

## **Ground Rules, Roles & Responsibilities**

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### **Canada Lynx SSA Expert Elicitation Workshop**

#### **Introduction**

We, the U.S. Fish and Wildlife Service (Service) invite you to participate in a workshop for scientific experts to address the current and likely future status of the contiguous U.S. Distinct Population Segment (DPS) of Canada lynx (*Lynx canadensis*). This meeting, scheduled for October 13-15 at the Bloomington Crowne Plaza in Minneapolis, is part of our process for collecting the best available scientific information for assessing the status and considering the viability of this DPS. The status assessment will inform the Service's upcoming decisions on listing and recovery planning.

An important aspect of this meeting is ensuring that it complies with the Federal Advisory Committee Act (FACA) and the Administrative Procedure Act (APA). The ground rules stated below are intended to serve this purpose. These ground rules are also intended to ensure that the meeting focuses on providing the Service with the best available scientific information for our status review and subsequent decision making under the ESA.

#### **Principles Underlying These Ground Rules**

ESA: As stated above, this meeting is part of our effort to obtain the best available scientific information relevant to the status of the Canada lynx, as required by the ESA. Thus, we will not ask for input from participants on the decisions that are the Service's responsibility under the ESA. Rather, we are only seeking expert, unbiased input on the types of questions the Service has provided you for use assessing the species' status and likely future viability. The expert meeting will provide one source of information, among others, that we will consider in making determinations and decisions under the ESA.

FACA: The purpose of the FACA is to ensure that advice provided to the Executive Branch of the Federal government by advisory committees is transparent and accessible to the public. To achieve this purpose, FACA mandates a process for establishing, operating, overseeing, and terminating advisory bodies that are covered by the Act.

Groups that are assembled to provide individual advice to a Federal agency, rather than advice from the group as a whole, are not covered by FACA and hence are not required to comply with FACA's procedural requirements. The same is true of groups assembled to exchange facts and information with a Federal agency. The meeting you will be attending will be structured and conducted to meet both of these criteria: The primary purpose of the meeting will be to exchange facts and information and, to the extent any advice may be sought on biological or other questions relevant to the Service's status review, that advice will only be sought on an individual basis, *not* from the group as a whole. Maintaining these sideboards is critical to ensuring that the meeting does not violate FACA's requirements for advisory committees.

APA: The APA requires Federal agencies to maintain and make available for public review all information used in developing and making final decisions. The APA also mandates that judicial review of any final Federal decision be based on the administrative record that includes all records presented to or used by the Federal agency in making the challenged decision. As a result of both of these APA requirements, the Service must maintain open, public records to document its decision making process regarding the Canada lynx. Therefore, information gained via this meeting will be documented and will be subject to public disclosure through the processes just described. This documentation will also be subject to release upon request under the Freedom of Information Act (FOIA).

## **Ground Rules**

1. The Service is only seeking the best available scientific information from the experts participating in this meeting.
2. The Service has developed a meeting agenda that, among other things, identifies the scientific questions on which the Service seeks the scientific expertise of the meeting participants. The meeting participants should focus their participation in the meeting on providing information that is responsive to these questions.
3. The Service invited the individuals participating in this expert meetings based solely on their scientific qualifications, rather than as a representative of a particular organization or interested party. Accordingly, the participants should share their scientific expertise during the meeting and not seek to represent any particular position of an agency, their employer, or other interested party.
4. Participants should fully disclose to the Service and all other participants any potential conflict of interest (such as a commercial stake) in the Service's decisions regarding the Canada lynx.
5. The Service is not asking for and will not accept input at this meeting on the decisions it is charged with making under the ESA. The Service retains full control over ESA decisions and no pre-decisional discussions will be entertained.
6. Participants should follow standard norms of behavior for effective meetings so that the Service can receive the information it seeks from all participants. The Service encourages an open, inclusive, and science-based discussion characterized by respectful, orderly dialogue.
7. Any opinion from any participants in this meeting will be provided on an individual basis and not from the group or from subgroups as a whole. Group debate is encouraged, but the Service does not seek consensus or collective advice on issues to be discussed, and such consensus or collective advice should not be provided.
8. Information provided by participants through the course of the meeting will be documented in meeting notes and a written summary report by the Service. The notes and corresponding report will become part of the administrative record for use in agency decision making. The meeting documentation will summarize the biological and other scientific information gained during the meeting. Consistent with the preceding ground rule limiting advice to individual advice only, this report will document any

advice provided by a meeting participant on an individual basis. If anonymity is a concern, we will use a coding system to identify individuals.

9. Conference calls or other communications between the Service and meeting participants may occur after the meeting to clarify, for documentation purposes, the information discussed at the meeting. Any such communications will also be subject to these ground rules.

## **Roles and Responsibilities**

Each participant at the meeting will play a distinct role with certain responsibilities. These roles include species experts, consulting experts, Service leads, facilitators, core team members, note takers, and observers. The responsibilities for each role are outlined below.

**SPECIES EXPERTS:** Species experts will be asked to respond to specific questions regarding the population-level and species-level viability of the Canada lynx. These experts will also be expected to share status information about the listed populations, either through assigned presentations or discussion. All experts with relevant information or opinions regarding a specific question will be expected to provide their input on an equal footing, and to provide their level of confidence in their input. Species experts will be asked for information on the exposure and response of individual animals, populations, and/or the rangewide population to effects such as changes in hare abundance or human-caused mortality. Species experts may be asked, when divergent data or opinions are provided, to discuss the basis for these differences. Finally, species experts will be asked to identify critical uncertainties regarding the current and projected status of the lynx.

Species experts will be seated as a formal group and will work with facilitators who will elicit their input on the essential questions surrounding the status of the lynx DPS.

**CONSULTING EXPERTS:** This role comprises experts who have specific knowledge of conditions that may affect the Canada lynx. For this meeting, this includes individuals with expertise in climate change, snow conditions, snowshoe hare abundance, and the regulatory environment. These experts will provide rangewide information on the conditions affecting lynx now and into the future, either through assigned presentations or by consulting with the species experts upon request regarding specific cause-and-effect questions.

The consulting experts will be seated outside the species expert group but will be expected to follow the discussions and provide input as needed.

**SERVICE LEADS:** The lead biologist and Field Office Supervisor for the listed lynx DPS will welcome participants, provide logistical support, address relevant background questions, and monitor the proceedings. Most importantly, they will guide the SSA process following the expert meeting toward fruition of the status assessment.

Service leads will be seated near the front in order to provide support and closely follow the elicitation.

**FACILITATORS:** Three facilitators will, in turn, guide discussions and elicit expert input on specific questions. Facilitators are charged with making orderly progress on the essential questions regarding the

status of the lynx, and with ensuring that all voices are heard. Facilitators, in concert with the Service leads and core team, will also be responsible for adjusting the agenda and the essential questions as needed in response to the information and analysis put forth each day.

CORE TEAM: In addition to the Service leads, a core team of Service biologists has been convened to work on the SSA. These biologists are responsible for providing input into the assessment and acting as liaisons for experts and interested parties in their parts of the DPS range. During the meeting, individuals on the core team will observe, provide input when asked, and share in the note-taking responsibilities when asked.

Core team members will, like the consulting experts, be seated near the species expert table and will be available to address questions of clarification, etc., when asked.

NOTE TAKERS: As mentioned in the Introduction, careful note-taking will be conducted. The lead note-taker will be supplemented by additional note-takers, as needed, from the core team. Notes will be consolidated each day and used during the meeting to help frame further questions and discussion.

Note takers will be provided seating wherever needed to capture the discussions.

OBSERVERS: A limited number of observers can be accommodated at the meeting. Observers will take their role literally and confine their participation during meeting time to listening to the presentations and discussions without comment. We acknowledge that there will be sideboard interactions during breaks and other times outside the meeting, but we ask that observers not carry these back into the meeting.

Observers will be seated at the back of the meeting room.