

**Meeting Date:** January 25, 2024

**Agenda Item No.** 5F

**Agenda Item:** Revision of Tri-State MOA and Proclamation Regarding Grizzly Bear (**Action Item**)

**Bureau Chief Approval:** SR

**Prepared by:** Toby Boudreau, Statewide Deer and Elk Coordinator  
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**Background:**

**NOTE: This action item does not propose to open a hunting season for grizzly bears in GYE, and the Department is not making any recommendation to open such a hunting season. Currently grizzly bears in Idaho are listed under the federal Endangered Species Act (ESA). There is no proposed hunting season in Idaho; all seasons remain closed for grizzly bear in the GYE.**

The adequacy of existing regulatory mechanisms is one of the factors the U.S. Fish and Wildlife Service (USFWS) must evaluate in making delisting decisions under the Endangered Species Act (ESA). In March 2016, USFWS issued a draft rule to delist the Greater Yellowstone Ecosystem (GYE) grizzly bear population. The draft rule identified certain actions that the States of Idaho, Montana, and Wyoming must take related to regulation of human-caused mortality, including mortality from hunting, should the states decide to establish hunting seasons after delisting. As a result, in 2016 the Commission approved a Memorandum of Agreement with its counterparts in Montana and Wyoming (“tri-state MOA”) and a related proclamation as mechanisms to regulate discretionary mortality of grizzly bears (such as regulated harvest and conflict management removals).

USFWS delisted the GYE grizzly bear population in 2017. However, in 2018 a federal court decision resulted in the re-listing of the population under the ESA, and this decision was largely affirmed by the Ninth Circuit Court of Appeals. These court decisions indicated that states needed to make two commitments to resolve deficiencies in the 2017 delisting rule: (1) to ensure long-term genetic diversity of the GYE population through translocation if effective immigration does not occur naturally; and (2) to recalibrate GYE population metrics and mortality limits should a new population estimation method be incorporated to estimate size and evaluate survival/mortality of the GYE population.

The Interagency Grizzly Bear Study Team recently adopted the Integrated Population Model (IPM) framework, based on Bayesian statistics, as the estimator of population vital rates for the GYE. The IPM continues to use documentation of females with cubs-of-the-year and the Chao2 estimate, which has been used (with refinements) for GYE population estimation since 2007. The IPM also uses other modeled and field-collected data inputs, such as survival, mortality, and reproduction data. The IPM allows the Parties to estimate population vital rates annually by sex- and age-specific cohorts, and to set mortality limits incorporating those rates.

Consistent with Commission direction, staff have coordinated with their counterparts in Montana and Wyoming to develop revisions of the Tri State MOA and Commission Proclamation to incorporate adoption of the IPM as the population estimator and to resolve deficiencies in the 2017 delisting rule identified by court decisions.

The 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem is likewise being revised. The Strategy reflects commitments of state and federal agencies regarding management of grizzly bear population and habitat, as well as conflict management and monitoring. The tri-state MOA is an Appendix to the Strategy.

**Tri-State MOA:**

Primary revisions to the Tri-State MOA reflect use of the IPM to support determination of adjustable mortality rates (see Paragraph IV. 2) to manage human-caused mortality within the Demographic Monitoring Area (DMA), which is based on suitable habitat, to levels that will sustain a population within or above a range between 800-950 bears (based on the median IPM estimate). The MOA framework applies lower mortality limits at lower population levels and increases flexibility with higher populations. Revisions also include a commitment to translocation for genetic fitness if there is not demonstrated immigration of grizzly bears from other populations into the GYE.

**Proclamation:** Within the mortality limits identified in the Tri-State MOA, each state will have discretion after delisting to determine whether it will propose a grizzly bear hunting season consistent with allocation of discretionary mortality among the States.

Adopting the proposed proclamation (attached) would clarify that there is currently no open season for grizzly bear and clarify how the Commission would use its existing discretion to open and close hunting seasons, prohibit harvest of adult bear accompanied by young, and otherwise set numeric limits for the take of grizzly bear in the GYE should the Commission authorize a harvest season after delisting.

**Statutory Authority and/or Policy Issues:**

Idaho Code 36-104(b)(2) and 36-105(3) grant authority to the Commission to adopt proclamations related to the limit on numbers, size, sex or species of game animals taken in Idaho.

**Staff Recommendation:**

Revisions to the Tri-State MOA and proposed proclamation resolve deficiencies in the 2017 delisting rule. These and other regulatory mechanisms ensure that the GYE population remains robust and does not warrant ESA protection.

The Department recommends that the Commission adopt the revised Tri-State MOA and adopt a proclamation limiting grizzly bear take as presented.

**Note:** The Wyoming Game and Fish Commission is scheduled to consider approval of the Tri-State MOA at its meeting on January 16-17, 2024. The next regular meeting of the Montana Fish and Wildlife Commission is scheduled February 16, 2024.

**Suggested Motion:**

I move that the Commission adopt the revised Tri-State MOA and adopt the revised Proclamation Relating to the Limit of the Take of Grizzly Bear in the GYE.