

Q&A for questions expected at the Yellowstone Ecosystem Subcommittee (YES) meeting

Draft, Pre-decisional document

1. Is the FWS preparing a proposed rule to delist as stated by the FWS in the NY Daily News on October 6 (see below)?

The Fish and Wildlife Service believes that the Yellowstone grizzly bear population is biologically recovered. Therefore, as directed by the Endangered Species Act, we are considering whether to move forward with a delisting proposal. Discussions with states and tribes, and partner agencies -are ongoing, allowing us to consider partner input and to ensure that the population would remain viable and recovered in the absence of ESA protections. A final decision on whether to publish a delisting proposal will be made over the next several months.

Such a proposed delisting would only impact the Yellowstone grizzly bear population. Additionally, our any delisting -process requires extensive opportunities for public review and comment and scientific peer review prior to any final decision on such a proposal. We Delisting would only occur will only delist this population if there is we have a very high level of confidence that the population will remain recovered and never again need ESA protections.

2. When will this proposed rule come out?

If the Service determines that recovery goals have been met and adequate regulatory mechanisms will be in place, a delisting process will begin. and That decision may be made over the next several months.

3. Will there be grizzly bear hunting if the grizzly is delisted?

Yes. Upon delisting, the states of Idaho, Montana, and Wyoming would have the authority to issue permits for the take of a limited number of grizzly bears in the Greater Yellowstone Ecosystem, except where hunting is otherwise prohibited, such as National Parks and Indian reservations. Regulatory mechanisms will be in place, however, to ensure that population levels never drop below a threshold that assures the existence of ~~allows for~~ a thriving, self-sustaining population of grizzly bears in the Yellowstone Ecosystem area.

4. How is FWS going to respond to the tribal objections to delisting because of expected trophy hunting of grizzly bears?

The Service has consulted on a Government-to-Government basis on this issue with five tribes to date and will continue to engage in formal consultation with

other tribes that request consultation. Any objections to delisting will be considered alongside the rest of the best-available science. Tribes have a tremendous amount of traditional ecological knowledge and scientific information to contribute to this matter, and their input is very important to the Service.

5. What does government-to-government consultation with Tribes mean to FWS?

The obligation for federal agencies to engage with tribes on a Government-to-Government basis is established in the U.S. Constitution and in federal treaties, statutes, executive orders, and policies. Accordingly, the U.S. Fish and Wildlife Service has developed policy to guide formal consultation with Indian Tribes, in an effort to strengthen its relationships with those tribes and to ensure their interests are reflected in federal decision making. Consultation requires a reasonable and good faith effort to provide tribes with an opportunity, on a Government-to-Government basis, to identify their concerns about a proposed federal action and to participate in the resolution of any potential adverse effects such actions may cause. The Service is committed to ensuring tribal interests are reflected in its decision making, ~~as whenever~~ permitted by law.

6. What is the role of the Yellowstone Ecosystem Subcommittee in a delisting proposal?

The Yellowstone Ecosystem Subcommittee (YES) is the multiagency organization charged with implementing the Grizzly Bear Recovery Plan ~~recovery of the grizzly~~ in the Yellowstone Ecosystem. YES maintains that the Yellowstone grizzly bear population continues to be a recovered and expanding population that should be delisted. The Service takes into account the wealth of knowledge and scientific information YES has accumulated over the past ~~3~~ several decades of grizzly bear recovery when considering a possible delisting of the Yellowstone grizzly bear population.

7. Will the Conservation Strategy be revised and if so, will it need to be resigned by all agencies?

Yes, in the event of a delisting proposal for the Yellowstone grizzly bear population, we anticipate that the Conservation Strategy would need to be revised. A draft of the revised Conservation Strategy would go out for public comment, as would a possible delisting rule, should that be published. YES members would be involved in the process of reviewing the comments received and finalizing a revised Conservation Strategy. In addition to review and approval by YES, we anticipate that signatories to the current Conservation Strategy would signify their support by re-signing the revised Conservation Strategy.

8. Has YES approved changes to the Conservation Strategy and are these changes based on the best available science as required by the wording of the Strategy?

The Conservation Strategy was last signed in 2007 when the Service last proposed to delist the Yellowstone population of grizzly bears. In the event a delisting proposal is published again, ~~we anticipate working with~~ YES will participate in ~~on~~ revisions to the Conservation Strategy and ensuring that the best-available science is found in both the Conservation Strategy and the final rule.

9. Does YES have a role in delisting? What happens if some YES members object to delisting?

Yes. As the core of the post-delisting management team, YES would be involved in the revision of the Conservation Strategy, and in the finalization of the revised demographic criteria for the Yellowstone chapter of the Grizzly Bear Recovery ~~P~~lan. YES would also assist the Service in evaluating the best-available science during any possible delisting process.