

What happens when hunters and grizzlies collide

By Mike Koshmrl | Posted: Wednesday, October 7, 2015 4:30 am

On a Sunday afternoon two Septembers ago, a hunting guide and camp worker led a client into the remote Thorofare country south of Yellowstone to recover a bull elk that the hunter had shot a couple of hours earlier.

Arriving at the meadow where the elk went down, they found the bull's carcass missing. A grizzly bear had already pulled it to the edge of the clearing, and four other grizzlies were in sight nearby. Undeterred, the hunters proceeded, firing a shotgun into the air to scare off the gathering of grizzlies — a sow, its two cubs and two other large solo bears.

While the party went to work field dressing the elk, they paused to yell and throw rocks at one bear that neared the carcass. Later another bear was spotted moving through the trees.

Then at about 2:45 p.m., a collared boar grizzly identified as bear No. 764 came uncomfortably close. The group's canister of bear spray was in a backpack by their horses. A warning shot went off, but the big grizzly didn't turn back.

"The bear stood up and growled, like something you would see in a movie," an eyewitness later told investigators.

From less than 10 feet away, the guide and camp worker drew their .44 and .357 magnum revolvers and together fired four times, ending the 17-year-old bear's life.

Federal and county attorneys would later declined to press charges against Hidden Creek Outfitters, which employed the men, for killing the federally protected grizzly.

Although federal and state law enforcement officers were never able to visit the backcountry site due to "logistical and funding obstacles," the incident was determined to be self-defense.



Paint Creek reenactment

A bow hunter reenacts for investigators how he fired a .44 magnum revolver at a grizzly bear near Paint Creek in the Shoshone National Forest in 2010. Investigators followed a blood trail for a half a mile, but could not located the wounded bruin.

“While it might not be advisable to attempt to scare off four if not five bears,” the Park County prosecuting attorney wrote in a letter seven months later, “at least one of which had already dragged the elk carcass 150 yards into a tree line, these individuals nonetheless chose that course of action. This conduct alone does not change the fact that shooting of the bear ultimately was done in self-defense based on the evidence I reviewed. Therefore, no prosecution will be sought by the state of Wyoming.”

While it’s not representative of the typical grizzly killed in self-defense, the Hidden Creek Outfitters case is one example of a source of death — hunter gunfire — that ends the lives of about 10 bears a year in the Greater Yellowstone Ecosystem. Humans are the No. 1 agent of death for the region’s grizzlies, and historically the No. 1 reason we kill them is to defend ourselves.

Information often hidden

Oftentimes when a hunter kills a grizzly bear the details of the incident stay out of the public sphere, confined to law enforcement, friends, families and hunting circles.

When a federally protected grizzly bear is killed, ordinarily the circumstances are called “under investigation,” officials are tight lipped, and the media and public are left to guess at what unfolded. Months or years later, the case gets settled, typically without charges, and the investigations and other documents are filed away. Hunters’ missteps, misbehavior and other information that could lead to sportsmen making better decisions in grizzly country are left in the dark.

A News&Guide Freedom of Information Act request turned up investigation reports from two dozen hunter-grizzly encounters that resulted in bears getting shot at or killed.

The newspaper’s request was for all self-defense reports from an 11-year span, 2004 to 2014, but the response from federal agencies such as the U.S. Fish and Wildlife Service was incomplete.

Interagency Grizzly Bear Study Team numbers show that there were 112 hunter-killed grizzly bears during the 11-year period. In 2008 study team annual reports began distinguishing between self-defense killings and black bear hunters mistakenly shooting grizzlies. Since then 61 of 86 mortalities have been in self defense.

The stack of reports acquired by the News&Guide offers a glimpse into what’s happening when hunter gunfire downs a grizzly bear, and the outcome is an attorney’s decision to not prosecute. Names, faces and any other identifying information, including pronouns indicating the hunter’s sex, were redacted from most reports, although agencies crossed wires and some withheld information that others released.

Many of the investigations, about 60 percent, described scenarios in which hunters had only moments to respond, and fired their weapons at charging or menacingly close grizzlies within seconds of seeing them.

That was the case in October 2010, when two Minnesota men were elk hunting in thick timber midafternoon just over the Continental Divide on the south side of Highway 287 near Sheridan Creek.

“We heard some crashing to our right,” one hunter wrote in a voluntary statement. “We swung around thinking it was an elk. Just then we heard some grunting and a bear came charging at us.”

“I yelled ‘grizzly’ and started yelling,” the man wrote. “The bear never slowed. I fired the first shot dropping the bear with [my partner] firing just after me. This all happened in a very short time. I would say 5 seconds or so.”

Both men carried .300 Winchester short magnums, and neither reported having time to shoulder his rifle, so they fired from the hip. The hurried shots were true, though. One bullet struck the large unmarked boar grizzly’s forehead, and the other broke its left femur.

“The wound tracks and their entry locations matched the story told,” the investigation report said. “The bear was facing them when it was shot.”

The case was called self-defense and closed.

Ten of the 24 investigations — 42 percent — involved outfitters or guided hunters. In addition to the act of hunting, commercial camps deep in the backcountry were a source of conflict that turned fatal for grizzly bears.

In fall 2010 nuisance grizzlies had been coming into the outfitters camp near Mountain Creek in the Teton Wilderness “all season and on a daily basis,” an investigation found. The protocol was to use every scare tactic possible, including yelling at bears, sending the camp’s bear dog to harass them or shooting “cracker shells” toward the bruins.

On Oct. 7 a worker sicced the dog on a grizzly that was coming close, but the bear paid the nipping canine little attention. The man sprinted to the cook tent to get a 12-gauge shotgun, telling the cook “the son of a bitch won’t leave.”

He sprinted back toward the bear.

“I started yelling again, he looked up at me and just stood there staring at me,” the man wrote in a statement submitted to U.S. Fish and Wildlife Service law enforcement. “He made no movements like he was going to leave. I took a few steps and chambered a round, and I put the shotgun to my shoulder. I yelled one more time.

Bear spray rarely nearby

“He looked at me again, and so I thought there was nothing else I could do to get him out of camp so I

pulled the trigger,” the man told investigators. “He dropped and didn’t move.”

The worker intended to “hit it in the ass” and “spray the bear to get it to leave,” but the 9-millimeter buckshot instead fatally penetrated the mature grizzly’s chest cavity and abdomen.

For the misdeed, the man was issued a \$1,000 ticket for “both grizzly bears he shot and killed in two separate investigations,” Fish and Wildlife law enforcement documents said.

The second grizzly-killing investigation from the Mountain Creek outfitter camp was among those that were not included in the federal government’s response to the News&Guide’s Freedom of Information Act request.

Bear spray was mentioned in only a quarter of the 24 self-defense grizzly killing investigations. It was deployed during a single incident — the 2012 Thanksgiving Day shooting of a grizzly bear by elk hunters in Grand Teton National Park. The other five times bear spray was noted in reports, the canisters of deterrent were in tents, backpacks, back at camp or in hand after shots had been fired.

Since its invention in the late 1980s, bear spray has been recognized and touted as the safest option to fend off an aggressive bruin.

A 2008 Journal of Conservation Management study on the use of bear spray in Alaska found that 92 percent of the time spray stopped “undesirable behavior” in grizzly bears. Out of 61 incidents in which bear spray was used, there were only three grizzly-inflicted injuries and none required a trip to the hospital. Parallel research on the use of firearms during Alaskan black, grizzly and polar bear encounters found that human injuries occurred 56 percent of the time.

Brigham Young University professor Tom Smith headed both studies. Smith urged hunters to carry bear spray in addition to their firearms. Guns can be cumbersome, he said, require precision to be effective and are less likely to be on someone’s person when they are needed.

“There’s no reason why you can’t up the odds for yourself and increase your chances of a safe trip by having a deterrent that will do you good when you don’t have your gun at the ready,” Smith said. “Bear spray is going stay with you when you set up a tent. Bear spray is going to be on your hip when you’re boning out your elk.”

Hunters went unharmed in their encounters with Greater Yellowstone grizzlies three-quarters of the time — a better rate than in Alaska. The six bear-inflicted injuries ranged from a grizzly tooth barely poking through a boot to a broken femur and helicopter ride out of the wilderness.

A Wyoming man deer hunting five years ago southwest of Cody made out with torn muscles and puncture wounds in his thigh.

The attack happened suddenly after the man first spotted a female grizzly with two cubs at 30 yards. After an initial bluff charge, the sow “came at him at a dead run,” and the man squeezed off a shot with his .260 rifle when she was less than 20 feet away, the U.S. Fish and Wildlife Service investigation says. The round struck the charging sow between the head and hump “and broke the bear down throwing her off balance.”

But the sow had forward momentum, and before he knew it, she was on top of him biting his left thigh. From the ground the man got off three shots, and he connected with the sow two more times and killed her.

“He then got up,” the report said of the hunter, “and the two cubs came running towards him.”

The man was out of ammunition. Fortunately for him the cubs stopped short and from 15 or 20 feet away reared up and “snapped their jaws at him.”

The dead 8-year-old sow wasn’t lactating, so investigators determined that the cubs she left behind were yearlings.

About 30 percent of the time, in seven of the 24 incidents, the grizzlies that were shot at or killed were seen with cubs.

The dependency of cubs on their mothers — and their high likelihood of dying without one — adds significantly to the overall mortality related to hunting.

The Greater Yellowstone grizzly population has rebounded from a crash in the 1970s, and the range of the species is inching outwards.

Federal wildlife managers say they soon plan to begin the process for delisting the population from the Endangered Species Act. That maneuver would open the door for state-sanctioned grizzly bear hunts.

As numbers have grown, hunting-related bear deaths have also climbed.

An old study led by Interagency Grizzly Bear Study Team biologist Chuck Schwartz determined there was an average of 3.7 grizzlies killed by hunters each year between 1992 and 2000. In the past 11 years the figure averaged 10.2 bears a year, meaning that there has been a three-fold rise in bears dying from hunter gunfire.

Looking only at Northwest Wyoming the hunter-killed grizzly trend has also been upward, despite there being fewer elk hunters than were around at the turn of the century, Wyoming Game and Fish Department large carnivore supervisor Dan Thompson said.

“It’s a slightly increasing trend,” Thompson said. “We’re averaging about 5.5 [bears killed a year] since 2002. So, watch out.”

Thompson’s hunch is that the increase in conflict is due to there being more grizzlies around for hunters to run into. From a low point in the 1970s when an estimated 136 grizzlies populated the region, the number is now believed to exceed 700 animals.

“Increased bear numbers and densities would explain why we see more potential for conflicts and more mortalities on the landscape,” Thompson said. “I think a lot of people really fixate on how we’re seeing an increase in grizzly bear mortality ... but there’s a lot more bears out there than there was 20 years ago.

“We’re still looking at the situation as a whole,” he said, “and the increased mortalities are not resulting in a decreasing population level.”

Grizzly expert David Mattson, a retired U.S. Geological Survey biologist, said a shift in the grizzly bear’s fall diet is another factor influencing the trend.

Food supply changing

“Not only are hunter numbers down, but elk numbers are down,” Mattson said. “And at the same time you have this pronounced escalation of conflict and hunter-killed bears.

“I don’t think it’s any coincidence at all — looking at the data — that it’s hard on the heels of when we lost most of our whitebark pine,” he said.

When whitebark pine fared well in the ecosystem, squirrel-cached seeds from the conifers attracted droves of grizzly bears into the subalpine zone in the fall, which created a refuge away from hunters. The food source was the largest component of the omnivore’s diet.

But since 2002, 75 percent of 190 whitebark pine trees monitored by the Interagency Grizzly Bear Study Team have died. What’s killing the trees are mountain pine beetles, which historically have been held in check by prolonged periods of extremely cold temperatures.

The grizzly study team has researched the connection between whitebark pine and hunter-caused mortality.

A 2010 report, “Hazards affecting grizzly bear survival in the Greater Yellowstone Ecosystem,” found that 2.6 times as many grizzly bears die during poor whitebark pine seed years compared with good years.

An ongoing research project in Grand Teton National Park is also using GPS data to explore the fine-scale movements of grizzlies and the relationship to hunters and the gut piles and carcasses they leave

behind.

Completed research has also confirmed that grizzlies head out of Yellowstone park each fall and into areas where elk can be hunted, such as into the Thorofare and surrounding Teton Wilderness. That region, as remote as it gets in the Lower 48, has long been a hotbed for hunter-grizzly conflict.

In 1997 hunters killed eight grizzlies in the Thorofare, according the Jackson Hole News archives.

Conflicts in the wild country south of Yellowstone appear to have persisted. Six of the two dozen grizzly-shooting investigations reviewed by the News&Guide took place in either the Teton Wilderness or Thorofare.

Among those was a double-grizzly shooting that occurred in September 2010 in rugged, steep terrain near Bruin Creek.

Three elk hunters were field dressing and loading a bull elk onto their packhorses when a grizzly was spotted approaching. A warning shot sent the boar bear scampering into the timber, but it soon returned and nabbed a hindquarter from near the group's horses on a ridge above the party's downed elk.

The persistent grizzly came back again, and was lingering too close for comfort undeterred by yelling. It was shot in the center of the chest with a .45-70 rifle.

Ten minutes later another grizzly approached.

“The grizzly bear appeared to be heading towards the elk carcass and them, but they did not shoot at the time, instead they watched it in the hope it would go by the three of them,” the investigation said.

But the second grizzly, also a boar, didn't veer away, the hunters reported.

When it got within 10 feet of one of the men the entire party opened fire, letting loose nine rounds from two .44 magnum revolvers and the .45-70 rifle. Only two of the shots connected, a necropsy would later determine.

Hunter habits better

The next April, the U.S. Attorney's Office declined to prosecute any of the hunters.

“Despite the complexities of this incident it was determined that both grizzly bears were shot in self-defense,” the investigation report concluded. “The subjects did nothing to exacerbate the incident, and they were just elk hunting in what turned out to be very close proximity to numerous grizzly bears.”

With grizzlies' higher numbers, a hard-wired instinct to eat as much as possible before hibernation and a dietary shift from pine seeds toward meat in the fall, the task of reducing conflict and death from hunting

appears daunting.

Hunter education has been the centerpiece of the effort to stem conflict and keep grizzlies from getting shot.

State and federal agencies and conservation groups have led the charge in trying to get hunters to carry bear spray and make good decisions in grizzly country. So far the results have been mixed, said Chuck Bartlebaugh of the Be Bear Aware campaign.

“The buy-in is scattered and incomplete,” Bartlebaugh said. “The agencies keep looking for a way to get hunters using more bear spray, and the way is simple: It’s a clear, concise and consistent message. We do not have that. We don’t even come close.”

Bartlebaugh said he reviews the “getting ready for your hunt” checklists published in hunting journals and in state wildlife publications, and has noticed that bear spray is frequently omitted.

“I never see bear spray,” he said. “In the preparation lists, I don’t see it. And some of those are done by the agencies, the very agencies that want to see more people carrying bear spray.”

Chris Servheen, Fish and Wildlife’s grizzly recovery coordinator, said he thinks hunter habits in grizzly country have improved over the years.

“We certainly have done a lot of outreach and education,” Servheen said, “and I think if you look at the number of hunters that do the right thing on the landscape, it’s much higher now than it used to be.”

The grizzly manager listed some best practices: not using cow calls alone, and being extra careful approaching carcasses after they’ve been out for a night or when maneuvering at dawn and dusk in thick cover.

Education helps

“All of those details, I think the average person has a lot more knowledge about how to get along and minimize conflicts with bears,” he said. “We’ve come a long way, but it will never get to zero because of differences in humans.”

Steve Primm, a founding partner of the carnivore conservation advocacy group People and Carnivores, said it’s important to be vigilant and have situational awareness when hunting in grizzly country. Bear safety isn’t just grabbing a canister of spray and taking to the woods, he said.

“People need to take it very seriously if they’re out in grizzly bear country,” he said. “It is not just a walk in the park.”

Terrain, time of day and weather are among factors that contribute to surprise grizzly encounters, Primm

said, and hunters ought to be tuned into all those elements. The presence of ravens or magpies might mean there's a carcass nearby, he said, another factor to have in mind.

Some hunter-grizzly interactions will likely always result in bears getting shot.

“They're surprise encounters. The person is walking along with a rifle in their hands and here comes this Pleistocene carnivore barreling at them at 35 miles an hour,” Primm said. “They're probably going to take a shot to protect themselves, whether they consciously wanted to or not.

“If the bear population stays at its current level or grows, we're just going to see some rate of mortalities and these sorts of incidents that we should expect to happen,” he said. “I don't know what that rate ought to be. But I think as more hunters adopt bear spray ... and the mindset of safe practices for hunting in grizzly bear country, we could see that rate reduced substantially.”

In 2009 — a year after hunters killed 20 grizzlies — the Interagency Grizzly Bear Study Team formalized efforts to reduce hunter conflict and mortalities in a 52-page report.

The report listed 21 recommendations, including making bear spray a requirement for the general public or for U.S. Forest Service-permitted outfitters and their clients. In the ecosystem Grand Teton National Park is the only land manager that currently requires hunters to carry bear spray.

Other recommendations included closing down areas to hunting in response to conflict, stepping up bear-safety education in poor whitebark pine years and requiring hunters to carry out their meat first and antlers second. A matrix included in the report rates how important, effective, costly, realistic and valuable each recommendations is for reducing hunter-grizzly conflict.

A highly rated recommendation in the matrix was developing a database to keep track of specific information from incidents of hunters shooting and killing grizzly bears. Data was to be kept on whether bear spray was available, if it was a surprise encounter, how many hunters were present, whether an animal carcass was involved and other variables. The type of information gathered presumably would help managers and sportsmen decipher where there was room for improvement.

The database was never completed.

The News&Guide's analysis is imprecise, and based on only a fraction of the total hunter-killed grizzlies.

But, crunching the numbers from two-dozen cases, the average group size when a grizzly was shot is 2.5, and only 15 percent of the time a hunter is solo. Carcasses were involved 43 percent of the time, although more often than not it wasn't a game animal that had been shot by the hunter. Close to 40 percent of the time, hunters weren't surprised by the grizzlies they shot, but, rather, saw them from a ways off, had reason to be on guard or were trying to deal with problem-causing bears.