

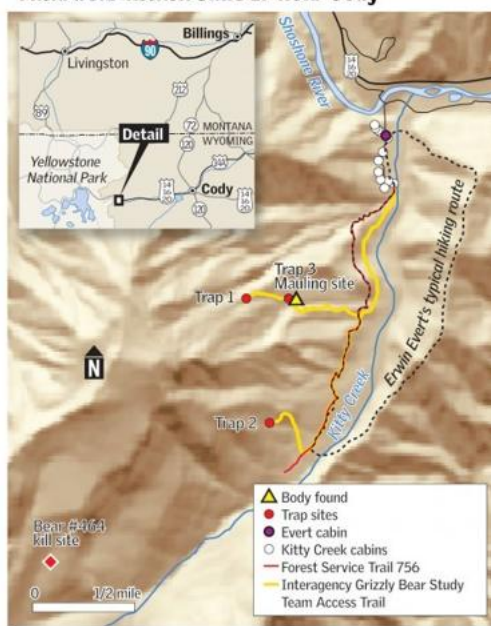
# Bear attack

## Bureaucracy complicated news of man's fatal grizzly mauling

RUFFIN PREVOST Gazette Wyoming Bureau

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Fatal bear attack June 17 near Cody



VIC ADY/Gazette Staff

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**C**ODY — Fatal bear attacks are rare, and the deadly mauling in June of a botanist by a grizzly bear that researchers had trapped and released just hours earlier is thought to be the first and only such incident in the United States.

Any attack on a human by a predator draws intense scrutiny from the news media and the public. But bear attacks around Yellowstone National Park happen in a politically charged climate where every rumor, fact and utterance can become fodder for a wider debate on wildlife management.

So it is hardly a surprise that in the two days following the death of Erwin Frank Evert, 70, of Park Ridge, Ill., various officials responding to the incident knew many of the same important details, but had different opinions about how, whether and when to share that information.

Internal communications and other documents from federal, state and local agencies gathered using public records laws show that wildlife officials closely monitored media coverage of Evert's death. But there was no single authority that represented a unified voice for a diverse group of individuals and agencies involved in grizzly bear management.

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Those documents, and interviews with officials involved with the response to Evert's death, also show that concern about politics, legal liability and interagency relationships complicated communications with the press and the public.

Evert, owner of a summer cabin in the Shoshone National Forest near the east entrance to Yellowstone National Park, had hiked along a trail near Kitty Creek on the afternoon of June 17. He was mauled to death by an adult male grizzly bear that had just hours before been snared, tranquilized, collared and released by researchers.

Differing accounts have emerged about how much Evert may have known about trapping efforts at the site where he was killed. It appears likely that he knew there was trapping in the general area, and may have been searching for researchers to learn more about their efforts when he was killed.

Wildlife officials, uncertain whether the bear's aggression toward Evert was natural or aberrant, tried without success to recapture it, and shot it dead from a helicopter on June 19.

Lab tests confirmed that the bear was the one that killed Evert.

Internal e-mails from the Wyoming Game and Fish Department show that local wildlife officials had a good idea of most of the relevant details of the attack by the morning of June 18, the day after it happened.

Dennie Hammer, public information officer in the Cody office of the Wyoming Game and Fish Department, compiled a fact sheet on the attack, and sent it at 11 a.m. to Eric Keszler, chief spokesman for the agency.

Inquiries that morning from The Gazette and other news outlets sent to Hammer were routed to Keszler, who referred questions about specifics of the trapping efforts and the attack to federal agencies managing bear research efforts.

Yet Hammer's e-mail to Keszler shows that they both knew an important piece of information that was already circulating in Cody as a rumor: warning signs at the trap site where Evert was killed had been removed by researchers as the bear was recovering from tranquilizers, but before Evert reached the area.

“Their protocol is to post warning signs during the trapping effort. They took the signs down after processing the bear yesterday,” Hammer’s e-mail states under a heading for information he received from Chuck Schwartz, a researcher with the U.S. Geological Survey, and head of the Interagency Grizzly Bear Study Team.

“I think we handled it well,” Keszler said Thursday of the Wyoming Game and Fish Department’s response to press inquiries about the incident.

“It’s just a confusing situation. Things are happening in the middle of the night and multiple agencies are involved. The press wants to know right away what’s going on, even when we don’t know,” he said.

But when asked why he or other Wyoming wildlife officials didn’t share information they did know on June 18 about removal of the signs, Keszler said, “You’re going to have to ask Chuck Schwartz that. That’s his information.”

Schwartz was out of the office Friday and could not be reached for comment, according to Suzanna Carrithers, a USGS spokeswoman.

Chris Servheen, grizzly bear recovery coordinator for the U.S. Fish and Wildlife Service, said Schwartz did not immediately tell him about the removal of the signs.

Servheen told The Gazette on June 18 that he was unaware of any concerns about lack of proper signage at the spot where Evert was killed.

“I wasn’t aware of it until the crew was interviewed when they got back to Bozeman, several days after the incident,” Servheen said Friday.

Servheen said he was in Missoula coordinating a plan with state and federal wildlife officials on whether to capture and kill the bear, and that he was not as informed about details of the incident as were some wildlife officials in Cody.

Because he is head of all grizzly bear management efforts, questions from the press about bear incidents usually work their way up to him, Servheen noted.

## **Liability fears**

Staff members at a virtual alphabet soup of state, federal and local agencies who had detailed information about the incident were either told by their bosses not to share it, or decided to sit on it for fear of crossing territorial boundaries, said one federal official based in Cody.

“That’s what makes us look like a bunch of idiots, or that we’re trying to cover something up, which was never the case,” said the official, who declined to be identified because he was not authorized to speak to the press, and feared reprisals from supervisors.

The day after the attack, regional supervisors for one federal agency told workers to make no public statements about the incident, according to the official.

They also were told not to use e-mail or other written communications to discuss the incident, because those would be subject to public records requests, and to shred any draft or final public statements created in response to the attack.

At a time when motorists were pulling over to watch a helicopter with a sharpshooter flying over the forest in an attempt to kill the bear, some federal officials were instructing staff members not to discuss with the press any such activity, the official said.

“No wonder people have conspiracy theories about us flying around in black helicopters,” the official said.

He said fears about legal liability for Evert’s death, combined with the politics surrounding bear management, created an information vacuum filled by rumor and speculation immediately following the incident.

“Every time something gets run up the ladder for approval and back, you’ve got someone in a cubicle in Washington, D.C., telling you how to deal with the public here,” the official said.

In fact, it was a local agency, the Park County Sheriff’s Office, that released the first and only official statement the day after Evert’s death.

Park County Sheriff Scott Steward said he did not think his agency was the appropriate one to issue a news release, but that he was asked to do so.

“I think it should have been handled by U.S. Fish and Wildlife, rather than my agency,” he said Thursday.

## Capture efforts

Steward said he thought the public should have known early on the day after the attack that wildlife workers were trying to recapture the bear but that he was asked to withhold that information from his press release.

Servheen initially said on June 18 that no effort would be made to capture the bear, even though local wildlife workers were trying to do just that at the time.

Servheen has since said he had not yet decided early June 18 on whether to kill the bear, but that efforts were being made to capture it alive.

Steward and other local officials said grizzly management politics dictated what information was released immediately after the attack, including whether the bear would be trapped.

State, federal and local officials in Cody communicated and worked well together, Steward said, but were hampered by out-of-state officials he thought were overly concerned about politics and public perception.

Servheen said he wasn’t involved in the decision to have Steward issue a press release.

He said the media response for each bear incident must be handled differently because “you want experienced people involved and talking to each other, rather than setting up a cookbook for what we do with the media.”

A March 30 memo written by Servheen and sent to Schwartz states that news releases “will be the responsibility of the state fish and game agency in close consultation with the administering land management agency (or tribe) and the grizzly bear recovery coordinator.”

The memo is part of a permit issued by Servheen authorizing Schwartz to capture grizzly bears for research, and outlining the conditions for when they may be killed after conflicts with people.

## **Investigation terms**

An April 2006 environmental impact statement governing management of human-grizzly conflicts in the Shoshone and other national forests outlines the procedure for investigations following “serious human injury or death.”

The document states that such incidents should be investigated “by an interagency team with members from the county law enforcement agency, state wildlife management agency, land management agency, U.S. Fish and Wildlife Service, National Park Service and appropriate outside experts as necessary.”

All of those agencies were part of the investigation into Evert’s death, except for the Park County Sheriff’s Office.

“Nobody was excluded, but we don’t normally have the sheriff’s department involved in those. But I wouldn’t be opposed to it,” Servheen said.

Steward said he was aware of the U.S. Forest Service document stipulating his agency’s involvement in the investigation, but that he “chose to opt out of it.”

“I don’t feel that’s our investigation or our place,” he said.

“When I look at something, I’m going to give the information the public needs to know. My opinion was they were going to try to restrict some of the information going to the public, and I don’t see where it should be restricted,” Steward said.

## **New protocols**

Since the incident, the investigation team has recommended new written protocols for warning signs, and those have been implemented, Servheen said.

A draft of those new guidelines states that for remote locations like where Evert was killed, “signs will remain in place for at least 24 hours after any bear has been captured and until the trapping crew determines that the bear has left the vicinity of the trap site via telemetry.”

In a reversal of previous policy, the new protocols also require a press release to be issued notifying the public of the broad, general location where bears will be captured.

Specific trapping locations will be more heavily and clearly signed but will not be disclosed to the public in advance, for fear of attracting undue attention. Land management agencies will be asked to close areas where trapping is taking place.

Also since the incident, attorneys for the Interior Department have instructed employees to “preserve all information related to” Evert’s death, in anticipation of a possible lawsuit.












A June 30 memo from the Office of the Solicitor General for the Interior Department states that “news articles contain allegations of government negligence including failure to warn.”

Though at least one of Evert’s friends said the botanist knew about dangerous bears and trapping efforts in the area, his wife and daughter have said Evert didn’t know about trapping at the site where he was attacked.

In comments published June 24 in the Chicago Sun-Times, Yolanda Evert, his wife, said the trail should have been closed and researchers should have briefed cabin owners about details of the trapping.

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