



<grizz@selway.umn.edu>

05/08/2000 08:12
AM

To: <Susan_Linner@fws.gov>, <MARGOT_ZALLEN@fws.gov>
cc: <MARGOT_ZALLEN@fws.gov>, <Charlie_Scott@fws.gov>,
<Jill_Parker@fws.gov>, <Johnna_Roy@r1.fws.gov>,
<MARGOT_ZALLEN.DOI@fws.gov>, <MARGOT_ZALLEN@fws.gov>,
<Robinson_Laird_A@fs.fed.us>, (bcc: Johnna Roy)

Subject: RE: RE: Bitterroot comments - FYI status

Susan,

The rule now states that any experimental animal that is marked and identifiable is still considered an experimental animal even if it leaves the experimental area.

Chris

Christopher Servheen

USFWS

University Hall, Room 309

University of Montana

Missoula, Montana 59812 USA

FAX 406-329-3212

-----Original Message-----

From: Susan_Linner@fws.gov [mailto:Susan_Linner@fws.gov]

Sent: Monday, May 08, 2000 9:00 AM

To: MARGOT_ZALLEN@fws.gov

Cc: MARGOT_ZALLEN@fws.gov; Charlie_Scott@fws.gov; grizz@selway.umn.edu;

Jill_Parker@fws.gov; Johnna_Roy@r1.fws.gov; MARGOT_ZALLEN.DOI@fws.gov;

MARGOT_ZALLEN@fws.gov; Robinson_Laird_A@fs.fed.us

Subject: Re:RE: Bitterroot comments - FYI status

Let's talk about the issue of going back to court on our next conference call (Mon. 15th 8:30-10:30). As to experimental animals, our 10(j) rules have always said that any animal inside the experimental area is an experimental animal and any animal outside is considered to be fully listed. It gets muddled somewhat when we take control actions, as with wolves, but I don't know why we would want to make an exception in this case.

Susan

Susan Linner

Ecological Services Program Supervisor

Northern Ecosystems

U.S. Fish and Wildlife Service

R6 Denver, CO

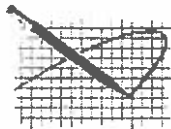
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MARGOT
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05/01/2000

To: <grizz@selway.umn.edu>@FWS,
<MARGOT_ZALLEN@fws.gov>@FWS,
<Susan_Linner@fws.gov>@FWS,



MARGOT ZALLEN

05/01/2000 10:29
AM

To: <grizz@selway.umn.edu>, <MARGOT_ZALLEN@fws.gov>,
<Susan_Linner@fws.gov>, <Jill_Parker@fws.gov>,
<MARGOT_ZALLEN.DOI@fws.gov>, <Charlie_Scott@fws.gov>
cc: <Johnna_Roy@r1.fws.gov>, <Robinson_Laird_A@fs.fed.us>, (bcc:
Johnna Roy)

Subject: Re:RE: Bitterroot comments - FYI status

Yes, it would be better to have the habitat criteria done. Perhaps what we should do is get DOJ ready to go to the court at the same time as you issue the final habitat criteria. You will have to give me plenty of warning of the date to get them to do anything as they are also very busy.

Yes it would be more work now. I need to hear from the region on its ideas relating to my question and the workload issue is one of the reasons for my query.

The 11/99 version of the rule, the last one I have a copy of, says that a griz outside of the experimental area is a threatened bear unless it is marked or otherwise known to be an experimental animal. Is there any reason to revise this? Will there be circumstances when it is important for someone to know immediately if it is experimental when encountering one in the wild? I assume that you will have the DNA for all bears released and could if need be capture and find out if it experimental. What are the criteria for determining what to do with a collared bear that goes a trip and ends up outside the experimental area?

Reply Separator

Subject: RE: Bitterroot comments - FYI status
Author: "Chris Servheen" <grizz@selway.umn.edu>
Date: 5/1/00 11:42 AM

Margot,

Some of the earthjustice Inc. comments also talk about their interpretation that the Bitterroot chapter of the rec plan is "inadequate" as per the court case because it uses females with cubs as a counting method. (Note that the plaintiffs have never suggested an alternate method. Their approach says what we use is "inadequate" but they have no better way.) I am not sure how to react to your suggestion. If we do something now, I assume this means another lawsuit and associated legal demands for a protracted period. This may delay other actions such as completion of the CS. I am already in a big budget hole and cannot accomplish things the WO and RO want done. Litigation at this time will exacerbate that problem.

It may be better to do this now, but we do not have the habitat criteria done yet. Would we have to have that done?

On another subject, several comments on the FEIS ask if experimental animals that are marked and leave the experimental area remain experimental animals no matter where they are. Your response?

Chris

Christopher Servheen
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-----Original Message-----

From: MARGOT_ZALLEN@fws.gov [mailto:MARGOT_ZALLEN@fws.gov]
Sent: Friday, April 28, 2000 1:37 PM
To: grizz@selway.umd.edu; Susan_Linner@fws.gov; Jill_Parker@fws.gov;
MARGOT_ZALLEN.DOI@fws.gov; Charlie_Scott@fws.gov
Cc: Johnna_Roy@rl.fws.gov; Robinson_Laird_A@fs.fed.us
Subject: Re:Bitterroot comments - FYI status

I got a call from Hank Fisher who is working on comments on the CS and his attorneys tell him that the lack of closure for the recovery plan case should be reflected in his comments. I told him that what we want are his comments on contents of the CS and not muddle this up with litigation. But that set me thinking that it may be better if we go to the court first and tell him why our reassessment document should be found to be adequate (including the limited use of females with cubs) rather than have to overcome inflammatory conclusions by the plaintiffs. We don't really need to know the answer til delisting or amending the plan but there is a benefit to being on the offensive. It would mean more work now. What say you, FWS? (don't know if DOJ would want to do that but we could convince them if needed or at least try to do that.)

Reply Separator

Subject: Bitterroot comments - FYI status
Author: "Chris Servheen" <grizz@selway.umd.edu>
Date: 4/28/00 5:14 PM

We have reviewed the comments on the FEIS. There were approximately 800 written comments including emails, letters, and faxes. A box of several thousand postcards with preprinted comments also was received.

A significant non-comment was from Gov. Racicot. He sent no comment letter.

Now, we will:

1. Gather together the comments that have a litigious approach and send them to Margot for her review and comment. These are from possible (almost for sure) litigants such as Gov. Kempthorne, Sierra Club/Earthjustice Inc. (2 letters), Fremont County (ID) commissioners, Idaho Farm Bureau, and the Mtn. States Legal Foundation. There are 6 of these comments.
2. Gather together the comments dealing with errors in compliance with USFS NEPA requirements and Laird will take these to the Agriculture solicitor and the USFS NEPA folks in the RO. There are 2 of these letters and both of them are the work of Steve Mealey via the Idaho Outfitters and Guides Assoc. and the Boone and Crockett Club.
3. Johnna, Laird and I will meet Monday and review the substantive comments relating to necessary clarifications in the document on Monday. We will begin

to make those fixes in the document. Most of these are clarifications, rewording, or other non-substantive changes.

Margot should get her letters next week. After her review, we need to talk together about how to address some of the issues in these letters. Laird will try to get a response from the USFS NEPA folks in the next 2 weeks.

It now appears that multiple litigation from both sides is almost certain. This will require significant staff time for a considerable time period depending on the wording of the ROD.

Chris

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Susan Pultz

05/02/2000 08:58
AM

To: Johnna Roy, grizz@selway.umn.edu, Susan Linner, Jill Parker, Bob
Ruesink, Chuck Davis, MARGOT ZALLEN
cc: Charlie Scott, Martin Miller
Subject: grizzly 10(j) rule

Attached is a copy of the grizzly 10(j) rule as it went to our Deputy Chief. There are likely to be a few more minor changes, but we promised you all a chance to take another look, so here it is. We'd appreciate any comments by COB Thursday.

The main change is that the long discussion on the CMC in the background section has been reduced substantially (to 2 pages). This change is in part because the presentation of the CMC in the background was different, particularly in the order that issues were raised, from that in the rule. It was confusing to the reader. Also, because the rule itself is in plain english and very accessible to any reader, it didn't seem necessary to have it repeated in two places in the same document.

Johnna, It looks as though we will need the flow chart with changes. Please call if you have questions, and fed ex it to us ASAP. Thanks.

The following are some points that we could use some help with from Chris, Johnna, or whomever:

9(ii) - Soliciting technical advice and guidance from outside experts.

This needs to be fleshed out more with some examples of who and how, e.g. Scientific advisors, peer review, assistance of experts from State and Federal management agencies etc.

12(i) - How will the Bitterroot grizzly bear population be monitored?

Same comment, but it's even more essential that this is explained further or deleted. Who will monitor? How often? Is this something that the Committee will decide? If so, should it be listed as one of their duties? If not, should we give more thought to how it will be monitored?

9(v) - ...Given the large size of the Committee, an affirmative vote by a simple majority will be considered sufficient to approve any Committee decisions.

Do we want to get into such specifics in the rule?

9(vii) - ...The Committee review of grizzly bear mortalities will be the primary mechanism to assess the adequacy of existing mgmt techniques...

Is this correct? It reads as though current standards and guides are considered adequate unless a mortality occurs. There are many negative impacts that poor stds and guidelines can have short of death of an individual grizzly (disturbance of denning sites, loss of habitat etc.).

9(ix) - Developing and making recommendations on response protocol for responding to grizzly/human encounters... within the Experimental Population Area.

Does the Committee make recommendations on response protocol only for conflicts within the Experimental Area? Do they also make recommendations

for bears that roam outside this area? We may want to say within the Bitterroot Ecosystem.

- 9 (xiii) - Why only two criteria, which both relate to failure? Do we have general guidelines for establishing if there's been a success? More guidelines in general? It looks incomplete.

Thanks for getting back to Charlie or me once you've taken a look at this. We can both be reached at 703/358-2106. FYI, I will be out of the office on Thursday and Friday, May 4 and 5.

sp

(See attached file: GRIZBIT.frul9.wp)