

Meeting Date: November 16, 2021

Agenda Item No. 5C

Agenda Item: Grizzly Bear Update; Revision of Tri-State Memorandum of Agreement and Idaho Proclamation (**Action**)

Bureau Chief Approval: TAB

Prepared by: Toby Boudreau

Background:

The Interagency Grizzly Bear Committee, consisting of various federal and state wildlife and land management agencies, along with other experts, agrees that grizzly bears in the Greater Yellowstone Ecosystem (GYE) have been biologically recovered for at least 15 years. However, court decisions invalidated 2007 and 2017 delisting efforts for GYE grizzly bears. The court decisions identified procedural flaws or disagreements with the U.S. Fish and Wildlife Service's (USFWS) assessment of state regulatory mechanisms.

The court decisions identified three needs warranting remand of the 2017 delisting rule: (1) a commitment to genetic augmentation through translocation if the GYE remains isolated from other populations; (2) a commitment to recalibrate population metrics and mortality thresholds should the states change to a new method for estimating abundance and survival/mortality of the GYE population; and (3) an USFWS review of the effect of delisting the GYE population on the rest of the "lower-48" grizzly bear listed entity.

The first two needs relate to state commitments for management of grizzly bears after delisting, while the third relates to an analysis the Service would complete before making a delisting decision.

The State of Wyoming informed Idaho and Montana of Wyoming's intent to petition the delisting of GYE grizzly bears. To support a petition, Wyoming has asked Idaho and Montana to adopt revisions to the tri-state MOA and related individual state regulatory documents that state wildlife agencies and commissions executed in support of the 2017 delisting.

In 2016, the Idaho Commission reviewed and approved a tri-state MOA among Idaho, Montana, and Wyoming that defined a process for coordinating management and allocation of discretionary mortality of GYE grizzly bears. The three state wildlife agencies have discussed appropriate revisions to the tri-state MOA regarding management of genetic health and allocation of discretionary mortality to address needs identified by court decisions (as discussed above).

In addition, the three states have discussed changes to the MOA to reflect revised population estimates related to the Interagency Grizzly Bear Study Team's recent refinement of the Chao2 model. The refined Chao2 model provides more accurate estimates of GYE grizzly bear populations than Chao2 previously generated (and which the IGBST recognized were overly conservative underestimates).

The tri-state MOA framework has sought to manage human-caused mortality within the Demographic Mortality Area (DMA), also known as the suitable habitat area, by applying tiered mortality rates. This framework would apply lower mortality limits at

lower population levels and increase flexibility when grizzly bear populations are larger. Management objectives would ensure the GYE population remains above recovery levels.

If agency staff for the three states agree on draft language before the Commission's Nov. 16 meeting, IDFG staff will provide the Commission with a revised tri-state MOA and revised proclamation for Commission consideration and action. The proclamation would incorporate mortality limits from the tri-state MOA at an Idaho-specific level.

Statutory Authority and/or Policy Issues:

After delisting, state agencies will be fully responsible for Yellowstone grizzly bear population management. Court decisions indicate needs for states to make commitments to translocation and recalibration of population/mortality metrics in post-delisting management of the GYE population.

Public Involvement Process:

The public had the opportunity to comment on the 2016 tri-state MOA and related state regulatory documents in conjunction with the Commission's approval process. The public has the opportunity to comment on this item in conjunction with the Commission meeting.

Staff Recommendation:

Staff recommendation is pending additional discussion with Wyoming and Montana wildlife agency staff.