

Yellowstone Ecosystem Subcommittee Conservation Strategy Meeting Minutes

**Friday, Nov. 4, 2016 10:0-11:00**

**Conference Call**

Members present:

Mary Erickson, Custer Gallatin National Forest  
Melany Glossa, Beaverhead-Deerlodge National Forest  
Dan Wenk, Yellowstone National Park  
Brian Nesvik, Wyoming Game and Fish Department  
Tricia O'Connor, Bridger-Teton National Forest  
Frank van Manen, USGS Interagency Grizzly Bear Study Team  
Parkway  
Delissa Minnick, BLM – Wyoming  
Jeff Gould, Acting, Idaho Department of Fish and Game  
Jodi Bush, USFWS, MT  
Ken McDonald, FWP, MT  
Jennifer Fortin-Noreus, USFWS  
Curtis Hendricks, ID Department of Fish and Game  
Garth Smelser, Caribou-Targhee National Forest  
Loren Grosskopf, Wyoming County Commissioners Association - Park Co  
Joe Alexander, Shoshone National Forest  
Tom Rice, Montana Association of Counties - Beaverhead County  
David Vela, Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway  
Rick Hotaling, BLM, MT  
Lee Miller, Fremont County Commissioner, ID  
Gregg Losinski, ID Department of Fish and Game (I&E Chair)  
Wayne Kasworm, FWS Grizzly Bear Recovery Acting Coordinator  
Mary D'Aversa, BLM – Idaho  
Matt Hogan, FWS, Prairie Mtn Region, Denver

**Welcome and Introductions: Mary Erickson**

- Introductions and roll call

**Mary: Kickoff**

We've been working diligently as a YES committee on Conservation Strategy that we can support and move ahead with. We need to acknowledge the work of the steering committees, the sub-committees, the work of our technical staffs and others to bring us to this point.

At last Friday's call we didn't have a full vote on appendices D and E. The Park Service was going to check the language and tables to be sure they were valid with what they sent in.

Dan Wenk-It has been addressed and we are good.

*Mary-*

**DECISION: Other than Appendix C, all appendices are now through and agreed upon. At last Friday's call Brian Nesvik made a motion to approve D&E contingent upon the Park Service endorsement, so that motion carries.**

Much of the focus of today's call will be Appendix C and the two issues around a process for adjusting, in the eventuality that there is a new population estimator and language around recalibration, and conversation around population objectives. We had two alternatives, one that the states supported and one that FWS had forwarded. There wasn't agreement on those two alternatives. We agreed to have this week to have conversations within your agencies. To move forward with the Conservation Strategy, we need more than a majority vote; we need something all signatories can agree upon.

*Brian Nesvik-*I think we should focus on approving the changes that everybody already agrees to, and then move on to discuss the language that is disagreed upon right now.

*Mary-*you want to segment the aspects of Appendix C that currently we don't have agreement on and focusing on the rest of App C and asking the question whether there is something we could all support.

*Brian-*yes, if we broke those in two pieces and approving the other modifications that all of us have agreed on, and have the second part of the discussion be about those things we don't agree upon right now.

*Mary-*Brian has put it out that as we get into the respective proposals, there would be dialogue on whether there are aspects of App C that are common to both alternatives. If we're not going to have full agreement on all the language, is there value in moving some of it forward.

There has been a lot of dialogue this past week and would like to get that out before we go into alternatives.

*Joe Alexander-*We've had a lot of discussion in the Forest Service this week.

Recovery of the Yellowstone grizzly bear population is a remarkable accomplishment. Forty years of substantial commitments and noteworthy collaboration involving State and Federal agencies has resulted in an unprecedented story of wildlife conservation success. The YES Committee deserves credit for substantial contributions to these efforts.

Commensurate with the favorable status of this population, the US Fish and Wildlife Service has proposed removing it from the list of Endangered Species. The Forest Service concurs that the Yellowstone grizzly bear population is recovered and delisting should proceed. The Forest Service feels strongly that the Yellowstone grizzly bear population should be managed for stability around the 10 year average.

The Forest Service is committed to managing our lands to promote connectivity with other ecosystems where deemed socially acceptable.

The Forest Service recognizes although significant progress (over 99% there) has been made there are still unresolved issues among some members of the YES committee. These issues make it unlikely that all parties will consent today to any one alternative. We are committed to stay at the table and play whatever role possible to keep the conversation going and not lose the remarkable progress made to date.

Finally, since there is no alternative agreed to by all members of the YES committee The Forest Service members will be voting no on both alternatives today. In light of these votes we do highly recommend continued dialogue between key YES committee members to resolve the remaining issues.

*Delissa Minnick*-Representing WY, MT, and ID BLM-we have had numerous conversations this past week concerning the language proposed from Fish and Wildlife Service and the states concerning recalibration. We want to acknowledge the hard work of the committee in moving forward with this CS and getting resolution on a lot of tough questions. BLM also agrees with the decision to delist the grizzly bears. We think the science supports it. We are also committed to remaining at the table to help the parties reach a resolution that works for all parties that will continue to move us forward towards delisting. We, like the Forest Service will be voting “no” on the Fish and Wildlife and the States’ language.

*Jodi Bush*-The combined efforts of local, state, tribal and federal partners has brought the population of the grizzly bears in the Greater Yellowstone Ecosystem back from the brink. We have worked hard and come a long way and we are so very close.

The Conservation Strategy and the commitments and mechanisms described therein, are foundational to our delisting determination and the long term management of grizzly bears. We anticipate we will be challenged as we move forward so we know we must have a solid record to defend our decision. We believe that the language the states suggest is too ambiguous in regards to what will happen if a new population estimator is adopted. In addition, their language defers to the YGCC to reevaluate or redetermine recovery standards. The Service cannot defer the definition of recovery to another entity in the future. We and our legal counsel do not believe that such an approach would be defensible.

The language proposed by the Service is written to state clearly that if the population estimator is changed, we will recalibrate the associated metrics to maintain stability of the population around the long term population average.

The Service remains committed to working with the states, as well as local, tribal and federal partners to reach an agreement to maintain the tremendous conservation success we have collectively achieved for the Yellowstone grizzly bear.

Motion: The Park Service will move we put this on the table for discussion  
Jodi Bush: second

*Mary*-Is the FWS still open to looking for resolution around the language that meets your needs?

*Jodi*-we want to get to a successful resolution.

*Matt Hogan*-absolutely, we'd like to seek resolution like everyone on the call has said. We're certainly open and committed to resolving this issue.

*Mary*-Is fair to say that while FWS feels strongly that the current wording meets your needs relative to transparency and legal sufficiency. What do you see as the fundamental difference between that and the states' language?

*Jodi*-there are two main issues, the first is the clarity around population objectives; the second is deferring any definition of recovery standards down the road.

*Matt*-there's significant information in the record that is conflicting in terms of what would happen-are we managing for stability or are we managing for number. We believe we are managing for stability and we have to be crystal clear in the final rule as to how the CS and the rule work in conjunction with recovery criteria. We can't defend it if the CS and the recovery criterion are not congruent and are vague in terms of what would happen if we change population estimators.

*Loren*-as commissioners we've learned the hard way about binding future entities on actions based on what ifs. I believe the states' language is not ambiguous; it puts the responsibility on the entity that is responsible for that-the YGCC. The options are out there for others to ask for relisting.

*Matt*-just to clarify, the 9<sup>th</sup> Circuit when we delisted before, the Court was very clear that simply saying the Service has the authority to relist is not an adequate regulatory mechanism.

Motion: Dan Wenk--Approval of FWS language proposal for App C

Jodi-Second

Vote: BLM-MT/ID/WY-No/No/No  
State-MT/ID/Wy-No/No/No  
GTNP-Yes  
YNP-Yes  
Counties-MT/ID/WY-No/No/No  
FWS-Yes/Yes/Yes  
BTNF-No  
CGNF-No  
B-D NF-No  
Shoshone NF-No  
C-T NF-No

Shoshone Bannock-not present

Wind River-not present

**14 No/5 Yes; Motion does not carry**

*Brian Nesvik*

Nesvik Motion: Adopt Appendix C without any recalibration language and delete steps 20 and 21. Table 1 would be modified to be consistent with Table 2 in the approved Conservation Strategy (Chapter 2).

Ken McDonald-Second

Vote: BLM-MT/ID/WY-Yes/Yes/Yes

State-MT/ID/WY-Yes/Yes/Yes

GTNP-No

YNP-No

Counties-MT/ID/WY-Yes/Yes/Yes

FWS-No/No/No

BTNF-No

CGNF-No

B-D NF-No

Shoshone NF-No

C-T NF-No

Shoshone Bannock-not present

Wind River-not present

**10 No/9 Yes; Motion does not carry**

*Mary-Brian, I'll turn it over to you to propose the States' motion*

*Brian-We're not going to propose it.*

*Mary-No motions passed today. We know the key issues that are out there. All parties support moving forward. We have a YES meeting in Cody Nov. 16/17 and will need to discuss how we progress on the CS then, and how much we put online, recognizing we aren't 100% there.*

Wonder if there is potential for Brian to work with Jodi on understanding what happens to the pieces that haven't been agreed on and what that means. If Brian wants he can send out the motion that was voted down to everyone so they understand.

*Jeff-we will send out the motion and attachment and an additional proposal will come forth at the Cody meeting.*

Meeting is adjourned.