

From: [Gould,Jeff](#)
To: matt_hogan@fws.gov
Subject: FW: Conservation Strategy contact list
Date: Monday, September 14, 2015 3:02:43 PM
Attachments: [Conservation Strategy Business Meeting.docx](#)

Matt-Not for circulation, please call. 208-287-2842

From: Gould,Jeff
Sent: Monday, September 14, 2015 3:00 PM
To: brian.nesvik@wyo.gov; McDonald, Ken (kmcdonald@mt.gov); matt_hogan@fws.gov
Subject: FW: Conservation Strategy contact list

Idaho Director Briefing on 9.14.15; There is no scientific basis for increasing the recovery criterion from 500 bears in the GYA, or to support back-dooring an increase to this number in revising the mortality criterion. The 500 bear criterion was set based on the genetic robustness number of 400 bears, and if anything, genetics work since then would support decrease of that number.

State Management Objectives versus Recovery Criteria:

The debate revolves around the recovery criterion for mortality rates/limits.

USFWS keeps trying to transform this criterion to manage for a stable population at levels far greater than the recovery criteria or to require that the population never decline. At the recent Idaho Falls meeting, USFWS again tried to get the states to agree to manage for stability at 2007 levels, regardless of the estimator used. For example, if we change from Chao2 to Mark-Resight, the recovery criteria would change from 683 to 1,200. There is no scientific/legal basis to link the 2007 population number with recovery criteria. The states have proposed to agree to mortality limits that adjust with population size, using the Chao2 2007 numbers as a reasonable framework for state management objectives. There was some discussion with the technical experts at the Idaho Falls meeting as to the different rationales for number choice within the 600-800 bear framework, so there could be some fine tuning of the number framework consistent with the logical & rational (as opposed to arbitrary and capricious). However, there is nothing in the ESA that requires states to manage at levels twice the recovery levels or more.

Adequacy of Regulatory Mechanisms

The Service contends that the requirement for “adequate regulatory mechanisms” requires the states to adopt various rules for harvest for females, close harvest, etc. The Ninth Circuit decision on the 2007 rule does not support this argument: the court found that USFS and NPS measures alone were adequate. The States’ proposed MOU regarding mortality limit allocation and harvest, in conjunction with state authorities for harvest closure, is more than sufficient to demonstrate the adequacy of state regulatory mechanisms in conjunction with the USFS & NPS federal standards.

Timeline for Delisting

USFWS staff discussed a 120-day comment period after December 2015 publication of a proposed rule. There is no basis for this protracted period as the starting point. The

standard used and discussed previously for the grizzly bear is 60 days, with allowance for additional 30 days if requested and appropriate.

Stop the “bring another rock” game

State Options

It’s insulting for the service to say any petition the states would file would go to the bottom of their 500+ pile, especially since the experts have agreed the population has recovery for 10 years+. In addition to petition, the states can support delisting legislation or get out of the management business until delisting occurs. As state directors, you have supported cooperative delisting with the Service if possible within a reasonable timeframe. (So far you’ve mostly encountered foot-dragging for reasons you can only guess at.)