

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 14, 2021

Agenda Item: Grizzly Bear Tri-State Memorandum of Agreement

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 30 min

Background: The Greater Yellowstone Ecosystem (GYE) grizzly bear population is recovered. The recovery plan for the GYE population includes demographic criteria, including mortality thresholds that will need to be met to maintain recovery. The thresholds were based on population estimates using a methodology that has since been revised. The revised population estimate is greater than previous estimates, necessitating a need to update the recovery criteria and a 2016 Memorandum of Agreement (MOA) between Montana, Idaho, and Wyoming that defines the process by which the three states will coordinate the management and allocation of discretionary mortality of grizzly bears in the GYE. The MOA will also be appended to the Conservation Strategy for the GYE population, which will serve as the post-delisting management plan for GYE grizzly bears. By agreeing to the stipulations of the MOA, the states will ensure annual total mortality rates are not exceeded within the Demographic Monitoring Area (DMA) for independent males, independent females and dependent young, as set forth in the following table. These adjustable mortality rates were calculated as those necessary to manage the population around the 2002-2019 revised Chao 2 modeled average (\bar{X} = 932; 95% CI = 831-1033) which occurred during the time the population reached a biological carrying capacity.

	Total Grizzly Bear Population Estimate		
	<932	932-1,033	>1,033
Total mortality rate for independent FEMALES.	<7.6%	9%	10%
Total mortality rate for independent MALES.	<15%	20%	22%
Total mortality rate for dependent young.	<7.6%	9%	10%

The commission adopted the previous MOA in July 2016. The adoption of the MOA and the provisions in it become regulations required for department management of bears in the GYE, which are considered regulatory mechanisms for continued recovery of the grizzly bear in the event they are delisted.

Public Involvement Process & Results: The 2016 MOA enjoyed a 30-day comment period in June 2016. FWP received 80 comments specific to the MOA. Most focused on whether bears should be delisted and whether hunting should occur. Very few pertained to the MOA or its content. The basic components of the MOA (e.g., the above table) will also need to be updated in the recovery plan amendment and conservation strategy. This revised MOA has not yet had public review but will be available to the public with the initiation of administrative rulemaking through the MAPA process.

Alternatives and Analysis: An alternative is to not enter the MOA and rely on the three states to meet the intent of the MOA through coordinated management. However, this alternative would not provide the regulatory certainty Endangered Species Act, and would make delisting more susceptible challenge, as adequate regulatory mechanisms are a factor for U.S. Fish and Wildlife Service to consider delisting the grizzly bear.

Agency Recommendation & Rationale: FWP recommends the Commission approve and sign the MOA as presented by the department and endorse the initiation of rule-making to more formally capture the salient quantitative and qualitative commitments within the MOA.

Proposed Motion: I move the Fish and Wildlife Commission approve Tri-State Memorandum of Agreement Regarding the Management and Allocation of Discretionary Mortality of Grizzly Bears in the Greater Yellowstone Ecosystem and approve initiation of rule-making.