

# **BEAR SAFETY PLAN**

For The  
**Gibson Dam Hydroelectric Project**  
**FERC No. 12478-002**

Dated  
**February 16, 2009**

In Appendix B of its July 10, 2008 letter to the Applicant, FERC requests a Bear Safety Plan be completed for the above referenced project. FERC guidance for the Bear Safety Plan reads as follows:

### (3) Bear Safety Plan

As discussed in Scoping Document 1 and 2, you indicated one of the issues of concern with the proposed project was the potential for increased encounters with grizzly bears, because of increased human activity in the area during project construction. The scoping documents suggest a bear safety plan would be developed post licensing; however, you do not propose to develop a bear safety plan in the APEA or include any justification as to why such a plan is not warranted.

Therefore, to minimize possible conflicts between bears and humans in the project area during project construction and operation, you will likely need to define specific measures you would implement to reduce human-bear conflicts. In order for the Commission to evaluate the effectiveness of your measures at reducing potential conflicts with bears, these measures should address: (a) practices construction personnel and project operators would follow when in bear country that minimize possible conflicts during project construction and operation (i.e., bear behavior education awareness and other encounter avoidance measures); (b) avoiding areas often used by bears, if possible; and (c) keeping construction sites and refuse areas clean of substances that attract bears (i.e., installing bear-proof garbage receptacles).

You should develop these measures after consultation with the FWS, Forest Service, Reclamation, and Montana DFWP, prior to submission of your license application. Include in your application documentation of consultation, copies of agency comments and recommendations on the measures, and specific descriptions of how you have accommodated the agencies' comments. If you do now adopt an agency recommendation, include you reasons, based on site-specific information.

## INTRODUCTION

This Bear Safety Plan (Plan) was prepared by Gibson Dam Hydroelectric Company, LLC (Applicant), and is intended to provide information and guidance on bear safety to all persons associated with the proposed Gibson Dam Hydroelectric Project (Project). All persons at the site will be required to read and sign this Plan prior to engaging in on-site work activities, including supervisors, workers, and subcontractors.

Food Storage Special Order LC00-18 (Storage Order) is in effect on the Rocky Mountain Ranger District (RMRD) of the Lewis & Clark National Forest. This order is a legally-enforceable requirement for all persons working, recreating, or engaging in any other activities on the RMRD or on other National Forest (NF) lands in the Northern Continental Divide Ecosystem. All persons associated with the Project will be required to adhere to provisions of the Order whether working or recreating on NF lands. A copy of the Special Order is attached to this Plan as APPENDIX A. A copy of this Plan will be posted at the jobsite.

The Sun River Canyon area has known populations of grizzly and black bears. Grizzly bears are a threatened species, protected under the Endangered Species Act. While deaths and injuries due to bears have not been common in the area, bear-human encounters do occur, and there has been some bear-related property damage reported. With the increased construction-related human activity expected in the Project area, bear-human encounters may increase. It is the purpose of this Plan to provide information which will help minimize bear-human conflicts, to help reduce the risk of injury, death, or property damage from unavoidable encounters, reduce the risk of those things occurring to someone else as a result of the actions of workers on this job, and finally, it is to reduce the possibility of having to remove a grizzly bear from this protected population.

### 1. Definitions and General Expectations.

#### 1.1 Bear Conflicts. There are two types of bear conflicts:

- *Property Damage:* Most property damage is directly related to food-conditioning (in which a bear has learned to seek food in human structures or property). This is the reason bears tear off doors, etc. Occasionally bears engage in exploratory food-seeking, leading them to chew on items such as rubber or plastic, which has unfamiliar textures or smells. Bears do not frequently engage in property damage for no apparent reason.
- *Attacks:* Bears very rarely attack, but may be provoked to do so if they are surprised or are defending a food source or their cubs.

Montana Fish Wildlife & Parks (MFWP) usually responds to conflicts, and initiates the process of determining, in conference with United States Fish & Wildlife Service (USFWS), whether the bear is classified as a “nuisance bear”, which is a formal determination per the Interagency Grizzly Bear Committee’s Grizzly Bear Management Guidelines. If it meets the specific criteria, then, after consulting with USFWS, the bear may be relocated or killed, depending on circumstances. For bears that do not meet the definition of “nuisance”, MFWP may choose to use aversive conditioning, relocation, or other measures to address the situation. If there is a human injury or the bear is killed, USFWS will more actively enter the investigation. The USFS is a cooperator in these

processes, and may be called upon to investigate whether attractants were stored properly and to file charges if appropriate.

**1.2 “Bear Country”.** Based on bear movements and behavior, one may reasonably expect to encounter bears virtually anywhere in the Sun River Canyon area, in residential and rural areas, near or off roads, and in and around water bodies. Bears may also be found at certain times of the year outside the Sun River Canyon area as far east as Highway 89.

Therefore, provisions of this Plan apply to all workers at all times anywhere west of Highway 89 to avoid potential conflicts on private or non-NF lands, as well.

**1.3 Grizzly and Black Bears.** Both grizzly and black bears are known to exist in the Project area, but black bears are more commonly seen. It is often difficult to determine whether a bear is a grizzly or black bear, since there are many light-colored black bears in the area, and grizzlies can also be quite dark. It is a mistake, however, to believe that black bears are less dangerous than grizzly bears. Both may pose a serious threat if provoked, and either type is capable of causing injury or property damage in defense of food or cubs. Treat all bears in the area with respect, regardless of species or size.

**2. Bear Conflict Minimization.** Project workers will abide by the following requirements and guidelines at all times, whether on the job site or recreating in the Sun River Canyon or adjoining areas:

**2.1. Requirements for Management of Food, Garbage, and other Attractants.**

Bears that are able to get even a small amount of food will return to the area repeatedly to search for food, may show little or no fear of humans, may become aggressive, and may likely have to be destroyed if it has engaged in additional property damage and may cause human injury.

The Storage Order governing food storage applies on the Project and while recreating in the area or anywhere on NF lands. As required by the Storage Order, all human food and garbage from foods shall be attended or stored in a bear-resistant manner. Food or non-food attractants may be “attended” by an adult – daytime, within 100-ft and nighttime, unobstructed view within 50-ft. Storage in a bear resistant manner means any attractants, including food and garbage, must be stored in one of the following ways if unattended:

- a. Secured in a hard-sided camper or vehicle trunk or cab or trailer cab;
- b. Secured in a hard-sided dwelling or storage building;
- c. Suspended at least 10-ft up and 4-ft out from any upright support;
- d. Stored in an approved bear-resistant container;
- e. Stored in an approved and operating electric fence;
- f. Stored in any combination of these methods; or
- g. Stored in by other methods approved in writing by the Forest Supervisor responsible for their area of jurisdiction.

It is expected that construction workers will have one or more meals in the construction area each day. Garbage, food-contaminated utensils, paper, etc. will be collected on a daily basis, placed in containers, and stored or removed from the Project site for proper disposal. Food-related items left at the worksite even for short periods may draw bears from great distances. Food items left overnight during high bear population periods will almost ensure a bear encounter the following morning. Bears that are able to get even a small amount of food will return to the area repeatedly to search for food, may show little or no fear of humans, may become aggressive, and will likely have to be destroyed.

A designated USFS approved bear resistant garbage container(s) will be provided at the job site by the selected general contractor. The container will be available to all project personnel including workers, subcontractors, supervisors, inspectors, consultants, and visitors. The Construction Forman at each Project construction location will be responsible on a daily basis for policing his/her construction site for food after each meal, and at the end of each construction day. The objective will be to leave no food-related or contaminated items whatsoever at the Project site at the end of each workday that is not properly stored or removed.

In general, no snacks, drinks, lunches or coolers shall be left in pickup beds, equipment cabs, or on the ground. Unattended coolers of canned or bottled pop or Gatorade are in violation of the Storage Order. All food and drinks must be stored properly prior to consumption, and all remaining garbage must be disposed of properly.

**2.2 Fishing/Hiking.** Fishing and hiking within the Project area are excellent. Food disposal measures listed above apply to workers during recreational pursuits, including cleaning of fish (never discard fish viscera in the construction area) and hiking (pack out all leftover food, containers and utensils).

**2.3 Do Not Feed the Bears.** This should be self-evident and explanatory, but it is amazing how many visitors to bear country create serious problems by intentionally baiting or feeding bears. Simply and emphatically, **DO NOT FEED THE BEARS.** Bears fed by humans generally have to be destroyed. If a bear incident resulting in human or bear injury or death shows evidence of bear feeding, MFWP, USFS, and/or USFWS will likely consider the incident human caused. Violations of the Storage Order are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both.

**2.4 When Traveling On Foot In Bear Country, Make As Much Noise As Possible.** Try to avoid surprising bears, particularly in areas where it is very quiet, or when steady background noise, from nearby construction or the sound of a stream, makes it hard for a bear to hear your approach. Generally, near construction sites, disturbance from human activity, machinery and vehicles should keep bears away, but bears often tolerate considerable human disturbance, and it should not be assumed that, just because there is a lot of human activity in an area, there will be no bears.

**2.5 Be Alert And On The Lookout For Bears.** Early detection of a bear offers the best avoidance. Surprising, a bear is dangerous and can often be avoided by keen observation of the countryside into which you are moving. Look for movement, the horizontal line of a bear's back and belly, and different colors. Other signs of bear use include tracks, fresh

scat, beaten down or broken berry bushes, partially eaten fish carcasses, foul odors or a gathering of scavenging birds such as ravens, jays, or magpies. Bears in the Sun River Canyon area range from pure black to light blond. Light-colored bears may blend in remarkably well in areas of the Sun Canyon.

Bears frequently move along trails. If you are walking on a trail, watch down the trail, and approach blind spots slowly and carefully. As you approach a blind corner on a trail or other area of limited visibility, make a lot of noise, by yelling or yipping, or clanging metal objects together. Observe the brush near the trail closely; bears often move and feed on berries in brush just off the trail, and are easily surprised.

**2.6 If You Encounter A Bear, Follow These Suggestions:** If the bear is more than about 50 yards away, or if it is close but does not appear to have seen you, back slowly away from it, increasing the distance between you and the bear. Do not run, even if the bear is some distance away.

If a bear is at some distance (over 50 yards) and sees you, wave your arms, stand as tall as possible, and yell at the bear. Try to help the bear identify you as a human. If you are with others, stay together as a group. A bear is less likely to attack a group of people.

If the bear is quite close (less than 20 or 30 yards), and is coming at you rapidly, do not run. Speak in low soothing tones as you back slowly away. The bear may bluff charge, stopping within 10 yards of you. If you have pepper spray, prepare to spray the bear if it does not stop its charge. There has been reliable research that people who defend themselves with pepper spray are much less likely to wind up injured by a bear than people who defend themselves with a firearm. Many fewer bears wind up killed, as well. The USFS stresses carrying and properly using pepper spray as a means of stopping a charging bear. This has proven to be effective in >98% of documented encounters where pepper spray is used.

If a bear attacks, fall into the lying prone position with hands clasped behind your neck and elbows and knees pushed into the ground. If the bear rolls you over, keep rolling until you are prone again. Try to remain silent and motionless in this position until the attack has stopped and the bear has left the area.

### **3. Procedures To Deal With Problem Bears.**

If a bear is, or seems likely to become a problem, the following procedures should be followed:

**3.1 Report Potentially Problematic Incidents Promptly.** If a bear is seen consistently in a work area, the appropriate Construction Foreman or Superintendent will report the incident immediately to:

MFWP Bear Management Specialist (Mike Madel) (406)466-5100 office  
(406)788-4755 cell  
(406)466-5516 home

MFWP Area Warden (Dave Holland) (406)788-0378 cell  
(406)264-0378 office/home

USFS	(406)466-5341 office
District Biologist (Wendy Maples)	(406)590-2327 cell
LEO (law enforcement)(Travis Rixford)	(406)799-1456 cell

Before calling, try to establish any identifying features of the bear(s), the location of the incident, and time of day. Deciding whether an incident is “potentially problematic” or not is up to the discretion of the workers and Foreman, but it is better to report an incident than not.

**3.2 Report Bear Encounters.** A bluff charge, charge, or bear attack, even if no injury occurs, must be reported.

- If there is injury, ensure the safety of those responding, attend to the victim, and call 911 for medical help and to relay information about the incident.
- If there is no injury but the bear has remained in the area *and* the situation appears dangerous, contact 911; otherwise use contact numbers above.
- Decisions on what to do with problem bears will be made by NFWP. No independent actions should be taken by Project workers to kill a problem bear.

Any person who takes a bear in “defense of life and property” shall notify his supervisor and the MFWP immediately, and shall submit a written report of the circumstances of the take to his supervisor and the MFWP within 15 days of the take. (Again, the USFS emphasizes that pepper spray is generally a more appropriate and often more effective defense against a charging bear.)

**3.3 Law Regarding Attractants.** State and Federal law makes it illegal for any person to feed or intentionally leave food or garbage in a manner that attracts a bear, wolf, fox, or wolverine. Under the Storage Order, individuals who take a bear under “defense of life or property” provisions will be warned or cited if the take is brought about by the improper disposal of garbage or a similar attractive nuisance. Violations of the Storage Order are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both.

**I have read, understood, and hereby agree with and will follow the conditions and restrictions of this Bear Safety Plan.**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

## **APPENDIX A**

### **Food Storage Special Order (LC00-18)**

**NORTHERN CONTINENTAL DIVIDE ECOSYSTEM**  
**FLATHEAD, LEWIS AND CLARK, LOLO, AND HELENA**  
**NATIONAL FORESTS**  
**REGION ONE**

**USDA, FOREST SERVICE**

Pursuant to 36 Code of Federal Regulations 261.50 (a) and (b), the following restrictions are in effect on the Flathead, Lewis and Clark, Lolo, and Helena National Forests, Montana within the Northern Continental Divide Ecosystem (NCDE). These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations and become effective when signed, and shall remain in effect until rescinded or revoked. *They replace the previous Food Storage Special Order F10-016L98 invoked on April 15, 1998, under authority of 36 Code of Federal Regulations 261.50 (a) and (b), which is hereby rescinded.*

1. Possessing or storing any food or refuse, as specified in the order from April 1 to December 1, annually. [36 CFR 261.58(cc)]
2. Possessing, storing or transporting any bird, fish or other animal, or parts thereof as specified in the order from April 1 to December 1, annually. [36 CFR 261.58(s)]

The Northern Continental Divide Ecosystem consists of National Forest System lands included within the boundaries of the Flathead, Lewis and Clark, Lolo and Helena National Forests and is further defined on the attached map, (Exhibit A) and hereby made part of this order. Also attached and hereby made part of this order is Food Storage Special Order Information and Definitions, (Exhibit B).

**UNDER THIS ORDER IT IS REQUIRED THAT:**

1. Human, pet and livestock food (except baled or cubed hay without additives), and garbage shall be attended or stored in a bear-resistant manner.
2. Wildlife carcasses that are within 1/2-mile of any camp or sleeping area shall be stored in a bear-resistant manner during nighttime hours.
3. Burnable attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.
4. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery.

Pursuant to 36 CFR 261.50(e) the following persons may be exempt from this order (Flathead, Lolo, Lewis & Clark, or Helena Forest Supervisors are delegated the authority to grant the exemption in writing):

1. Persons with a permit specifically authorizing the prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force

in the performance of an official duty.

Done this \_\_21st\_\_ day of \_December\_, 2000.

CATHY BARBOULETOS

Forest Supervisor

Flathead National Forest

DEBORAH L.R. AUSTIN

Forest Supervisor

Lolo National Forest

RICK PRAUSA

Forest Supervisor

Lewis & Clark National Forest

THOMAS J. CLIFFORD

Forest Supervisor

Helena National Forest

***Attractants may be "attended" rather than stored in a bear-resistant manner. However, it is strongly recommended that attractants and all items with odors be stored in bear-resistant containers or suspended 10 feet high and 4 feet away from the supporting structure and stored at least 300 feet from any sleeping area.***

The purpose of these restrictions are to minimize grizzly bear-human conflicts and, thereby, provide for visitor safety and recovery of the grizzly bear within the Northern Continental Divide Ecosystem.

Violations of these prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both (16 U.S.C 551 and 18 U.S.C. 3559 and 3571).

# EXHIBIT "A"

## SPECIAL ORDER - FOOD STORAGE

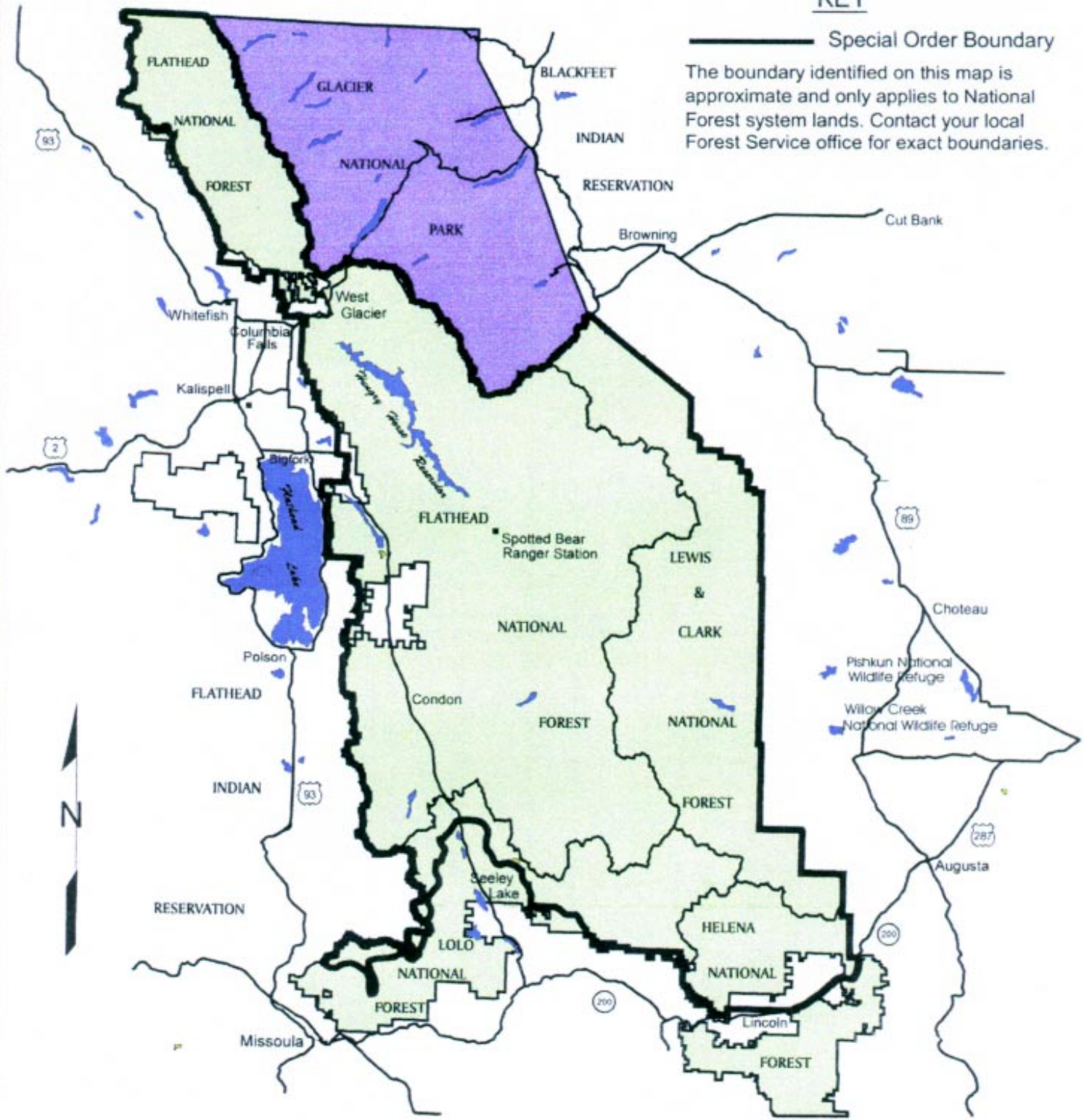
### NORTHERN CONTINENTAL DIVIDE GRIZZLY BEAR ECOSYSTEM

#### Northern Region - Flathead, Lewis & Clark, Lolo and Helena National Forests

#### KEY

— Special Order Boundary

The boundary identified on this map is approximate and only applies to National Forest system lands. Contact your local Forest Service office for exact boundaries.



## INFORMATION

### IT IS REQUIRED THAT:

1. **Human, pet and livestock food (except baled or cubed hay without additives), and garbage shall be attended or stored in an approved bear resistant manner when unattended**
2. **Wildlife carcasses, birds, fish or other animal parts that are within 1/2-mile of any camp or sleeping area shall be stored in a bear-resistant manner during nighttime hours.** If a wildlife carcass is within an attended camp during daytime hours it may be on the ground.
3. **Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.**
  - A. Leftover food or food waste products may be placed in an appropriate, sealed container and packed out with garbage.
  - B. Leftover food or other attractants may be burned in a contained stove fire.
  - C. Attractants may be placed into a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage and packed out.
4. **The responsible party shall report the death and location of any livestock to a Forest Service Official within 24 hours of discovery.** In some very remote areas, it may not be possible to meet the 24-hour requirement. In these special cases, the responsible party shall report to a Forest Official the discovery of any dead livestock within 48 hours.
5. **Approved bear-resistant containers meet the following criteria:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. A bear-resistant container developed commercially must be approved by the USDA, Forest Service, Missoula Technology and Development Center (MTDC). Bear-resistant containers developed for personal use may be inspected for approval by the local District Ranger or their designated representative(s). For commercial operations, the MTDC has an impact testing machine available to evaluate containers for strength.

## DEFINITIONS

1. **Attended:** At least one adult person (attendee) is physically present within 100 feet of attractants

during **daytime hours**. During the **nighttime hours**, all attractants must be within 50 feet of the attendee, or attractants must be stored in a bear-resistant manner. During the nighttime, no physical barrier, except tents or containers or attractant-packaging material, may exist between the attendee and attractants which are not stored in a bear-resistant manner.

2. **Attractant:** Food as defined below and garbage from human, livestock or pet foods.
3. **Food:** Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives) and pet food.
4. **Attendee:** An adult (18 years of age or older) in control of attractants.
5. **Bear-resistant container:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws.
6. **Bear-resistant manner** means any attractants, including food and garbage, must be stored in one of the following ways if unattended:
  - a. secured in a hard-sided camper or vehicle trunk or cab or trailer cab;
  - b. secured in a hard-sided dwelling or storage building;
  - c. suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole;
  - d. stored in an approved bear-resistant container;
  - e. stored within an approved and operating electric fence;
  - f. stored in any combination of these methods;
  - g. or stored by methods other than those described in Section #6, a-f, that shall be approved in writing by the Forest Supervisor responsible for their area of jurisdiction.

## DEFINITIONS

7. **Contained fire stove:** a metal stove that completely encloses the fire.
8. **Daytime:** 1/2-hour before sunrise until 1/2-hour after sunset.

9. **Nighttime:** 1/2-hour after sunset until 1/2-hour before sunrise.
10. **Livestock:** A domesticated animal, such as mule, horse, llama, or goat.
11. **Wildlife carcass:** The body, or any parts thereof, of any deceased wild animal, bird, or fish.
12. **Approved electric fence will meet, as a minimum, the following specifications (refer to**

**Forest Service publication 9623-2850-MTDC for more description of fence specifications and set-up):**

- a. The fence will be set up as a “tight wire” fence. The wire will be tight and under tension, not loose or sagging.
- b. Minimum fence height.....4 feet.
- c. Minimum post height.....5 feet.
- d. Maximum spacing between posts.....8 feet.
- e. Conductors (wire): Minimum of 7 wires, with 6-10 inch spacing between wires.  
Bottom wire must be within 2 inches of the ground. All wire must be smooth metal fence wire of at least 16 gauge or poly wire, except the top wire which may be poly tape of at least six strand stainless steel.
- f. The system will be set up to operate both as a ground wire return and a grounded system. The 2 top wires will be hot, with all other wires alternating hot and ground.  
The minimum length ground rod is 2 feet.
- g. Fence charger (minimum): (1) stored energy of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. **User must be able to test electrical output in the field.**

The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.

- h. Minimum distance between fence and items enclosed by electric fence.....3 feet.

## APPENDIX B

### AGENCY CONSULTATION

A Draft Bear Safety Plan was initially distributed for comments via email on November 10, 2008 to the State and Federal resource agencies listed below:

Mr. Steve Davies  
 Montana Area Office  
 U.S. Bureau of Reclamation  
 P.O. Box 30137  
 Billings, MT 59107-0137  
[sdavies@gp.usbr.gov](mailto:sdavies@gp.usbr.gov)

Ms. Laura Conway  
 USDA Forest Service  
 Lewis & Clark National Forest  
 P.O. Box 869  
 Great Falls, MT 59403-0869  
[lconway@fs.fed.us](mailto:lconway@fs.fed.us)

Mr. Glenn Phillips  
 Habitat Protection Bureau Chief  
 Montana Department of Fish, Wildlife & Parks  
 1420 6<sup>th</sup> Avenue East  
 Helena, MT 59620-0701  
[gphillips@mt.gov](mailto:gphillips@mt.gov)

Mr. Mark Wilson  
 U.S. Fish & Wildlife Service  
 100 North Park Avenue  
 Suite 320  
 Helena, MT 59106  
[Mark\\_wilson@fws.gov](mailto:Mark_wilson@fws.gov)

Comments on the Draft Bear Safety Plan were received from USDA Forest Service only in a letter dated November 26, 2008 (copy attached). Following is a summary of their comments and the Applicant's response to each as incorporated into the final Bear Safety Plan:

ID	Agency Comment	Applicant Response
USFS1	Reference Food Storage Special Order (LC00-18) and provide copy as attachment to the Plan.	Reference was made as suggested and a copy is attached as APPENDIX A to the Plan.
USFS2	Who is the intended audience of the Plan?	Defined the intended audience of the Plan and who must review and sign the Plan in the first paragraph of the

		Introduction.
USFS3	What are the consequences of failure to abide by the plan, particularly the Food Storage portion?	
USFS4	Suggest adding wording to introduction stating the grizzly bears are a threatened species and protected under the ESA. Add additional wording regarding purpose of the Plan.	Added wording as suggested.
USFS5	Suggest re-name Section 1 title to more accurately reflect content.	Changed Section 1 title to “Definitions and General Expectations”.
USFS6	Provided clarification to bear classification and agency responsibility. Provided definition of types of bear “conflict”.	Added wording in paragraph 1.1 as provided.
USFS7	Suggest eliminating wording in paragraph 1.2. Provided additional clarification to range of bears during certain times of the year.	Eliminated wording as suggested in paragraph 1.2. Added wording in paragraph 1.2 clarifying range of bears during certain times of the year to include west of highway 89.
USFS8	Suggest adding wording in paragraph 1.3 that it is difficult to distinguish between black and grizzly bears.	Added wording in paragraph 1.3 as provided stating it is difficult to distinguish between black and grizzly bears.
USFS9	Suggest re-word Section 2 so all workers abide by Plan requirements at all times, whether on the job site or recreating in the Sun River Canyon or adjoining area.	Added wording to Section 2 as requested.
USFS10	Suggest re-title of paragraph 2.1 heading with “Requirements for Management of Food, Garbage, and other Attractants:.”	Re-named paragraph 2.1 title as suggested.
USFS11	Suggested adding wording to paragraph 2.1 and incorporating requirements of the Food Storage Special Order. Suggested adding specific wording of plan to ensure the Order is followed.	Added wording to paragraph 2.1 as requested.
USFS12	Suggest adding wording from paragraph 3.2 (draft), including fact that charges may be filed.	Paragraph titled “Do Not Feed the Bears” changed to paragraph 2.3. Wording added from section 3.2 (from draft) as suggested. Added wording to include fines and punishment for violations of the Storage Order.

USFS13	Suggest delete last phrase of paragraph 2.4 (draft) ending sentence at “blonde”.	Deleted wording as suggested. New paragraph number 2.5.
USFS14	Delete beginning of paragraph 2.5 (draft) and substitute information on pepper spray.	Deleted wording as suggested. New paragraph number 2.6. Added information on pepper spray as suggested and provided.
USFS15	Suggest changing wording in paragraph 2.5 for guidance if a bear attacks, to lying in the prone position.	Changed guidance as suggested to lying prone if a bear attacks. New paragraph number 2.6.
USFS16	Suggest deleting Sections 3 and 4 after incorporating into Section 2.	Deleted Section 3 and 4 and incorporated into Section 2 as suggested.
USFS17	Suggest deleting portion of sentence in paragraph 5.1 (draft). Provided agency contact information.	Deleted portion of sentence as suggested. New paragraph number 3.1 Added agency contact information as provided.
USFS18	Re-name title of 5.2 for “Attacks” to “Encounters” (draft). Provided suggested wording for reporting.	Re-named tile as suggested. New paragraph number 3.2. Added suggested wording for reporting.
USFS19	Suggest change to “State and Federal Law...” in paragraph 5.3 (draft), and add reference to the Special Food Storage Order.	Changed wording to “State and Federal Law...” as requested. New paragraph 3.3. Added reference to the Special Food Storage Order.
USFS20	Suggest moving paragraph 5.4 (draft) as an item under new paragraph 3.2.	Moved wording from paragraph 5.4 (draft) to new paragraph 3.2 as suggested. Deleted paragraph 5.4.

November 10, 2008

Ms. Laura Conway  
USDA Forest Service,  
Lewis & Clark National Forest  
[lconway@fs.fed.us](mailto:lconway@fs.fed.us)

Mr. Mark Wilson  
U.S. Fish & Wildlife Service  
[mark\\_wilson@FWS.gov](mailto:mark_wilson@FWS.gov)

Mr. Steve Davies  
U.S. Bureau of Reclamation,  
Great Plains Region  
[sdavies@gp.usbr.gov](mailto:sdavies@gp.usbr.gov)

Mr. Glenn Phillips  
Montana Fish, Wildlife & Parks  
[gphillips@mt.gov](mailto:gphillips@mt.gov)

**REF: Gibson Dam Hydroelectric Project, FERC No. 12478-002**  
**SUB: Electronic Distribution of Bear Safety Plan, and Request for Comments**

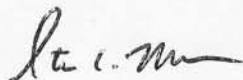
Dear Agency Lead:

Attached is a copy of the draft Bear Safety Plan for the above referenced project. Please review the plan and provide written comments, if any, within 30 days of the date of this letter. Your comments should be faxed, mailed or emailed to:

Gibson Dam Hydroelectric Company, LLC  
Attn: Steve Marmon, Project Manager  
3633 Alderwood Avenue  
Bellingham, WA 98225  
(360)733-3056 FAX  
[smarmon@whitewatereng.com](mailto:smarmon@whitewatereng.com) EMAIL

Please contact me at (360)738-9999 or [smarmon@whitewatereng.com](mailto:smarmon@whitewatereng.com) should you have any questions. Thank you for your continued participation in the licensing process.

Sincerely,



Steven C. Marmon  
Project Manager

**GIBSON DAM HYDROELECTRIC COMPANY, LLC**  
3633 Alderwood Ave., Bellingham, WA 98225  
(360)738-9999 ph (360)733-3056 fax  
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United States  
Department of  
Agriculture

Forest  
Service

Lewis and Clark  
National Forest

1101 15<sup>th</sup> Street North  
P.O. Box 869  
Great Falls, MT 59403-0869  
406 791-7700  
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File Code: 2720

Date: November 26, 2008

Steve Marmon  
Project Manager  
Gibson Dam Hydroelectric Company, LLC  
3633 Alderwood Avenue  
Bellingham, WA 98225

RECEIVED  
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*SM*

Dear Mr. Marmon:

This letter is in response to your request for comments on the Gibson Dam Hydroelectric Project, FERC No. 12478-002, 1) Draft Recreation Plan, 2) Special Status Plant and Noxious Weed Survey Report and Construction Plan Recommendations, 3) Draft Post-Construction Water Quality Monitoring Plan, 4) Draft Construction Water Quality Monitoring Plan, and 5) Draft Bear Safety Plan. Attached you will find two documents with specific comments related to the Draft Recreation Plan and the Draft Bear Safety Plan.

As for the Special Status Plant and Noxious Weed Survey Report and Construction Plan Recommendations, our sensitive plant coordinator Tanya Murphy noted that rattlesnake plantain did not leaf out or flower until well into August in 2008. This plant could have been missed during your surveys. At this time we are not requesting additional surveys, however we would like to be informed if this plant is located in the project area at a later date.

In the Water Quality Monitoring Plans, it would be helpful if the sampling location map showed more detail, such as roads and Diversion Dam. Also, the composite graph of Dissolved Oxygen levels for the three year period is difficult to tease out the important data. We request that the data be displayed graphically for both yearly and a three year period.

The project area maps in your reports indicate the area around Gibson Reservoir owned by the Bureau of Reclamation. This is inaccurate. Attached you will find a map with the correct designation for these lands. The area is U.S. Forest Service land, withdrawn for reclamation purposes. The Bureau of Reclamation manages the area for the water uses and the dam. The Forest Service maintains ownership and continues to manage the recreational uses in the area.

If you have any questions regarding these comments please contact Laura Conway at 406-791-7739.

Sincerely,

*Colin Strathy*  
for LESLEY W. THOMPSON  
Forest Supervisor  
Enclosures



### General Comments

- USFS1 • The plan needs to reference the Food Storage Special Order (LC00-18) that is in effect on the Rocky Mountain Ranger District (RMRD) of the Lewis and Clark National Forest. This order is a legally-enforceable requirement for all persons working, recreating, or engaging in any other activities on the RMRD or on other National Forest (NF) lands in the Northern Continental Divide Ecosystem. All persons associated with the Gibson Hydro Project *will be required* to adhere to provisions of the Order whether working or recreating on NF lands. A copy of this Order should be attached to the Bear Safety Plan and should be made available to Project Foremen or other appropriate on-site managers, as well as posted at the job site and any associated sites (e.g. camp sites used by crews).
- USFS2 • What is the intended audience of this plan – i.e. who will read and sign as indicated at the end? Will all persons at the site be required to read and sign, or just supervisors? I would recommend that everyone must go through it before beginning work at the site, and that supervisors have it available for reference in the event that a situation arises.
- USFS3 • What are the consequences of failure to abide by the plan, particularly the Food Storage portion? In the past, in addition to receiving a ticket and being fined for failure to comply with the Order, contractors and others have released people from the job (we have sent fire crews home for that reason, as well). That part is up to you, of course, but it might be useful to spell this out.

### Specific Comments

USFS4 **Introduction** – Suggest adding that grizzly bears are a threatened species, protected under the Endangered Species Act. Also that the purpose of a bear safety plan is to not only reduce risk of injury, death, or damage to workers or job site, but to reduce risk of those things occurring to someone else as a result of the actions of workers on this job. And finally, it is to reduce the possibility of having to remove a grizzly bear from this protected population.

USFS5 **1. Instructions...** Section 1 is titled “Instructions for operating practices...” but seems to largely be definitions and general area expectations. It might be best to re-name and slightly re-word it accordingly, as it is very useful in serving that purpose.

#### **1.1 Bear Conflicts**

- USFS6 • It is a little unclear whether this is intended to describe general authorities, or is meant to be an action plan. I recommend the former, and recommend describing actions to be taken in later “Procedures” section
  - To clarify: MFWP usually responds to conflicts, and initiates the process of determining, in conference with USFWS, whether the bear is classified as a “nuisance bear”, which is a formal determination per the Interagency Grizzly Bear Committee’s Grizzly Bear Management Guidelines. If it meets the specific criteria, then, after consulting with USFWS, the bear may be relocated or killed, depending on circumstances. For bears that do not meet the definition of “nuisance”, MFWP may choose to use aversive conditioning, relocation, or other measures to address the situation. If

there is human injury or the bear is killed, USFWS will more actively enter the investigation. The USFS is a cooperator in these processes, and may be called upon to investigate whether attractants were stored properly and to file charges if appropriate.

- Types of Conflict:

- *Property Damage*: Most property damage is directly related to food-conditioning (in which a bear has learned to seek food in human structures or property). This is the reason bears tear off doors, etc. Occasionally bears engage in exploratory food-seeking, leading them to chew on items such as rubber or plastic, which has unfamiliar textures or smells. It is important not to mislead anyone into thinking that bears frequently engage in property damage for no apparent reason.
- *Attacks*: Again, it is important not to mislead. Bears very rarely attack, but may be provoked to do so if they are surprised or are defending a food source or their cubs.

### 1.2 Bear Country

- Suggest eliminating “based on professional documentation...”
- Bears may also be found at certain times of year outside the Sun River Canyon area (i.e. east of NF lands). Recommend that these procedures be followed anywhere west of Highway 89 to avoid potential conflicts on private or non-NF lands, as well.

### 1.3 Grizzly and Black Bears

- Suggest noting that it is often difficult to determine whether a bear is a grizzly or black bear, since there are many light-colored black bears in the area, and grizzlies can also be quite dark.
- Suggest replace existing phrase that begins “and black bears are at least...” with “and either type is capable of causing injury or property damage in defense of food or cubs”.

## 2. Bear Conflict Minimization

- Suggest reword to read “...abide by the following requirements and guidelines at all times, whether on the job site or recreating in the Sun River Canyon or adjoining areas.”

### 2.1 ...Clean Work Area... (Suggest replace heading with “Requirements for Management of Food, Garbage, and other Attractants”)

- Suggest start with rationale from section 3.1, starting with “Bears that are able to get even a small amount...”. May be useful to note that before bear is destroyed, often has engaged in additional property damage and may cause human injury. Then this seems to be the place to carefully summarize requirements of the Food Storage Order, and state that they apply on the job-site and while recreating in the area or anywhere on NF lands. Suggest adding in wording from section 3.1 here, and be very specific about how you will ensure the Order is followed (e.g. designated trash receptacles; no snacks, lunches or coolers in pickup beds; daily garbage removal OR use of bear-resistant garbage container, etc.) Note things like unattended coolers of canned or bottled pop or Gatorade

USFS11

are in violation of the Food Storage Order. This would also be the place to include instructions for fishing/hiking (and delete section 3.1). This section is likely the real key to avoiding conflicts on this project, given the nature and location of the proposed work.

USFS12

**2.2 Do not feed...** Suggest adding here wording from section 3.2, including fact that charges may be filed.

USFS13

**2.4 Be alert...** Suggest delete last phrase, ending sentence at "blond". Light-colored bears may blend in remarkably well in areas of the Sun Canyon.

USFS14

**2.5 If You Encounter a Bear...**  
Delete beginning with "If you have a firearm...", and substitute information about proper use of pepper spray. You have noted elsewhere that firearms will not be allowed at the job site. Furthermore, there has been reliable research that people who defend themselves with pepper spray are much less likely to wind up injured by a bear than people who defend themselves with a firearm. Many fewer bears wind up killed, as well. We would prefer to stress carrying and properly using pepper spray as a means of stopping a charging bear. This has proven to be effective in >98% of documented encounters where pepper spray is used.

USFS15

For the second par., more recent guidance recommends lying prone, with hands clasped behind your neck and elbows and knees pushed into the ground. If the bear rolls you over, keep rolling until you are prone again.

USFS16

**Suggest deleting sections 3 and 4, and incorporating into section 2 as described above**

**5. Procedures...**

USFS17

**5.1 Report Potentially Problematic...** Suggest delete portion of sentence starting with "and shows threatening...". Any repeat observation is grounds for concern, as it may indicate that the bear received a food reward (possibly elsewhere) and is now looking for another. Also, this helps establish identity and history should an actual problem arise, and allows for possible aversive conditioning. Contacts should be made to:

MFWP Bear Management Specialist (Mike Madel) – (406) 466-5100 – office  
(406) 788-4755 – cell  
(406) 466- 5516 – home

MFWP Area Warden (Dave Holland) (406) 788 – 0378 – cell  
(406) 264 – 0378 – office/home

US Forest Service – (406) 466-5341 – office  
District Biologist (Wendy Maples) (406) 590-2327 – cell  
LEO (law enforcement) (Travis Rixford) (406) 799-1456 – cell

USFS17

USFWS does not have an on-the-ground, local presence who is involved in dealing with problem bear management issues. If the situation seems urgent and the above persons cannot be reached, contact the Lewis and Clark or Teton County Sheriff's office.

USFS18

**5.2 Report Attacks** - Suggest change "Attacks" to "Encounters", as any bluff charges or charges, even if no injury occurs, must be reported.

- If there is injury, ensure the safety of those responding, attend to the victim, and call 911 for medical help and to relay information about the incident
- If there is no injury but the bear has remained in the area *and* the situation appears dangerous, contact 911; otherwise use contact numbers above
- Retain sentence "Decisions on what to do...."

USFS19

**5.3 State Law** - suggest change to "State and Federal Law..." and cite as written, but also add reference to the Special Food Storage Order.

USFS20

**5.4 What to do if a Bear is shot...** This might be better as an item under the "report attacks" section? I understand the desire to assure people that shooting in self-defense can be handled, but again, we'd like to emphasize that pepper spray is generally a more appropriate and often more effective defense against a charging bear.