

## Yellowstone Grizzly Coordinating Committee Meeting Minutes

### **Nov 1, 2018 Conference Call**

9am – 1030am

#### Members Present

Mike Volesky, MT Fish, Wildlife & Parks  
Kim Liebhauser, BLM Wyoming  
Mary Erickson, Custer Gallatin National Forest  
Curtis Hendricks, ID Fish & Game  
Jim White, ID Fish & Game  
Leander Watston, Shoshone Bannock Tribes  
Loren Grosskopf, Wyoming County Commissioners Association, Park Co.  
Tom Rice, Montana Association of Counties  
Lee Miller, ID Association of Counties  
Tim Wooley, WY Game & Fish  
Kim Liebhauser, WY BLM  
Rick Hotaling, MT BLM  
Lisa Timchack, Shoshone National Forest  
Mary D'Aversa, ID BLM  
Tricia O'Connor, Bridger-Teton National Forest  
Mary Erickson, Custer Gallatin National Forest  
Dan Wenk, Yellowstone National Park  
David Iburguen, Caribou-Targhee National Forest  
Gopaul Noojibail, Grand Teton National Park and the John D. Parkway (For David Vela)  
Laurie Wolf, MT Fish, Wildlife & Parks

#### Members not present

Melany Glossa, Beaverhead-Deer Lodge National Forest  
David Vela, Grand Teton National Park and the John D. Parkway

#### Advisors present

Hilary Cooley, FWS Grizzly Bear Recovery Coordinator  
Frank van Manen, USGS Interagency Grizzly Bear Study Team

### **Thursday, November 1**

#### **Welcome and Introductions: Mike Volesky**

Approval of Spring 2018 YGCC meeting minutes  
Mary- motion to approve  
Loren Groskopf – second  
Motion carries – unanimous approval

#### **Court Decision Update: Hillary Cooley**

9/24 Missoula district court ruled on a final rule, they vacated our rule and then remanded it back to us. They ruled on 4 main points and asked us to start again.

- Service failed to consider how the GYE delisting would impact remaining bear populations, want Service to prepare a comprehensive review of the entire listed

species, not just concentrate on an isolated segment as we did with the delisting of the DPS.

- Improperly assessed threats to the GYE by failing to require a recalibration method in the CS – Service agreed to use the current method of chao-2 into the foreseeable future but that was not enough protection due to the fact that chao-2 underestimates the numbers of bears, failure of chao-2 estimator usage.
- Found that the Service acted arbitrarily in relying on genetic studies that indicate GYE bears could be genetically at risk without new genetic input over time, and that we did not require regulatory mechanisms to ensure connectivity between the GYE and other populations.
- Court agreed that the Service properly relied on the state regulatory mechanisms to manage mortality.

The judge did not address any other issues like historic range, climate change, white bark pine – the judge was silent on those issues. We have until 12/21 to choose to appeal or not.

If we are not appealing, we need to make decisions for moving forward with GYE and NCDE. There are implications for both, we believe both populations have met recovery and there are different options for how we move forward. Do we try and do the GYE population again by itself and then follow with the NCDE, or do we do both populations together? There are pros and cons to all approaches and the Service is evaluating those approaches right now, the first decision though is to decide if we want to appeal the courts opinion or not.

### **Questions**

Loren-does the Service need input from anybody before deciding to appeal or not? Should Wyoming talk to them about joining with the appeal?

Hilary-The three states are interveners and the NRA, RMEF and a couple others. Any of the interveners can choose to appeal, the states could also choose to appeal. I believe if the states choose to appeal, the Service could join them but would not necessarily have to join them. The decision to join or not is a decision for the solicitors and top level USFWS, but yes, our attorneys are in discussion with state attorneys about that right now.

Loren-Is there a limitation on interveners right now? Can park county become an intervener?

Hilary-I don't know about that Loren, I would guess no because the court has already ruled, but I'm not certain about that.

Bethany Cotton, Wild Earth Guardians (public)-9<sup>th</sup> circuit remand rule, interveners cannot independently appeal that. No party that was not party to the lawsuit can join a lawsuit after a decision and appeal or in any way engage.

### **Population Monitoring Update: Frank van Manen** ppt. on IGBC website

This is the usual update of our research and monitoring for this year. I'd like to recognize the now 17 members of our team, this is a collective effort between 8 agencies. I'll give an overview of the population monitoring standards. This is preliminary data (slides online).

### **Questions**

Jim white-There was work going on with cameras this year, do you know how successful that was?

Frank-There was work in Idaho, Jeremy Nicholson and Curtis Hendricks were involved in that project on a trial basis to put out 21 camera sites to see how efficient it would be to get observations of females with cubs. They had a lot of observations of black bears and grizzly bears and several observations of females with cubs. Something worth looking at as a future sampling strategy. Benefits of cameras are that you can leave them out for quite a long time and get a lot of information for relatively little effort. Thanks to Idaho for initiating that work Jim, especially Jeremy and Curtis, it is something that is worth looking at in the future. There are over 150 people helping with this, thanks to all the folks for helping the study team, we couldn't do the work without their help.

Loren Groskopf-the data you gave us for 2018, can you refresh my memory about how that impacts/relates to the last couple years, there has been a lot of activity and talk in Cody about conflict outside the DMA. How does that relate to the past couple of years?

Frank-The only info we have is for inside the DMA because that's where we do our monitoring. In terms of mortality rates (note that some of those numbers can change in coming weeks), if you examine those mortality rates, they're not much higher than previous years. The peak mortality rate as a function of population size for bears inside the DMA was actually in 2008. We're not seeing those numbers currently inside the DMA.

Loren-could we get a graph that compiles the previous year trends?

Frank-Good suggestion, we have shown a similar graph, that is something we can do on a more routine basis.

Loren-a graph like that for the public would be helpful.

Frank-One thing we have observed is that we typically have some kind of jump in mortalities around September/October, it was a little earlier this year than usual and slowed down in the last couple weeks.

Loren-I think doing a graph like that for inside and outside DMA would help to avoid unnecessary controversy by providing proper facts.

Frank-We can't do it for outside because we don't have a population estimate for that, so we can't calculate the mortality rate.

Loren-But we could do the actual number though.

Frank-Yes, we can provide that in terms of a graph with a hard number, but not an estimate number. On our website we have reorganized the mortality table into three sections, inside DMA, outside DMA, and mortalities documented in current year but occurred in previous years. We hope this clarifies and helps the public to see the patterns in the mortalities.

Bonnie Rice(public)-Quite a few years ago the study team did a report update 2009 conflict prevention report. That report had a lot of good recommendations in it and is now ten years old. Is the study team thinking about updating that, if there is any discussion or if you would consider that?

Frank-we haven't had any specific discussions about updating that, it is something that the YES committee should weigh in on, if it is something they think would be useful to do then I would be happy to address that. It should involve the committee up front.

Mary-Maybe this would be a topic for the spring meeting, I wouldn't have any opposition to the study team re-looking at that, but I think before we look into that as a committee it would be great to do some homework and pull out the 2009 report and look at what work we have done under that process and what we are still continuing to work on. Then from there, in terms of addressing conflict, look at the possibility of would there be some study team work or would

we be doing something differently. Or is it more of a re-look at the recommendations and actions that came from back then. My sense is that we should first look at the work we did in 2009 and the work since then, and then maybe some conversation with the study team on whether there is more information to add before we focus our energies.

Mike-There are two things I would ask from you Frank is, could we expect appreciable change in what is recommended? Has that changed in any appreciable way? If we decide if that is the case, what are your thoughts on how much time and effort that would take?

Frank-That's a good question. I think the patterns have changed in terms of how the different kinds of conflicts are distributed spatially and how they have changed over time. How you address those I don't think has changed. What new information? Looking at to what degree and how the patterns have changed over time and in different areas as the population has expanded—I don't think the proposed solutions would be a whole lot different than they were a decade ago.

Tricia O'Connor-It's good to have this conversation and I think some of that stuff is true. I still think this would be a worthy discussion for our committee at our upcoming meeting. It may be less about charging the study team with doing more work around this, but I like Mary's idea to pull this forward. We have a lot of new people on the committee and I would say that, from our forest perspective, we are at the forest level weighing some issues this year regarding what we saw; not just mortality wise for grizzly bears but having human mortality and a lot of—what appear to be a lot of—reports of hunters having encounters, that we feel the need to have some dialogue around what else could we do. It may be more about what do we as managers do, not what recommendations may be and where could we focus some effort. I think coming back it would be good timing to have some dialogue at our upcoming meeting.

Bonnie Rice(public)-[inaudible]...recommendations haven't changed, it is important for the study team to reconfirm those measures and have those conversations in terms of resolving conflicts.

Mike-Lets plan on having a full discussion at the next meeting, is there some homework to be done in the meantime and if so who might take that on?

Mary-I am willing to pull up 2009 recommendations and give to committee, we had a good spreadsheet on that, then each entity can speak on the work they've done under each item and bring to the spring meeting.

Frank-The spring meeting is also the time when agencies present their conflict data for the previous year and so this might coincide well with that.

Bethany Cotton, (public): I would also ask that you include a literature review because there is additional data since 2009 about the effects of bear spray and other conservation measures that is not included in that nearly decade old report.

Mary-I would volunteer to pull up the past information, I am not volunteering to take on a broader review of literature, that may be something that the committee might do, I was just suggesting we survey individual units and what worked as a starting point for the conversation.

Frank-The agencies involved in conflict management know very well what works and what doesn't. They are at capacity and are overwhelmed with conflict issues. They are running out of options for relocation. Areas where relocation in the past would have been effective are now overrun with bears and wouldn't be as effective as it used to be. There are substantial challenges that the managers are dealing with. I think the knowhow of how to deal with conflicts is there, sure there are some things that have changed since 2009, but the agency personnel know how to handle these conflicts. It's just the level and number of conflicts and the greater extent of where those conflicts occur that is a real challenge.

Bethany (Public)-I appreciate that Frank, I think the issue is whether those recommendations become mandatory. There are things the agencies could do, like food storage orders across different landscapes or to require bear spray for hunters. There are plenty of things that have not actually been implemented that you all could do.

Mike-Let's plan on having this on next agenda, it will go with the conflict reports from states. Anyone is welcome to bring any new information to that discussion, because there is plenty of new information on grizzly bears in the last ten years.

#### **I&E Committee Update: Laurie Wolf**

List of members: Laurie Wolf, Danielle Oyler, Morgan Warthin, Dustin Lasseter, Denise Germann.

First thing we will tackle is the IGBC grant due Nov16, we will review applicants and make recommendations to IGBC about 2 weeks after that review.

- The next thing to share is something we have been working on in a working group here at MFWP—our Grizzly Bear Information Education and Outreach Plan with a focus on awareness. We have quite a few individuals represented in that working group. We have bear managers, I&E officers, people from USFS and MFWP. The idea behind the plan was to get some consistency in messaging, it was an outcome of some work that was done by the Southwest Montana Bear Education Working Group. We looked at what are the universal messages when it comes to bear awareness and then getting narrowed down to the more obvious specifics. We are almost finished, a final copy should be done in mid-December, maybe earlier. The outcomes for that is to not only re-think the messages but also the techniques we use to deliver those messages. One of the interesting things that we came up with is that there is very little for the agricultural community and so that is going to be one of our focuses to develop tools and techniques to reach that audience. Once again, the idea with that is to get consistent with our messaging across the ecosystem, not just the GYE but also the NCDE and the Bitterroot ecosystem.
- Some of the things that came out of that as far as tools and techniques are that we will be piloting a grizzly bear distance learning program which will be state wide targeted toward middle school and high school youth. Other states are invited to participate.
- FWP bear aware website will be updated.
- Brochures/videos targeting the agriculture community.
- Creating livestream videos for bear aware to distribute to partner organizations as well as schools. These don't require us to be on-site delivering those programs.
- Food storage regulation update. From what I learned from Ellen, Scott Jackson and Dan Tyers are still working on the food storage policy and will be ready to report at the summer meeting.

Mike-next for discussion is a draft charter for YES, we are currently operating under the YGCC charter and need to adopt a new framework for YES. Adapt the YGCC charter for our new framework. (Charter discussion)

Possible approval at next mtg.

## **YES Charter Update: Hilary Cooley**

I took the YGCC charter and I left some and changed YGCC to YES, compared to IGBC Charter that has a list of subcommittee responsibilities. Basically, I mixed the two and tried to bring in the proper terminology. May have missed a few things, comments and edits are welcome from the committee.

Tim Wooley-When looking at other subcommittees I noticed that, on page 7 of the IGBC charter, if the bear becomes listed again then we are to operate under the IGBC charter. Does YES really need a charter?

Hilary-Good question Tim, none of the other subcommittees have charters but I'm pretty sure I read somewhere that the intent was for each subcommittee develop its own charter. I've actually started drafting a charter for the Bitterroot.

Tim: Well here's what it says on page 7 of the IGBC Charter: *the executive committee has established the following standing ecosystem subcommittees; these subcommittees are chartered by and must report to the IGBC executive committees as long as the bear population within a given ecosystem is listed under the endangered species act.* That sounds to me that if the bear gets relisted then this committee would fall back under the IGBC Charter and that is why the other subcommittees didn't have them.

Mary-For context, YES has been around a long time working under IGBC when the bear is listed. As the chair years ago, I was surprised not to find a charter for YES. One of the challenges of not having a charter is that there is no system in place for how the committee functions and operates. We found that to be fairly complex in terms of when the committee is working under tough decisions, what are the operating procedures for proxies, who votes and how to move things forward? That is the value in having a charter, it provides some agreement on how we work through decision making. It is clear under IGBC that subcommittees have some decision-making/recommendation authority to IGBC. The question of how to move matters forward when the committee is not in consensus is important.

Gopaul Noojibail-it is spelled out in IGBC, I recommend everybody look at that charter.

Mike-how does that charter deal with membership, consensus and voting/decision making?

Gopaul-It is listed out who will be members, chair & vice-chair, meetings, membership rolls responsibilities, I&E subcommittee, etc... everything is listed there, it would be good to review that.

Mike-We'll need to send both of those out for folks to talk about this at the April meeting.

Loren Grosskopf: It has been my honor and privilege to serve as Wyoming's representative on this committee over the last few years. I am retiring at the end of this year and am asking for a replacement to be appointed. This committee has done an outstanding job, I have been extremely impressed with the passion and expertise from the committee members and their staff. Webinars are efficient, but they don't include the public process the best way possible, please don't underestimate the value of the public being a part of these meetings. The public needs to watch and listen to understand the information that is brought forth at these meetings. Public support is imperative to the future recovery and successful management of the grizzly bear. Thanks to the IGBST and all of the staff who produce the minutes and run the meetings, reading the minutes is like being there in person, you do an excellent job. I have thoroughly enjoyed being a part of this committee over the years.

Mike-thanks Loren for being an engaged and valuable member.

Mike-any other comments?

I appreciate all of your attendance, hopefully this format worked out well today, I don't know that we will continue this way or not. For this meeting it seemed to make sense to save some time and expense given the short agenda. For the next meeting it looks like we will have more to discuss and work on. Thank you.

**The next YES meeting is scheduled for April 3-4, 2019 in Bozeman, MT at the Hilton Garden Inn.**

Adjourn