

From: Gunther, Kerry
To: [McDonald, Ken](#)
Cc: [Fortin-Noreus, Jennifer](#); [Tyers, Daniel - FS](#); dkharrell@blm.gov; [Delissa Minnick, BLM WY](#); [Landenburger, Lisa A - FS](#); [Tom Rice, MACO](#); [P White](#); [Katharine Wilmot](#)
Subject: Re: Habitat sub-group conf call
Date: Thursday, September 01, 2016 11:15:29 AM

We are open to tweaking the language we worked out with the USFWS. We did not intend that language to have to be solely for NPS lands so it could potentially be used for all agencies. The language on dispersed camping is solely for Forest Service lands and no one objected to that, so the precedent had already been set. Another option: I also think a slightly different standard for each land management agency makes a lot of sense, since each of the agencies have different missions, mandates, congressional legislation, and political realities. In addition, each agency conducts very different types of activities and therefore different types of mitigation are probably warranted. Each agency could negotiate what works for them with the USFWS. I think that could be done fairly quickly, it took about 1/2 day for the NPS and USFWS to work something out that worked on NPS lands and conserved grizzly bear habitat. The NPS is open to either of these options.

The big strain on this whole effort is the arbitrary deadline the USFWS and states have insisted on. The NPS believes taking more time would be prudent, but we are quite willing to put in the effort to get it done on the USFWS/States timeline. We submitted our proposed language in a timely manner, hopefully Dan and Lisa will come up with alternative language that works for their agency or all agencies in time for tomorrow's meeting.

Kerry

On Wed, Aug 31, 2016 at 2:55 PM, McDonald, Ken <kmcdonald@mt.gov> wrote:

Greetings Habitat Subcommittee,

Given the NPS position below, I have been trying to figure out how to proceed. I guess as I see it (and I am probably wrong), the foundation and current expectation per the 2007 Conservation Strategy (CS) is that there will be no change to the 1998 baseline (i.e., this is the default). The most recent proposal sent by Jennifer (I'm calling it the subcommittee proposal) establishes a process and timeline to make adjustments to that – but recognizes that since this is such a big deal, we need to take the time to make sure it is done right, and considers all of the federal land management agencies as they are facing the same types of pressures as the NPS. To keep things straight in my own head re: the two proposals (the subcommittee proposal and the NPS proposal), I put them together in a single document, then listed pros and cons of each (in my opinion). Based on that (the pros vs. the cons), I am of the opinion that the NPS proposal is unacceptable. Similar to the NPS's criticism of the subcommittee proposal (that an open ended, undefined Habitat Standard would leave the Conservation Strategy more vulnerable to a challenge in court), I read the NPS proposal as just that – an open ended, undefined strategy that relies on undefined and questionable mitigation. I also question the value of having different strategies for each agency.

While the NPS brings this up as an issue important to them, the solution needs to be acceptable to all of the parties to the CS, because all of them have the same “veto power” that the NPS is threatening – that is to refuse to sign the document. Therefore, it is important to make sure we try to address concerns of ALL of the signator agencies, not just one.

So how to move forward. I see a couple options, based on my assumption that the NPS-only solution is not acceptable:

1. Submit a version of the attached document to the Steering Committee showing both proposals, and listing the Pros and Cons of each – and see where they want to go with it.
2. Modify the Subcommittee proposal to include a cap on the amount of new development in or adjacent to major developed sites. Maintain or shorten the timeline. Requires trust by the NPS that their concerns will be addressed.
3. Modify the NPS proposal to include a cap on the amount and types of new development, and be much more explicit about mitigation, recognizing this doesn't address USFS or BLM concerns.
4. Develop the new language called for in the Subcommittee Proposal by mid to late September.
5. Other???

I recommend we keep the conf. call scheduled for Friday at 10 am to plot a path forward to the Sept. 8 YES Committee meeting.

Thank you,

Ken McDonald

Wildlife Division Administrator

Montana Fish, Wildlife and Parks

PO Box 200701

Helena, MT 59602

406-444-5645

kmcdonald@mt.gov

From: Gunther, Kerry [mailto:kerry_gunther@nps.gov]

Sent: Wednesday, August 31, 2016 8:31 AM

To: Fortin-Noreus, Jennifer

Cc: McDonald, Ken; Tyers, Daniel - FS; ddharrell@blm.gov; Delissa Minnick, BLM WY; Landenburger, Lisa A -FS; Tom Rice, MACO; P White; Jennifer Carpenter; Dan Wenk

Subject: Re: Habitat sub-group conf call

Habitat Standards Sub-Group:

I was able to talk Dan Wenk yesterday on the proposed habitat standards. Dan does not think it is prudent to sign a document committing us to an as yet undetermined standard. The NPS needs some management flexibility to address the significantly increasing visitation and changing visitor demographics to NPS units. We also believe that an open ended, undefined Habitat Standard would leave the Conservation Strategy more vulnerable to a challenge in court. Therefore, Dan would like the sub-group to continue to work toward a timely resolution of the Habitat Standard language. We re-read the language the NPS and USFWS drafted, and believe that it does have sufficient sideboards for the conservation of grizzly bear habitat on NPS lands. We are also open to reviewing edits the sub-group may suggest.

Since the NPS and the U.S. Forest Service have very different congressional mandates and enabling legislation, and both agencies can offer very different types of habitat mitigation, Dan suggested that the U.S. Forest Service work with the U.S. Fish and Wildlife Service to draft Habitat Standards specific to the Forest Service's needs and habitat management challenges. Much in the way the NPS worked with the USFWS to come up with a reasonable and timely solution to the NPS's habitat management challenges.

Kerry

On Mon, Aug 29, 2016 at 1:59 PM, Fortin-Noreus, Jennifer <jennifer.fortin-noreus@mso.umt.edu> wrote:

Here are drafts of the proposed language changes to the 1998 baseline and proposed timeline to address the need to create future modifications to the 1998 baseline and create the necessary sideboards.

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
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University of Montana
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Missoula, MT 59812
phone: (406) 243-4994
jennifer.fortin-noreus@umontana.edu

From: McDonald, Ken [kmcdonald@mt.gov]
Sent: Friday, August 26, 2016 1:21 PM
To: Fortin-Noreus, Jennifer; Tyers, Daniel - FS; Gunther, Kerry
Cc: धारेल्ल@blm.gov; Delissa Minnick, BLM WY; Landenburger, Lisa A -FS; Tom Rice, MACO
Subject: RE: Habitat sub-group conf call

WE will have a conference call Monday, August 29 at 1:00 pm to discuss the attached. The call in number is

712-432-1500 passcode 385665#

Ken McDonald
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kmcdonald@mt.gov

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

From: Fortin-Noreus, Jennifer [<mailto:jennifer.fortin-noreus@mso.umt.edu>]
Sent: Friday, August 26, 2016 10:50 AM
To: Tyers, Daniel - FS; McDonald, Ken; Gunther, Kerry
Cc: धारेल्ल@blm.gov; Delissa Minnick, BLM WY; dsaville@blm.gov; Landenburger, Lisa A -FS; Tom Rice, MACO
Subject: RE: Habitat sub-group conf call

Here is an updated version of the proposed park service language for consideration for our call. The language has been modified to encompass all National Parklands.

Jennifer Fortin-Noreus, Ph.D.
Postdoctoral Researcher
Grizzly Bear Recovery Program

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jennifer.fortin-noreus@umontana.edu

From: Tyers, Daniel - FS [dtyers@fs.fed.us]
Sent: Friday, August 26, 2016 10:46 AM
To: kmcdonald@mt.gov; kmcdonald@mt.gov; Gunther, Kerry
Cc: dharrell@blm.gov; Delissa Minnick, BLM WY; Fortin-Noreus, Jennifer;
dsaville@blm.gov; Landenburger, Lisa A -FS; Tom Rice, MACO
Subject: RE: Habitat sub-group conf call

I am available today and can meet the call schedule of 1 PM, if that's helpful. Thanks.

From: McDonald, Ken [mailto:kmcdonald@mt.gov]
Sent: Friday, August 26, 2016 10:00 AM
To: kmcdonald@mt.gov; Gunther, Kerry <kerry_gunther@nps.gov>
Cc: dharrell@blm.gov; Delissa Minnick, BLM WY <dminnick@blm.gov>; Jennifer Fortin-Noreus <jennifer.fortin-noreus@mso.umt.edu>; Tyers, Daniel - FS <dtyers@fs.fed.us>;
dsaville@blm.gov; Landenburger, Lisa A -FS <lalandenburger@fs.fed.us>; Tom Rice, MACO <trice@beaverheadcounty.org>
Subject: RE: Habitat sub-group conf call

Greetings Habitat Subcommittee,

Haven't heard from Dan Tyers (USFS) or BLM regarding a conf. call today (Friday), so am recommending we hold off until we hear can make sure they are available as well.

It is my understanding that the issue we are trying to address is an equally big issue for the Forest Service and maybe BLM. The proposed language is specific just to YNP, so before proceeding I want to be sure the Forest Service weighs in.

Lets hold Monday at 1:00 as a place holder. If that works for Dan and BLM, I will confirm on Monday morning.

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From: McDonald, Ken
Sent: Thursday, August 25, 2016 3:28 PM
To: 'Gunther, Kerry'
Cc: dharrell@blm.gov<mailto:dharrell@blm.gov>; Delissa Minnick, BLM WY; Jennifer Fortin-Noreus; Tyers, Daniel - FS; dsaville@blm.gov<mailto:dsaville@blm.gov>; Landenburger, Lisa A -FS; Tom Rice, MACO

Subject: RE: Habitat sub-group conf call

How about a quick call tomorrow (Friday) at 1:00 pm or sometime Monday mid morning or early afternoon?

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From: Gunther, Kerry [mailto:kerry_gunther@nps.gov]
Sent: Thursday, August 25, 2016 12:34 PM
To: McDonald, Ken
Cc: dharrell@blm.gov<mailto:dharrell@blm.gov>; Delissa Minnick, BLM WY; Jennifer Fortin-Noreus; Tyers, Daniel - FS; dsaville@blm.gov<mailto:dsaville@blm.gov>; Landenburger, Lisa A -FS; Tom Rice, MACO
Subject: Re: Habitat sub-group conf call

Habitat Sub-group members,

We should probably arrange for another conference call in the near future. Jennifer and I have come up with language for the Habitat Standards that meets the needs of the National Park Service to address the significantly increasing visitation we have seen, while still meeting the needs of the USFWS and the conservation of grizzly bears in the GYE. In addition the USFWS believes that this language is not significant enough to trigger the need for an additional public comment period. Jennifer has also discussed this issue with the solicitor and can brief us on that discussion. I have attached the proposed language for the groups review.

Kerry

On Mon, Aug 8, 2016 at 8:57 AM, McDonald, Ken <kmcdonald@mt.gov<mailto:kmcdonald@mt.gov>> wrote:

WE will have a conf. call of the griz bear conservation strategy habitat subcommittee on 8:30 am on Thursday, August 11. The topic will be Developed Sites and the 1998 baseline.

The call in information is: 712-432-1500 passcode 385665#

Thank you

Ken McDonald
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From: McDonald, Ken

Sent: Friday, August 5, 2016 2:49 PM

To: Gunther, Kerry

Cc: dkharrell@blm.gov<mailto:dkharrell@blm.gov>; Jennifer Fortin-Noreus; Tyers, Daniel - FS; Delissa Minnick, BLM WY; dsaville@blm.gov<mailto:dsaville@blm.gov>;

Landenburger, Lisa A -FS; Tom Rice, MACO

Subject: Re: Habitat sub-group conf call

Ok. Plan on 8:30 on Thursday August 12. I will send the call in info on Monday

Ken McDonald

Wildlife Division Administrator

On Aug 5, 2016 1:19 PM, "Gunther, Kerry" <kerry_gunther@nps.gov<mailto:kerry_gunther@nps.gov>> wrote:

That works for me.

Kerry

On Fri, Aug 5, 2016 at 2:13 PM, McDonald, Ken <kmcdonald@mt.gov<mailto:kmcdonald@mt.gov>> wrote:

How about first thing Thursday morning?

Ken McDonald

Wildlife Division Administrator

On Aug 5, 2016 12:22 PM, "Gunther, Kerry" <kerry_gunther@nps.gov<mailto:kerry_gunther@nps.gov>> wrote:

I am not available on Friday.

On Fri, Aug 5, 2016 at 1:01 PM, McDonald, Ken <kmcdonald@mt.gov<mailto:kmcdonald@mt.gov>> wrote:

Does a conf call on Friday August 12 at 9 am work for folks?

Ken McDonald

Wildlife Division Administrator

On Aug 5, 2016 9:29 AM, "Gunther, Kerry" <kerry_gunther@nps.gov<mailto:kerry_gunther@nps.gov>> wrote:

Habitat sub-group, here is the language for the Developed Site Standard that I developed which would give the NPS the flexibility it needs to address significantly increasing visitation while still protecting bear habitat.

Kerry

----- Forwarded message -----

From: White, P <pj_white@nps.gov<mailto:pj_white@nps.gov>>

Date: Thu, Aug 4, 2016 at 6:41 AM

Subject: Fwd: Developed Site Standard

To: Dan Wenk <dan_wenk@nps.gov<mailto:dan_wenk@nps.gov>>, Jennifer Carpenter <jennifer_carpenter@nps.gov<mailto:jennifer_carpenter@nps.gov>>

Cc: Kerry Gunther <kerry_gunther@nps.gov<mailto:kerry_gunther@nps.gov>>

Attached is some language regarding the 1998 baseline for developed site standards that Kerry developed. Once you are OK with the language, Kerry can send it to GRTE, USFS, and USFWS. Thanks.

----- Forwarded message -----

From: Gunther, Kerry <kerry_gunther@nps.gov<mailto:kerry_gunther@nps.gov>>

Date: Wed, Aug 3, 2016 at 8:54 AM

Subject: Developed Site Standard

To: P White <pj_white@nps.gov<mailto:pj_white@nps.gov>>

PJ,

Here is a quick first stab at it. I think it would fit our needs.

--

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