Yellowstone Ecosystem Subcommittee Spring Meeting Minutes
April 13/14, 2016 West Yellowstone, MT

Members present:
Joe Alexander, Shoshone National Forest
Mary Erickson, Custer Galltin National Forest
Melany Glossa, Beaverhead-Deerlodge National Forest
Loren Grosskopf, Wyoming County Commissioners Association - Park Co
Cornie Hudson, BLM – Montana
Dan Wenk, Yellowstone National Park
Brian Nesvik, Wyoming Game and Fish Department
Tricia O'Connor, Bridger-Teton National Forest
Tom Rice, Montana Association of Counties - Beaverhead County
Chris Servheen, USFWS Grizzly Bear Recovery Coordinator
Garth Smelser, Caribou-Targhee National Forest
Frank van Manen, USGS Interagency Grizzly Bear Study Team
David Vela, Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway
Gary Pollack, Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway
Leander Watson, Shoshone Bannock tribes
Delissa Minnick, BLM – Wyoming
Steve Schmidt, Idaho Department of Fish and Game
Matt Hogan, USFWS, Denver
Jodi Bush, USFWS, MT
Rick Hoteling, BLM, MT
Sandi Fisher
Sam Sheppard, FWP, MT
Ken McDonald, FWP, MT

DRAFT

**Wednesday, April 13, 2016 1:00 p.m.**

**Welcome and Introductions: Mary Erickson**

- Introductions and roll call

**Fall 2015 Meeting Minutes Approval: Mary Erickson**

- Motion by Brian Nesvik to approve Fall 2015 minutes
- Motion seconded by Loren Grosskopf
  Motion Carried

Approved and will be posted on IGBC website: http://igbconline.org/yellowstone-subcommittee/

## Discussion on Public Input Process: Mary Erickson

We need to think about how we balance the work of the YES committee and the dialogues we need to have to be responsive with the public. At the Jackson meeting we had committee members ask clarifying questions and then the public could ask clarifying questions on specific topics like new scientific information. We also had public comment periods at the end of each day. I got good feedback from the public on clarifying questions, but the feedback from the committee was all over the map on that process. Today the public comment period will be at the end of the session and will be 3 minutes or less, depending on how many commenters we have. Signups sheets are in the back. This YES meeting will be a working meeting, and time is at a premium, so we will not have time for clarifying questions and public dialogue. The public had opportunities to comment to FWS hearings open houses in Cody and Bozeman. Today we will be working on understanding the rule, the process and our role on the Conservation Strategy. Today the time will be used for trying to understand the products that are out there, what's in the delisting rule, understanding some of the process there, and then to have an in-depth session on the Conservation Strategy. The charter of YES is focused around our common work on a conservation strategy, the guiding management philosophy that would be in place if and when the grizzly bear is delisted. We will have presentations on the rule and the strategy and then a chance for the committee to ask procedural questions on what's next, the timeframes, how does this work. Then we will begin to identify substantive issues and concerns so we can map out our process as a committee moving forward.

## Presentation to Chris Servheen: Mary Erickson

Presentation to Chris Servheen who is retiring after 35 years as the Fish and Wildlife Grizzly Bear Coordinator—grizzly bear paw plaque from the IGBC and a gift certificate from the YES committee.

## Overview of Proposed Delisting Rule: Chris Servheen




http://igbconline.org/yellowstone-subcommittee/

This presentation does not replace reading the rule and I urge you to read and comment. There are three documents: the proposed delisting rule; conservation strategy; and revised demographic criteria.
Documents can be found and you can comment here:
http://www.fws.gov/mountain-prairie/es/grizzlyBear.php

Don't email comments. There will also be a non-government scientific peer review of all three of these documents and will be part of the public record. Decision late fall or winter 2016, 2017.

A major comment issue at the public hearings was connectivity to other ecosystems. We would like to see occasional male movement between these ecosystems. We've done a lot of work looking at the genetics of the Yellowstone Ecosystem and the genetic health of the population, and right now see no threats to the population because of genetics. However it's not a good idea to have an island population and reconnecting island populations is always beneficial to long term population. In the rule we talk about the importance of facilitating the movement of occasional males. The optimum situation is a male would move in and breed with a local female to move genetic material between the systems. Every grizzly bear that dies or is captured in the Yellowstone Ecosystem is genetically tested because we can identify where any bear in this area comes from. To date no NCDE bears has shown up down here, but we have gotten bears just north of Butte and between Helena and Butte in the past 5-7 years. That's about half way there. One example of distance a bear can go is a sub adult grizzly bear was shot by a hunter and genetic testing showed he was from the Selkirks, 140 air miles away. We believe within ten years we'll get one of these bears into the Yellowstone. In order to facilitate that, the Forest Service is going to put in food storage orders on all lands intervening the habitat to minimize potential for conflicts. They will also put up signs alerting hunters. We want to give bears every opportunity to move through successfully. I think it's just a matter a time til we have them cross I-90, get into the Tobacco Roots and the Gravellys and eventually get into the Yellowstone Ecosystem. We can't make bears move or prevent them from moving. What we can do is facilitate the opportunity and that's what we're trying to do.

**Overview of 2016 Draft Conservation Strategy-Matt Hogan**

Chapter 1 Introduction and Background

This summarizes and describes the coordinated efforts to manage bears. It's to specify the population habitat nuisance bear standards that we hope to maintain to keep the bear recovered. Another purpose is to document the regulatory mechanism and legal authorities, both federal and state that will help us to continue to achieve recovery, and a commitment document of agencies around this table to their pieces and parts.

Chapter 2 Population Standards and Monitoring

This chapter focuses on population standards and monitoring and is best summarized in a table at the end of the CS. It talks about our 3 recovery criteria: the 500 bear minimum population; 16/18 recovery units with females with cubs; 3rd one has some modifications to manage the long term average population and confidence interval. It talks about the Chou 2 estimator and the protocol of how annual mortality limits will be set. It starts with the study team's annual population estimation. There's a chart tiered on mortality limit based on population so it's more conservative the closer you get to long term average and it's more liberal the farther away you get from that. The focus is really on mortality limits for independent females with 7.6 being the number where we achieve stability, and as we go above that long term average, a slightly increasing allowable mortality on females all the way up to 10%. On males it basically starts around15% and works up to 22%. The regulatory mechanisms from the states are articulated in a 3 state MOA that the states are working on finalizing. There's also some conversation on the management review by the study team. Every 5-10 years the study team

will take a look at the overall demographics and report back to the YGCC and inform them about what's going on in the ecosystem.

Chapter 3 Habitat Standards and Monitoring
Commitments made by the Forest Service and Park Service in plans and regulations, the most important being the commitment to the 1998 levels in each of the BMUs on development of motorized, access, roads, etc., as well as details monitoring of total motorized access routes in each of the BMUs, monitoring of the 4 biggest winter food sources: winter ungulate carcasses, cutthroat trout spawning numbers, better use of army cutworm moth sites, whitebark pine.

Chapter 4 Management and Monitoring of Grizzly Bear-Human Conflicts
Focusses on human bear conflicts and how best to manage that with a 4 step approach of removing and securing any attractants that are potential conflicts, deterring bears from sights through adverse conditioning, capturing and relocating nuisance bears when necessary, and last, lethally removing bears from the wild if there's no other way to address it. The focus and intent is to prevent grizzly bear human conflicts.

Chapter 5 Information and Education
A big piece is to help people focus on coexisting with bears and want that to continue in a post delisting environment and this chapter highlights many of the commitments made around this table to continue I &E efforts for people who live, work, and recreate in bear country.

Chapter 6 Implementation and Evaluation
The YES committee morphs into the YGCC and becomes the group that will continue to provide oversight to the CS, and be the form through which the different federal and state members who manage both the bear and the habitat in the ecosystem to work together and cooperate on management of the species. It also talks about to some degree the I & E effort and the YGCC role. It also talks about biology and monitoring review that the study team would do periodically but also if certain things happen that would result in the study team conducting a biology and monitoring review. The focus there is to identify the reason why particular demographic habitat objectives are not being achieved and if in fact that is occurring, consider the potential impacts of the proposed actions of concern to one or more members of the YGCC, to consider any departures by one or more agencies from the monitoring effort required under the CS, and also to establish a scientific basis for any possible changes to the management. The study team continues to operate much like they do today, working directly with the YGCC on management of the bear in the post delisting environment.

Chapter 7 Existing Authorities
Federal agency authorities and how they implemented their commitments in the ecosystem through different regulations and planning efforts, and also the authorities of the three states to manage bear mortality in a post delisting environment.

That's a quick summary of the conservation strategy. A lot of the details Chris covered in the rule are seen in the conservation strategy and there's a few places where the rule goes into

DRAFT

more detail. There will be further discussion today on the conservation strategy and where we go from here, how do any potential changes get made to it leading up to the ultimate signature of the MOA implementing the conservation strategy among the parties around the table, and that's a really big part of our ability to finalize the proposed rule if get there. The commitments in the document by the federal and state agencies are a paramount way keep species recovered in a post delisting environment.

**Clarification and Process Related to Proposed Rule/Conservation Strategy-YES Commettee**

*Mary Erickson*-next couple hours we'll segment in 2 pieces; first to delve into process, clarify how parts and pieces come together. There is not something written down that describes all the next steps and how this all comes together. We know that there's the public comment on the delisting rule, work on the state plans, work on the conservation strategy, peer review science on the delisting rule, and some type of iterative process over the next six to eight or more months. The first hour we will try to delve into clarifying questions, what's in the rule, the CS, and how we anticipate how the parts and pieces come together. Our intention is to get as much clarity as we can, and potentially outside of this YES meeting, map out how those parts and pieces come together.

The second hour we'll put together from the committee and staff, substantive issues we have with the CS.

**Clarification and Process Q & A related to Proposed Rule and CS**

*Steve Schmidt*-Questions on the roles and responsibilities relative to the CS for both the committee and the Service

*Matt Hogan*-process a little reversed this time…commitments in strategy largely by YES committee-states and federal land managers. Would like to see YES play bigger role in CS and ultimately get it signed by everyone.

*Dan Wenk*-Let's assume the YES committee comes to agreement and signs…how does YES work on CS play into public comment on CS, analysis done by FWS. When and now do those meet? How does the process work to get to a final CS, given that the public also has input?

*Matt Hogan*-would have to funnel those comments on the strategy with YES as they go through their deliberative process. You would want to know what those comments are before decision to sign. We're going to have to decide, based on how significant those changes are, what we do in terms of maybe putting it back out for public comment or not.

*Dan Wenk*-when would you expect we will have the benefit of the public comments?

*Chris Servheen*-We're very likely going to extend the comment period because we have received several comments about that. Right now we're thinking about 45 days, which means the comment period would close in late June. We have comments coming in on three different

DRAFT

documents and will probably have several hundred thousand comments to deal with. It will probably be September or October at the earliest. At that point it would overlap with the Fall YES meeting, so we could have a summary of the major issues that the public has that could be provided to YES for consideration along with the YES concerns. We would have the 10-20 major concerns addressed as to what we plan to do, and that could be provided to the YES committee. We would expect to work with the YES on the completion of the document. Everybody has to agree to it to have it be implemented.

*Dan Wenk*-will the recovery plan be updated before the final rule?

*Chris Servheen*-the demographic criteria that are out for public comment would have to be finalized at the time of the rule or shortly before it.

*Mary Erickson*-develop roadmap of sorts how YES, agencies, and Service come together. I assumed value in YES members in developing major concerns with CS and begin to work on those, recognizing some of those are issues the public would have a well. We need to make progress on agency issues while waiting for public comment.

Vision, given that public comment is in process, different agencies are at different places in engagement in the process. I assume that the Forest Service would as an agency, comment on the proposed rule, but not necessarily on the conservation strategy, because it's invested in the YES comments.

*Steve Schmidt*-who will take the lead on assembling the next draft of the CS?

*Chris Servheen*-representatives of all the agencies—YES committee. The strategy is used by the Service to demonstrate the existence of adequate regulatory mechanisms, which is one of the requirements for status change. The document has to be good enough for the Service to get it through the court system.

*Mary Erickson*-last time there was an interagency technical committee that did work outside of the meetings and then brought it to the YES committee.

*Brian Nesvik*-like the points YES committee owns document and begin to work on components that are issues. We need to begin to work on it now, and ask the Service to acknowledge we need the information as soon as possible. We need to make sure adequate opportunity to do due diligence to public comments. We need to have discussion of what the CS is…coordinating document from all entities who have a role. Demonstration of regulatory mechanisms…YES body has no legal authority to manifest the mechanisms. The court didn't address decision if strategy itself is a regulatory mechanism.

*Chris Servheen*-the strategy is not a regulatory mechanism but it details the mechanisms that are in place. The strategy and rule should be the same in habitat and demographic sections. It details the rules the agencies will use and signing it demonstrates they will implement those.

DRAFT

Ten years from now when none of us are around this table, all new managers can look at that document will be the guiding document.

*Leander Watson*-sitting as a technical staff for Shoshone Bannock tribe…we'd like to see more consultation. We will submit written comments to FWS. Who is taking on the cultural aspect of this prospect?

*Matt Hogan*-we recognize the desire of the tribes to have one on one consultation. Chris has met with five tribes. We have two government to government meetings set up, one in Bozeman and one in Rapid City. As much as we'd like to do it, it's impractical to go visit 35-40 tribes in so many locations. We're going to focus on government to government meetings with tribes in the ecosystem and then for other tribes, offer an opportunity to come visit with us in April and May in those two cities.

*Leander Watson*-our council has advised us not to consider those consultation. We will have representatives there, but the USFWS has a trust responsibility to us and we would like to see you in consultation in Fort Hall. And we believe our comments should be above the general public comments.

*Mary Erickson*-It's important that we work well with the tribes on the YES committee on the conservation strategy and have the tribes engaged.

*Joe Alexander*-have to agree what is realistic timeline and adhere to it. We produced the 2007 CS—don't need to start over from scratch…is there a boiled down list of things we need to focus on? Why rehash some things that aren't different?

*Chris Servheen*-Yes, we can highlight portions that need some more work, for example the habitat sections are good, nuisance bear management is OK, outreach and education is fine. The demographic section is the part that needs work.

*Matt Hogan*-We've targeted the end of the year to get the rule done, but YES will take the time it needs to get to the point where all the members will sign it.

*Chris Servheen*-will commit to get to YES the prioritized comments on the strategy first as soon as we can process them.

*Ken McDonald*-From states' perspective we worked on the demographic chapter modified from 2007. We have some suggestions for the YES committee that we can update from 2007.

*David Vela*-True sense of what is the "ask" of us. We need to reflect the agency interest in this process.

*Mary Erickson*-During public comment period, rather than the YES committee putting all of our energy on the three documents, I am hoping we can get some motions on the table to clarify

DRAFT

our process and where we want to devote our energy. If we decide to focus our energy on the conservation strategy, recognizing it isn't going to be a completely linear process. We aren't going to be able to do all our work and be done. What we can do is start to develop those agency specific themes or whatever you want to call them, and then we know they're not going to be complete because not everyone at the table has had time to think about it. I suspect different agencies are at different places. We will start to identify those and then tomorrow talk about process, recognizing there will be input once you get the public comments, with a long term goal of an agreed upon conservation strategy. We will need a process paper or roadmap of the parts and pieces. If we don't get there we will need a subgroup to finish.

*Joe Alexander*-As I understand it each of our own agencies would make comment on the rule, but there's so much overlap. How do you sort through and rectify those things we comment on but we're still going to work through with other agencies?

*Matt Hogan*-I can't really answer the question until we get there because they are intertwined. It will be key that we get feedback on public comment or potential changes base on them.

*Rich Hoteling*-YES develops comments to the conservation strategy that would get us to a place to sign. The other process is how that relates to the IGBC and how it transmits to there.

*Matt Hogan*-The IGBC will meet in June and Mary will give a report. You'll at least have some direction. There was a part of the IGBC who wanted to get more involved. In the past the bulk of the work has been done by the committees. They get updates but don't make a lot of decisions. The IGBC should play a larger role in parsing out some of these issues.

*Mary Erickson*-Reflecting on the meeting in Bozeman last night, it was good to listen to people articulate how they understood the process and the science. One fellow gave a comment on the challenge to understand how all the pieces come together. In the end you have the rule, the CS and the state plans. There are a lot of other parts, like Forest Service Forest Plans, Park Service and state plans. There could be value for us and the public of having some presentations on those parts and pieces, like the state plans, timeframes, and public process. I suggest that's another piece of information the committee would want to have. We know they are happening, but our collective understanding is needed to speak in a uniform voice. It's something we might capture for future YES meetings to raise our level of understanding.

DRAFT

**Substantive Issues with the Draft Conservation Strategy**

NPS (YNP and GTNP)

- Harvest focused away from park boundaries in areas where human bear conflicts are prevalent.

- NPS unit managers be included in the discussions and decision making process that occur during annual meetings regarding the allocation of harvest mortality by the states.

- Hunting will not be permitted in the John D Rockefeller, Jr. Memorial Parkway.

- If a new estimator other than Chao 2 is used in the future, the states will recalibrate the population thresholds and proportions of allocated hunter harvest based on the estimates provided by the new model in comparison to Chao 2.

- Harvest will be based on the number of grizzly bears available to be hunted outside of NPS units rather than the entire population.
  - 21% of DMA are NPS managed units
  - 39% of PCA are NPS managed units, and stated as "secure habitat" in the conservation strategy. What does "secure habitat" mean?

- Are there other ways to monitor foods, such as body condition?

The NPS and U.S. Forest Service made numerous written substantive commitments (re: habitat protection and monitoring, etc.) in the Conservation Strategy. The NPS would like to see the states and U.S. Fish and Wildlife Service reciprocate and make written commitments per our recommendations (the 6 points).

<u>States</u>

- Agree to conservation strategy approach, and that updates will be necessary

- Chapter on conflict bears has outdated terminology that needs to be changed

- Description of population that is stable vs. at carrying capacity

- Remove references that the YES committee can petition for relisting

- Appendix C needs significant work – issue for the states

- Connectivity/Linkage/Genetic Management

DRAFT

USFS

- USFS concerns about moving bears is related to safety, and want to know when bears are moved on/off forest service ground.
- USFS want updated habitat layer (vs. 1998 layer) –
- A lot of commitments that sound like we are still managing a listed species. We cannot maintain that level of effort (e.g., monitoring number of hunters). Need to be able to trust each other and levels of commitment
- Lot of commitments to monitor outside the PCA – need to evaluate what really needs to be monitored and why
- Definitions of dispersed vs. developed sites and implications. As defined, some proactive measures would be precluded.
- Food storage, consistency of orders, and linkage to the NCDE
- Conversation between USFS and States re: habitat protections outside the PCA
- Coordination and consultation re: moving bears is vague
- Sensitive Species reference
- Clarify reference to ensure connectivity around the Yellowstone area
- How do we see the USDA sheep station as it relates to connectivity?

County Commission

- CS should be revisited after some period of time
- Make it clear who has what responsibilities regarding who does what, who pays, time periods/deadlines.
- Concern about FCOY being set at 48 – need wiggle room
- Why limit ability to move bears to any of the 5 recovery areas
- If new method is used to estimate population, does FCOY change? Needs to be clear what happens to all of the metrics if we move to a new methodology
- Use 2016 developments as the baseline.

DRAFT

Function of the CS needs to be clear – it is a post delisting management plan – to ensure we maintain recovery. Pieces within the CS need to focus on this, and need to recognize the authorities of the different agencies.

**Public Comment:**

*Andrea Santarsiere*-We were talking about the conservation Strategy and how the state regulations will look. There was some talk about bears outside DMA. Fish and Wildlife Service said something to the effect that states will be able to regulate or do whatever they want with bears that go outside of that DMA. That's problematic for a number of reasons. We need them to connect with other populations so need to protect those connectivity corridor. There are some constraints in the CS and the supplement to the recovery role. They still allow for discretion but in that supplement it says you cannot remove bears just because they wonder outside DMA. I want to make sure we're consistent when we talk about how those bears will be regulated. We need to put a little more constraint on that because we need those bears to connect and protect the genetic health of this population. I have a couple question on process. We heard there may be an extension to the comment period. We think that's important because there are 800 pages of documents. We're trying to digest those and provide comments. Some of us do this as a job, but we're also talking about members of the public that have full time jobs. To ask them to digest 800 pages in their free time in a 60 day period is a lot to ask. So I'd like to reiterate our request for an extension. Finally, a question, the WY plan has gone through some revision and we've had a public comment period on that which ends tomorrow. The ID plan I've heard is not going to go under revision and there won't be public comment on that even though the last comment period was 15 years ago, which I find concerning. Do we know if the MT plan will be revised, and if yes, when, and if not, will it be reopened for public comment?

*Bonnie Rice*-I wanted to speak to the process also. We are another group that has requested an extension. We're glad you are considering that and hope for a 60 day extension because there are so many moving parts and pieces. We're hearing from the Bozeman hearing and from our members the difficulty of this process and trying to comment on something when we don't have all the information, like the other state plans for example. How can we comment on a proposed rule that has some kind of nebulous language about connectivity, and says Montana will make a commitment but we haven't seen anything concrete. Our members from all across the country care and do want to weigh in, but the process right now precludes a lot of people from doing that. My second comment has to do with what's going to happen post delisting and a couple comments about decreasing our commitment, or maybe not monitoring in terms of road density. Those things are concerning to me and our members because we're concerned if bears are going to be delisted, we want to make sure that those commitments are there, and that's what we've been hearing, so it is alarming to me some of the comments I've heard today. Third, in the review that we've been able to do so far, there are a lot of discrepancies between the rule and the conservation strategy and the tristate MOA. We realize these are drafts, and

DRAFT

so hopefully these will be worked out. The one in particular I want to point out has to do with historical background mortality. In the rule it talks about the four year average and that would be subtracted before any discretionary mortality would be allowed, but that's not reflected in the MOA. I heard a statement today that the states can do what they want in terms of one year and not adhere to that four year strategy or framework that is outlined in the rule, so that's concerning.

*Derek Goldman*-I know that I'm not alone in being somewhat confused with all these documents and processes, but some things were clarified today. One thing that came up is also a concern to us. Chris said that grizzly bears are a conservation reliant species and we would like to ensure that there is ongoing funding after the delisting for habitat and grizzly monitoring, but also for conflict reduction work that will always need to happen. I did have a clarifying question with regard to discretionary mortality and in the delisting rule it talks about if any of the individual limits are hit based on age or sex class that all discretion mortality would cease. That was ecosystem wide, but I think Chris mentioned it only would cease in a particular state? It would be great if the committee could clarify that.

*Chris Colliga*-I want to thank the committee for an open and honest conversation and dialogue that checked off may questions I had. I wondered if this could be made available to the public. How will discretional mortality be allowed for or counted inside the Park. There is sometimes a need for removal. How the public comments on CS as is today, when this group is considering some significant changes and we have a lot of questions, so the public has a lot of the same questions. Does the public have a chance to comment on other agency plans like FP Amendments, and how will these be made in sync with current Forest Planning direction, particularly around corridors/connectivity. We also had questions on language on status review triggers and significant departure from how the regulation was described today. What is the definition of significant departure? Is there a role for a National Wildlife refuge system in the YGCC in the post delisting world around connectivity and Red Rock Lakes?

*Jim Laybourn*-I'd like to thank the committee on their work on recovering the species and the protections inside the conservation area that Chris talked about earlier today are encouraging, but I don't think it's enough. Delisting should not occur until there's a legally binding agreement to permanently ban hunting inside the primary conservation area, and I believe the PCA should be revised to include the entirety of the Jackson Hole valley, where grizzly bear hunting, according to recent polls by the Jackson Hole News and Guide is socially unacceptable and economically foolish. Additionally I would like to request an extension of the public comment period for additional comments an public meetings based in gateway communities, and more extensive consultation with the tribes, as I believe your time constraints in arbitrary.

*Mary Erickson*-Is there anything else that needs to be brought up for the good of the committee?

DRAFT

*Joe Alexander*-Where can we find the appendices?

*Chris Servheen*-I will send out a link tonight.
http://www.fws.gov/mountain-prairie/es/grizzlyBear.php

Meeting adjourned.

**Thursday, April 14, 8:00 a.m.**

*Mary Erickson*-At the public comment last night there were five people who commented. We do take comments and put in the notes, but we usually don't have back and forth discussions. Some of those questions we don't have the answer for yet but one question from Andrea asked about the process for the Montana state plan and Ken will give an update on that this morning.

*Ken McDonald*-In Montana we have a management plan for grizzly bears in southwest Montana that was recently updated in 2013 and will stay in place. Two other processes in Montana that we will be doing-one of the appendices to the CS is a tristate MOU between MT, ID, WY that outlines how the three states will work together on an ecosystem scale to make sure we're not exceeding the mortality limits collectively, and it spells out how we are going to work together. Because of that it does take away some of the authority of our commissions because they're committing to mortality guidelines. So that has to go in front of the commission. The other piece is one of the requirements of the FWS that is written into the rule. We have to have our hunting regulations in place even though it's early and not something we would otherwise do. We have to make sure we have everything lined out in front of the delisting. We'll have a hunting season framework with as much detail as we can have on how we will manage the hunting season should we move forward with one, including things like provisions to ensure we don't exceed those mortality limits. All that will go before the commission on May 10. If the commission adopts the MOU and the hunting framework, it will go out for public comment for 30 days, and would be finalized at the July meeting.

**YES Process to work toward a Final Conservation Strategy-YES Committee**

*Mary Erickson*-We will need to work as diligently as we can to complete our work around the conservation strategy. We recognize there are a lot of unknowns to that, some inputs to that process as public comments come in, peer reviews, etc. We hope to be at appoint for our fall meeting, probably in November, that we would have a conservation strategy. I'd like to set some things on the table for our process to move forward. Yesterday we talked about the role of YES, our capacity, and what we would focus on. We talked about YES as a committee would

DRAFT

not try to do a response to the delisting rule. I would like a motion to capture our attention around the rule.

*Steve Schmidt*—YES committee will assemble collectively our response and our input on the draft conservation strategy, but will not be providing comment collectively on the updated recovery plan, nor the proposed delisting rule through the public process.

*Brian Nesvik*-second the motion

*Mary Erickson*-those in favor; those opposed? The motion carries.

*Brian Nesvik*-we should clarify so everyone is on the same page…everybody in this room, if their agencies so choose, this motion did not stop them from making comments as an agency or a group.

*Mary Erickson*-Yes, absolutely. I think a number of agencies have already developed their comments or are in the process of developing, that they will submit through that public process.

*Mary Erickson*-The focus today is the work of this body on the conservation strategy and how we work forward between now and this fall. Yesterday we started to identify the themes, concerns with the CS. Some committee members may need a little more time for that and have more than we captured on the flip chart. We'll get the info from the flipchart out next week. I'd like to set a deadline for further comments so we can begin to compile that. I'm not talking about rewrites or small edits. We'll have to have technical committee who works on the final draft. How much time would members need to develop your substantive themes or concerns with the CS that would be added to that list?

*Cornie Hudson*-BLM is thinking 30 days-maybe mid May

*Ken McDonald*-approach states have taken is we need to make as minimal changes as possible since it has already survived legal muster, not a whole rewrite.

*Mary Erickson*-That's a great point. I was trying to not presume from what we identified yesterday as years of rewrite. I saw those as conversations, interagency dialogue, and acknowledgement of new standards. Time to bring in appropriate updates. From the committee perspective we recognize the years of work that went into the 2007 strategy and now we are looking for any need for change. Back to how much time we would need. Let's set that at May 15 for substantive themes you would like to address as we revise the conservation strategy would be sent in by May 15. We don't have the who yet.

DRAFT

*Chris Servheen*-I want to introduce Dr. Jennifer Fortin, who has been working on the documents and details so is very knowledgeable. Also Wayne Caseworm will be acting for me as FWS recovery coordinator in the interim time period. He'll be handling all the nuisance bear contacts.

*Mary Erickson*-If we start to establish a subcommittee of YES that's set up to work on taking these comments and begin to sort through the process, we would expect to have a FWS contact or committee member who would be with us through that process. Do you know who that person would be?

*Chris Servheen*-I don't, but Jennifer knows all about these documents and the continuity, so she would need to be involved at a technical level.

*Jennifer Fortin*-I would be your contact and will figure out who will be the FWS committee member.

*Mary Erickson*-we now need to sort out the procedural process concepts. Some substantive issues are technical issues, some policy questions. We need a sub group of bear biologists, management, FWS, official writing or re-writing person…how much of that writing falls to YES subcommittee or to FWS…thoughts on what structures we put place?

*Brian Nesvik*-Ken articulated the states' perspective. Some ideas: most issues are policy issues-a lot of this committee needs to be in these groups; need to divvy up issues into right groups or bins; determine how all these things will be approved by the committee. I think there are four committees we need: process steering committee to collect, assign, and design process and serves as collector of major issues that might come in; USFS habitat component; issues between Park Service and the states addressing from Yellowstone and Teton; state, FWS, FS to deal with some of the coordination issues like conflict bears. If we could today agree on what the groups are, the work could start soon on the process steering committee.

*Matt Hogan*-I would suggest you have the ability to add any other groups based on the issues that might come up in the 30 day comment period. These four sound good for what is there now.

*Mary Erickson*-if we had a steering group to make sure we are on target. As we work through this at some point there will be assignment on writing, reconciling. We might have a tech team that works on behalf of the steering committee, on writing, drafting, etc. The steering committee has a big piece of work initially to start making assignments.

*Dan Wenk*-I'm fine with it. I think the steering committee should be a representative of the agencies at this table and the others delegated to staff within our organizations.

DRAFT

*Joe Alexander*-We could set up one technical review committee that takes on the coordination issues with a writer editor. This would make coordination between committees easier. I'm okay with Brian's idea though too.

*Melany Glossa*-I prefer the option with the steering committee figure out the process.

*Steve Schmidt*-I support the nested team approach-will need to divvy up the work to keep moving forward.

*Mary Erickson*-**DECISION**: **We agree to set up a steering committee, a subset of YES with a representative of each agency, which will build the architecture for the process of addressing the issues. We need to set some timeframes. Is there general agreement on that as a starting point? I think we are there. The suggestion is to have reps from the agencies and FWS:**

**States-Brian Nesvik-Steering Committee Lead**
**FS-Trish O'Conner**
**Counties-Loren Grosskopf**
**Park Service-Dan Wenk**
**FWS-Jodi Bush (Jennifer Fortin-technical advisor)**
**BLM-Delissa Minnick**
**Tribes-let us know if you want a representative on the committee**

**We'll have all the comments coming in by the middle of May. We need a product/process paper for the assignments, general timeline, and beginning to divvy out some work to the subgroups by middle of May.**

We will have to schedule a couple meeting times between now and November so we can keep this moving ahead.

*Tricia O'Connor*-I am a little concerned that we might need a platform for YES to see the work as it goes along so we don't get any surprises. How will documents be disseminated and how as a group to we keep this going. We need to agree to keep the momentum going even if all of YES can't be at an interim meeting.

*Mary Erickson*-We need to make that commitment that we have an acting or keep up to date so we can keep moving forward. Will need a mechanism to daylight changes.

**DECISION: We will draft substantive comments and get back to full YES committee next week (flipchart info); suggest other comments that come in should go to the whole YES committee through Mary. Then the steering committee will set up a process for communication afterwards. By May 15, steering group will send out their process.**

DRAFT

**Subcommittees or work groups or technical teams—suggest steering committee convenes a call within the next couple weeks, and will begin to structure those work groups we might need.**

*Steve Schmidt*-Just checking-for this update to the conservation strategy, our goal is have the product done by the Fall meeting for approval and in order to do that we'll need the FW public input information to consider as well, before then. Does it make sense to say the new product should be ready for approval by the fall meeting?

*Mary Erickson*-I believe that should be our goal, but there are a lot of parts and pieces, like what is the duration of the comment period, the timeframe for the scientific peer review and how that comes together. It is an appropriate goal.

*Chris Servheen*-The FWS will sort the conservation strategy comments first and submit to the YES committee. We will also submit the peer reviews on the strategy.

*Mary Erickson*-Future meeting dates: Fall full YES meeting-final conservation strategy for buy-off; conflict reports from management entities; IGBC action planning work.
**DECISION: Meeting will be in Cody with preferred dates of Nov. 14/15/16**

We need to hold a couple key dates related to steering committee and sub-groups, state plans, Forest Service process to update Forest Plans.
**DECISION: Hold Aug. 2 and Oct. 3 for YES meetings-may travel or use VTC at multiple locations. As the core hosting locations, Bozeman for Aug and Jackson for Oct.**

*Ken McDonald*-have concerns on how long this process takes.

**IGBC 5 Year Plan and YES 2016-2017 Work Plan-Mary Erickson**

*Mary Erickson*-IGBC 5 year plan and YES action plans-Yes works as a subcommittee of the IGBC. They are doing some work on updating the charter which defines the role of IGBC and the subcommittees, standardize reports for subcommittees and timeframes. If the bear is delisted, what is the link between the YGCC and IGBC? There's a process where the subcommittees are asked for action plans. We put together a draft plan and provided that. This fall we need to provide a 2016/2017 work plan for this sub-committee. In the past we've done this through a team of bear biologists (Dan, Kevin, Kerry, and Gregg). They will work on that plan if there is no objection to that, and get it out in draft form in October. It will be presented to the YES for approval at fall meeting.

*Ken McDonald*-we probably need to wait til the summer IGBC meeting in June for more direction.

DRAFT

*Mary Erickson*-we put one together for the fall IGBC meeting and we will send that out for comment next week with the issues document.

**DECISION: Biologists will work on a draft action plan and send out a few weeks before the November YES meeting.**

## Public Comment

*Kelly Nokes*-Wild Earth Guardians-I appreciate the dialogue in front of the public. I wonder if those meetings scheduled for summer will be open to the public. The discussion shows that the proposed rule is premature and is based on a conservation strategy that is not near final. We request that if the committee makes significant changes to the conservation strategy, that it is then released for public review. We also reiterate that the comment period should be extended for the proposed rule and the associated documents by a minimum of 30 days, especially if the Service is relying on state plans to be revised and finalized, and reopening the comment period after that. I think the Service would benefit to have additional hearing in Jackson. I would like to remind the Service and the committee that the manner in which the delisting rule is proceeding is in violation of the ESA under the plain language of the law. It's irresponsible and a waste of resources to continue pushing this delisting rule through in the manner that fails to comport with the mandates of the ESA. Contrary to what some believe Guardians do not want to see bears forever listed under the ESA; however we will use the full power of the law to ensure that GYE bears are truly biologically recovered and that necessary regulatory protections to assure their survival remain in place. The ESA should not be ignored to appease purely political interests. I realize everyone sitting at this table are not necessarily those to which my comments are targeted, but I encourage you to share these comments with Director Ashe and governors of the respective states.

*Roger Haydon*-Wyoming Wildlife Advocates-thank the committee for spending hours trying to unravel this and figure out what pieces fit where. The process has been confusing for all of us here in this room. As some pieces of this package are completed, does it start another comment period? I just wanted to make sure you had the latest science in the rule and the conservation strategy. Those that are working for us indicate that is not necessarily the case. We want to make sure the conservation strategy and the rule don't conflict with each other. You need to take the time to get it right-don't rush the process. I think you need to schedule more meetings, especially in Jackson. I know it is more time and budget but I think it can be done. I like what Dan Wenk said, including the park and the concerns of the park where hunting would be. We're totally oppose to hunting of trophy grizzly bears, but we need to take a hard look at where those hunting areas would be and the park should be included in those discussions. I don't think any hunting should occur in the PCA-it should be safe, secure habitat. I think the Park should have its share of discretionary harvest. I hope that the states would coordinate every year with the Park. I think you need to pay more attention to the tribes and

their needs and consultation is more than just a few meetings and webinars. Their comments should be higher than regular public comments. Make sure the conservation strategy and rule are properly peer reviewed as well.

*Scott Christensen*-Greater Yellowstone Coalition-There's a lot of confusion in the public sphere around process and the sequence and timing of this. Whether you support or oppose this, that doesn't serve anybody well. As you navigate through this, try to be as clear, direct, and transparent as you can. When the public is confused about what's going on, their reaction is negative. Clarifying process, timelines, and how this is all going to come together in one neat package is really important. I want to take the opportunity to thank Chris Servheen. We have at times been at odds on issues and on opposite sides of the courtroom, we respect your contribution to grizzly bear conservation. I do think we should find the time to celebrate bears and take off our respective hats.

*Bonnie Rice*-Sierra Club-We support and think that significant changes to the conservation strategy need to go back out for public comment. If there are significant changes to the conservation strategy, will it go out for peer review as well because it's tiered to the rule? There is a lack of clarity in the rule and some of the comments I heard today on the state plans concerning connectivity. This process has to be given the time it needs, the process has to be meaningful and can't be driven by politics.

*Chris Servheen*-The peer reviews will be available the end of June and will be posted. All the public comments and peer reviews are public documents and will be posted on the website.

*Bonnie Rice*-How do the YES changes to the conservation strategy affect the peer review document?

*Chris Servheen*-It depends on the magnitude of the changes. If they were significant enough that they varied so much from what the peer reviewers read, there might be a need to look at it again. We won't know til we get the final document from YES.

*Mary Erickson*-The summer meetings would be open to the public, probably posted to the IGBC website, but will be completely working meetings. We don't yet know where they will be or if there will be public comments afterwards.

I don't know how we have evolved into taking verbatim notes, but when we get into these working meetings, that isn't very helpful, and brutal to the person taking notes. We will be doing summaries on where we landed, not back and forth comments. Somewhere down the line it warrants a conversation on what value is 30-40 pages of transcript notes, and maybe going to more summaries and decisions made.

One last thank you to Chris Servheen! We are adjourned.

DRAFT