreach

The City should consider including on its website, or in pamphlets distributed to residents in high-risk bear-conflict areas, information about how to safely live with bears.

E. Conflict monitoring

The City should consider creating and making available to the public a detailed database of human-bear conflicts in the Bozeman area, both to alert residents to the potential presence of bears in their area, and to track improvements in reducing negative human-bear interactions as new policies are put in place.

³⁴ See 2020 Draft Community Plan, available <https://www.bozeman.net/home/showdocument?id=10026> (March 17, 2020), p. 22, 58.

³⁵ See <https://www.bozeman.net/government/citizen-advisory-boards>.

F. City Ordinances

Existing ordinances should be revised, or new ordinances adopted, to incorporate provisions designed to reduce human-bear conflicts, such as designating zones in which bear-proof garbage containers would be required or electric fencing as a bear deterrent would be allowed.

G. Collaboration with Gallatin County

Finally, the City of Bozeman should consider collaborating with Gallatin County to address human-wildlife conflicts at a broader scale. Such partnerships have proven effective in other communities, such as the City of Missoula-Missoula County and Town of Jackson-Teton County examples described above. Bozeman and Gallatin County have worked together on similar issues, such recent efforts to address growth and development in the Bozeman-Belgrade-Four Corners area through the Triangle Community Plan.³⁶ City and County residents both value conservation and wildlife, as demonstrated by the passages of city³⁷ and county³⁸ open space bonds in recent years. Jointly developing a plan to mitigate human-wildlife conflicts would be a productive and timely opportunity for the City and County to benefit our area's human and animal inhabitants alike.

V. Additional Resources

The Get Bear Smart Society's website—<http://www.bearsmart.com/>—provides a wealth of information about bear biology and behavior, effective techniques for deterring bears and managing bear attractants, how to safely live, work, and recreate in bear country, and steps that communities and neighborhoods can take to mitigate human-bear conflicts (such as conducting bear hazard assessments, developing human-bear conflict management plans, and adopting effective ordinances and bylaws).

Similarly, FWP's "Be Bear Aware" website contains an abundance of information specific to living with bears in Montana.³⁹ Finally, NRDC staff and representatives of the undersigned conservation organizations would be happy to offer our thoughts, advice, and help.

VI. Conclusion

NRDC and the undersigned organizations are committed to protecting the planet's wildlife and wild spaces and to ensuring a safe and healthy environment for all living things. An important

³⁶ See <https://gallatincomt.virtualtownhall.net/planning-community-development/pages/triangle-community-plan>.

³⁷ See <https://www.bozeman.net/city-projects/top-trails-open-space-and-parks-program/resources/trails-open-space-and-parks-top-program-background>.

³⁸ See https://www.bozemandailychronicle.com/news/politics/gallatin-county-voters-ok-open-space-levy/article_9e993c89-dbc6-5df5-b65a-1994a79e4322.html.

³⁹ See <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/beBearAware/>.

focus of many of our organizations' work is to proactively reduce human-carnivore conflicts in the Northern Rocky Mountains and beyond.

We feel reducing human-wildlife conflicts—both to protect human health, safety, and property and to maintain healthy wildlife populations—represents a critical part of the Bozeman environmental ethic. By taking the recommended steps to mitigate conflicts with bears in the Bozeman area, the City can create a more thoughtful and informed community that will make for better neighbors to multiple types of wildlife that are often deemed “nuisance” animals once they start to access unsecured anthropogenic food sources. A commitment to proactively address and mitigate potential run-ins with wildlife is a necessary addition to the City’s Strategic and Community Plans. We would welcome an opportunity to work with the Commission and the Bozeman community to develop and implement a conflict-mitigation plan and our other recommendations above.

Thank you for considering these comments.

Sincerely,



Zack Strong
Staff Attorney
Director, Carnivore Conservation
zstrong@nrdc.org



Jennifer Sherry, PhD
Wildlife Advocate
jsherry@nrdc.org



Minah Choi
Program Assistant
mchoi@nrdc.org

Natural Resources Defense Council
317 East Mendenhall St., Suites D and E
Bozeman, MT 59715

Dr. Hannah Jaicks
Project Director
Future West
hannah@future-west.org

Lisa Upson
Executive Director
People and Carnivores
lupson@peopleandcarnivores.org

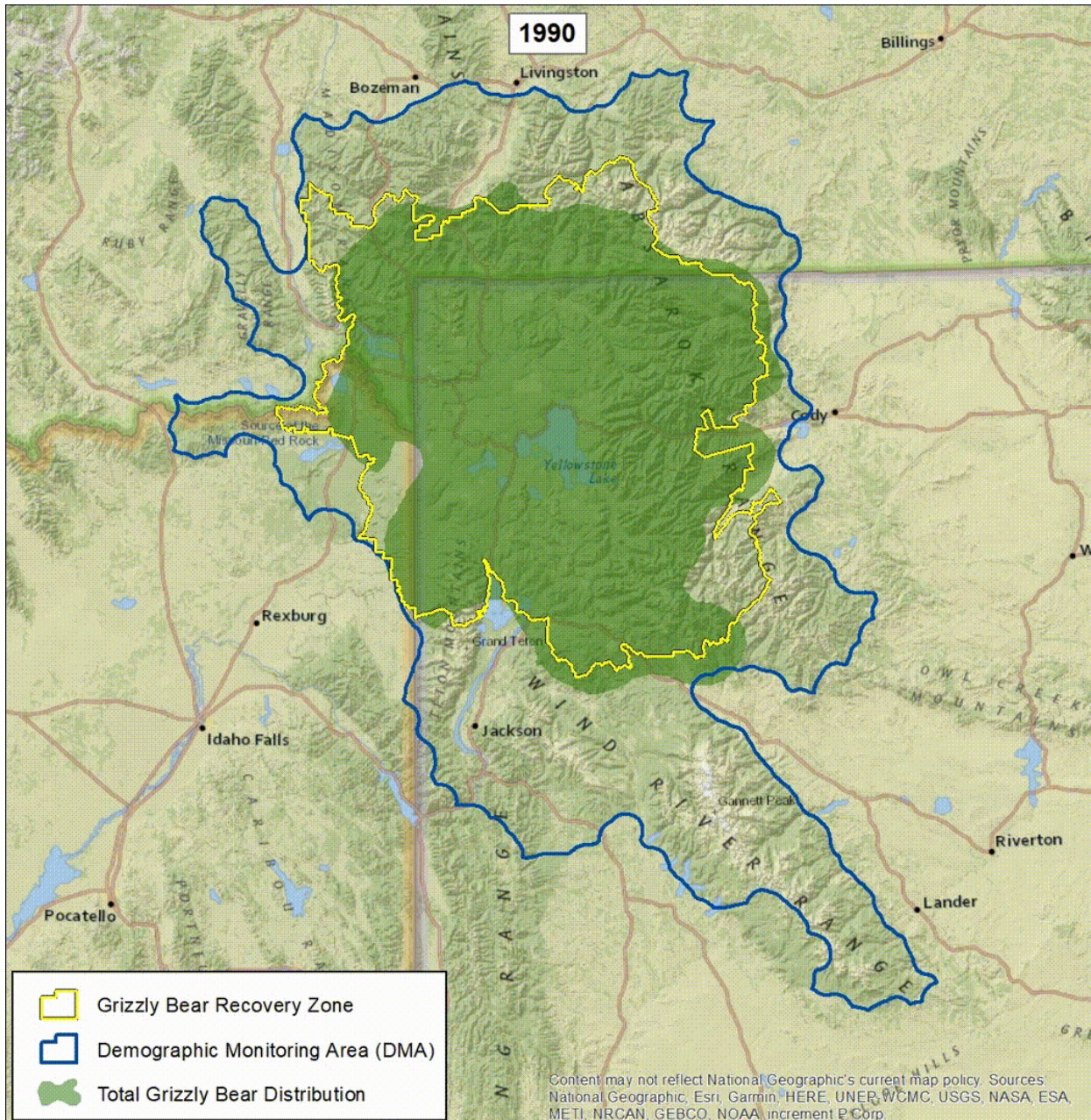
Melly Reuling
Deputy Director
Center for Large Landscape Conservation
melly@largelandscapes.org

Brooke Shifrin
Wildlife Program Associate
Greater Yellowstone Coalition
bshifrin@greateryellowstone.org

Bonnie Rice
Greater Yellowstone/Northern Rockies Senior
Campaign Representative
Sierra Club
bonnie.rice@sierraclub.org

Appendix I

Greater Yellowstone Ecosystem Grizzly Bear Distribution, 1990 and 2018⁴⁰



⁴⁰ See <https://wgfd.wyo.gov/wildlife-in-wyoming/more-wildlife/large-carnivore/grizzly-bear-management>.

