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City of Bozeman  
121 N. Rouse Ave.  
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**Re: Resources and Recommendations to Help Prevent Bozeman-Area Human-Bear Conflicts**

Dear Jeff and Melody,

Thank you for meeting with us to discuss human-bear conflicts in the Bozeman area and for the City's interest in taking steps to prevent them from occurring in the future. During our conversation, you asked if we could provide you with further information regarding: 1) what steps other communities in our region have taken to mitigate human-bear conflicts; 2) specific recommendations our organizations would encourage the City of Bozeman to consider; and 3) additional resources the City could reference to help inform any actions it decides to take. That information is compiled below.

As the following examples, recommendations, and resources illustrate, ensuring that bears and other wildlife cannot access unnatural foods—such as human garbage—is often the most effective way to reduce conflicts in urban areas. Doing so not only reduces human-bear encounters in the short term, but it also reduces conflicts over the long-term by preventing bears from becoming food-conditioned. Once a bear obtains an unnatural food reward, he or she is likely to continue to seek out those food sources and is much more likely to get into repeated

conflicts, return to the same area after being relocated (or become habituated to people and not be able to be relocated), and be injured or killed.<sup>1</sup>

## **I. Actions Taken by other Communities to Prevent Human-Bear Conflicts**

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

### **A. Missoula, Montana**

#### **i. Missoula Bears collaboration**

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, Montana Fish, Wildlife & Parks (“FWP”), the University of Montana, and the U.S. Fish and Wildlife Service.<sup>2</sup> The coalition’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.”<sup>3</sup>

The group’s website publishes regular reports about bear and mountain lion activity in the area<sup>4</sup> and provides an online form for members of the public to report sightings or concerns about unsecured attractants.<sup>5</sup> 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, barbecues, coolers, chickens, livestock, livestock feed, pet food, garbage, and other bear attractants.<sup>6</sup>

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<sup>1</sup> See, e.g., Joseph T. O’Conner, *Black bear euthanized due to multiple conflicts in Bozeman*, Explore Big Sky (July 13, 2019), <https://www.explorebigsky.com/black-bear-euthanized-due-to-multiple-conflicts-in-bozeman%E2%BB%BF/30367>.

<sup>2</sup> See Missoula Bears, About Us, Our Mission, <http://missoulabears.org/about/partners-others/>.

<sup>3</sup> *Id.*

<sup>4</sup> See Missoula Bears, Updates, <http://missoulabears.org/alerts/>.

<sup>5</sup> See Missoula Bears, Report, <http://missoulabears.org/report/>.

<sup>6</sup> See Missoula Bears, Community Resources, Attractant Management, <http://missoulabears.org/community-resources/attractant-management/>.

ii. City ordinances

In 2006, the City of Missoula adopted an ordinance prohibiting the feeding of certain wildlife, including bears.<sup>7</sup> A few years later, in 2010, the City adopted a resolution establishing a “Bear Buffer Zone” in areas around the perimeter of the City that were experiencing bear conflicts.<sup>8</sup> At the same time, it enacted ordinances regulating the storage of garbage within the buffer zone.<sup>9</sup> In general, the new provisions required residents, businesses, and other entities within the buffer zone to either store garbage in a bear-resistant container or set out non-bear-resistant garbage containers only between the hours of 5:00 a.m. and 9:00 p.m. on the day scheduled for waste pickup.<sup>10</sup>

In 2016, the City adopted additional ordinances allowing the use of electric fences within the bear buffer zone to deter bears from potential attractants such as apiaries (beehives), fruit trees, chicken coops, and compost piles.<sup>11</sup> The provisions also permit the use of electric fences on properties outside the zone where a documented bear conflict has occurred.<sup>12</sup> In addition, the City created a webpage summarizing these ordinances and providing links to other information about living with bears and other wildlife.<sup>13</sup>

**B. Big Sky, Montana**

i. Bear Smart Big Sky Council

In 2013, the Wildlife Conservation Society (“WCS”) 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.<sup>14</sup> In the time since, the Council has overseen a 60 percent increase in the number of Big Sky residents using bear-resistant trash cans.<sup>15</sup> This increase was due in part to the willingness of Republic Services, the trash management company that services Big Sky, to invest \$250,000 to supply bear-resistant trash cans to residents.<sup>16</sup> As of March 2020, according to an article by WCS wildlife biologist

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<sup>7</sup> See Missoula, Mont., Municipal Code §§ 6.07.1200-1260. Available at [https://www.ci.missoula.mt.us/DocumentCenter/View/1028/Municipal-Code-Title-06-Animals?bidId=#Chapter\\_6\\_07](https://www.ci.missoula.mt.us/DocumentCenter/View/1028/Municipal-Code-Title-06-Animals?bidId=#Chapter_6_07).

<sup>8</sup> See Missoula, Mont., Res. 7503 (Feb. 8, 2010); see also Appendix I: Map of Missoula Bear Buffer Zone.

<sup>9</sup> See Missoula, Mont., Municipal Code § 8.28.085.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at § 12.31.070(D).

<sup>12</sup> *Id.*

<sup>13</sup> See City of Missoula, Urban Wildlife, <https://www.ci.missoula.mt.us/2029/Urban-Wildlife>.

<sup>14</sup> Emily Stifler Wolfe, *Kris Inman: Bear Smart Big Sky*, The Big Sky Real Estate Co. (Jan. 11, 2021), <https://bigskyrealestate.com/blog/kris-inman-bear-smart-big-sky/>.

<sup>15</sup> *Id.*

<sup>16</sup> See Wildlife Conservation Society, Garbage Company Pays to Protect People and Bears in Montana, <https://measures.wcs.org/Metric-Details/m/36>.

Kris Inman, “The Big Sky Community Foundation, Big Sky Homeowners Association, Big Sky Resort, Fire Light Meadows, Moonlight Basin, Spanish Peaks Mountain Club, Big Sky Town Center and Yellowstone Club require bear-resistant trash cans.”<sup>17</sup> In addition, the Big Sky Owners Association—Big Sky’s largest homeowners association—has created a “Living with Wildlife” webpage that provides advice and information about how to avoid bear conflicts while living and recreating in the Big Sky area.<sup>18</sup>

ii. County zoning regulations

In addition to local requirements enacted by Big Sky businesses and homeowner associations regarding bear-resistant garbage containers, Gallatin County zoning regulations for the Gallatin Canyon and Big Sky area also require that “[a]ll refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.”<sup>19</sup> By contrast, Gallatin County zoning regulations for the area surrounding Bozeman have no similar requirement.

**C. Whitefish, Montana**

i. Flathead fruit gleaning and bear aware programs

In Whitefish and other Flathead Valley communities, apple, plum, pear, and other fruit trees are major bear attractants.<sup>20</sup> To keep bears from accessing and damaging fruit trees, FWP grizzly bear conflict management staff created a “Flathead Fruit Gleaning” Facebook page to connect Flathead-area residents with those who either want to volunteer to pick fruit or who want to have their fruit trees picked.<sup>21</sup> FWP donates the unused fruit to local food banks or presses it into apple cider. In addition, FWP hosts a “Flathead Bear Aware” Facebook page, which provides tools, tips, and education on how to live in bear country, as well as what to do and not do to minimize conflicts to keep both people and bears safe.<sup>22</sup>

ii. City ordinances

The City of Whitefish has also adopted an ordinance regarding solid waste disposal to prevent conflicts with wildlife. The City requires “[a]ll businesses that produce food scraps and food

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<sup>17</sup> Joseph T. O’Connor, *Bear Basics with Bernadette Bear: Rebooting after a bear’s hibernation*, Explore the Big Sky (March 20, 2020), <https://www.explorebigsky.com/bear-basics-with-bernadette-bear-rebooting-after-a-bears-hibernation/33436>.

<sup>18</sup> Big Sky Owners Association, *Living with Wildlife*, <https://www.bigskymt.org/living-with-wildlife.html>.

<sup>19</sup> Gallatin County, Mont., Gallatin Canyon/Big Sky Zoning Regulation § 23.3. Available at [https://gallatincomt.virtualltownhall.net/sites/g/files/vyhlf606/f/pages/bs\\_02\\_22.pdf](https://gallatincomt.virtualltownhall.net/sites/g/files/vyhlf606/f/pages/bs_02_22.pdf).

<sup>20</sup> Tristan Scott, *Flathead Fruit Gleaning Service Deters Bears from Low-hanging Meals*, Flathead Beacon (Sept. 13, 2019), <https://flatheadbeacon.com/2019/09/13/flathead-fruit-gleaning-service-deters-bears-low-hanging-meals/>.

<sup>21</sup> *Id.*; see also Facebook, Flathead Fruit Gleaning, <https://www.facebook.com/groups/648091336127907/>; see also City of Whitefish, *Stumptown Scoop 3* (Spring/Summer 2021). Available at: <https://www.cityofwhitefish.org/ArchiveCenter/ViewFile/Item/140>.

<sup>22</sup> See Facebook, Flathead Bear Aware, <https://www.facebook.com/FlatheadBearAware>.

byproducts as part of their solid waste, including, but not limited to, restaurants, bars, and grocery stores,” to store all solid waste in animal resistant containers year-round.<sup>23</sup> In addition, all residents are required to either store their solid waste in a securely latched animal-resistant container or inside a home, garage or other enclosure.<sup>24</sup> Non-animal-resistant containers may only be placed outside of secure enclosures, and animal-resistant containers may only be unlatched, between 4:00 a.m. and 7:00 p.m. on the day of garbage collection.<sup>25</sup>

#### **D. West Yellowstone, Montana**

City of West Yellowstone ordinances explicitly prohibit feeding or making food available (knowingly or negligently) to bears.<sup>26</sup> They also prohibit harassing bears, including by “approaching any bear by foot or vehicle, for any purpose, including photography.”<sup>27</sup> In addition, they require all garbage or other refuse edible to bears to be stored in bear-resistant containers “or otherwise made unavailable to bears.”<sup>28</sup> Any trash cans or other refuse containers that are not bear-resistant must be kept within the building they service.<sup>29</sup> The ordinances empower the chief of police, in consultation with others familiar with methods of reducing human-bear conflicts, to determine whether garbage containers are bear resistant.<sup>30</sup> They also empower the chief of police and other town officials to educate the public about why it is important to secure garbage receptacles and keep areas clear of food and garbage.<sup>31</sup>

#### **E. Gardiner, Montana**

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.<sup>32</sup> 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 can be effectively conveyed to the public.

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<sup>23</sup> See Whitefish, Mont., City Code § 4-2-4(A)(1). Available at: [https://codelibrary.amlegal.com/codes/whitefishmt/latest/whitefish\\_mt/0-0-0-1804#JD\\_4-2-4](https://codelibrary.amlegal.com/codes/whitefishmt/latest/whitefish_mt/0-0-0-1804#JD_4-2-4).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at § 4-2-4(A)(2).

<sup>26</sup> See West Yellowstone, Mont., Municipal Code § 6.08.020. Available at: <https://www.codepublishing.com/MT/WestYellowstone/#!/WestYellowstone06/WestYellowstone0608.html#6.08.020>.

<sup>27</sup> *Id.* at § 6.08.020(B).

<sup>28</sup> *Id.* at § 6.08.030(A).

<sup>29</sup> *Id.* at § 6.08.050.

<sup>30</sup> *Id.* at § 6.08.30(B).

<sup>31</sup> *Id.* at § 6.08.040(B).

<sup>32</sup> See Gardiner Chamber of Commerce, *Staying Safe in Bear Country* (April 30, 2017), <https://www.visitgardinermt.com/item/229-staying-safe-in-bear-country?highlight=WyJiZWYyYmVhcidzIl0=>.

## **F. Virginia City, Montana**

Virginia City and the Bozeman-based organization People and Carnivores partnered on a community-wide initiative to prevent conflicts with black bears—and potentially grizzly bears, which have been confirmed within just a few miles of town in recent years.<sup>33</sup> Over the last three years, a variety of tools have been applied throughout city limits, including: custom sidewalk bear-resistant trash receptacles (in partnership with the City’s Historical Preservation Department); residential and business garbage canisters; a fruit gleaning program (the fruit is used to help feed the bears in the Grizzly and Wolf Discovery Center in West Yellowstone); a hydraulic lift at the garbage transfer station; trail cameras; metal bear boxes at a city park; and temporary electric fencing.<sup>34</sup> The initiative has proven highly successful: Mayor Justin Gatewood recently reported, “We’ve cut down dump closures and these incidents of bears in town almost to the point—knock on wood—of non-existence.”<sup>35</sup>

## **G. Jackson and Teton County, Wyoming**

### **i. 10x10 resolution and town ordinances**

In 2007, 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.<sup>36</sup> 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.<sup>37</sup> Jackson ordinances prohibit intentionally feeding bears, as well as antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, mountain lions, lynx, wild bison, coyote, foxes, raccoons and wolves.<sup>38</sup>

The ordinances allow the use of bird feeders, but only when the bird food is made unavailable to the species noted above.<sup>39</sup> The regulations do not specify how to make bird food unavailable; however, best practices include hanging the feeder out of reach of bears and regularly cleaning the ground below the feeder.<sup>40</sup> Experts advise going a step further and not allowing the use of

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<sup>33</sup> See Michael Cast, *Virginia City: The model Bear Smart Community*, Montana Standard (Jan. 24, 2022), [https://mtstandard.com/news/state-and-regional/virginia-city-the-model-bear-smart-community/article\\_020acdcb-fbf3-5797-9240-d6714bc3c8a9.html](https://mtstandard.com/news/state-and-regional/virginia-city-the-model-bear-smart-community/article_020acdcb-fbf3-5797-9240-d6714bc3c8a9.html).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> See Town of Jackson, Wyoming, Environmental Initiatives, <http://archive.townofjackson.com/content/index.cfm?fuseaction=showContent&contentID=133&navID=131>.

<sup>37</sup> See Jackson/Teton County 10x10 Initiative Final Report (2011), App. K, § B(1)(c). Available at <https://www.jacksonwy.gov/DocumentCenter/View/335/10-by-10-Initiative-Final-Report-PDF?bidId=>.

<sup>38</sup> Jackson, Wyo., Municipal Code § 7.08.070(B). Available at <https://www.jacksonwy.gov/DocumentCenter/View/4467/Title-7---Animals>.

<sup>39</sup> *Id.* at § 7.08.070(C)(5).

<sup>40</sup> See Get Bear Smart Society, Best Practices, Birdfeeders, <https://www.bearsmart.com/managing-communities/best-practices/>.

bird feeders in bear habitat at all, because even if a feeder is inaccessible, bears may still be attracted to the smell and “look around to see if there’s anything else interesting at your place.”<sup>41</sup>

ii. County regulations

In 2015, Teton County adopted a resolution titled “Teton County Land Development Regulations,” which established bear conflict-prevention standards and bear-resistant garbage container standards within “conflict priority areas” as determined by data obtained from the Wyoming Game and Fish Department.<sup>42</sup> The conflict-prevention standards require the use of bear-resistant garbage containers or enclosures and bear-proof bird feeders in all areas designated as “Conflict Priority Area 2,” which includes large areas of developed land to the north, west, and south of Jackson.<sup>43</sup> The resolution also prohibits feeding the same species as the town ordinance (with the same exception for bird feeders) in all areas of Teton County, and describes the risks posed by supplemental feeding to humans, pets, and wildlife.<sup>44</sup>

**H. Teton County, Idaho**

In 2010, Teton County, Idaho, adopted an ordinance to raise public awareness about human-bear conflicts and implement bear-resistant container standards in high-conflict areas.<sup>45</sup> Specifically, the ordinance requires all “residential, commercial and public property . . . where garbage is placed for pick-up, stored or kept” within designated “Bear Conflict Zones” to use certified bear-resistant garbage containers or keep containers within a bear-resistant enclosure at all times.<sup>46</sup> As an alternative, residential properties may put out non-bear-resistant containers only between 8:00 a.m. and 6:00 p.m. on the day of waste pickup.<sup>47</sup> The regulations also require that bird feeders hung in bear conflict zones meet certain specifications.<sup>48</sup>

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<sup>41</sup> BearWise, BearWise #3: Remove Bird Feeders When Bears Are Active, <https://bearwise.org/six-bearwise-basics/remove-birdfeeders/>; see also Get Bear Smart Society, Best Practices, Birdfeeders, <https://www.bearsmart.com/managing-communities/best-practices/>.

<sup>42</sup> See Teton County Land Development Regulations, § 5.2.2. Available at <https://jacksontetonplan.com/DocumentCenter/View/932/Teton-County-Land-Development-Regulations-PDF>.

<sup>43</sup> See Jackson area GIS map and select “Bear Conflict Priority Areas” under “Planning & Building Background Layers,” [https://maps.greenwoodmap.com/tetonwy/mapserver/map#zcr=4/2428680/1418580/0&lyrs=state\\_fed,water,tojcorp,Roads,ownership,placelabels](https://maps.greenwoodmap.com/tetonwy/mapserver/map#zcr=4/2428680/1418580/0&lyrs=state_fed,water,tojcorp,Roads,ownership,placelabels).

<sup>44</sup> See Teton County Land Development Regulations, § 5.1.3.

<sup>45</sup> See Ken Levy, *Ordinance designed to avoid bear conflict*, Teton Valley News (April 25, 2012), [https://www.tetonvalleynews.net/news/ordinance-designed-to-avoid-bear-conflict/article\\_df9d3f50-8f30-11e1-8c5d-0019bb2963f4.html](https://www.tetonvalleynews.net/news/ordinance-designed-to-avoid-bear-conflict/article_df9d3f50-8f30-11e1-8c5d-0019bb2963f4.html).

<sup>46</sup> Teton County, Idaho, Code & Policies § 4-7-4(A). Available at [https://www.tetoncountyidaho.gov/use\\_images/pdf/additionalInfo/Chapter\\_7\\_Bear\\_Conflict\\_12-16-2010.pdf](https://www.tetoncountyidaho.gov/use_images/pdf/additionalInfo/Chapter_7_Bear_Conflict_12-16-2010.pdf).

<sup>47</sup> *Id.* at § 4-7-4(A)(f).

<sup>48</sup> *Id.* at § 4-7-4(B).



## **I. Boulder, Colorado**

In 2014, an organization called the Boulder Bear Coalition worked with the City and Colorado Parks and Wildlife to implement a bear protection ordinance. The ordinance designates a “Mandatory Bear-Resistant Cart Zone” along the City’s western perimeter, where most bear conflicts occur.<sup>49</sup> Within that zone, the ordinance requires all “trash or other substances which could reasonably be expected to attract wildlife or does attract wildlife” to be secured from bears at all times by being placed in a bear-resistant container or stored in a house, garage or other enclosure until collected by waste management services.<sup>50</sup>

In addition, the ordinance requires that, anywhere in the City, bear resistant containers are required if trash is put out the night before it is collected, and, in areas outside the bear-resistant container zone, non-bear-resistant containers may only be put out between 5:00 a.m. and 9:00 p.m. on waste collection day.<sup>51</sup> Information about the ordinance, bear-resistant containers, and other ways to reduce human-bear encounters are available on the City’s “Urban Wildlife Policy and Programs” webpage.<sup>52</sup>

## **J. Colorado Springs, Colorado**

Similarly, in March 2020, the Colorado Springs City Council established a “Bear Management Area” to help mitigate human-bear conflicts west of Interstate 25.<sup>53</sup> The City enacted ordinances that require residents and business owners within the bear management area to secure any trash that could attract bears in bear-resistant containers.<sup>54</sup> Non-bear resistant waste containers can only be set out between 5:00 a.m. and 7:00 p.m. on collection day.<sup>55</sup>

## **K. Durango, Colorado**

### **i. Bear-conflict study**

Between 2011 and 2016, Colorado Parks and Wildlife and the U.S. Department of Agriculture’s National Wildlife Research Center conducted a study of garbage-related human-bear conflicts

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<sup>49</sup> See Boulder, Colo., Municipal Code § 6-3-12. Available at [https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=TIT6HESASA\\_CH3TRRECO](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT6HESASA_CH3TRRECO).

<sup>50</sup> *Id.* at §§ 6-3-12(a), 6-3-2.

<sup>51</sup> *Id.* at § 6-3-5(a)(9).

<sup>52</sup> See City of Boulder, Services, Urban Wildlife Policy and Programs, Deterring Bears in Urban Areas, Bear Protection Ordinance, <https://bouldercolorado.gov/services/urban-wildlife-policy-and-programs#:~:text=The%20city's%202017%20Bear%20Protection,out%20the%20night%20before%20pickup>.

<sup>53</sup> See Colorado Springs, Bear Management and Resistant Trash Ordinance, <https://coloradosprings.gov/bears>.

<sup>54</sup> See Colorado Springs, Colo., City Code §§ 6.4.106-6.4.107. Available at [https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings\\_co/0-0-0-6742](https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-6742).

<sup>55</sup> *Id.*



occurring in the City of Durango.<sup>56</sup> The researchers distributed 1,110 bear-resistant trash containers in two different areas of the city and compared the results with two adjacent control areas. They found that trash-related conflicts in the areas that received the containers were 60 percent lower than in the control areas. Because of the compelling results, the study authors “strongly recommend[ed] that municipalities within or adjacent to bear habitat implement bear-proofing measures,” such as by providing bear-resistant garbage containers to residents, implementing ordinances or regulations, or increasing enforcement of already existing ordinances.<sup>57</sup> Afterward, in 2018, Durango began distributing wildlife-resistant garbage containers to areas identified during the study as having especially high bear activity.<sup>58</sup>

ii. City ordinances

Also in 2018, the City adopted ordinances requiring the use of wildlife-resistant containers in areas experiencing high levels of conflict. The ordinances require all trash and recycling containers, regardless of the location within the City, to be “secured or stored in such a manner as to prevent wildlife from accessing the contents.”<sup>59</sup> In addition, the ordinances require all residences within certain areas of the City to acquire and maintain approved wildlife-resistant refuse containers provided by the City.<sup>60</sup>

**L. Aspen, Colorado**

Like other Colorado communities, Aspen has adopted ordinances designed to prevent bears and other wildlife from accessing garbage. The City requires any refuse container left outside an enclosed building and which contains waste that is edible by bears or other wildlife to be an approved wildlife-resistant refuse container, wildlife-proof refuse container, or wildlife-resistant dumpster enclosure.<sup>61</sup> Residents with curbside pick-up may place their containers at the curb only between 6:00 a.m. and 7:00 p.m. on the day of pick-up.<sup>62</sup>

The City likewise requires any trash hauler who provides a refuse container to a city customer to distribute only wildlife-resistant containers.<sup>63</sup> Providers must also display their business name on all containers they provide, permanently affix each receptacle with a unique identifying number or code, and maintain a database indicating the client responsible for each container.<sup>64</sup>

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<sup>56</sup> Johnson, H.E., D.L. Lewis, S.A. Lischka, and S.W. Breck. 2018. Assessing Ecological and Social Outcomes of a Bear-Proofing Experiment. *The Journal of Wildlife Management* 82(6):1102-1114.

<sup>57</sup> *Id.* at 1112.

<sup>58</sup> See City of Durango, Wildlife & Garbage, <https://www.durangogov.org/665/Wildlife-Garbage>.

<sup>59</sup> Durango, Colo., Code of Ordinances § 10-47(a)(1). Available at [https://library.municode.com/co/durango/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10TRCORE](https://library.municode.com/co/durango/codes/code_of_ordinances?nodeId=PTIICOOR_CH10TRCORE).

<sup>60</sup> *Id.* at §§ 10-47(a)(2)-(3).

<sup>61</sup> See Aspen, Colo., Municipal Code § 12.08.020(b). Available at:

[https://library.municode.com/co/aspen/codes/municipal\\_code?nodeId=TIT12SOWA\\_CH12.08WIPR](https://library.municode.com/co/aspen/codes/municipal_code?nodeId=TIT12SOWA_CH12.08WIPR).

<sup>62</sup> *Id.* at § 12.08.040(b).

<sup>63</sup> *Id.* at § 12.08.020(c).

<sup>64</sup> *Id.* at § 12.08.030(c)-(e).

## **M. Other Communities**

The Get Bear Smart Society, a conservation organization based in Whistler, British Columbia, describes how communities in many other states and Canadian provinces, including Alaska, Nevada, Virginia, New Jersey, British Columbia, Alberta, and Ontario, have also implemented successful bear-conflict reduction programs.<sup>65</sup>

## **II. Recommendations to Prevent Human-Bear Conflicts in Bozeman**

Following are recommendations we urge the City to consider implementing to reduce human-bear conflicts in Bozeman. They are listed in order of actions that would be easier and could be done relatively quickly, to those that may require more time or resources. The City could consider taking these steps to fulfill its commitment to develop a plan to mitigate conflicts between humans and wildlife as outlined in the Bozeman Community Plan.<sup>66</sup> As we discussed during our last meeting with you and FWP staff, and as demonstrated by the communities described above, the most effective conflict-prevention measures are related to securing residential garbage, especially through ordinances. Therefore, our highest recommendation is that the City adopt ordinances aimed at reducing encounters with bears and other wildlife by requiring that garbage and other attractants be secured and authorizing the use of electric fencing, as discussed in more detail in Section II(G), below.

### **A. Distribute a brochure or fact sheet**

A relatively easy step the City could take would be to produce and distribute city-wide a brochure or fact sheet with information about what residents and businesses can do to minimize bear conflicts and encounters. The Get Bear Smart Society and an organization called BearWise have created several examples of brochures, bulletins, flyers, checklists, fact sheets, visitor's guides, stickers, advertisement campaigns, signage, door hangers, and other educational materials that could be used as templates.<sup>67</sup> The materials prepared by the City could be sent directly to residents and businesses along with related materials that the City already distributes, such as information about residential garbage and recycling services. In addition, the materials could be distributed at community gatherings such as Bozeman farmers' markets and shared with

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<sup>65</sup> See Get Bear Smart Society, Successful Bear Smart Efforts, <http://www.bearsmart.com/managing-communities/success-stories/>.

<sup>66</sup> See Bozeman Community Plan 38, § EPO-4.6 (Nov. 17, 2020). Available at <https://www.bozeman.net/city-projects/bozeman-community-plan-update>.

<sup>67</sup> See Get Bear Smart Society, Educational Materials, Tools & Strategies, <https://www.bearsmart.com/managing-communities/education/materials-strategies/>.

community organizations such as the Bozeman Area Chamber of Commerce,<sup>68</sup> Inter Neighborhood Council, or individual Neighborhood Associations.<sup>69</sup>

## **B. Post information on social media**

Another relatively simple step the City could take would be to post guidance and reminders about how to avoid run-ins with bears on Facebook, Twitter, Instagram, and any other social media platforms the City uses. Such posts would be especially effective during the late summer and fall months, when bears are maximizing calorie consumption and the risk of bears attempting to access human garbage and other attractants is highest. The City could also work with FWP to establish a Facebook page similar to the Flathead fruit gleaner program to connect those who have fruit trees needing to be picked with volunteers or local farms willing to pick them.

## **C. Create a new web page**

As discussed above, many mountain communities that experience conflicts with bears provide information on their websites about how to avoid attracting and encountering bears, and what local requirements are in place to protect humans, bears, and other wildlife. For example, the City of Missoula created an “Urban Wildlife” web page, which summarizes its ordinances regarding the feeding of wildlife, garbage disposal within the Bear Buffer Zone, the use of fencing to deter wildlife, and how to dispose of dead deer.<sup>70</sup> The Big Sky Homeowners Association created a “Living with Wildlife” page that shares information about how to safely recreate, store garbage, and handle wildlife encounters, and enables the public to report bear sightings.<sup>71</sup> The City of Boulder created an “Urban Wildlife Policy and Programs” web page, which discusses City ordinances, management plans, and guidelines regarding bears and other wildlife.<sup>72</sup> The City of Durango created a “Wildlife & Garbage” web page, which outlines relevant City ordinances, summarizes the findings of the Colorado Parks and Wildlife study, and features a short, compelling video of a bear unsuccessfully trying to access a bear-resistant garbage container.<sup>73</sup>

Similarly, a City of Bozeman webpage could be dedicated to discussing the importance of securing garbage and other attractants from bears. Alternatively, it could pertain to wildlife issues more broadly and include information about reducing human-wildlife conflicts, the City-

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<sup>68</sup> See Bozeman Area Chamber of Commerce, <https://www.bozemanchamber.com/>.

<sup>69</sup> See City of Bozeman, Government, Neighborhoods, <https://www.bozeman.net/government/neighborhoods/interneighborhood-council>.

<sup>70</sup> See City of Missoula, Community, Urban wildlife, <https://www.ci.missoula.mt.us/2029/Urban-Wildlife>.

<sup>71</sup> See Big Sky Owners Association, Living with Wildlife, <https://www.bigskeymt.org/living-with-wildlife.html>.

<sup>72</sup> See City of Boulder, Services, Urban Wildlife Policy and Programs, Deterring Bears in Urban Areas, Bear Protection Ordinance, <https://bouldercolorado.gov/services/urban-wildlife-policy-and-programs#:~:text=The%20city's%202017%20Bear%20Protection,out%20the%20night%20before%20pickup>.

<sup>73</sup> City of Durango, Wildlife & Garbage, <https://www.durangogov.org/665/Wildlife-Garbage>.

County sensitive lands study, wildlife-related provisions in the Bozeman Community Plan, and other local wildlife conservation efforts. It could also provide an online form for residents to report recent sightings or run-ins with bears.

#### **D. Conduct a conflict assessment**

To gain more information about where, when, and why bear conflicts are occurring in Bozeman, the City could hire a consultant to conduct a comprehensive assessment. The assessment could help answer questions about the number and type of conflicts occurring, where they are most frequently occurring, and what specific attractants are luring bears into residential areas (such as unsecured garbage, bird feeders, barbeque grills, or dog food). Such an assessment could help inform and prioritize future decision-making regarding education, outreach, and regulatory efforts.

From conversations with FWP, we understand that the agency already has some data regarding conflict “hotspots” within city limits where bears have received food rewards. We are formally requesting this information and will provide it to the City when we receive it. That information could help the City determine whether or to what extent a more comprehensive assessment is needed, or whether FWP’s data is sufficient to inform some regulatory actions, such as establishing a “bear buffer zone” similar to the one established in Missoula, where securing garbage and other conflict-prevention measures would be required.

#### **E. Convene a conflict-prevention working group**

The City could bring together FWP officials, wildlife organizations, solid waste management companies, and other Bozeman-area stakeholders to discuss how the recommendations in this letter or other ideas could be implemented. Such a working group may be able to provide additional capacity, expertise, and resources. It could be convened for a single meeting, or regularly over a period of time. Our organizations would be happy to participate.

It would be especially important to involve Bozeman’s Solid Waste Division, Republic Services, and L&L Site Services, all of which provide waste management services to Bozeman residents. We recently spoke with representatives from Republic and L&L and learned that both companies offer their clients the option of a bear-resistant garbage bin (made by the company Toter<sup>74</sup>) and use trucks with hydraulic arms that can unlock those bins.

#### **F. Initiate a pilot program to incentivize bear-resistant garbage bins**

As discussed above, bears accessing human garbage is a major source of conflicts in many communities, including Bozeman. To begin addressing this directly, the City could initiate a

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<sup>74</sup> See Toter, Bear Tough Carts (Bear Resistant Trash Cans), <https://www.toter.com/products/homeowners/bear-tough-carts-bear-resistant-trash-cans>.

pilot program to encourage residents in certain high-conflict areas to acquire bear-resistant waste containers by distributing information about how to do so and helping to pay for the cost. The amount of the subsidy could be a set amount or determined according to a sliding scale based on income. For example, last year the City of Steamboat Springs, Colorado, began offering an annual subsidy of up to \$100 to help cover the costs of bear-resistant containers for lower-income individuals and families.<sup>75</sup> The City of Bozeman may be able to secure funding from local nonprofit organizations and others to help pay for the subsidy. Such a pilot program could help demonstrate the effectiveness of bear-resistant garbage bins and build support for a potential, future City ordinance requiring their use in designated areas, discussed next.

### **G. Adopt and enforce conflict-reduction ordinances**

During our last meeting, FWP staff expressed their opinion that the most important action that the City of Bozeman could take to prevent human-bear conflicts and to prevent bears and other wildlife from gaining food rewards would be to require residents to secure their garbage. As discussed above, many Rocky Mountain communities have enacted ordinances to achieve this goal. For example, many of them require residents in high-conflict areas to use bear-resistant garbage containers or limit the hours that non-bear-resistant containers may be left out on waste collection day. Many also require that bird feeders be inaccessible by animals other than birds, and permit the use of electric fencing to deter wildlife from attractants.

Bozeman city ordinances currently contain few provisions aimed at minimizing conflicts. They require that chickens be provided with “predator-proof” houses and enclosures;<sup>76</sup> however, no such protections are required for other domestic animals within city limits that could attract bears, such as honey bees (and their hives) or livestock. Similarly, city ordinances require that chicken feed be kept in “predator-proof” containers,<sup>77</sup> but do not require the same of other types of bear attractants, such as pet food, bird seed, or barbeque grills.

City ordinances also do 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 or maintenance of vegetation that attracts bears (such as fruit trees, berry bushes, and vegetable gardens). In addition, the use of electrical fencing—an extremely effective bear deterrent—is prohibited in most areas within city limits, including some areas visited each year by bears.<sup>78</sup>

We strongly recommend that the City adopt ordinances aimed at reducing encounters with bears and other wildlife, such as by requiring that garbage and other attractants be secured and

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<sup>75</sup> See Suzie Romig, ‘*It’s not a bear problem; it’s a human problem*’, Sky-Hi News (July 29, 2021), <https://www.skyhineews.com/news/its-not-a-bear-problem-its-a-human-problem/>.

<sup>76</sup> See Bozeman Municipal Code § 8.02.070(C)(3)-(4).

<sup>77</sup> *Id.* at § 8.02.070(C)(8).

<sup>78</sup> *Id.* at § 38.350.060(D)(1).

authorizing the use of electric fencing—especially in high-conflict areas, such as the south end of town and along riparian areas.<sup>79</sup>

## **H. Collaborate 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 as recent efforts to conduct a study of sensitive lands to protect wildlife habitat and connectivity,<sup>80</sup> and to address growth and development in the Bozeman-Belgrade-Four Corners area through the Triangle Community Plan.<sup>81</sup> City and County residents both value conservation and wildlife, as demonstrated by the passage of city<sup>82</sup> and county<sup>83</sup> open space bonds in recent years.

Further, the City and County made similar commitments to reducing human-wildlife conflicts in their recently adopted growth plans. For example, Bozeman committed to “[d]evelop a plan to mitigate conflicts between humans and wildlife through the use of proactive, non-lethal measures.”<sup>84</sup> Likewise, the County established goals such as to “[w]ork with FWP, municipalities, property owners, and other partners to develop and communicate principles for Living with Wildlife,” “develop resources to help communities effectively implement bear-resistant facilities for garbage collection,” and utilize covenants to provide “animal-proof refuse containers.”<sup>85</sup> Jointly developing a plan to mitigate conflicts with bears and other wildlife would be a productive and timely opportunity for the City and County to benefit our area’s human and wildlife inhabitants alike.

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<sup>79</sup> See, e.g., *Bozeman Police warn residents about black bear, 2 cubs getting into garbage* (Sep. 9, 2021), <https://nbcmontana.com/news/local/bozeman-police-warn-residents-about-black-bear-2-cubs-getting-into-garbage>.

<sup>80</sup> See, e.g., Nora Shelly, *Officials say collaboration key to managing Bozeman, Gallatin County growth during MSU panel* (Sept. 10, 2021), [https://www.bozemandailychronicle.com/news/city/officials-say-collaboration-key-to-managing-bozeman-gallatin-county-growth-during-msu-panel/article\\_8f2972d9-8ddd-5d49-b66f-f3c83b028963.html](https://www.bozemandailychronicle.com/news/city/officials-say-collaboration-key-to-managing-bozeman-gallatin-county-growth-during-msu-panel/article_8f2972d9-8ddd-5d49-b66f-f3c83b028963.html).

<sup>81</sup> See Gallatin County, Planning & Community Development, <https://gallatincomt.virtualtownhall.net/planning-community-development/pages/triangle-community-plan>.

<sup>82</sup> See City of Bozeman, Trails, Open Space and Parks (TOP) Program Background, <https://www.bozeman.net/city-projects/top-trails-open-space-and-parks-program/resources/trails-open-space-and-parks-top-program-background>.

<sup>83</sup> See Freddy Monares, *Gallatin County voters OK open space levy* (June 6, 2018), [https://www.bozemandailychronicle.com/news/politics/gallatin-county-voters-ok-open-space-levy/article\\_9e993c89-dbc6-5df5-b65a-1994a79e4322.html](https://www.bozemandailychronicle.com/news/politics/gallatin-county-voters-ok-open-space-levy/article_9e993c89-dbc6-5df5-b65a-1994a79e4322.html).

<sup>84</sup> See Bozeman Community Plan 38, § EPO-4.6 (Nov. 17, 2020). Available at <https://www.bozeman.net/city-projects/bozeman-community-plan-update>.

<sup>85</sup> See Gallatin County Growth Policy 7-7, §§ HAB-2-1, 2-2, 2-3 (Sept. 21, 2021). Available at [https://logansimpson-my.sharepoint.com/personal/mmoore\\_logansimpson\\_com/\\_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fmmoore%5Flogansimpson%5Fcom%2FDocuments%2F210511%5FEnvisionGallatin%5FDocumentFiles%2FGrowth%20Policy%20%2D%20Final%2C%20full%20document%209%2E1%2E21%2Epdf&parent=%2Fpersonal%2Fmmoore%5Flogansimpson%5Fcom%2FDocuments%2F210511%5FEnvisionGallatin%5FDocumentFiles](https://logansimpson-my.sharepoint.com/personal/mmoore_logansimpson_com/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fmmoore%5Flogansimpson%5Fcom%2FDocuments%2F210511%5FEnvisionGallatin%5FDocumentFiles%2FGrowth%20Policy%20%2D%20Final%2C%20full%20document%209%2E1%2E21%2Epdf&parent=%2Fpersonal%2Fmmoore%5Flogansimpson%5Fcom%2FDocuments%2F210511%5FEnvisionGallatin%5FDocumentFiles).



Our organizations would welcome the opportunity to work with the City, FWP, and other partners to help implement any of the recommendations above, such as by setting up meetings between the City and local solid waste companies and other communities who have implemented conflict-prevention measures, providing draft content for the City’s website or educational materials, assisting with raising funds to help pay for a comprehensive conflict assessment or voluntary pilot bear-resistant garbage container program, proposing specific amendments to Bozeman’s Municipal Code regarding the management and securing of garbage and other wildlife attractants, or developing draft language for a City or joint City-County human-wildlife conflict-prevention plan.

### **III. Additional Resources**

Lastly, following are a few additional resources we think would be helpful for the City to reference as it considers next steps. The Get Bear Smart Society and BearWise websites provide 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).<sup>86</sup>

Similarly, FWP’s “Bear Aware” website contains an abundance of information specific to living with bears in Montana.<sup>39</sup> Similarly, the Interagency Grizzly Bear Committee’s website offers information about how to live and recreate in bear country.<sup>87</sup>

### **IV. Conclusion**

Jeff and Melody, thank you again for your time and interest in considering these issues and the information and recommendations we have provided above. We recognize and appreciate the City’s commitment to conserving wildlife, such as through the inclusion of wildlife-related provisions in the recently adopted Bozeman and Triangle Community Plans, and through the sensitive lands study being jointly undertaken by the City and Gallatin County to identify and protect important wildlife habitat in the Gallatin Valley.<sup>88</sup>

However, as we discussed, Bozeman’s long history of human run-ins with black bears remains largely unaddressed. 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

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<sup>86</sup> See Get Bear Smart Society, <https://www.bearsmart.com/>; BearWise, <https://bearwise.org/>.

<sup>87</sup> See Interagency Grizzly Bear Committee, Be Bear Aware, <https://igbconline.org/be-bear-aware/>.

<sup>88</sup> See, e.g., [https://www.bozemandailychronicle.com/news/city/officials-say-collaboration-key-to-managing-bozeman-gallatin-county-growth-during-msu-panel/article\\_8f2972d9-8ddd-5d49-b66f-f3c83b028963.html](https://www.bozemandailychronicle.com/news/city/officials-say-collaboration-key-to-managing-bozeman-gallatin-county-growth-during-msu-panel/article_8f2972d9-8ddd-5d49-b66f-f3c83b028963.html).



population continues to expand northward into the Gallatin Valley.<sup>89</sup> We hope the information, recommendations, and resources provided in this letter can serve as a foundation from which the City of Bozeman can build as it considers taking a proactive, nonlethal approach to resolving human-bear conflicts in the Bozeman area. Again, we stand ready to assist in these endeavors and look forward to continuing this important dialogue with you.

Sincerely,



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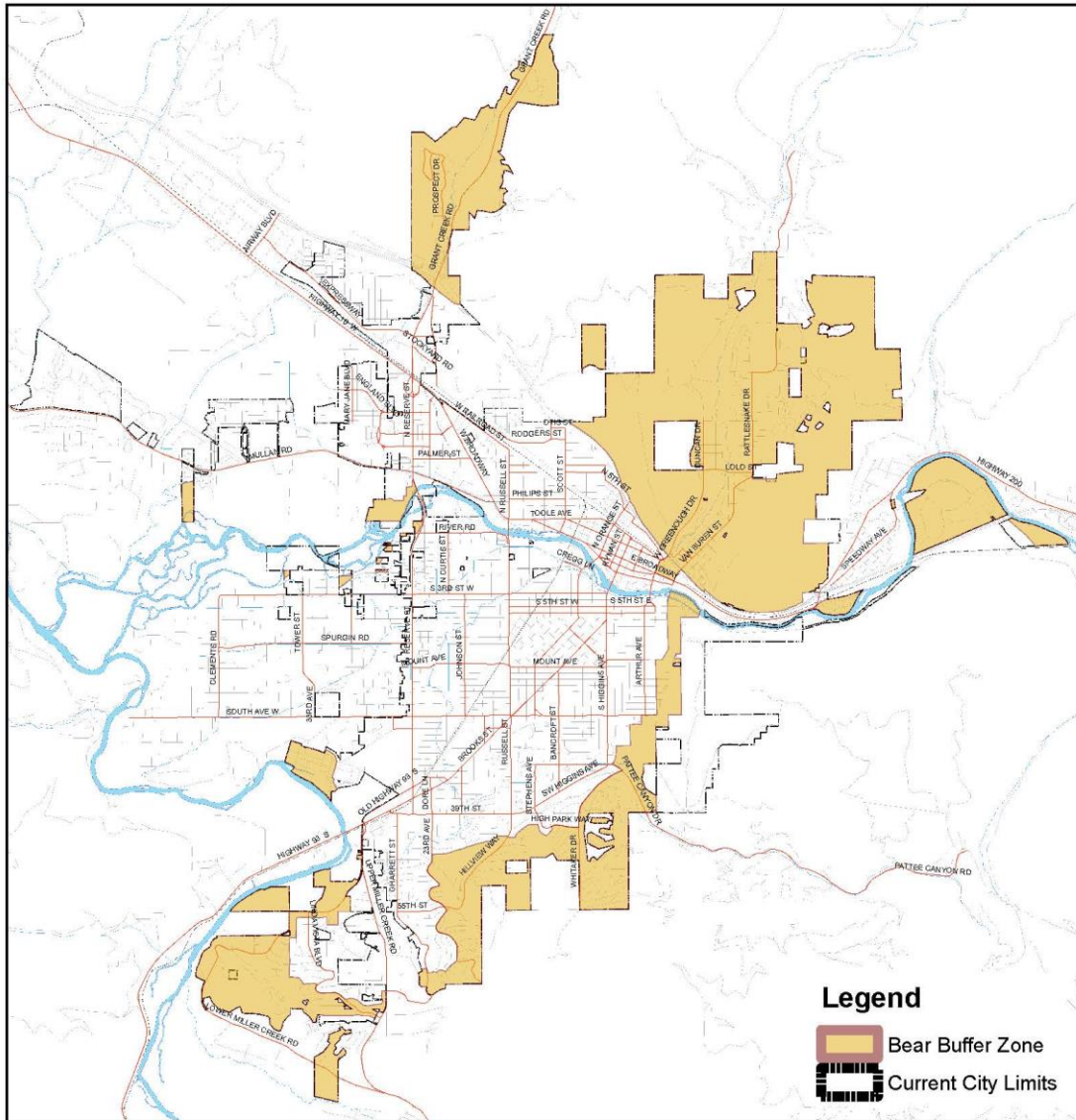
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CC Marina Yoshioka, FWP Region 3 Supervisor  
Jeremiah Smith, FWP Region 3 Wildlife Management Technician

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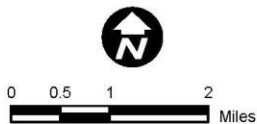
<sup>89</sup> See Appendix II: Greater Yellowstone Ecosystem Grizzly Bear Distribution, 1990 and 2020.

## Appendix I: Map of Missoula Bear Buffer Zone<sup>90</sup>



### BEAR BUFFER ZONE

As Referenced in  
Municipal Code: Chapter 8.28, Garbage and Rubbish



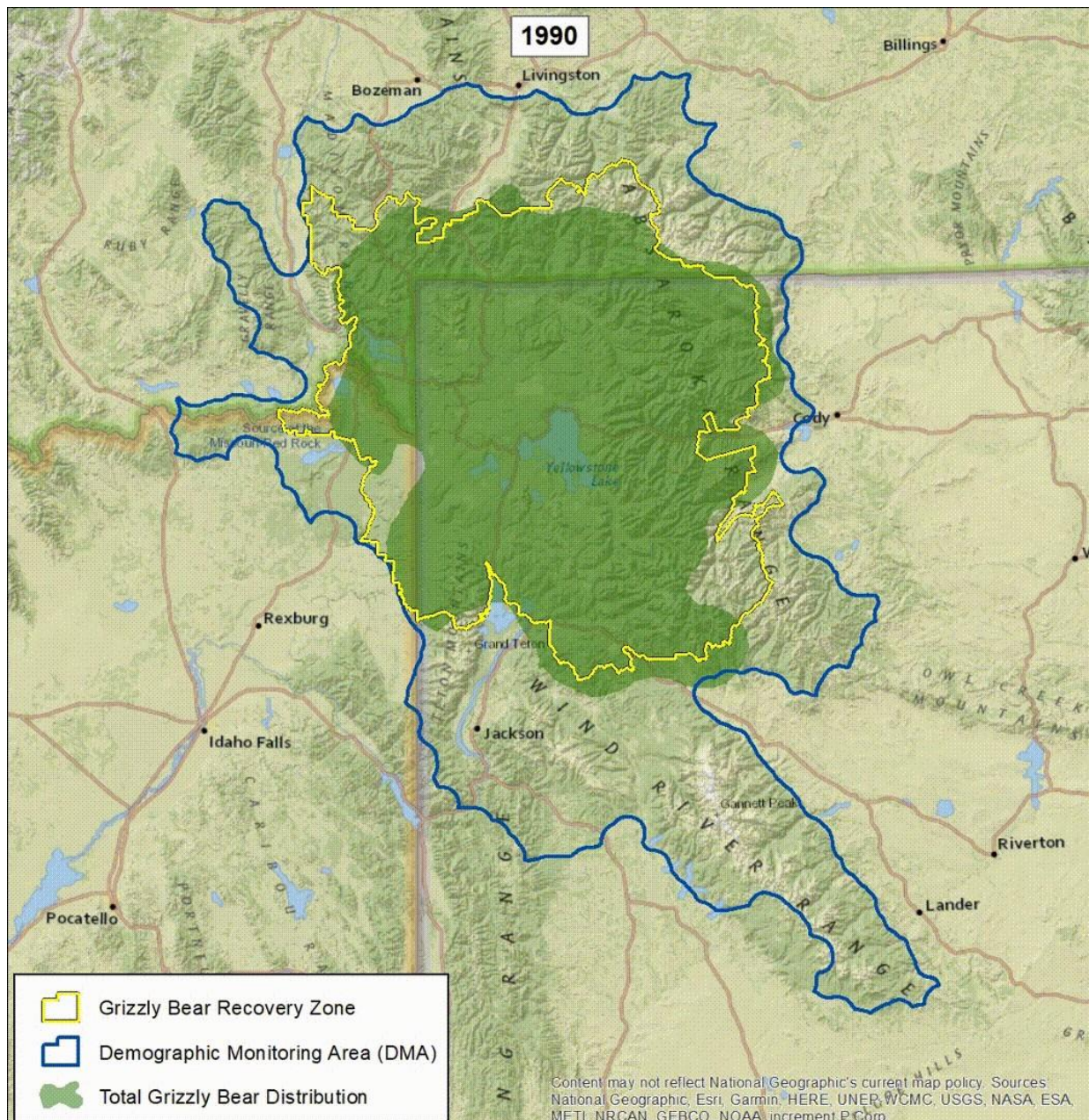
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File: Bear\_Zone\_8.5x11.mxd  
Prepared By: GIS Services



<sup>90</sup> See City of Missoula, Community, Urban Wildlife, <https://www.ci.missoula.mt.us/2029/Urban-Wildlife>.



## Appendix II: Greater Yellowstone Ecosystem Grizzly Bear Distribution, 1990 and 2020<sup>91</sup>



<sup>91</sup> See Wyoming Game & Fish Department, Grizzly Bear Management, <https://wgfd.wyo.gov/wildlife-in-wyoming/more-wildlife/large-carnivore/grizzly-bear-management>.



