



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Office of Law Enforcement
5275 Leesburg Pike (MS: OLE)
Falls Church, Virginia 22041

In Reply Refer To:
FWS/LE ADM 4-08-2017-00726

JUN - 8 2017

Dear [REDACTED]

This is in response to your March 21, 2017, Freedom of Information Act (FOIA) request for the following:

"... copies of public records that show the results of the investigation into the death of a male grizzly bear in late 2015 near Gardiner, Montana, as referenced: Montana Fish, Wildlife and Parks has confirmed that the male grizzly bear shot in late November 2015 was the bear known to researchers as No. 211. No. 211 was killed in the Little Trail Creek drainage north of Gardiner, Montana on the Gallatin National Forest, an event under investigation by the U.S. Fish and Wildlife Service."

The United States Fish and Wildlife Service's Office of Law Enforcement received your request on March 21, 2017, and assigned it tracking number FWS-2017-00726. Please refer to this number in communications with this request.

We are providing a total of 42 pages which are responsive to your request. Portions of these pages are being withheld under FOIA Exemptions 5, 6, and 7(C). See 5 U.S.C. 552 § (b)(5), (b)(6) and (b)(7)(C).

- **Exemption 5:** The information that has been withheld under the attorney-client privilege protects confidential communications between an agency attorney and his client relating to legal matter for which the client sought professional advice and is not limited to the context of litigation. Moreover, although it fundamentally applies to confidential communications divulged by a client to his/her attorney, this privilege also encompasses any opinions given by an attorney to his/her client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect confidential client-supplied information. The information that has been withheld under the attorney-client privilege of Exemption 5 constitutes confidential communications between Federal attorneys and agency clients, related to legal matters for which the client sought professional legal assistance and services.

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IN AMERICA 

- **Exemptions 6 and 7(C):** Certain names and personal identifiers of any individual in law enforcement files have been withheld under FOIA Exemptions 6 and 7(C). These exemptions provide protection for personal privacy interests. When a privacy interest is found to exist in the documents at issue, the public interest in disclosure must be weighed against the privacy interest in non-disclosure. Here, release of the withheld personal information would not serve any substantial public interest. Under the FOIA, information will be regarded in the public interest when it is likely to contribute significantly to public understanding of the operations or activities of the Government. Since you have not provided, and we are unaware of, any substantial public interest to be served by the release of this information, this information has been withheld.

During our review of responsive records, we located one page that originated with the U.S. Department of Justice. You do not have to contact this agency at this time, but should you need to do so in the future, you may do so at the following addresses:

FOIA/Privacy Unit
Executive Office of United States Attorneys
Department of Justice
Room 7300, 600 E. Street, N.W.
Washington, DC 20530-0001
Attn: Ms. Susan B. Gershon

The decision to withhold/deny this information was made by the undersigned and approved by Carrie Hyde-Michaels, FWS FOIA Officer, Division of Information Resources & Technology Management (IRTM). Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

The FOIA fee for processing your request is \$186.00 (before fee category entitlements), calculated as follows:

Search/review time (management), 3 hour @ \$62.00 per hour

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.49(a)(1)*. Therefore, there is no billable fee for the processing of this request.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS's response is in error. You must also include with your appeal copies of all

correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions regarding your request, please contact Michael Jenkins, USFWS Office of Law Enforcement (OLE) at (703) 358-1949 or via email at michael_jenkins@fws.gov.

You also may seek dispute resolution services from our FOIA Public Liaison, Carrie Hyde-Michaels at (703) 358-2291 or carrie_hyde-michaels@fws.gov.

Sincerely,



fw
William C. Woody
Assistant Director, Office of Law Enforcement

Enclosures

BEST AVAILABLE COPY

**DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT**

**REPORT OF INVESTIGATION
REPORT#: 2015605603R001
APPROVED - CASE CLOSED**

Note: This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents are not to be distributed outside of your agency.

CASE TITLE

(b)(6),(b)(7)(C)

REPORT DATE

12/04/2015

CASE NUMBER

2015605603

REPORTING OFFICER

(b)(6),(b)(7)(C)

CASE STATUS

PENDING

APPROVED BY

(b)(6),(b)(7)(C) 12/04/2015

(b)(6),(b)(7)(C) - 01/19/2016

(b)(6),(b)(7)(C) 01/15/2016

(b)(6),(b)(7)(C) 01/06/2016

SUBJECTS OF REPORT

(b)(6),(b)(7)(C)

SYNOPSIS

On November 19, 2015, Special Agent (b)(6),(b)(7)(C) received a report of a grizzly bear shooting. This report documents the subject interview of (b)(6),(b)(7)(C) and the scene investigation.

DISTRIBUTION

Internal List

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION

INV #: 2015605603

Title: [REDACTED]

Report #: 001

DETAILS OF INVESTIGATION

Initial Report and Interview

On the morning of November 19, 2015, Special Agent (SA) [REDACTED] received a call from Montana Fish Wildlife Parks (FWP) Warden Sergeant [REDACTED] reporting that a hunter, [REDACTED] reported shooting a grizzly bear (*Ursus arctos horribilis*). SA [REDACTED] coordinated with the local FWP Warden [REDACTED] and responded to the area.

SA [REDACTED] and USFS Law Enforcement Ranger [REDACTED] responded to the hunting camp at the trailhead of the Little Trail Creek trail which is at the end of Forest Service Road 1701, located just northwest of Gardiner, Montana (See Attachment 1- Map).

SA [REDACTED] conducted a voluntary interview of [REDACTED]. Below is a summary of the pertinent points provided by [REDACTED]. A more complete account may be found in the attached 3-332 (See Attachment 2) and the full account can be obtained from the preserved digital recording of the interview.

[REDACTED] and [REDACTED] were hunting elk. SA [REDACTED] confirmed [REDACTED] had a valid elk license. When asked if he had a bear license, [REDACTED] said, "No, [REDACTED]." While reviewing the license documents, [REDACTED] remarked, [REDACTED]. SA [REDACTED] responded that he definitely would not be able to if it is a grizzly bear, and would not be able to even if it is a black bear because he does not have a black bear hunting license. [REDACTED] stated,

[REDACTED]

While SA [REDACTED] explained why the USFWS gets involved in grizzly bear shootings and what the process is, [REDACTED] interjected, "She seriously, I come around the corner and she was right there. I don't know what, if there is an actual written rule, but when you see them in a head lamp and you can shoot them from the hip, they're too close. [REDACTED]"

SA [REDACTED] asked [REDACTED] to start from the beginning. [REDACTED] said it was 6:20 when the guys heard the shots. [REDACTED] said he was walking down the trail. "Coming home, 6:20 is deep in the dark." SA [REDACTED] asked for clarification if it was 6:20 this morning or last night. [REDACTED] said last night. [REDACTED] continued that he was just walking down the trail, stating, "All of a sudden, I don't know if I heard her, or just looked, or somehow, she was just right

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INV #: 2015605603

Title: [REDACTED]

Report #: 001

[REDACTED] there. And close enough that she made noise, growled, and I saw her well enough and that's time to sling lead. It didn't take too long to figure out what the hell was going on."

[REDACTED] said he was walking back with the aid of a triple A Cabelas Alaskan Guide headlamp. [REDACTED] said it was a good head lamp, "But it's still a headlamp, when it's dark and you're looking at something 400lbs."

[REDACTED] said he was by himself. When asked who heard the shots, [REDACTED] said [REDACTED] may have already been inside, but there were two guys from Tennessee who heard them.

When asked what he did once he saw the bear, [REDACTED] said, while mimicking taking the rifle off of his shoulder and pointing it from the hip, "It was, boom." Using objects on the ground for reference, [REDACTED] explained the bear was about 10 feet away, stating, "And at night, don't forget night-time also seems a hell of a lot closer. It was close enough that there was, it was time to start slinging led." [REDACTED] continued, "I would seriously, I'd do it all over again, if you were holding a camera and if those two were there, she was, it was right there, it was time to shoot."

When asked about the bear's position in relation to himself, [REDACTED] explained the bear was to his left, off to about his 10 o'clock, slightly angled/quartered towards him when he shot the first time, stating, "Other than that it's kind of a freaking blur, boom, boom." [REDACTED]

[REDACTED] said he shot three times. [REDACTED] said he does not know where he shot the bear, [REDACTED]

When asked again about the bear's position, [REDACTED] said, "She wasn't turned sideways. She was angling, any moment she could have charged. I don't know how, I don't know if she was coming my way or not, but she was damn sure pointing towards me." Using long logs on the ground, [REDACTED] showed the position of the bear in relation to where he was which indicates, using 12 o'clock as the direction of [REDACTED] travel down the trail, the bear was off to his 10 o'clock position, moving towards him to the 4 o'clock position. [REDACTED] stated, "And like I said, it's seriously [REDACTED] it was kind of, it happened, boom." When asked if he shot three times, [REDACTED] said, "Pretty sure three, three is all I got."

When asked what he did next, [REDACTED] said, "I sat there trembled a little, and then [REDACTED] I ran down the mountain a ways, hit the creek crossing, and the whole time running a little ways, turned around to look. I did restack my gun. And then when I hit the creek crossing, I was pretty sure it wasn't coming, I was like good she's dead."

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Title: [REDACTED]

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When asked whether the bear was dead or alive, [REDACTED] said the bear was dead because he had gone back up later that night. [REDACTED] could not recall the time, stating, "Heck if I know. But me and [REDACTED] talked about it, I really got no idea what the hell to do. [REDACTED] I was like, what the hell, and uhh go back and yeah it's a grizz. And I was like yeah we got to turn this in."

SA [REDACTED] confronted [REDACTED] on his initial report to [REDACTED] wherein he stated he found a grizzly bear that had been shot. In response [REDACTED] stated, "Yeah, that's because I didn't want to get, there's supposedly, there's even a bunch of buffalo hippies running around down here telling everybody not to shoot buffalo. I was just hoping to avoid, get as little of attention here, that is all that was. As soon as [REDACTED] called, called me back, I said yeah actually I'm the one who shot him. And that's all that was."

SA [REDACTED] asked [REDACTED] if there was anything about the incident that he needed to know about before heading to the scene. [REDACTED] responded, "That's it, she was there and, like I said I'd do it, I'd do it right in front of you right now even if you were holding a camera. [REDACTED] So, if it happened like it did last night, I'd do it all over again is how I'm going to word it."

[REDACTED] stated, "Like I said, when you see, if you want to use a range finder go for it, but if you want to use a different style of rangefinder, a headlamp, and if you can shoot 'em from the hip that means they're within range."

SA [REDACTED] asked [REDACTED] why he ultimately shot the bear to which [REDACTED] responded, "Too close for comfort, way beyond. She growled, she was there, she's looking at me, it was like I said, we were right there, right, if we were a couple, if we were anything, yards apart, I wouldn't have shot her. [REDACTED] SA [REDACTED] asked what the bear was doing when he happened up on it, [REDACTED] said the bear growled. When asked if the bear was doing anything with its teeth, [REDACTED] said he could not tell because of the headlamp."

When asked again about the bear's position in relation to him when he finally shot, [REDACTED] said, "The first shot, like I said that's, you know, back where she was, not straight at me, but angling towards me. And the other two, if anything, I don't even know if I hit her on those two." When asked if the bear was moving when he first saw it, [REDACTED] said, "When I first seen her she was motionless. But there's a tree right here (motioning to his left and slightly behind him), and a just, a big deadfall. And I just walk out, it's almost like walking around a brick wall, and all of a sudden boom there she was."

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Title: [REDACTED]

Report #: 001

When asked if there was anything else we needed to know before heading to the scene, if everything was true and correct, [REDACTED] responded, "That's the best I'd word it."

[REDACTED] offered to hike up to the site and Warden [REDACTED] advised this was preferred so [REDACTED] could advise the group when they were getting close. (b)(6),(b)(7)(C)

SA [REDACTED] turned off the digital recorder for the horse-ride up to the site. [REDACTED] hiked ahead of the group and no questions were asked of him during the ride to the scene. Upon arrival SA [REDACTED] restarted the recorder prior to conducting the scene investigation.

[REDACTED] pointed out the bear in the creek bed. When asked if he moved the bear at all, [REDACTED] said, "I stood her up to just make sure it was a grizz. I stood her up and then she fell back and in to the creek." When asked if he took any pictures, [REDACTED] said no. [REDACTED] said it was snowing a little bit in the middle of the night.

Noticing there were not any footprints in the snow leading down to the bear from the trail, SA [REDACTED] asked [REDACTED] from which direction did he approach the bear. [REDACTED] said he came in from the other side of the creek because he did not want to leave any tracks on the trail side. [REDACTED] confirmed he came back last night with [REDACTED]

When asked where the bear was when he shot, [REDACTED] said while pointing to a general area just below the trail, "Take a guess, there is a little bit of snow over it now." When asked if the bear was up higher or down lower, [REDACTED] said, "I like to think she was only 5 feet away from me."

[REDACTED] pointed out the location of the bear when he found it and prior to moving it.

[REDACTED] confirmed the incident occurred last night. When asked why he did not report it then, [REDACTED] said he did not think anyone would be open. [REDACTED] said all he had was the 1-800-TIP-MONT number.

[REDACTED] was asked what he thought should happen to someone who mistakenly shoots a bear when it is not self-defense. [REDACTED] responded, "This was self-defense." When pressed for his opinion on a non-self-defense situation, [REDACTED] said, "If it wasn't self-defense, and it's just a screw up like they had a black bear tag, heck if I know, that'd be a fine, a weekend in jail I don't know, up to whatever the judge says."

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Prior to leaving the area, SA [REDACTED] asked [REDACTED] if he remembered anything from being out there that he did not already mention. [REDACTED] responded, [REDACTED].
[REDACTED] But for the most part that's it. When I come around the corner, and she was right there, and you want my opinion it was time to let led fly. I'd do it all over the same, I think. I don't know how else. Wasn't she close enough for you?" SA [REDACTED] responded that was not for him to decide, it is a decision for the person involved to make and asked if he was in fear of his life. [REDACTED] stated, [REDACTED] "There's no questioning that."

At 1539hrs, the scene investigation was concluded and SA [REDACTED] turned off the digital recorder for the ride back to the hunting camp. Upon returning to the camp SA [REDACTED] started the recorder and followed-up with [REDACTED].

SA [REDACTED] asked [REDACTED] what he did after he shot the bear, [REDACTED] stated, "I want to say I took off running." [REDACTED] denied walking down to check out the bear or walking over the edge of the trail. [REDACTED] said when he shot the bear it disappeared and he had a feeling it went down. The rifle [REDACTED] used was a bolt action. [REDACTED] walked over and said he heard two shots.

When asked why he went back up in the dark, [REDACTED] said, "Make sure. I threw it around leaving it up there, not telling nobody. But I was like, you know, we got to do the right freaking thing. So went up, looked and it was a grizz. And I was like, [REDACTED] we've got to call."

When asked why they did not come in from the trail (to get to the bear), [REDACTED] said it was his idea because they did not want to disturb it. [REDACTED] stated, "Don't ever disturb the crime scene." (b)(6); (b)(7)(C)

When confronted that they did in fact disturb the crime scene when they picked up the bear, [REDACTED] stated, "I just wanted to identify it. That, there's no, there's no way we could try to hide it. What were we going to do, pack him out of there?" SA [REDACTED] asked how the bear got down in to the creek bed. [REDACTED] stated, "That's where he fell after I shot him." When confronted that is not what he stated earlier, [REDACTED] stated, "Well no, because we stood him up on the log, I stood him up and he fell back." When asked why he stood him up, [REDACTED] said, "Look at him," while [REDACTED] interjected, to make sure it was a grizz. [REDACTED] continued, "And that log, I didn't intend to stand him on I just."

SA [REDACTED] confronted [REDACTED] that what he did afterwards does not make sense and asked [REDACTED] if they went back up there with the intent to hide the bear. [REDACTED] denied this.

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b)(6);(b)(7)(C)

[REDACTED] stated, "There's no hiding it." [REDACTED] said, "It stinked so bad that you couldn't walk the trail without knowing there's something there." Both denied going back up in the morning. SA [REDACTED] said it is no big deal if they rolled in to the creek to hide it. [REDACTED] responded, "You could still see him." [REDACTED] said, "You could smell and see him forever. Too big for that."

b)(6);(b)(7)(C)

SA [REDACTED] remarked that it does not add up how the bear got in to the creek bed. [REDACTED] stated, "When I stood him up, he fell back in to the creek. We weren't trying to, like I said, I, I'll come out and tell you that I thought about just leaving him up there. But then, do we do the right thing or do we keep it a secret, what the hell."

Scene Investigation

b)(6);(b)(7)(C)

SA [REDACTED] performed a scene investigation, including a field necropsy with the assistance of Warden [REDACTED] and Officer [REDACTED]. [REDACTED] walked the officers through the scene and assisted with moving the bear out of the creek and locating likely shot locations on the bear.

Initial Observations

Upon arrival, SA [REDACTED] conducted an initial walkthrough and took notes and photographs (photos IMGP0248 thru IMGP0252) prior to moving the bear.

The bear was located in Little Trail Creek, on its right side, with its head oriented up creek. The bear smelled rank as if it had been gut shot.

Partially snow covered bear tracks were visible on the opposite side of the creek. Tracks were also visible on the trail side coming up from the creek to a patch of bloodstained snow visible approximately 10 feet down from the trail. There were no tracks, footwear impressions, or additional blood spatter evidence beyond this point up to the trail. Given the shot distance of about ten feet provided by [REDACTED], it is possible this spot may indicate the location of the bear when it was first shot. A trail of blood stained snow connected this location to an oval shaped pocket of partially melted and blood stained snow next to a large tree at the bottom of the creek bed (photo IMGP0249). [REDACTED] stated he found the bear at this spot when he and [REDACTED] returned.

b)(6);(b)(7)(C)

After taking photographs SA [REDACTED], Warden [REDACTED], Officer [REDACTED] and [REDACTED] moved the bear from the creek up on to the bank.

SA [REDACTED] conducted an initial inspection of the bear and noted the following:

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Title: [REDACTED]

Report #: 001

- The bottom of the bear that was in the running creek was partially frozen.
- Blood stained fur on the left shoulder area revealed a penetrating wound/gunshot wound.
- Blood stained fur just forward of the right shoulder revealed an additional penetrating wound/gunshot wound.

Field Necropsy

SA [REDACTED] conducted a field necropsy starting on the left side of the bear, then to the right side. The hide was difficult to cut through because it was partially frozen.

SA [REDACTED] located a wound and retrieved one bullet lodged in the fatty tissue of the hide on the left side, about mid-rib. The bullet came through the ribs indicating it traveled through the vital organ area. The wound and bullet were documented with notes and photographs (photos IMGP0253 thru IMGP0255).

SA [REDACTED] located a second wound and retrieved a second bullet lodged in the fatty tissue of the hide just forward of the left rear leg. The wound and bullet were documented with notes and photographs (photos IMGP0256 thru IMGP0258).

SA [REDACTED] located what appeared to be an entry wound just forward of the left front shoulder. Said bullet appeared to have traveled down the left side of the bear to its final resting place where the second bullet was recovered as noted above. The wound was documented with notes and photographs (IMGP0261 and IMGP0262).

SA [REDACTED] located what appeared to be another entry wound on the front of the bear, just forward of the right shoulder as noted above in the initial observations. Said bullet appeared to have traveled through the vital organ area of the bear and through the ribs on the left side before coming to rest in the fatty tissue of the hide where the first bullet was recovered as noted above. The wound was documented with notes and photographs (IMGP0259 and IMGP0260).

Prior to leaving the bear, Warden [REDACTED] and Officer [REDACTED] disarticulated the paws and head, and SA [REDACTED] scared the hide to deter anyone from taking trophies.

SA [REDACTED] saved the digital recordings of the interviews and scene photographs (See Attachment 3) to two compact discs- 1 evidentiary and 1 working copy- using standard windows software on the workstation computer. The compact discs shall be maintained the official case file.

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Using the notes and photographs, SA [REDACTED] documented the wounds on a 'Bear Schematic For Necropsy Report' (See Attachment 4) and created visual depictions of the scene (See Attachment 5).

Follow-up with [REDACTED] on Phone

On December 3, 2015, SA [REDACTED] called [REDACTED] on the phone [REDACTED] to clarify the type of bullet and rifle used in the incident. [REDACTED] provided the following:

- The caliber he used was 30-378.
- The bullet used was a Combined Technology 150gr Ballistic Silver Tip
- The reloading recipe he uses is 103gr of RL22 powder at a velocity of 3475fps.
- The rifle used was a Weatherby Accumark (SN [REDACTED]) with a 6-18 Redfield Scope

Consultation with Nosler Inc. Ballistic Technician

On December 3, 2015, SA [REDACTED] contacted Nosler Inc. ammunition manufacturer and spoke to [REDACTED] a ballistic technician. SA [REDACTED] requested assistance with determining if the bullets recovered from the bear could have been fired at the distance of about 10 to 15 feet. Mr. [REDACTED] said he would be able to provide a good estimate of the velocity on impact based on the bullet's performance/composition/expansion and requested photographs of the bullets. SA [REDACTED] provided Mr. [REDACTED] with photos of the bullets as well as the caliber and reloading data provided by [REDACTED]

After reviewing the photographs and provided information, Mr. [REDACTED] responded that the bullets are Nosler Ballistic Tip bullets and based on their expansion, impacted at a rate of 3300fps or faster (See Attachment 6 - Nosler Info).

Based on this information, and the estimated muzzle velocity of 3475fps provided by [REDACTED] the bullets recovered from the bear were likely fired from a very close range [AGENT'S NOTE: The maximum published load using Nosler's reloading data for a CT 150gr Ballistic Silvertip is 97.0gr of RL22 at a velocity of 3446fps].

DESCRIPTION OF SUBJECTS

[REDACTED]

This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents, are not to be distributed outside of your agency.

REPORT OF INVESTIGATION

INV #: 2015605603

Title: (b)(6);(b)(7)(C)

Report #: 001

(b)(6);(b)(7)(C)

PRIOR VIOLATIONS

(b)(6);(b)(7)(C)

WITNESSES

SA (b)(6);(b)(7)(C)

USFWS – OLE

2900 4th Ave N (b)(6);(b)(7)(C)

Billings, Montana 59101

(b)(6);(b)(7)(C)

Warden (b)(6);(b)(7)(C)

FWP- Region 3

1400 South 19th Avenue

Bozeman, Montana 59718

(b)(6);(b)(7)(C)

Officer (b)(6);(b)(7)(C)

USFS- Gallatin National Forest

805 Scott St W

Gardiner, Montana 59030

(b)(6);(b)(7)(C)

LAWS VIOLATED

On November 18, 2015, within the District of Montana, [REDACTED] did knowingly take an endangered species; to wit, a Grizzly bear (*Ursus arctos horribilis*), in violation of Title 16 United States Code Section 1538 (a)(1)(B).

This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents, are not to be distributed outside of your agency.

REPORT OF INVESTIGATION

Title: [REDACTED]

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EVIDENCE

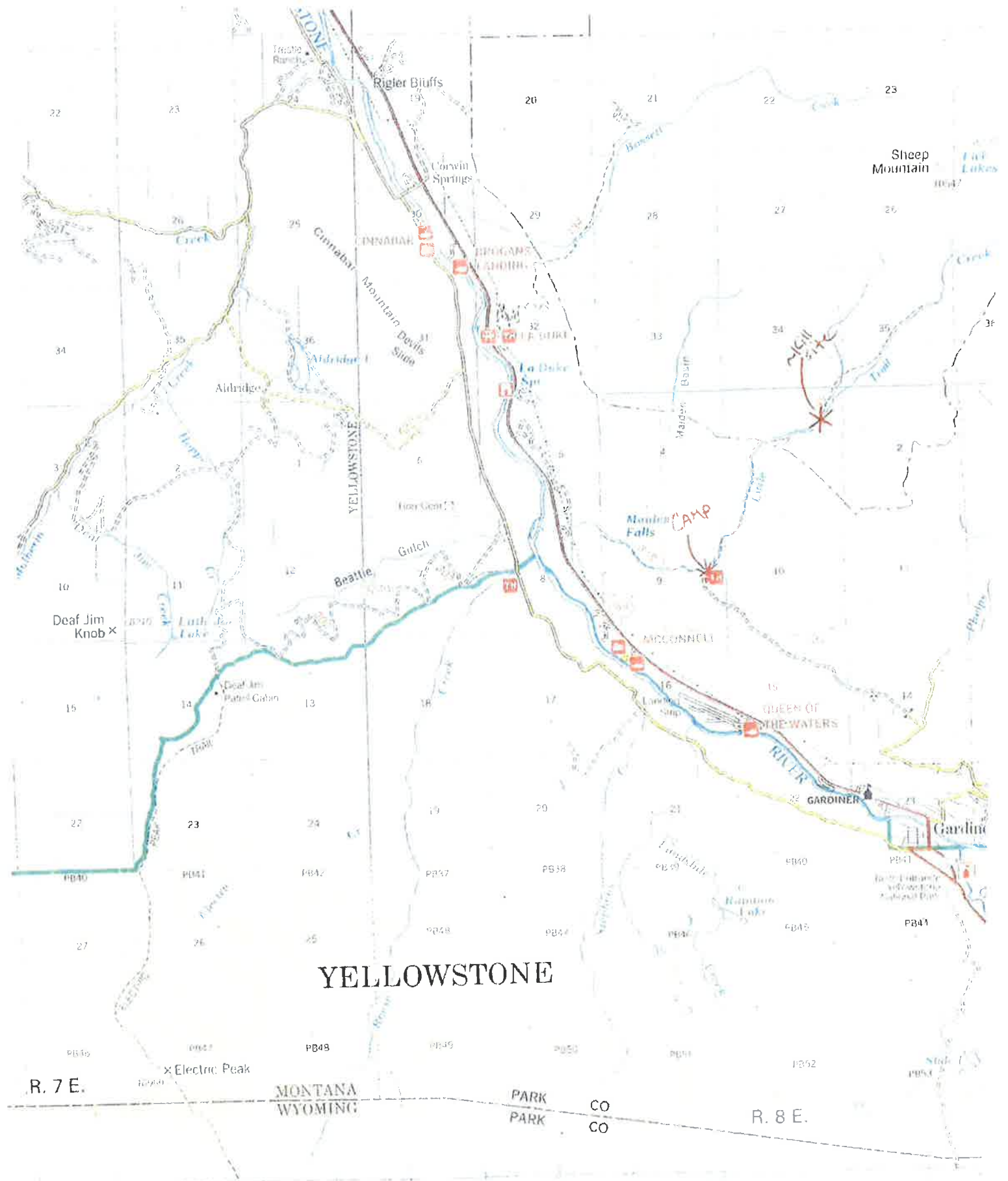
1. One (1) grizzly bear head, November 19, 2015, ST# 624247 item 1, secured by Montana FWP.
2. Four (4) grizzly bear paws, November 19, 2015, ST# 624247 item 2, secured by Montana FWP.
3. Two (2) bullets recovered from the bear on November 19, 2015, ST# 624212 items 1 and 2, secured in Billings RAC evidence room.

Digital recordings and photographs maintained by law enforcement:

1. Two (2) compact discs containing the preserved digital recording of [REDACTED] interviews and photographs taken on November 19, 2015. Said discs shall be maintained in the official case file.

ATTACHMENTS

1. Map (1 page)
2. [REDACTED] 3-332 (8 pages)
3. Scene photos (8 pages)
4. Bear schematic (1 page)
5. Visual depiction (6 pages)
6. Nosler Info (1 page)



YELLOWSTONE

R. 7 E.

MONTANA
WYOMING

PARK
PARK
CO
CO

R. 8 E.

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RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

On November 19, 2015, Special Agent (SA) [REDACTED] conducted a voluntary interview of [REDACTED] regarding a grizzly bear (*Ursus arctos horribilis*) incident. The interview took place at [REDACTED] hunting camp located at the trailhead of the Little Trail Creek trail, just northwest of Gardiner, Montana.

Below is a summary of the pertinent points provided by [REDACTED]. The full account can be obtained from the preserved digital recording of the interview which shall be maintained in the official case file.

Prior to asking any pertinent questions, SA [REDACTED] advised [REDACTED] the interview is voluntary and he could choose not to answer any questions. SA [REDACTED] asked [REDACTED] for his hunting license as well as his driver's license. In response, [REDACTED] retrieved his State of Montana hunting license, [REDACTED] driver's license and a hunter safety card from a trailer; the information is listed below.

[REDACTED] and [REDACTED] were hunting elk. SA [REDACTED] confirmed [REDACTED] had a valid elk license. When asked if he had a bear license, [REDACTED] said, "No, [REDACTED]" (7min 17sec). While reviewing the license documents, [REDACTED] remarked, "Doubt I get to keep my bear." SA [REDACTED] responded that he definitely would not be able to if it is a grizzly bear, and would not be able to even if it is a black bear because he does not have a black bear hunting license. [REDACTED] stated, [REDACTED]

[REDACTED]

(9min 17sec) While SA [REDACTED] explained why the USFWS gets involved in grizzly bear shootings and what the process is, [REDACTED] interjected, "She seriously, I come around the corner and she was right there. I don't know what, if there is an actual written rule, but when you see them in a head lamp and you can shoot them from the hip, they're too close." [REDACTED]

SA [REDACTED] asked [REDACTED] to start from the beginning. [REDACTED] said it was 6:20 when the

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 1 of 8

RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

[REDACTED] said he shot three times. [REDACTED] said he does not know where he shot the bear, [REDACTED]. When asked again about the bear's position, [REDACTED] said, "She wasn't turned sideways. She was angling, any moment she could have charged. I don't know how, I don't know if she was coming my way or not, but she was damn sure pointing towards me." Using long logs on the ground, [REDACTED] showed the position of the bear in relation to where he was which indicates, using 12 o'clock as the direction of [REDACTED] travel down the trail, the bear was off to his 10 o'clock position, moving towards him to the 4 o'clock position. [REDACTED] stated, "And like I said, it's seriously [REDACTED] it was kind of, it happened, boom." When asked if he shot three times, [REDACTED] said, "Pretty sure three, three is all I got."

(14min 08sec) When asked what he did next, [REDACTED] said, "I sat there trembled a little, and [REDACTED] then I ran down the mountain a ways, hit the creek crossing, and the whole time running a little ways, turned around to look. I did restack my gun. And then when I hit the creek crossing, I was pretty sure it wasn't coming. I was like good she's dead."

(14min 30sec) When asked whether the bear was dead or alive, [REDACTED] said the bear was dead because he had gone back up later that night. [REDACTED] could not recall the time, stating, "Heck if I know. But me and [REDACTED] talked about it, I really got no idea what the hell to do. [REDACTED] I was like, what the hell, and uhh go back and yeah it's a grizz. And I was like yeah we got to turn this in."

(14min 58sec) SA [REDACTED] confronted [REDACTED] on his initial report to TIPMONT wherein he stated he found a grizzly bear that had been shot. In response [REDACTED] stated, "Yeah, that's because I didn't want to get, there's supposedly, there's even a bunch of buffalo hippies running around down here telling everybody not to shoot buffalo. I was just hoping to avoid, get as little of attention here, that is all that was. As soon as [REDACTED] called, called me back, I said yeah actually I'm the one who shot him. And that's all that was."

(16min 04sec) SA [REDACTED] explained that hunters make mistakes e.g. shooting the wrong animal,

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 3 of 8

RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

which is not a big deal, but the important thing is they report it and not try to cover it up. SA [REDACTED] further explained what was going to happen from here, the importance of being forthright, not leaving any details out, and the consequences of lying i.e. turning a misdemeanor in to felony. SA [REDACTED] then asked [REDACTED] if there was anything about the incident that he needed to know about before heading to the scene. [REDACTED] responded, "That's it, she was there and, like I said I'd do it, I'd do it right in front of you right now even if you were holding a camera. [REDACTED] So, if it happened like it did last night, I'd do it all over again is how I'm going to word it."

SA [REDACTED] reiterated the importance of not trying to cover anything up. (19min 26sec) [REDACTED] said, [REDACTED] But for the most part, that's it. You can, I can make a whole bunch of words for it, but for the most part, I come around the corner and there she was. And it didn't take long to figure out it's time to let lead fly."

[REDACTED] estimated it would take about 45 minutes on foot to get to the site.

SA [REDACTED] summarized the information with [REDACTED]

- [REDACTED] shot the bear at about 1820hrs. on his way back to camp in the dark.
- [REDACTED] was using a headlamp.
- [REDACTED] was carrying his rifle on his right shoulder.
- [REDACTED] saw the bear in the shine of his headlamp. (20min 58sec) [REDACTED] stated, "Like I said, when you see, if you want to use a range finder go for it, but if you want to use a different style of rangefinder, a headlamp, and if you can shoot'em from the hip that means they're within range."

(21min 11sec) SA [REDACTED] asked [REDACTED] why he ultimately shot the bear to which [REDACTED] responded, "Too close for comfort, way beyond. She growled, she was there, she's looking at me, it was like I said, we were right there, right, if we were a couple, if we were anything, yards apart, I wouldn't have shot her. [REDACTED]" SA [REDACTED] asked what the bear was doing when he happened up on it, [REDACTED] said the bear

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 4 of 8

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RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

growled. When asked if the bear was doing anything with its teeth, [REDACTED] said he could not tell because of the headlamp.

(22min 02sec) When asked again about the bear's position in relation to him when he finally shot, [REDACTED] said, "The first shot, like I said that's, you know, back where she was, not straight at me, but angling towards me. And the other two, if anything, I don't even know if I hit her on those two." When asked if the bear was moving when he first saw it, [REDACTED] said, "When I first seen her she was motionless. But there's a tree right here (motioning to his left and slightly behind him), and a just, a big deadfall. And I just walk out, it's almost like walking around a brick wall, and all of a sudden boom there she was."

When asked if there was anything else we needed to know before heading to the scene, if everything was true and correct, [REDACTED] responded, "That's the best I'd word it."

[REDACTED] offered to hike up to the site and Warden [REDACTED] advised this was preferred so [REDACTED] could advise the group when they were getting close. [REDACTED] hiked ahead of the group. (b)(6),(b)(7)(C)

SA [REDACTED] turned off the digital recorder (24min 44sec) for the horse-ride up to the site. Upon arrival SA [REDACTED] restarted the recorder prior to conducting the scene investigation.

SA [REDACTED] performed a scene investigation, including a field necropsy with the assistance of Warden [REDACTED] and Officer [REDACTED]. [REDACTED] walked the officers through the scene and assisted with moving the bear out of the creek bed and locating likely shot locations on the bear. [REDACTED] provided the following information. (b)(6),(b)(7)(C)

(4min 26sec) [REDACTED] pointed out the bear in the creek bed. When asked if he moved the bear at all, [REDACTED] said, "I stood her up to just make sure it was a griz. I stood her up and then she fell back and in to the creek." When asked if he took any pictures, [REDACTED] said no. [REDACTED] said it was snowing a little bit in the middle of the night. (b)(6),(b)(7)(C)

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

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RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

Noticing there were not any footprints in the snow leading down to the bear from the trail, SA [REDACTED] asked [REDACTED] from which direction did he approach the bear. [REDACTED] said he came in from the other side of the creek because he did not want to leave any tracks on the trail side. [REDACTED] confirmed he came back last night with [REDACTED]

(5min 48sec) When asked where the bear was when he shot, [REDACTED] said while pointing to a general area just below the trail, "Take a guess, there is a little bit of snow over it now." When asked if the bear was up higher or down lower, [REDACTED] said, "I like to think she was only 5 feet away from me."

[REDACTED]

[REDACTED] pointed out the location of the bear when he found it and prior to moving it.

(11min 06sec) [REDACTED] confirmed the incident occurred last night. When asked why he did not report it then, [REDACTED] said he did not think anyone would be open. [REDACTED] said all he had was the 1-800-TIP-MONT number.

(11min 30sec) [REDACTED] was asked what he thought should happen to someone who mistakenly shoots a bear when it is not self-defense. [REDACTED] responded, "This was self-defense." When pressed for his opinion on a non-self-defense situation, [REDACTED] said, "If it wasn't self-defense, and it's just a screw up like they had a black bear tag, heck if I know, that'd be a fine, a weekend in jail I don't know, up to whatever the judge says."

[REDACTED] said he reloads and was using hand-loaded, 150gr. Combined Technology bullets.

(32min 42sec) [REDACTED] said he has been hunting the area since 2000. [REDACTED] was not carrying bear spray. When asked why not, [REDACTED] said they had never seen a bear up there and have cut an old track on occasion.

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

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RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

(1hr 3min 19sec) Prior to leaving the area, SA [REDACTED] asked [REDACTED] if he remembered anything from being out there that he did not already mention. [REDACTED] responded, "To be honest right now, [REDACTED]. But for the most part that's it. When I come around the corner, and she was right there, and you want my opinion it was time to let led fly. I'd do it all over the same, I think. I don't know how else. Wasn't she close enough for you?" SA [REDACTED] responded that was not for him to decide, it is a decision for the person involved to make and asked if he was in fear of his life. [REDACTED] stated, "Yeah, oh shit. There's no questioning that."

At 1539hrs, the scene investigation was concluded and SA [REDACTED] turned off the digital recorder (b)(6),(b)(7)(C) (1hr 7min 52sec) for the ride back to the hunting camp. Upon returning to the camp SA [REDACTED] started the recorder and followed-up with [REDACTED]

SA [REDACTED] asked [REDACTED] what he did after he shot the bear. [REDACTED] stated, "I want to say I took off running." [REDACTED] denied walking down to check out the bear or walking over the edge of the trail. [REDACTED] said when he shot the bear it disappeared and he had a feeling it went down. The rifle [REDACTED] used was a bolt action. [REDACTED] walked over and said he heard two shots.

When asked why he went back up in the dark, [REDACTED] said, "Make sure. I threw it around leaving it up there, not telling nobody. But I was like, you know, we got to do the right freaking thing. So went up, looked and it was a grizz. And I was like, [REDACTED] we've got to call."

When asked why they did not come in from the trail (to get to the bear), [REDACTED] said it was his idea because they did not want to disturb the other side. [REDACTED] stated, "Don't ever disturb the crime scene." When confronted that they did in fact disturb the crime scene when they picked up the bear, [REDACTED] stated, "I just wanted to identify it. That, there's no, there's no way we could try to hide it. What were we going to do, pack him out of there?" SA [REDACTED] asked how the bear got down in to the creek bed. [REDACTED] stated, "That's where he fell after I shot him."

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 7 of 8

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RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: [REDACTED]

When confronted that is not what he stated earlier, [REDACTED] stated, "Well no, because we stood him up on the log, I stood him up and he fell back." When asked why he stood him up, [REDACTED] said, "Look at him," while [REDACTED] interjected, to make sure it was a griz. [REDACTED] continued, "And that log, I didn't intend to stand him on I just."

SA [REDACTED] confronted [REDACTED] that what he did afterwards does not make sense and asked if they went back up there with the intent to hide the bear, [REDACTED] denied this. [REDACTED] stated, "There's no hiding it." [REDACTED] said, "It stinked so bad that you couldn't walk the trail without knowing there's something there." Both denied going back up in the morning. SA [REDACTED] said it is no big deal if they rolled in to the creek to hide it. [REDACTED] responded, "You could still see him." [REDACTED] said, "You could smell and see him forever. Too big for that." SA [REDACTED] reiterated it was not a big deal if that is what they tried to do, [REDACTED] responded, "That was not intentional. Like I said, I didn't even go down there." [REDACTED] denied taking photographs. [REDACTED] denied taking photographs other than what he took today.

SA [REDACTED] remarked that it does not add up how the bear got in to the creek bed. [REDACTED] stated, "When I stood him up, he fell back in to the creek." [REDACTED]

The interview concluded at 1635hrs (11min 11sec).

[REDACTED]

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 8 of 8



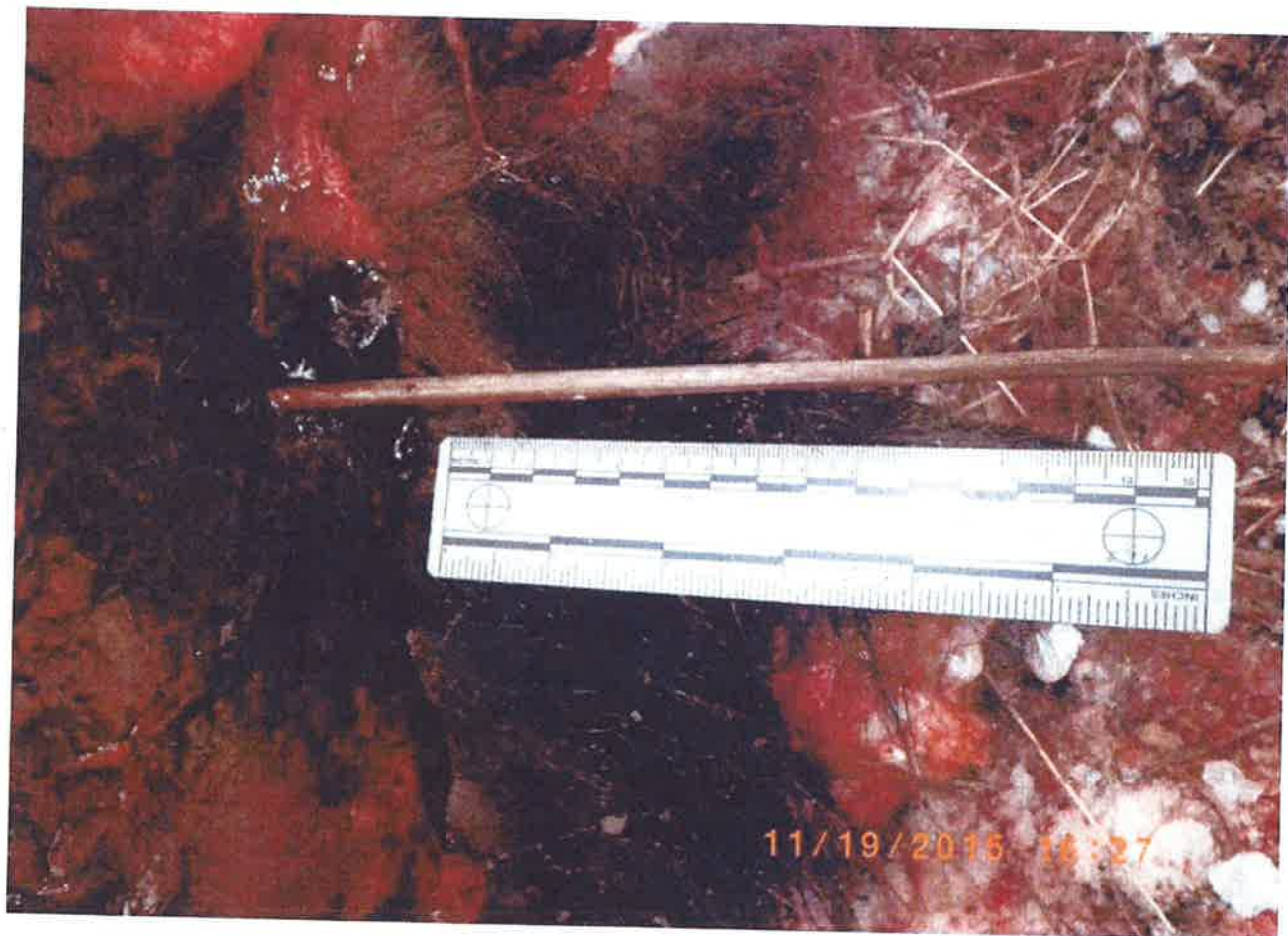


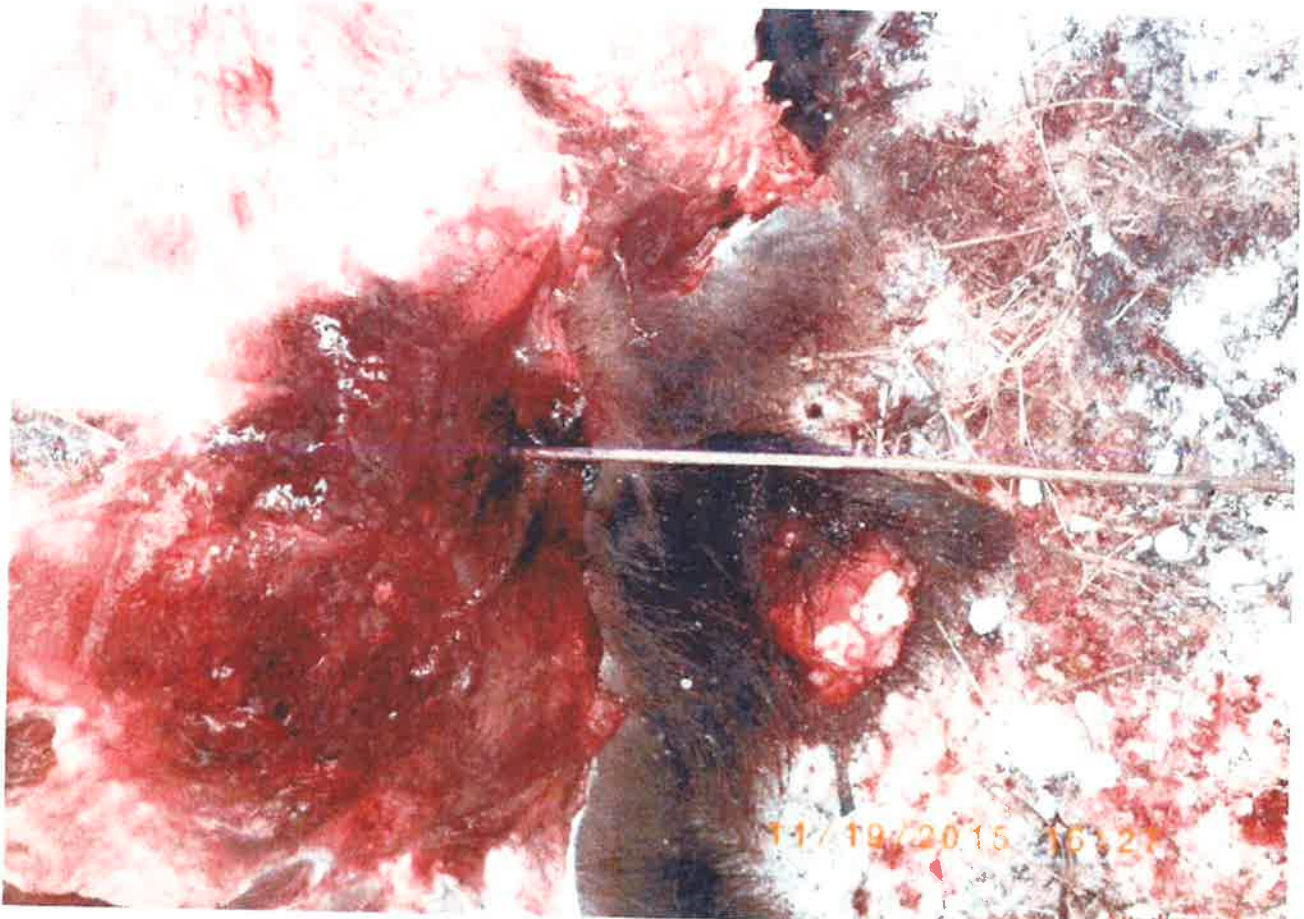












National Fish & Wildlife
Forensics Lab
1490 East Main St.
Ashland, OR 97520

(b) (6), (b) (7) (C)

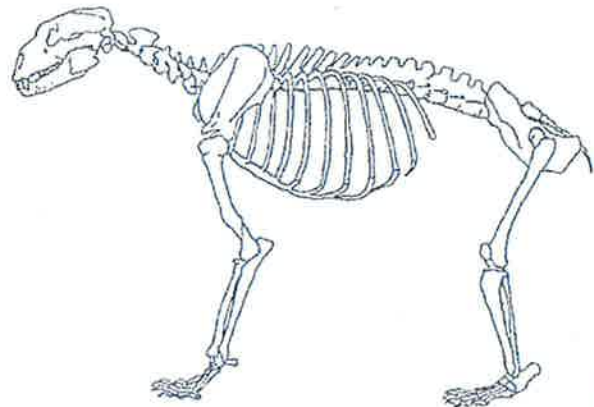
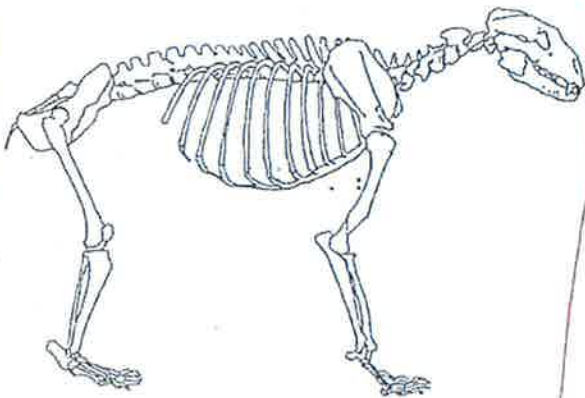
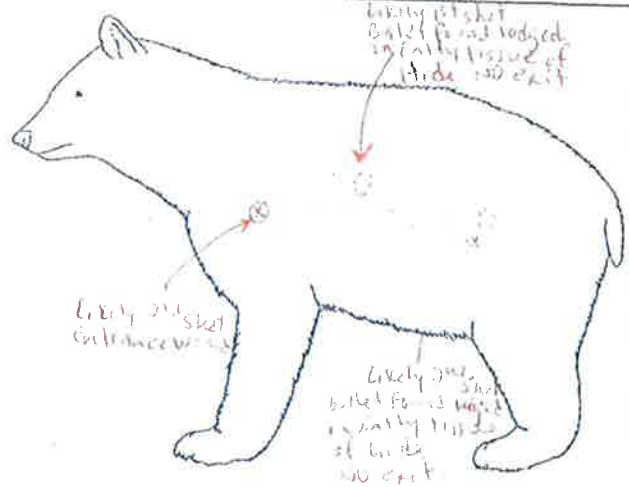
BEAR SCHEMATIC FOR NECROPSY REPORT

Case # 2015605603

Invoice# N/A

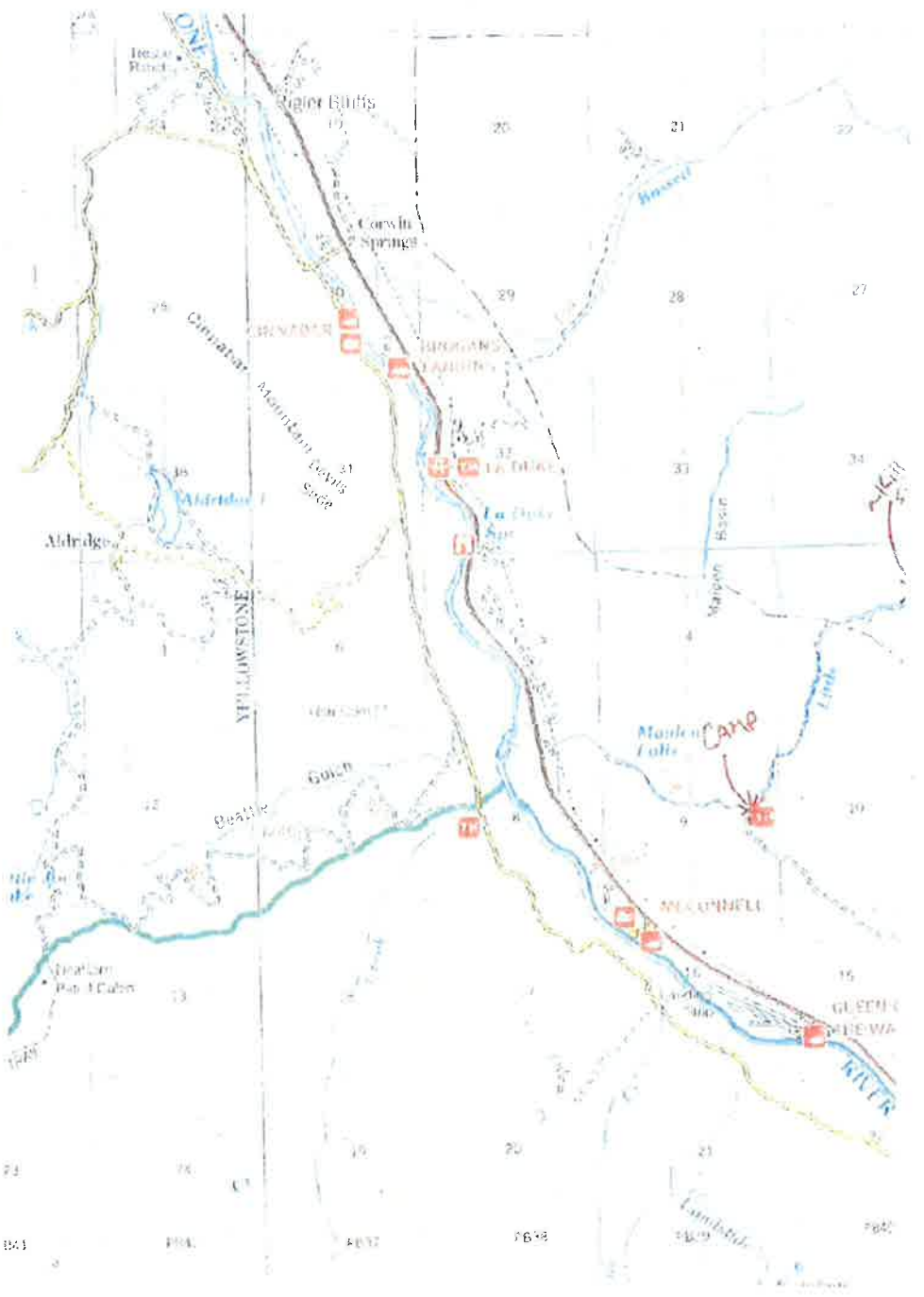
Species Grizzly Bear

Date 11/19/2015

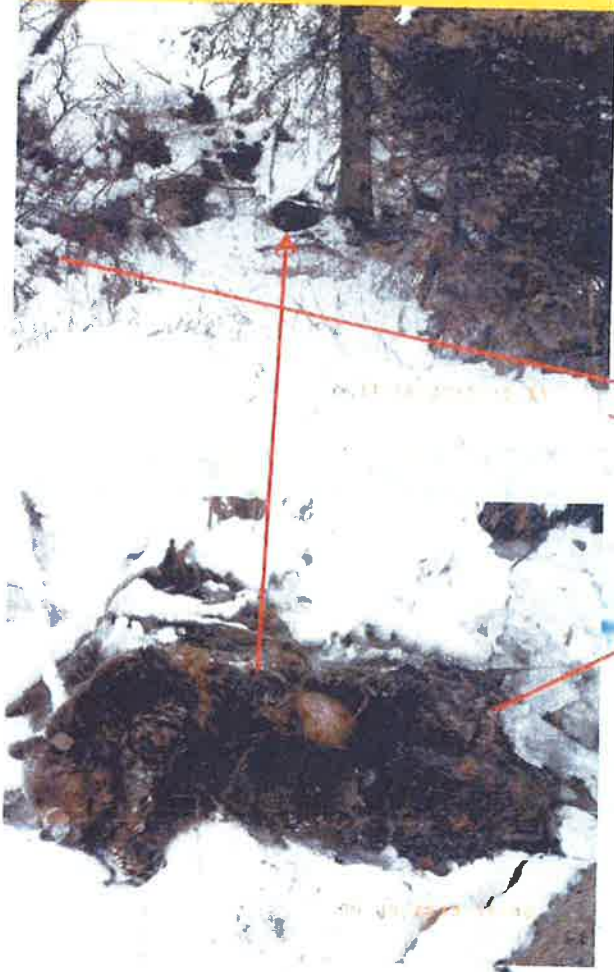


Examiner _____

Map of overall area- copied
from USFS Gallatin National
Forest Central Map
Scale= 1:63,360



View looking down to the bear from trail, taken from approximate hunter's location when shot was taken



KEY

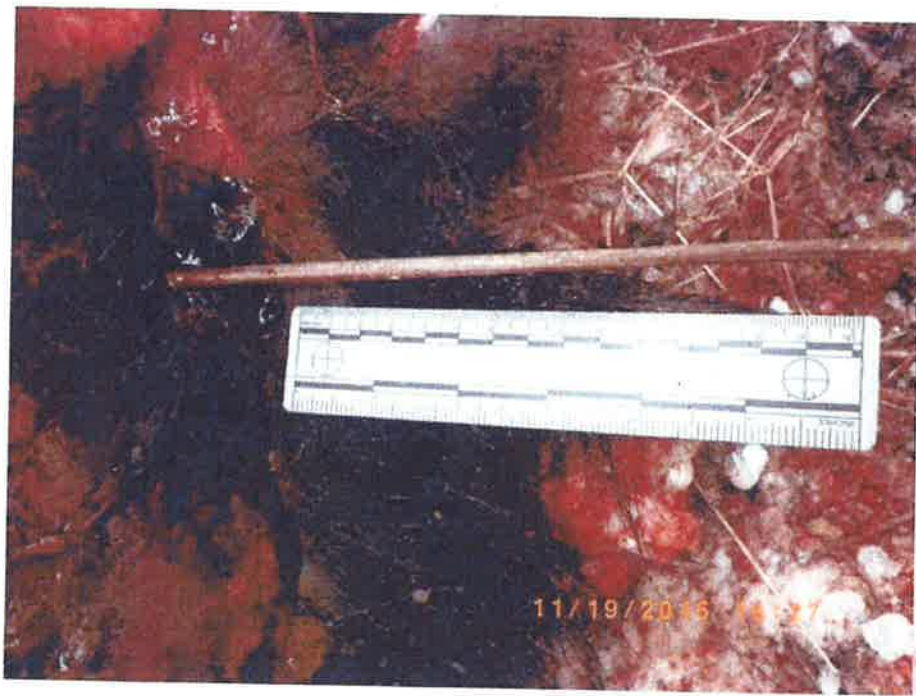
Hunter's direction

Bear's direction

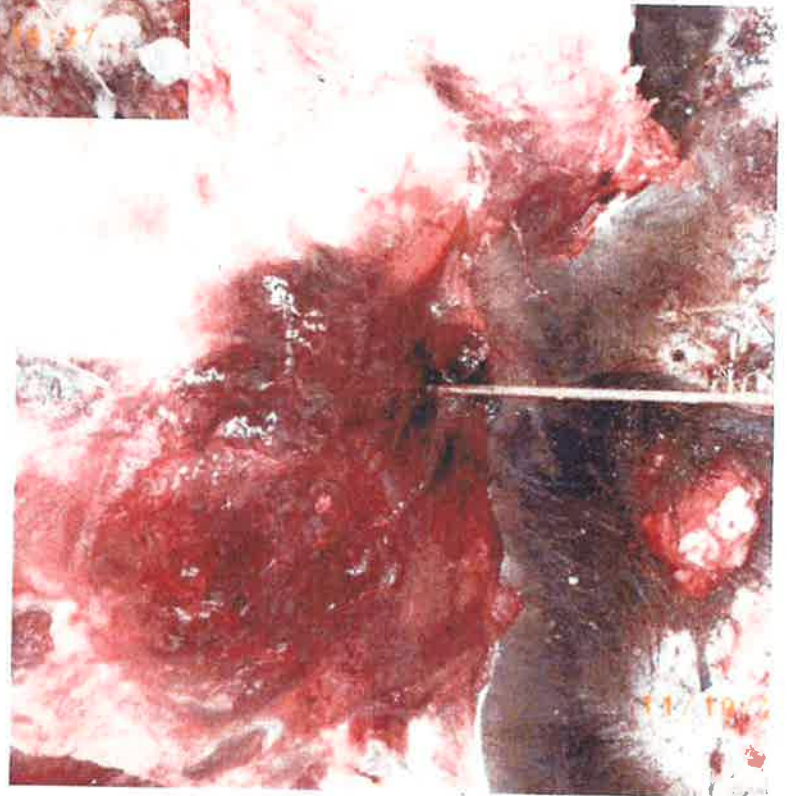
Points to approximate location



Blow-up of USFS Gallatin NF map depicting area where incident occurred



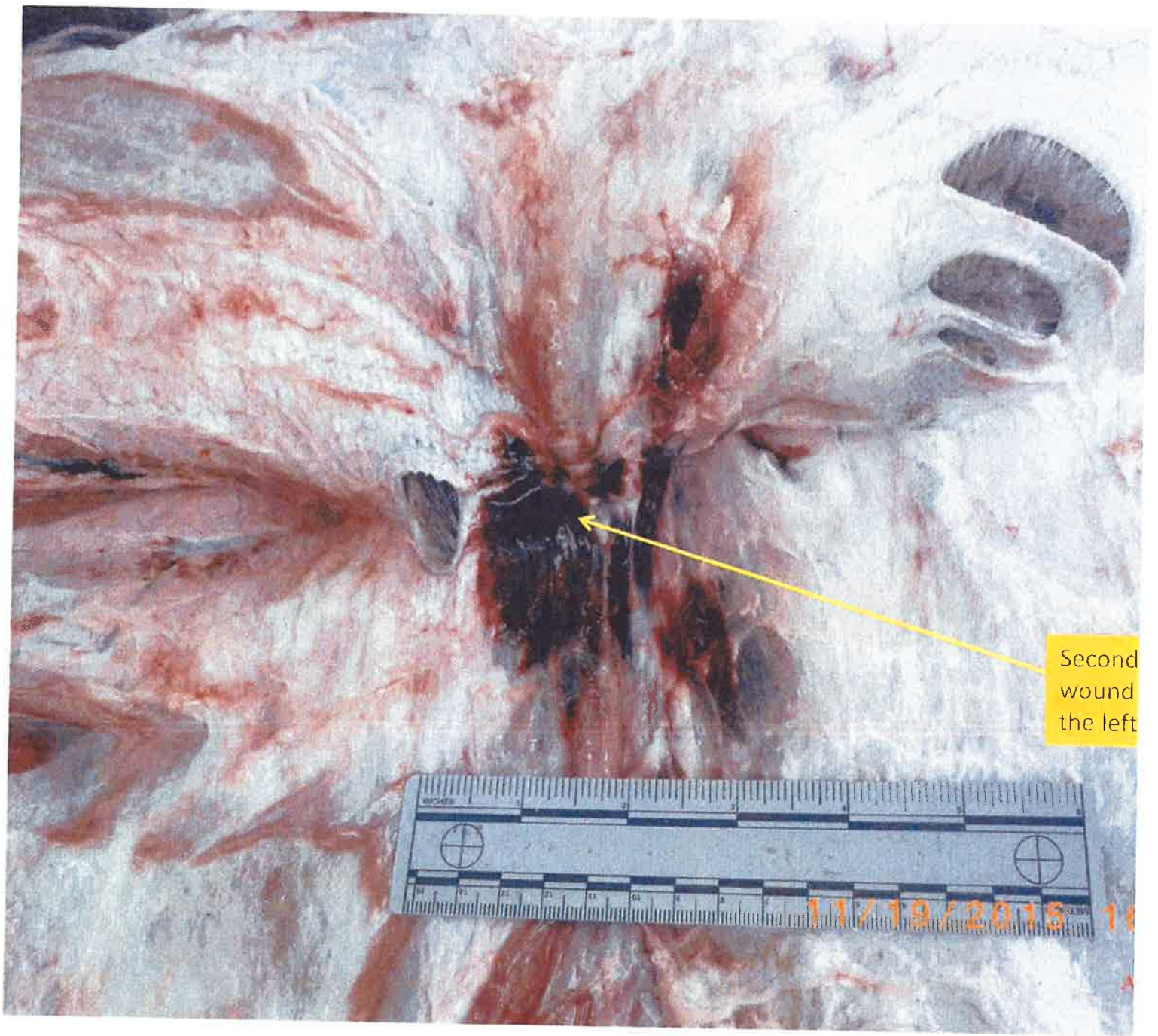
Second located entrance was on the front of the bear just forward of the right shoulder- likely entrance wound of the 1st bullet recovered from behind the left shoulder, mid-rib.





1st recovered bullet lodge fatty tissue

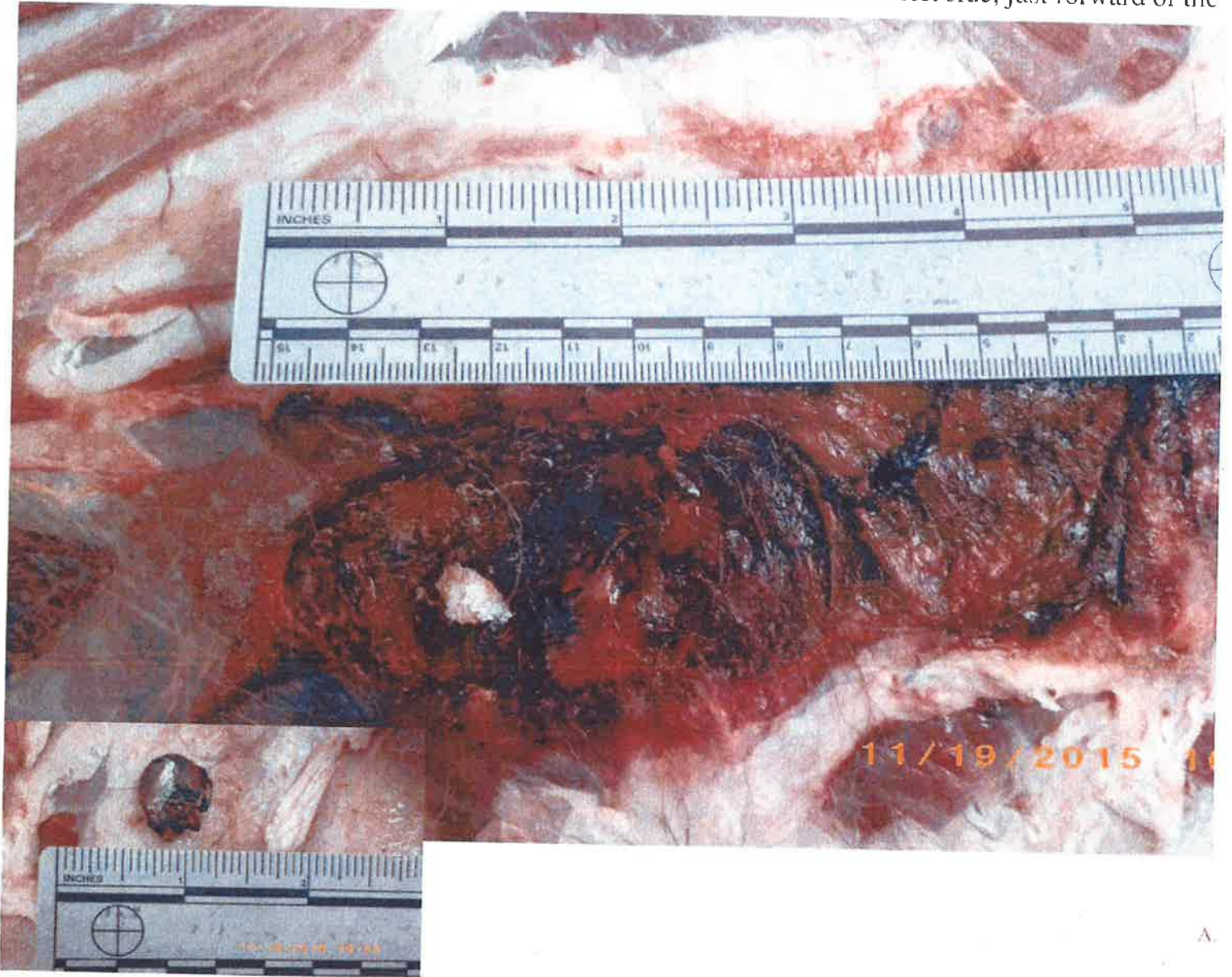
'exit' wound recovered located by front left rib.



Second wound the left

11/19/2015

Second bullet recovered in fatty tissue of hide- wound located on the left side, just forward of the



12/4/2015

DEPARTMENT OF THE INTERIOR Mail - RE: Follow-up on Grizzly Bear Phone Discussion

[b] (6); [b] (7)(C);

@nosler.com>

To: [b] (6); [b] (7)(C);

@fws.gov>

Thu, Dec 3, 2015 at 12:46 PM

Hello [b] (5); [b] (7)(C); thank you for supplying more pictures.

This does appear to be one of our bullets.

What I was looking to see was how much of the bullet was left unexpanded, in this instance your pictures show the bullets expanded all the way down the shank length to the solid base, at the boat tail junction. That is as far as it can possibly expand before disintegrating completely. In my assessment these expanded bullets exhibit the signs of impact at 3300 FPS or higher.

For reference, attached is an expansion picture of our Ballistic Tip in 30 cal. 150 gr (same bullet as your hunter stated, minus the black Lubalox coating) at an impact velocity of 3250 FPS. Our sample retained 55% of its original weight, and expanded to a diameter of .570"

If you have any further questions, give me a call or respond inline to this email.

Thanks!

**DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT**

REPORT OF INVESTIGATION
REPORT#: 2015605603R002
APPROVED - CASE CLOSED

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CASE TITLE

(b)(6);(b)(7)(C)

REPORT DATE
02/02/2016

CASE NUMBER
2015605603

REPORTING OFFICER

(b)(6);(b)(7)(C)

CASE STATUS
FEDERAL
CRIMINAL
PROSECUTION
PENDING

APPROVED BY

- (b)(6);(b)(7)(C) - 02/02/2016
- (b)(6);(b)(7)(C) - 03/31/2016
- (b)(6);(b)(7)(C) - 02/08/2016
- (b)(6);(b)(7)(C) - 02/02/2016

SUBJECTS OF REPORT

(b)(6);(b)(7)(C)

SYNOPSIS

On February 2, 2016, Special Agent (b)(6);(b)(7)(C) submitted a prosecution brief, the approved case report and attachment package to the U.S. Attorney's Office for the District of Montana for review. No further narrative shall be provided.

DISTRIBUTION

Internal List

(b)(6);(b)(7)(C)

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT

REPORT OF INVESTIGATION
REPORT#: 2015605603R003
APPROVED - CASE CLOSED

CASE TITLE

(b)(6),(b)(7)(C)

REPORT DATE
07/06/2016

CASE NUMBER
2015605603

REPORTING OFFICER

(b)(6),(b)(7)(C)

CASE STATUS
RECOMMENDED
FOR CLOSURE

APPROVED BY

(b)(6),(b)(7)(C) - 07/06/2016

(b)(6),(b)(7)(C) - 07/20/2016

(b)(6),(b)(7)(C) - 07/14/2016

(b)(6),(b)(7)(C) - 07/14/2016

SUBJECTS OF REPORT

(b)(6),(b)(7)(C)

SYNOPSIS

(b)(5),(b)(6),(b)(7)(C)

DISTRIBUTION

Internal List

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION

Title: (b)(6),(b)(7)(C)

INV#: 2015605603

Report: 2015605603R003

DETAILS OF INVESTIGATION

(b)(6),(b)(7)(C)

Disposition of Evidence

On July 5, 2016, Montana Fish Wildlife and Parks (FWP) bear specialist (b)(6),(b)(7)(C) requested that the bear's head and paws, that were being maintained as evidence, be transferred to FWP for educational purposes. On July 6, 2016, SA (b)(6),(b)(7)(C) transferred the following items to FWP (attachment 2):

1. One (1) grizzly bear head (ST# 642247)
2. Four (4) grizzly bear paws (ST# 642247)

On July 6, 2016, SA (b)(6),(b)(7)(C) disposed of the two (2) bullets recovered from the grizzly bear carcass (ST# 624212) (attachment 3).

All evidence has been disposed of. This case is recommended for closure. The 1A envelope will be mailed to the Regional Office in Denver, Colorado.

DESCRIPTION OF SUBJECTS

No new subjects have been identified.

PRIOR VIOLATIONS

Not applicable since no new subjects have been reported.

REPORT OF INVESTIGATION

Title: (b)(6),(b)(7)(C)

INV#: 2015605603

Report: 2015605603R003

WITNESSES

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

FWP Region 3 Bear Specialist
1400 South 19th Ave
Bozeman, MT 59718

(b)(6),(b)(7)(C)

LAWS VIOLATED

No new violations to report.

EVIDENCE

All evidence has been transferred and disposed of.

ATTACHMENTS

1. (b)(5)
2. Property Transfer Form (1 page)
3. Property Destruction Form (1 page)

UNITED STATES
DEPARTMENT OF THE INTERIOR

TRANSFER OF PROPERTY
TO GOVT AGENCY

Page 1 of 1

Report No.
2015605603R003

Date 7/6/2014

Transfer From: (Organization and Complete Address)

USFWS - OLE
Billings RAC
2900 4th Ave. N (b)(6),(b)(7)(C)
Billings, Montana 59101

Transfer To: (Organization and Complete Address)

Montana Fish Wildlife & Parks
Region 3 Office
1400 South 19th Street
Bozeman, Montana 59718

Appropriation and Accounting Data:
N/A

| ITEM No. | QUANTITY OR PROPERTY ID NO. | ITEM DESCRIPTION <i>(Includes model & serial number)</i> | ORIGINAL ACQUISITION COST (OAC) | CONDITION CODE |
|----------|-----------------------------|--|---------------------------------|----------------|
| 1 | 2015605603P001 | Four (4) grizzly bear paws & one (1) grizzly bear head (ST#624247) | N/A | N/A |

SHIPPING AND RECEIVING INFORMATION

| | | | |
|---|--|---|--|
| Date Shipped: N/A - Items already in possession | | Date Received: 11/19/2015 | |
| Authorized Signature: (b)(6),(b)(7)(C) | | Authorized Signature: (b)(6),(b)(7)(C) | |
| Official Title: Special Agent | | Official Title: Special Agent | |
| Adjustment to property records (Property Official Signature): | | Date Completed | Financial Official Signature (if Required) Date Completed |

* Official transfer in accordance with 50 CFR 12.35 -- wildlife / plants transferred for official use by another government agency. Official use includes but is not limited to: training, identifying protected wildlife and plants, educating the public, conducting law enforcement operations, presenting as evidence, and returning to the wild.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
DIVISION OF LAW ENFORCEMENT

CERTIFICATE OF DESTRUCTION
of Abandoned or Forfeited Property

FILE NO
2015605603

We, the undersigned, do hereby certify under the penalties of 18 U.S.C. 1001 that on the 6 day
of July, 2016 at Billings Sanitary Landfill (PLACE OF DESTRUCTION) the property described below was destroyed by disposal at
landfill (METHOD OF DESTRUCTION)

List of destroyed property 2 bullets (ST# 6242.12)

(b)(6),(b)(7)(C)

TITLE

Special Agent

TITLE

LESA

~~Resident Agent in Charge~~

DATE

7/6/16

DATE

7/6/16

WASHINGTON OFFICE

SAC, DISTRICT _____

SAC, DISTRICT _____

SAC, DISTRICT _____

OTHER _____

This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents, are not to be distributed outside of your agency.

RECORD OF INFORMATION THAT MAY BECOME TESTIMONY

INV #: 2015605603

Report #: 001

Title: CEMPER, Ryan J.

guy heard the shots, [REDACTED] said he was walking down the trail, "Coming home, 6:20 is deep in the dark." SA [REDACTED] asked for clarification if it was 6:20 this morning or last night, [REDACTED] said last night. (09min 55sec) [REDACTED] continued that he was just walking down the trail, stating, "All of a sudden, I don't know if I heard her, or just looked, or somehow, she was just right [REDACTED] there. And close enough that she made noise, growled, and I saw her well enough and that's time to sling lead. It didn't take too long to figure out what the hell was going on." [REDACTED] said he was walking back with the aid of a triple A Cabelas Alaskan Guide headlamp. [REDACTED] said it was a good head lamp, "But it's still a headlamp, when it's dark and you're looking at something 400lbs."

[REDACTED] said he was by himself. When asked who heard the shots, [REDACTED] said [REDACTED] may have already been inside, but there were two guys from Tennessee who heard them.

When asked how he was carrying the rifle, [REDACTED] said it was slung on his shoulder. (11min 10sec) When asked what he did once he saw the bear, [REDACTED] said while mimicking taking the rifle off of his shoulder and pointing it from the hip, "It was, boom." Using objects on the ground for reference, [REDACTED] explained the bear was about 10 feet away, stating, "And at night, don't forget night-time also seems a hell of a lot closer. It was close enough that there was, it was time to start slinging led." [REDACTED] continued, "I would seriously, I'd do it all over again, if you were holding a camera and if those two were there, she was, it was right there, it was time to shoot."

[REDACTED] said he shot the bear with a Weatherby 30-378. (12min 03sec) [REDACTED]
[REDACTED]
[REDACTED] confirmed he shot from the hip.

(12min 15sec) When asked about the bear's position in relation to himself, [REDACTED] explained the bear was to his left, off to about his 10 o'clock, slightly angled/ quartered towards him when he shot the first time, stating, "Other than that it's kind of a freaking blur, boom, boom." [REDACTED]
[REDACTED]

Location of Observation/Interview: [REDACTED] Interview

Interview/Observation by: SA [REDACTED]

Date: 11/19/2015

Date Prepared: 11/30/2015

Page 2 of 8

MFWP
Grizzly Bear Mortality Report
-draft-

Date Reported: 11/19/15

Date of Mortality: 11/18/15

Reported by: person involved in bear mortality

Cause of Mortality: reported as an encounter/DLP under investigation

Location of Mortality: Little Trail Creek (USFS land) Park County, MT.

UTM of Mortality: 520971 x 4991708 (83). T09S, R08E, section 03. elevation: 6928'

Bear ID: unknown/undetermined (mortality # 2015-58)

Age of Bear: adult (old age)

Sex of Bear: male

Investigated by: C. Kerin - MFWP. S. Conrad - USFWS
**** investigations have not been concluded with person involved in incident and physical evidence is being held by enforcement.**


Scenario & Disposition of Bear:

Little Trail Creek

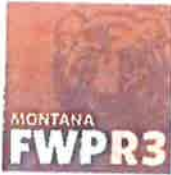
RP stated to dispatch he located a dead grizzly that had been shot. When I called him back he stated he is the one that shot the bear. RP stated the incident happened that morning. Shawn Conrad came down from billings. Conrad interviewed RP who stated it happened the night before on his way out from hunting. He hiked out after he shot the bear and then hiked back in with his father to make sure it was a Grizzly?????. They ended up rolling the bear into the creek trying to "identify" the bear..... RP stated he waited till morning to call Tip Mont because he did not think we were open. FS74, Conrad, RP and myself rode into the kill site and located the bear. Shawn located two bullets in the bear. We removed the paws and head and GPS caller and packed it all out. Shawn re interviewed the RP. The head and paws and caller will be given to Kevin Frey. We have some issues with the RP story of events that happened after the bear was killed. Conrad is looking into a few things on his side to determine if there worth pursuing.

Thanks

Chris Kerin
Montana Game Warden
FG-313
Gardiner District
Cell-406-224-5207
ckerin@mt.gov

sent
11/20/15






FOR IMMEDIATE RELEASE

APRIL 25, 2015

*should be
4-27-2016*

Andrea Jones (FWP), 406-994-6931, anjones@mt.gov
Amy Bartlett (YNP), 307-344-2015, amy_bartlett@nps.gov



OFFICIALS IDENTIFY GRIZZLY KILLED IN NOVEMBER INCIDENT

(Bozeman, Mont.)—Montana Fish, Wildlife and Parks has confirmed that the male grizzly bear shot in late November 2015 was the bear known to researchers as No. 211. No. 211 was killed in the Little Trail Creek drainage north of Gardiner, Montana on the Gallatin National Forest, an event under investigation by the U.S. Fish and Wildlife Service.

No. 211 was recognizable because of distinctive scars on the right side of his face likely the result of typical fights with other male grizzlies for females during mating season or to claim deer and elk carcasses. No. 211 was known to many photographers and wildlife watchers. For this reason, his life was often documented in the media.

In his prime, No. 211 weighed approximately 600 pounds. At his last capture in 2015, he had lost nearly half of his body weight, weighing in at only 338 pounds. His body condition was probably linked to his advanced age of 25 years. Less than 5 percent of male bears born in the Greater Yellowstone Ecosystem survive to 25 years.

The grizzly bear is protected by both the federal government and the State of Montana as a threatened species. The Service routinely investigates incidents affecting threatened and endangered species and is conducting an investigation with the assistance of Montana Fish, Wildlife and Parks.

###

Grizzly Bear Number 211 Press Release

In late November 2015, a 25 year-old male grizzly bear known as number 211 was killed during a bear-human conflict in the Little Trail Creek drainage on the Gallatin National Forest. Grizzly bear # 211 was recognizable due to distinctive scars on the right side of his face, probably the result of typical fights with other male grizzly bears, for estrous females and ungulate carcasses. Grizzly bear # 211 spent much of his life in Yellowstone National Park where he was observed by many photographers and wildlife watchers. In his prime, he weighed approximately 600 pounds. At his last capture in 2015, he had lost nearly half of his body weight, weighing in at only 338 pounds. His poor body condition was likely due to complications of old age. Due to his advanced age and poor body condition, he was not expected to live much longer in the wild. The circumstances that lead to his death are currently under investigation by the USFWS, no other information regarding the investigation is being released by the USFWS at this time.

Grizzly Bear Number 211 Talking Points

- **Age in 2015:** 25 years old.
- **First Capture:** 1993 at 3 years old. (management capture)
- **Last Capture:** 2015 at 25 years old. (research capture)
- **Home Range:** Grizzly bear #211 had a home range that extended from the east side of the Gallatin Mountain Range to the west side of the Absaroka Mountain Range and from Cooke City/Lamar Valley south to Hayden Valley.
- **Known Weights:**
 - 1993: 3 years old, 140 lbs.
 - 2001: 11 years old, 597 lbs.
 - 2013: 23 years old, 431 lbs.
 - 2015: 25 years old, 338 lbs.
- **Other information:** Grizzly bear #211 had distinct scars on the right side of his face. The scars were first observed in the year 2000 when grizzly bear #211 was eleven years old, and are likely the result of typical fights with other male grizzly bears for estrous females, ungulate carcasses, and during formation of the dominance hierarchy with other grizzly bears.
- The average age of grizzly bears in the Greater Yellowstone Ecosystem is approximately 20 to 30 years. The oldest known bear in the Yellowstone Ecosystem died at the age of 31.
- The last known radio-telemetry location of bear #211 was near Sour Creek in YNP on September 30, 2015.

28 March, 2017

Yellowstone grizzly known as Bear #211:

It was not known at the time of the report of a dead bear or during the initial field investigation by USFWS and MFWP law enforcement that the bear involved with the incident was Bear #211. It was reported to me (late 11/19/15) after the initial field investigation that the bear was "smaller" and was wearing a radio-collar.

On or about 11/22/15 I received from law enforcement, the radio-collar from the dead bear. Early that week (11/23 or 11/24) I confirmed that the collar (frequency) had been on Bear #211. Due to the bear's recognizable ID and as in any bear mortality investigation, law enforcement did/does not allow the release of his ID or specifics to the incident as it could hamper/complicate the investigation. The death of a male bear was sent to and posted on the IGBST website on 11/23/15. <https://www.usgs.gov/data-tools/2015-known-and-probable-grizzly-bear-mortalities-greater-yellowstone-ecosystem> The mortality number was posted as 2015 58. All bear deaths are posted as soon as possible on the website and those under investigation, do not have accompanying information.

On 5 July, 2016, the AUSA (attorney for Department of Justice) for the USFWS declined prosecution of the person involved in the bear mortality incident. Could not disprove self-defense.

On 6 July, 2016, the head and paws of Bear #211 was transferred to me (MFWP) by the USFWS. The parts from the bear will be used for science and educational purposes within the Yellowstone Ecosystem.

Kevin Frey
MFWP, Region 3
Grizzly Bear Specialist
1400 South 19th
Bozeman, MT. 59718

UNITED STATES
DEPARTMENT OF THE INTERIOR

TRANSFER OF PROPERTY
TO GOVT AGENCY

Page 1 of 1

Report No.
2015605603R003

Date 7/6/2014

Transfer From: (Organization and Complete Address)

USFWS - OLE
Billings RAC
2900 4th Ave. N Suite 301
Billings, Montana 59101

Transfer To: (Organization and Complete Address)



Montana Fish Wildlife & Parks
Region 3 Office
1400 South 19th Street
Bozeman, Montana 59718

Appropriation and Accounting Data:

N/A

| ITEM No. | QUANTITY OR PROPERTY ID NO. | ITEM DESCRIPTION <i>(Includes model & serial number)</i> | ORIGINAL ACQUISITION COST (OAC) | CONDITION CODE |
|----------|-----------------------------|--|---------------------------------|----------------|
| 1 | 2015605603P001 | Four (4) grizzly bear paws & one (1) grizzly bear head (ST#624247) | N/A | N/A |

SHIPPING AND RECEIVING INFORMATION

| | |
|--|---|
| Date Shipped: N/A - Items already in possession | Date Received: 11/19/2015 |
| Authorized Signature:  | Authorized Signature:  |
| Official Title: Special Agent | Official Title: Regional 3 Coordinator - State of MT |
| Adjustment to property records (Property) | Date Completed |
| | Financial Official Signature (if) |
| | Date Completed |