

**JACKSON BISON AND ELK HERD MANAGEMENT:  
SITUATION ASSESSMENT AND PROCESS RECOMMENDATIONS**

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## **EXECUTIVE SUMMARY**

Before initiating a comprehensive management plan process for the Jackson bison and elk herds, the U.S. Fish and Wildlife Service and the National Park Service, with the support of the U.S. Forest Service and the Wyoming Game and Fish Department, invited the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) to conduct a situation assessment to provide guidance in devising a public involvement strategy. The purpose of this report is twofold: first, to provide these agencies and other interested parties a sense of the range of interests and concerns about the management of the Jackson bison and elk herds, and second, to present recommendations and options for developing a public involvement strategy. Over the past three months, the U.S. Institute and its associates, the University of Wyoming's Institute for Environment and Natural Resources and the Meridian Institute, have interviewed approximately 130 individuals representing a broad array of interests from the local, regional, and national levels. These included ranching and agricultural interests; hunting and outfitting; businesses involved with tourism and recreation; environmental and wildlife conservation; animal rights and welfare; the research and education community; tribes; and government officials.

### **Findings**

From the assessment, the diversity of perspectives relating to issues of bison and elk management practices became quite evident. These include concerns about optimal herd size, disease management, artificial feeding, and additional herd management tools such as hunting, increasing forage by irrigation, and controlled burning. Additional contentious issues include questions of agency jurisdiction and perceptions of poor working relationships between and within the agencies.

It is equally evident that, despite these differences, there is considerable common ground among those interviewed. The commonalities include a shared vision of healthy herds of elk and bison, well-nourished, free of disease, and more in balance with their natural habitat; a general understanding of the importance of the herds to the Jackson area economy and way of life; a recognition of the national, perhaps international, significance of the herds; a desire for change, both in the way the agencies manage the herds and how the agencies work with each other; and finally, a strong desire for more and better information, especially scientific data, upon which to base management decisions.

### **Recommendations**

This report puts forth a number of options and recommendations for agency consideration in proceeding to the next steps. Moving beyond the traditional NEPA public involvement process is challenging not only for agencies but also for the public. In large part, the success of a public involvement process hinges upon the agencies' and

participants commitment to set aside past differences, focus on the commonalities, and work creatively to develop approaches that meet or work towards these common goals.

This report recommends an integrated public involvement strategy, extending the basic NEPA process to include opportunities for:

- Direct input and participation in identifying the issues agenda and refining the public involvement process.
- Access to balanced technical information, and interaction with knowledge able experts on a science council;
- Representation on a designated a working group to identify alternatives and their selection criteria;
- Direct comment on the draft EIS and exchange with the working group and the interagency project team.

Of fundamental importance to ensuring the success of the process, is an improved relationship between the state and federal agencies. It is recommended that the state and federal agencies involved in Jackson herd management meet prior to the issuance of the Notice of Intent and reach agreement on agency roles and responsibilities, ground rules for cooperation, available resources, and a designated interagency project team. Specific terms and conditions should be set forth in a Memorandum of Understanding (MOU).

The designated interagency project team will have an immediate and visible role in demonstrating the commitments of their respective agencies to each other and to the public. To do so, their support from the responsible leaders of their agencies must be evident; their presence and participation in public meetings and public education forums is vital.

Given the importance of providing more scientific and technical information and access to experts, it is recommended that the interagency project team designate a science council that is interdisciplinary and draws on expertise from the federal and state agencies. The science council would act as a resource to the project team and to the public.

Building on the situation assessment, it is recommended that the final issue identification for the EIS be made at the end of the scoping period at a concluding public meeting. Based on the common ground identified through the interviews, it is anticipated that the issue agenda can be arrived at in scoping workshops through a facilitated consensus-building process. At these scoping workshops, participants can

also assist in making further suggestions for the design of a representative working group.

The purpose of a representative working group would be to refine the set of alternatives to be studied and to develop criteria for assessing and selecting the most appropriate alternative. The working group could be advisory, working independently of the interagency project team, and assisted by a facilitator. Alternatively, the working group could be integrated with the interagency project team and work cooperatively to reach consensus on the alternatives for further analysis.

Tribes contacted in the situation assessment expressed a strong interest in participating in this process at the government-to-government level with the agencies. Preliminary options arising from interviews with tribal leaders for Native American consultation include a representative tribal advisory group, direct communications with area tribes, notification to all federally recognized tribes, and specially arranged meetings with tribal representatives.

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## I. INTRODUCTION AND METHODOLOGY

The U.S. Fish and Wildlife Service (USFWS) has initiated a planning process to manage bison and elk herds that winter primarily on the National Elk Refuge (Refuge) in Jackson, Wyoming and the nearby Grand Teton National Park (GRTE), and the Bridger-Teton National Forest (BTNF). USFWS and the Refuge, together with the National Park Service (NPS) and GRTE, the U.S. Forest Service (USFS), the BTNF, and the Wyoming Game and Fish Department (WGFD) have acknowledged the need for a comprehensive management plan (CMP) for these “Jackson Herds.” They have expressed an interest in working toward a cooperative plan that would address the multiple interests and perspectives on wildlife management and habitat conservation and their corresponding management responsibilities.

Given the contention surrounding bison and elk management in the Greater Yellowstone Area (GYA) and in light of recent litigation on a previous Jackson bison management plan and on the vaccination of elk on the Refuge, the USFWS sought the advice of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). The U.S. Institute is an independent federal agency that offers its neutral third party services to assist all parties engaged in challenging environmental issues where federal agencies or interests are involved.

U.S. Institute staff attended two sets of meetings in Jackson with the cooperating federal and state agencies in late fall 1999 and in January 2000. The U.S. Institute recommended that an independent situation assessment be conducted and advice prepared on a public involvement strategy prior to the start of a CMP process or the agencies’ issuance of a Notice of Intent to proceed with an environmental impact statement (EIS). In January 2000, the USFWS contracted with the U.S. Institute to conduct a situation assessment and provide guidance on designing a public involvement strategy.

The purpose of the situation assessment was three-fold:

- To identify the range of different interests of those affected by or engaged actively in the herd management issues;
- To learn directly from representative stakeholders about their concerns regarding herd management and, in particular, their perspectives on public involvement strategies; and
- To recommend options to the cooperating agencies on how to effectively involve the public in the management planning process.

This report provides the results of the situation assessment and the Institute’s recommendations for appropriate public involvement processes.

The U.S. Institute retained the local services of impartial professional staff from the University of Wyoming's Institute for Environment and Natural Resources (IENR) and the Meridian Institute of Dillon, Colorado to assist the U.S. Institute staff with the interview process and the analysis and writing of the assessment report. A description of each organization and brief biographies of the assessment team members are included in Appendix A. The members of the interview team are not advocates for any particular outcome or interest and made every attempt to conduct their work in a fair, deliberate, and non-partisan fashion.

The first step in the assessment was to seek balanced, representative input from individuals, organizations, and agencies actively interested in the management of the Jackson bison and elk herds. The assessment team determined that input was needed at the local, regional and national levels from those representing ranching and agricultural interests; hunting and outfitting; businesses involved with tourism and recreation; environmental and wildlife conservation; animal rights and welfare; and the research and education community. Local and state residents along with the area media were interviewed. In addition, local, state, and federal government agency officials were interviewed. Also interviewed were the tribal chairmen and directors of tribal fish and wildlife departments of eleven Native American tribes in the region: Assiniboine and Sioux tribes of Fort Peck, Blackfeet, Chippewa-Cree, Crow, Confederated Salish and Kootenai, Eastern Shoshone, Gros Ventre and Assiniboine tribes of Fort Belknap, Northern Arapaho, Nez Perce, Northern Cheyenne, and Shoshone-Bannock. These tribes participated in the previous Jackson bison management plan.

The assessment team obtained initial names of potential interviewees from lists prepared and reviewed by the cooperating agencies. Given the limited timeframe and resources available for the project, the assessment team then selected the number and range of individuals and organizations to be interviewed. Several additional people were notified in writing of the assessment process and encouraged to contact the assessment team if they wanted to be interviewed and provide any comments. Additional individuals were identified by the interviewees and were also contacted to the extent that time and resources permitted.

Interviews were conducted with 130 of the 175 individuals contacted during April, May, and early June 2000. Approximately 39 individuals were interviewed in person; 65 were interviewed by phone, and approximately 26 people were approached collectively in scheduled meetings. Another 45 people were contacted by letter and invited to make comments or contact the assessment team for an interview. The general distribution of interviewees across each interest area and location is presented in the following table. An alphabetical list of all interviewees is included in Appendix B.

Distribution of Interests and Location of Interviewees

Location	Local	State/Regional	National
Interest			
Local Government	14	0	0
State Government	16	4	0
Federal Government	13	4	6
Tribes		17	1
Animal Rights and Welfare	3	0	4
Business Interests	2	0	0
Environmental/Conservationists	5	5	6
Outfitting/Hunting	2	6	0
Local State Residents	1	1	0
Ranching/Agricultural	5	4	0
Research and Education	2	5	1
Tourism/Recreation/Cultural Arts	1	2	0

The purpose of the interviews was to gain a broader understanding of the issues, interests and concerns surrounding the management of bison and elk on the Refuge and surrounding lands, and to gather input on issues, perspectives and options for how to most constructively engage the public and all interests in the planning process.

Members of the assessment team spent approximately forty minutes talking with each of the interviewees. The interviews were treated as confidential conversations. Interviewees were told that their comments would not be attributed to them nor identifiable as theirs, while the content of their remarks would be shared with the assessment team and presented in the report as accurately as possible. The assessment team also reviewed relevant documents provided to them or referred to them by some of the interviewees, the State of Wyoming, and the USFWS.

This report summarizes the results of the assessment process and outlines recommendations based on the input of those interviewed and the professional experience and judgment of the assessment team. This is not a legal document, a technical report, or an exhaustive study of all individuals and organizations with an interest or concern in the management of the Jackson bison and elk herds. No federal or state agency staff person or interviewee has reviewed this report prior to its release. Thus, any inadvertent errors, omissions, or mischaracterizations are the responsibility of the U.S. Institute.

The situation assessment was designed as a first step to inform a much longer management planning process that will occur over the next several years. Broader solicitation of input and many additional opportunities for public involvement will be forthcoming, in line with some of the recommendations in this report and consistent with NEPA public scoping requirements. This report is being provided to the agencies and to all those interviewed. It will also be available on the websites of the U.S. Institute, IENR, and Meridian Institute.

### **How This Document is Organized**

Five sections follow this introduction. The first, *Jackson Bison and Elk Herds – An Overview*, is meant to give an overview and history of the conflict. It is not intended to be an exhaustive review of all of the events surrounding the current situation, rather to provide a contextual snapshot and framework to orient the general reader. This section relies heavily on the materials and information available in public documents.

The second section of this report, *Perspectives on Herd Management*, summarizes the common and general perspectives from each of the interest groups or sectors interviewed.

The third and fourth sections, *Findings and Analysis of Herd Management*, and *Findings and Analysis of Public Involvement* respectively, describe our findings from the interviews and the implications of these findings on designing a public participation process and other agreements identified as essential to the management plan and public involvement process. The subsections presented here include representative and paraphrased opinions of interviewees without attribution. The purpose of these comments is to highlight the descriptive flavor of various opinions, concerns, and interests. The findings and their analysis were used to develop the recommendations and options for public involvement that are put forth in the fifth section, *Recommendations for Public Involvement*. This chapter provides a recommended strategy for developing a public involvement process and outlines several options for consideration in developing the process.

The final chapter, *Findings and Options for Tribal Consultation* summarizes the information provided in the tribal interviews and puts forth preliminary options for proceeding with tribal consultation.

Six appendices are included in the report: Appendix A describes the three Institutes and assessment team members and their backgrounds. Appendix B is a list of the people interviewed and their affiliations, and Appendix C provides representative comments from the interviews, organized across themes. Appendix D is a comparison of the traditional National Environmental Policy Act (NEPA) processes to other involvement processes. Appendix E a list of additional resources, is included for readers to reference. Finally, Appendix F lists the various acronyms that are used in this report.

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## II. JACKSON BISON AND ELK HERDS – AN OVERVIEW

The Greater Yellowstone Area (GYA) contains the largest free-ranging populations of elk and bison in the world. Based on traditional migration corridors and seasonal distribution, the elk and bison populations can generally be divided into northern and southern segments. The northern segments are often referred to as the “Yellowstone Herds” and the southern as the “Jackson Herds.” Bison and elk of the Yellowstone herds spend most of the year within Yellowstone National Park (YNP), but herd segments do migrate north and west to private and U.S. Forest Service (USFS) lands during severe winters. There, they winter on more-or-less “natural” forage. The Jackson bison and elk herds, the focus of this assessment report, summer in Grand Teton National Park (GRTE) and the Bridger Teton National Forest (BTNF). The majority of these animals winter on the National Elk Refuge (Refuge) attracted to and supported by the feed lines managed by the U.S. Fish and Wildlife Service (USFWS). Elk also winter on three feed grounds maintained by the Wyoming Game and Fish Department along the Gros Ventre River in BTNF.

### **The Elk Herd**

The Jackson elk herd is now the largest in the U.S., having recently exceeded in population the Yellowstone elk herd. In recent years, the Jackson elk herd has averaged between 15,000 and 19,000 animals. Some segments of the Jackson elk population migrate over 60 miles from summer range to winter range. (According to some historians, it is possible that, prior to the 1800s, the Jackson elk had to migrate to survive, migrating annually to areas south of Pinedale, Rock Springs, and the Red Desert, a distance of 200 miles.) The Jackson elk herd is likely the most intensively managed population in North America with over 3,000 (15-20% of the herd) animals removed annually through hunting. A much smaller percentage of the Jackson herd is hunted on the Refuge. Over a ten-year average, 271 elk per year have been harvested from the Refuge by hunters. The majority of those animals were cows (females). The winter population of elk on the Refuge has fluctuated during the 1990’s from a high of 10,700 in 1997 to a low of 7,300 in 1999. A limited number of elk use the native winter range available on the east side of GRTE.

Winter feeding of elk in Wyoming takes place on one federal (Refuge) and 22 state feed grounds, including three feed grounds along the Gros Ventre that are used by the Jackson elk. Winter feeding began as available winter elk habitat declined with the development of the Snake River Valley in the late nineteenth and early twentieth century, forcing the elk to compete with cattle for winter feed. By 1912, winter elk deaths were so high that the public pressed for the creation of the National Elk Refuge. Today the Refuge encompasses 25,000 acres, approximately one-quarter of the original estimated elk winter range. Current Refuge management practices emphasize enhancing the quantity of winter forage by summer irrigation of grasslands and prescribed burning.

Approximately half of the Jackson herd uses the Refuge feed grounds during the winter months. The usage depends to a certain extent on the severity of the winter. Elk typically inhabit the Refuge from November to April and migrate off the Refuge to calve in seclusion in nearby BTNF, GRTE, and YNP. After calving, cow elk rejoin established herds in these areas for summer grazing.

### **The Bison Herd**

Bison are native to the Jackson Hole area and were documented as early as 1833. Additionally, prehistoric evidence of bison is abundant throughout the valley. By the 1880s, bison were largely extirpated from Jackson Hole, indeed from the entire state of Wyoming, with the exception of a few individuals remaining in YNP and a group of free roaming bison in the Red Desert to the south. This southern herd persisted until the mid-1950s.

The original Jackson Hole Wildlife Park herd was established in 1948 with 20 bison from Yellowstone and 12 bison from Theodore Roosevelt National Park. By 1968 the population of bison at the wildlife park had declined to approximately 11 adults and 4 or 5 calves. In 1968, the entire herd escaped from the wildlife park and by 1969 the herd was permitted to free-range in the Jackson Hole area. In 1980, the herd, which numbered fewer than 50 animals, found its way onto the Refuge. During the 1980's the bison discovered the winter feed lines provided for the elk and the bison population grew rapidly, reaching nearly 400 animals by 1998.

In 1986 the Wyoming Game and Fish Department (WGFD), which administers public hunting of elk and bison on the BTNF, began developing an in-house management plan for the Jackson bison herd. They determined that a bison herd of 50 animals would be optimal. An interim plan involving multiple agencies was developed in 1987. This plan recommended an optimal herd size of 90-110 animals, and was intended to be in effect until 1994. However, the plan was challenged by a lawsuit in 1991, ultimately leading to the Long-Term Management Plan and Final Plan/Environmental Assessment that was completed in 1997. By this time the recommended size for the Jackson bison herd had increased to 350-400 animals. This management plan was again challenged in 1998, this time by the Fund for Animals (Fund). The Fund contended that the Jackson bison population continues to grow because of the supplemental winter feeding on the Refuge. This lawsuit led to the current comprehensive management planning process which will address the winter feeding of both elk and bison on the Refuge. Because the federal agencies are enjoined from the destruction of any bison for the purposes of population control until NEPA compliance is completed, it is estimated that the Jackson bison herd may double or triple in size over the next three years. During this period, however, the WGFD may conduct limited recreational hunts on USFS lands.



The federal agencies anticipate that a future Jackson Bison and Elk Management Plan and Environmental Impact Statement (JBEMP/EIS) will examine a full range of appropriate alternative strategies for managing the bison and elk, which inhabit the Refuge, GTNP, and BTNF at various times during the year. By necessity the EIS will consider current bison and elk management practices, including bison and elk hunts and the practice of winter feeding. A preliminary study area was delineated for the situation assessment which includes the overall range of the Jackson elk herd which overlaps and extends beyond the bison herd range approximating the upper Snake River watershed above Snake River Canyon in Wyoming (Figure 1). The area comprises about 1.5 million acres. *Readers note: Although the actual study area will be defined in the EIS process, this map was used to provide interviewees with a geographic context of the study area.*

## **References**

### Books

Cheville, Norman, F. Dale R. McCullough, Lee R. Paulson. 1998. Brucellosis in the Greater Yellowstone Area. National Research Council, Washington, D.C. 186 pp.

### Reports

Jackson Bison Herd Long Term Management Plan and Environmental Assessment. 1996. National Elk Refuge, Grand Teton National Park, Wyoming Game and Fish Department, Bridger-Teton National Forest.

Task Directive to prepare an Environmental Impact Statement, Comprehensive Management Plan for the Jackson Elk and Bison Herds. Draft 2/17/00. National Park Service - Grand Teton National Park, Fish and Wildlife Service - National Elk Refuge.

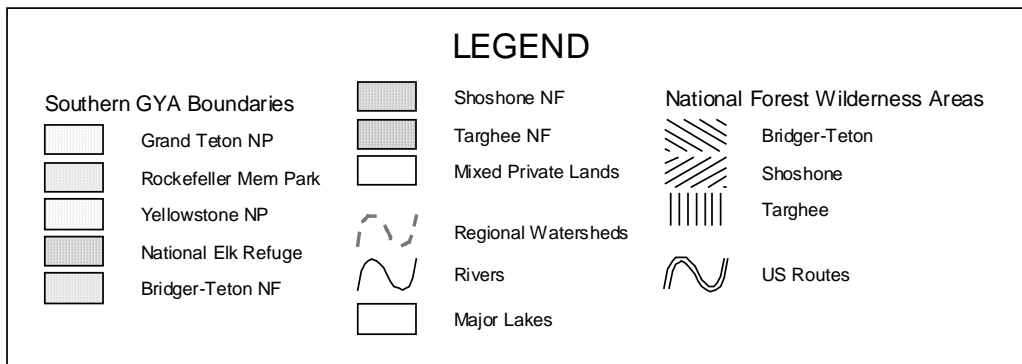
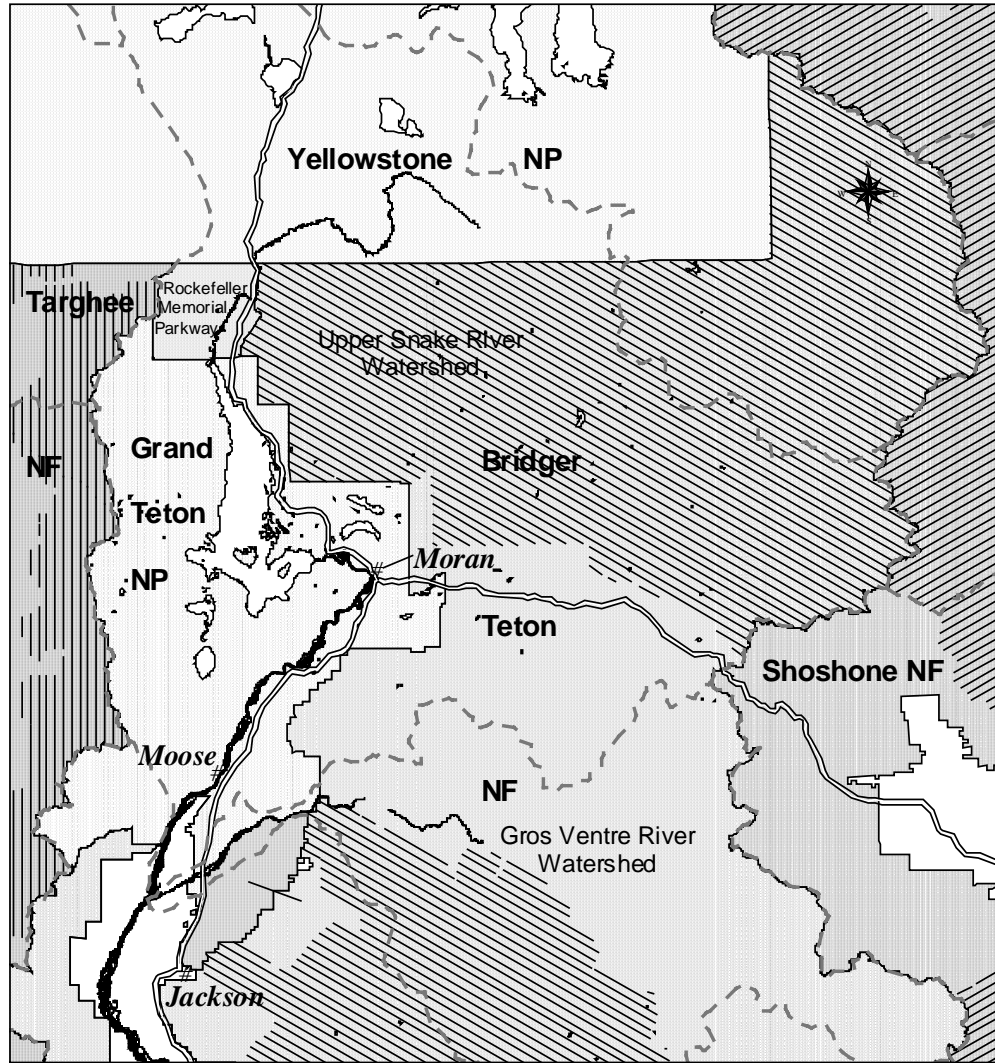
U.S. Fish and Wildlife Service, Briefing Statement. March 2, 1999. National Elk Refuge Bison Hunt. Prepared for Assistant Secretary Fish, Wildlife and Parks.

### Websites

Animal and Plant Health Inspection Service (APHIS). Brucellosis and Yellowstone Bison. APHIS-USDA <http://www.aphis.usda.gov/vs/naahps/Brucellosis/cattle.htm>

U.S. Fish and Wildlife Service, Region 6. National Elk Refuge. <http://www.r6.fws.gov/REFUGES/natilek>

## STUDY AREA: Jackson Hole Bison & Elk Management Plan



### III. PERSPECTIVES ON HERD MANAGEMENT

Those interviewed for this situation assessment represent a diversity of interests and perspectives from local, state, and federal government; tribes; ranching and agricultural interests; hunting and outfitting; businesses, including tourism and recreation; environmental and wildlife conservation; animal rights and welfare; and those in research and education. The complexity of issues and decades of history surrounding the Jackson bison and elk herds were revealed through these distinct perspectives, shaped by different values, experiences, lifestyles and livelihoods, education, and cultures. Despite these differences, however, there exist several areas of appreciable agreement that can serve as a starting point for this management planning process.

Many of those interviewed acknowledged the complexity of the situation, the historical dimensions of the conflict, and the practicalities of geography and development that constrain management options (e.g., “Jackson is not going away”). Virtually all those interviewed value and want to assure healthy herds of bison and elk for the future. Interviewees expressed the desire for herds to be as disease free as possible, and in as much balance with their natural habitat as possible, although preferences for specific management tools to reach these objectives vary. Interviewees also share a sense of frustration about the current management situation and a common desire for improvement in the way the herds are managed and in the way state and federal agencies cooperate. Many interviewees pointed to the problems agencies have working together as one reason for lack of progress toward an acceptable solution. Every agency came under fire from some set of interviewees. Finally, there is broad recognition of the variety of management tools available, a desire for more creative use of these tools, and an expectation that several tools and approaches will need to be used in combination to accomplish any agreed upon management objectives.

Keeping in mind these common interests and concerns, it is important to acknowledge the different perspectives people bring to the challenge of bison and elk herd management in the Upper Snake River valley. Below are general synopses of these different perspectives. At the risk of over-generalizing or stereotyping, these synopses are presented in an effort to fairly portray legitimate differences in points of view on these issues. Section IV presents overall findings across all individuals and interest groups interviewed, and Appendix C includes illustrative (unattributed) quotes from the interviews to provide a more direct flavor of both the common and distinctive viewpoints expressed by the interviewees.<sup>1</sup>

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<sup>1</sup> Given the limited number of interviews conducted with national public interest organizations, we are not comfortable summarizing their content in a manner that would protect their confidentiality.

### **Local Government**

Those in local government who were interviewed for this situation assessment tended to focus on the economic and quality of life benefits attributed to the presence of the bison and elk herds in the Jackson area. Most interviewees feel strongly that being able to see the wildlife enriches their quality of life. Many voiced substantial concern about the threat of disease, specifically brucellosis, tuberculosis and chronic wasting disease and the potential impact of these diseases on the herds as well as on humans. Most expressed the desire to balance economic interests with ecological and herd health interests, and many of those interviewed focused on the need for better science with regard to the potential use of vaccination, grazing as a tool to increase winter forage, and the ultimate need to establish objectives for optimal population numbers for the herds. Most feel that hunting is necessary as a management tool. Many share the fear that national “Beltway” politics will drive local management decisions on the Refuge and will not be sensitive to local interests and values.

### **State Government**

In general, those interviewed from Wyoming state government voiced concern and frustration over the ways and extent to which federal agency officials have involved the State in past planning and decision-making processes relating to bison and elk herd management. The interviews focused primarily on intergovernmental relationships, rather than on substantive issues and objectives for herd management. Most interviewees are concerned about jurisdictional uncertainties and want clarification on the roles of the state and federal agencies in the planning and implementation of herd management regimes. They expressed a strong desire to maintain state management authority with respect to the herds and, at the same time, create an interagency vision with their federal counterparts.

Some state officials feel there is no incentive to participate with the federal agencies in management planning, because it would require the State to deal with processes like the National Environmental Policy Act (NEPA), thereby potentially compromising or stalling critical management needs at the state level. Others insisted the State be involved as a full cooperating partner in the herd management planning. Several state officials expressed the view that state and federal agencies must work together regardless of conflicting jurisdictional authorities if the bison and elk herds are to be managed effectively over the long term. Many acknowledged a need to rebuild trust between state and federal employees at all levels from the field personnel to middle management to the policy making level.

### **Tribal Governments**

Interviews with both tribal chairmen and tribal game and fish directors reflected similar interests regarding the management of the Jackson bison and elk. Although a number of interviewees indicated they were not aware of the specific details of the Jackson bison and elk herds, all interviewees reflected similar interests regarding the

Jackson bison and elk. Several tribes expressed a strong interest and desire to conduct religious ceremonies on-site before bison are harvested from the Refuge or surrounding public lands. This interest reflects the 1996 Jackson Bison Herd Management Plan and Environmental Assessment (EA) preferred reduction alternative of a combination public hunt and herd reduction for Native American use. Many of the tribes with their own bison herds expressed a consistent interest in the receipt of cull brucellosis-negative yearling and two year-old bison to build their herds. (The Montana tribes recognize that the transport of live bison across state lines, in addition to the need to implement a vaccination program for cull animals, pose potential jurisdictional challenges.) Two interviewees expressed an interest in receiving transplant elk or cull elk for ceremonial purposes.

A number of interviewees discussed the jurisdictional and management challenges associated with brucellosis in the bison and elk as they relate to winter feeding on the Refuge and livestock grazing on public lands. Several interviewees discussed the disease in the context of a non-refuge situation, that is: “in wildlife under natural conditions, diseases play themselves out in cycles. Here (the National Elk Refuge) the concentration of animals creates higher levels of disease. Feeding contributes to the concentration of animals, and changes in the management plan need to focus on how to reduce disease.”

### **Federal Government**

A limited number of interviews were conducted with federal agency staff. Generally those interviewed have concerns regarding working relationships between the State of Wyoming and federal agencies and the jurisdictional conflicts over wildlife management. Differences among federal agencies were expressed with regard to policy objectives and interests. Several interviewees expressed frustration over the costs in time and resources of lawsuits over bison and elk management, particularly in face of an increasing bison herd and perceived threats to the habitat and ecology of the Refuge and surrounding lands. Distrust within and between the different levels of state and federal employees was frequently expressed. At the same time, all of those interviewed acknowledged that all levels of government would have to work together for herd management to be successful in the long run.

Interviewees recognized the need to establish target population numbers for both the bison and elk herds. They discussed the interrelationships between disease and winter feeding, the availability of winter habitat and the degradation of that habitat by overuse as well as the potential impacts of the reduction or gradual phase out of winter feeding. One interviewee’s remarks suggested a broader appreciation for local impacts, reflecting on the “socio-economic carrying capacity” of the valley and the relationship of the elk and bison to the town’s economic viability, as well as the opinion that residents and wildlife viewers will have limited tolerance for watching large numbers of animals starve.

### **Ranching and Agricultural Interests**

Many of the ranchers interviewed feel that the numbers of both bison and elk composing the Jackson herds are too high and they are concerned over resource damage resulting from current management practices. Trepidation about the risk of disease transmission was generally expressed, though many ranchers see the spread of brucellosis as a political threat and less of a real danger. There is also considerable apprehension about the consequences of reducing or eliminating winter feeding on the Refuge, particularly concerning potential impacts on private lands if bison and elk migrate onto private lands for winter forage. Some of those interviewed think that more scientific information is needed to improve management practices and would like to see a range carrying capacity established along with the use of other tools to maintain appropriate herd size. They mentioned the need for supplemental forage and the potential for irrigation and haying parts of the Refuge as ways to achieve that goal. Some ranchers suggested that in addition to hunting, wild predators can play an increasing role in controlling herd size and should be more strongly promoted. Some interviewees expressed frustration over “the management of wildlife and resources through the court system,” indicating that lawsuits are not advancing effective management.

### **Outfitting and Hunting Interests**

Those outfitters and hunters interviewed feel strongly that sufficient populations of elk should be maintained, not only to protect their livelihoods and recreational interests, but also to contribute to the economy of the state and Jackson. Many outfitters and hunters do not think that current elk populations are too high. Some interviewees favored bison hunts as a tool to control bison herd size and for their potential to strengthen the outfitting business. Some observed that the public is not well informed about hunting in general and the potential impacts of *not* hunting on the Jackson herds, suggesting that “decisions are made emotionally and politically with no facts involved.” Many support the feeding program on the Refuge and cited increasing urban development as posing critical problems when trying to find appropriate management tools. Several interviewees expressed perspectives captured by this quote: “Habitat in this country comes in square bales.” Most feel it unnecessary and cruel to eradicate winter feeding and “watch the herds starve.”

### **Local and Regional Business Interests**

In general, the business persons interviewed agree that being able to see elk and other wildlife is important to the community, and that accessibility to wildlife is part of what makes Jackson Hole unique. They appreciate the value of the bison and elk herds to the local community and to the tourism industry. Many of those interviewed are concerned that the threat of disease in the herds has not been studied thoroughly, and the potential impact of disease management strategies on the preferences of residents and visitors must be looked at along with their direct impacts on wildlife. Some favor

management tools like irrigation on the Refuge along with Park allotments to increase forage and help manage elk herds. Hunting and vaccination are generally preferred, though some feel that hunting bison should be treated differently than elk hunting and perhaps avoided all together. Within the business sector, there appears to be general support for maintaining the Refuge elk population, along with hope for management of the herd to eradicate disease.

### **Environmental and Conservation Interests**

Across the full spectrum of people interviewed, many indicated a personal appreciation and concern for wildlife and the environment. The concerns expressed by those identified primarily as representing environmental and conservation interests varied; however, many tended to prefer more “natural” as opposed to “managed” approaches to wildlife conservation. All felt that habitat and available forage were of concern for sustainable herds, but there were varying perspectives on how such sustainability could be achieved. Some considered irrigation, fencing, and prescribed burns to be good options for increasing forage. Some felt that competing interests, such as livestock grazing on federally managed lands should be removed. Most were concerned with the feeding program and its apparent exacerbation of disease in the herds, and supported acquisition of winter range and other tools to increase winter forage. The support for or against supplemental feeding on the Refuge varied in that some felt it should be phased out altogether and others envisioned the Refuge as a necessary “sacrifice area” which could not – because of factors including proximity to the town of Jackson – be managed as a natural or wild area. It was generally felt by the environmental and conservation interests that wildlife interests should supercede economic interests and other competing values when developing a plan to manage the Jackson bison and elk herds.

### **Animal Rights and Welfare Interests**

Generally, animal rights and animal welfare advocates support working towards free-ranging wildlife herds and towards a more natural balance between predator and prey. Most interviewees expressed concern with conflicts caused by hunting, feeding and livestock grazing. Those interviewed share the objective to end lethal population control practices such as sport hunting. Interviewees said that starvation was not an acceptable alternative to the cessation of feeding. Overall, they expressed support for incremental changes that would move toward a more “natural regulation” of species, such as phasing out feed grounds, or the use of other methods, such as acquiring additional winter range, increasing forage through irrigation, and fencing of riparian areas.

### **Research and Education Interests**

From the perspective of the research and education community, those interviewed generally agree that better data and sound science should be the principal basis for defining management problems and finding appropriate solutions. General support

was expressed for completion of specific studies around range carrying capacities, disease transmission, and the effectiveness of tools like vaccination. Most identified a definite need to manage the wildlife, and recognized that the proximity of people and population centers to the wildlife herds must be factored into any management regime. Some scientists and educators expressed concern that no matter what management conclusions might be drawn from scientific studies, the public would ultimately refuse to tolerate large winter die-offs ensuing from starvation or disease.

Several interviewees expressed the desire to use adaptive management for the Jackson herds. Adaptive management, they felt, was appealing because the process would enable managers to test clearly defined experimental approaches and adjust herd management accordingly based on the findings. This process would permit a management plan that shifts over time and enables managers to incorporate management practices based on new scientific information as opposed to a traditional structured long-term plan that makes incorporating new information difficult. Interviewees highlighted that science will not solve all of the management issues relating to the Jackson herds and suggested that the wider dissemination of scientific information and better clarification on what is agreed upon and what is not would be useful in this process.



#### **IV. FINDINGS AND ANALYSIS: HERD MANAGEMENT**

During the course of each interview, people were asked to describe the current herd management situation and their concerns and vision for the future. What follows is a synthesis of these interview findings and our analysis of the issues, areas of agreement and disagreement, and potential for building agreement on a herd management plan. These findings and analysis are not intended to be a substitute for the information that will be gathered from broad public input once the formal EIS scoping process begins.

##### **Major Issues**

Without exception, everyone interviewed expressed concern over the current management of the bison and elk herds in the Jackson area. Four major sets of issues were raised throughout the interviews, including disease and disease management, herd size, winter feeding on the Refuge, and interagency and intergovernmental relations. Less pervasive, but nonetheless prominent issues include the use of hunting as a management tool, interactions with the urban environment in the Jackson area, and the condition of the larger ecosystem.

##### Disease and disease management

Issues of potential disease impacts and disease control were voiced by most of those interviewed. Brucellosis, in particular, was mentioned, but tuberculosis, chronic wasting disease, ungulate fever, scabies, and lice were also raised as potential herd health threats. Concerns regarding disease center around:

- The efficacy of the brucellosis vaccine;
- The risk of transmission of brucellosis to cattle and to humans;
- The potential for other diseases such as ungulate fever and chronic wasting disease; and
- The risk of the State losing its brucellosis-free certification and the potential economic impacts of the loss of certification.

##### Herd size

Many interviewees addressed the current and potential size of the bison and elk herds and the ramifications of larger herd numbers for herd health, animal suffering, and increased human-wildlife interactions. Interviewees discussed the following issues:

- The current size of the bison herds –viewed by most as too large;
- The current size of the elk herds – viewed by many as too large; but some as adequate or in need of increase;
- Concern about an increased bison population, if left unmanaged during the course of the management planning process;
- Escalating problems due to higher numbers of bison with increased human-bison interactions and damage to habitat;

- Reducing or dispersing the current population of elk that winter on the refuge; and
- Controlling bison and elk herds by hunting.

#### Winter feeding on the Refuge

Issues raised concerning winter feeding were frequently linked to the discussion of herd size and habitat condition. Specifically:

- The impacts of continued winter feeding on herd health and quality of the habitat;
- The impacts of discontinuing winter feeding on herd health and nearby private property;
- Further habitat deterioration in an already deteriorated situation; and
- The impacts of forage enhancement methods such as controlled burns and irrigation.

#### Interagency and intergovernmental cooperation

Frequent mention was made of the need for improved working relationships among federal and state agencies. Many interviewees focused either on the conflicts between the state government and the federal agencies concerning jurisdiction over wildlife or the inconsistency between USFWS and the Animal and Plant Health Inspection Service (APHIS) regarding elk vaccination. Some thought one or the other agency should prevail (depending on whether they thought an agency was more or less supportive of their position). Many expressed a sense of frustration about the chaos and gridlock that seems to be the result of the situation.

Interviewees attributed these difficulties to a number of factors ranging from incompatible agency missions to conflicting jurisdictions, suspicions about personal or hidden agendas, entrenched positions, “capture” by competing interest groups, mutual distrust, and certain personalities who do not get along. Many said, in essence: do something different; the current approach doesn’t work, as illustrated by this quote from one interview:

*The current situation underscores the need for a different approach to problem solving. The standard agency approach encompasses poor communication, rigidified positions, and fosters acrimonious debate between agencies and with the public.*

#### Other issues

Many interviewees mentioned specific management tools that influence the elk and bison herd size and health. The most common tool mentioned was hunting.

Interviewees expressed strong opinions either in support of, or opposed to hunting. Interviewees saw hunting as an essential tool, while other interviewees opposed sport hunting, and consider it 'senseless killing'. The condition of the habitat, the available forage and mechanisms to enhance forage through controlled burning and/or irrigation were also mentioned by some interviewees as necessary management tools. Many interviewees link the need for increased forage and current forage condition with herd size and with the urban development pressure in Jackson. Finally, interviewees enumerated the impacts of urban development on the ability of the bison and elk to migrate and the increased potential for human-bison interactions as Jackson continues to grow.

### **Common Ground**

Despite the diversity of perspectives on the array of issues and concerns described above, there appears to be considerable common ground among those interviewed. The commonalities we observed include:

- A broad underlying concern about future conditions if current bison and elk management continues on the same course;
- A general understanding of the importance of the herds to the Jackson area economy and way of life and a recognition of the national, if not international, significance of the herds;
- A shared vision of healthy herds of bison and elk, as well-nourished, disease-free, and in balance with their natural habitat as possible;
- A common desire for change -- both in the way the agencies are handling the situation and in the way the herds are currently managed.
- A general preference for incremental, rather than premature or drastic changes in management;
- A recognition of a variety of possible management tools available and that no single tool or approach will be adequate.
- A desire for more and better information upon which to base the choices for future management of the herds.

These commonly expressed interests, although obviously general in nature, offer a reasonable starting point for engaging the public in the herd management planning process.

## **Areas of Contention and the Potential for Agreement**

The major areas of disagreement identified through the interviews center on the choice and application of specific management tools and the jurisdictional concerns that divide the state and federal governments.

### Preferences for and against specific wildlife management tools

Explicit disagreement exists over;

- The continuation of the feed grounds,
- The effectiveness of vaccines, and
- Sport hunting to control herd numbers.

Underlying these differences are strongly-held positions regarding “natural” versus “managed” approaches to wildlife and ecosystem protection. These positions reflect different values and priorities regarding preservation, conservation, and animal rights.

To a large extent, people characterized the policies or actions they strongly disagreed with in extreme terms like “crisis.” They assumed the worst case management scenario (e.g., an immediate termination of all winter feeding on the Refuge, a prohibition of all sport hunting for herd management) and the most severe consequences (e.g. catastrophic die-offs, epidemic infection of cattle and possibly humans).

When describing their own preferences, however, few were insisting such extreme management plans be implemented. Indeed, the vast majority of those interviewed sought incremental changes in management and the use of a variety of management tools, informed by the best available science. This demonstrated moderation suggests the potential for accommodating many of these concerns through a comprehensive, multi-faceted management approach.

### State jurisdiction over wildlife on federal lands

The jurisdictional friction between the State of Wyoming and the Federal government overlays and reinforces these differences about management tools with positions on states rights versus federal authority. The active litigation over the state’s authority to vaccinate elk on the Refuge underscores this dispute. The federal courts may resolve the legal argument; but the political and ideological conflicts will endure.

It is not reasonable to expect that the upcoming management planning process can resolve these differences. At the same time, everyone we talked with acknowledged that successful management of the bison and elk herds requires cooperation among the state and federal agencies. That suggests an opportunity to approach intergovernmental participation in the management planning process from an operational perspective, being respectful of the jurisdictional conflicts without addressing them head on.

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## V. FINDINGS AND ANALYSIS: PUBLIC INVOLVEMENT

In the course of the interviews, interviewees were asked to suggest ways in which the public could be more effectively involved in the management planning process. This chapter presents the interviewees' concerns and suggestions for public involvement processes and discusses process design considerations. Interviewees were very forthcoming in their suggestions for engaging the public in the management planning process. These suggestions fall into five major categories: agency roles and conduct; scope of the management plan; public involvement; public education; and technical/scientific input.

### **Concerns and Preferences**

#### Agency roles and conduct

Many interviewees expressed distrust of the abilities or intentions of federal and/or state agencies. While some were selective in their judgments of different agencies or favored one over another, many painted all the federal and state agencies with the same brush. In some cases, this distrust was tied to experiences with the Winter Use and wolf reintroduction efforts; in others, it was based on a sense that the agencies have entrenched opinions and are unwilling to change regardless of public input. Suggestions to help overcome the distrust included:

- The agencies should be especially careful about the questions that they pose to the public. There is a concern that when applying NEPA it is easy for the agencies to get the answers they want if the questions are leading.
- Agencies need to be more forthcoming with their true agendas.
- Select the key agency people carefully; those who interact honestly with the public are very much appreciated.

Many of the interviewees talked about the need for the federal and state agencies to work together early in this process to coordinate their activities and establish mutual respect for each other's sovereignty, focus on their differing goals, deal with personality conflicts, define responsibilities, and clarify how they plan to use the information that is gathered from the public. It was suggested that this be accomplished even before a Notice of Intent is published or any public involvement process initiated. Quite a few interviewees suggested that the WGFD should be a co-lead agency and a few suggested that WGFD be given the lead on disease management in the bison/elk herds. On the other hand, there were some interviewees who expressed a lack of confidence in the State's genuine desire to participate in good faith. The issue of cooperating status was clearly a sensitive topic for many interviewees.

Several interviewees suggested some sort of process and/or memorandum of understanding be crafted to clarify agency jurisdictions and responsibilities, to determine who pays for what, and in general to help agencies work together more effectively.

#### Scope of the management plan

Several interviewees supported a management planning approach focusing on the larger ecosystem and considering the impacts of bison and elk in the context of the larger area. Others felt the focus should be strictly on the Refuge and its feeding program as it impacts the herds and then indirectly the larger ecosystem. Some interviewees think the management EIS and public involvement process will need to account for differences between bison and elk, perhaps through separate management EIS's. These interviewees reason that there are distinct issues as well as some obvious commonalities, (e.g., forage and disease). Finally, several interviewees emphasized the need to address development as a major component of any solution.

#### Public involvement

Interviewees shared a variety of concerns and preferences for public involvement processes. There is fairly widespread public cynicism about whether the federal and state agencies are, or will be, committed to a meaningful public involvement process for bison and elk herd management planning. Several interviewees expressed frustration over previous public involvement experiences. A number of interviewees believe that the agencies already know what they want to do and will proceed with their chosen course in spite of any public input. A few interviewees talked about challenges they associate with "consensus building" in this context. These included: the perception that only "reasonable, moderate, and realistic" (read 'malleable') people and/or vested interests will be involved. As well as a sense that some of the issues may not lend themselves to a consensus approach.

Nearly all of the interviewees expressed the need for the public to be engaged in some capacity in the forthcoming management planning process. Interviewees underscored the need for a process that is inclusive, open, and in which the public is respected. There is a general desire for new and different approaches to the public involvement process – approaches that help focus discussions on issues rather than positions, that recognize the legitimacy of all values, and that remind participants of common ground and reasons they care deeply about the outcome of a management approach to these herds.

In general, interviewees seem to share the assumption that there would and should be some large-scale public meetings where people can provide oral or written comments, perhaps with some time provided for working group sessions during the meetings. In addition, several interviewees suggested informal, small group meetings before any large group meetings, e.g., with livestock groups and with the



environmental community, in their preferred locations. The purpose of such meetings would be to provide education on bison and elk management, explain the agencies' concerns and legal restrictions, ask for comments, and explain the process. One interviewee suggested that such meetings be open to the public.

Several people underscored the need for enough time for adequate public education and trust building, while others talked about the importance of efficiency and time constraints. Hunting and outfitting interests mentioned the difficulty they might have participating during their busy fall season. One interviewee noted the possible advantage of using the summer season to obtain input from national interests that might be tapped through tourism related venues.

Various interviewees emphasized the need to involve local interests; others emphasized the need to involve regional and state interests. Many interviewees recognized a national interest in the Jackson bison and elk herds and the importance of national input in the public involvement process. There were a number of comments specifically about advisory groups. Several interviewees supported some type of ongoing advisory group process, and made suggestions about structure and conduct:

- If an advisory group is formed, it should be conducted so that the process doesn't continue for years; it should meet frequently enough to move the process, but not so frequently that work can't be done between meetings.
- Agencies should take the comments and respond to them in a way that does not set unrealistic expectations concerning the preferred alternatives.
- The agencies should retain final decision-making authority.

For a number of reasons, other interviewees were less than enthusiastic about the use of an advisory group process in this situation. Some thought the issues are too technical for non-scientists and should be left to an agency work group while WGFD or a similar body deals with public comment. Another perspective was that putting everyone in the same room to discuss the issues would create conflicts and should be avoided.

A few interviewees expressed the opinion that open houses are usually "disastrous" because there is minimal information available, usually in the form of a few maps, and they do not provide the opportunity for people to sign-up and speak, nor is there the opportunity for the agencies to listen. Others thought open houses were a good idea.

Finally there were a number of additional suggestions for the public participation process:

- Put locals on assessment teams with the USFWS;
- Make use of the internet to help foster transparency;
- Hold an informational exchange/braintrust forum in the form of a conference. Such a forum would include all interest groups including national and promote involvement by non-traditional participants (i.e. arts, social sciences, process experts, etc.);
- Use a town hall meeting approach; and
- Model the process after the Forest Service's roundtables.

#### Public education

Overall, interviewees expressed the need for better public understanding of the management issues. Many emphasized the critical need for public education in the early stages of any public involvement process so that public input is informed by accurate information. Interviewees underscored the need for educational materials to be clear about the realities of the situation and the implications of different management scenarios. One suggestion was to conduct field trips to help educate and get people onto the ground to further their understanding of the situation.

Several interviewees suggested a need for education about public involvement process as well as science. For example, the cooperating agencies must clearly articulate the scope and role of the public participation processes, clarify who makes the decisions, and provide the credentials of those who will be involved in writing the management objectives.

#### Technical/scientific input

Most of those interviewed indicated the need to make scientific information more available to the public. Many perceive disagreement about the scientific basis of several aspects of bison and elk management. Several are concerned about the lack of reliable information and voiced frustration about misinformation that circulates. One suggestion was to bring together knowledgeable scientists, landowners, and local residents who have a working knowledge of herd behavior and habitat needs to identify areas of agreement on the biology of the bison and elk herds. Another was to seek more agreement among scientists and managers about the population-habitat dynamics before beginning the public education process. Several interviewees

mentioned the need for more research on the efficacy of vaccination as a management strategy to help combat disease problems.

### **Process Design Considerations**

Based on the comments and suggestions presented above, a number of important factors arise from these interviews that should be taken into account when designing a public involvement process. These involve the nature of the relationships among agencies and the public and the history and context of past management practices. They include regulatory and resource issues as well.

#### Distrust between state and federal governments

The state and federal agencies with jurisdiction over bison and elk management have different missions, different legal obligations, and different political constituencies. Also, legitimate differences in preferred management approaches exist between the agencies at the professional and managerial staff level. In the past and on the ground, the state and federal agency staff have worked together effectively on many cooperative projects. The agencies underlying differences, however, have been exacerbated recently, and there is a growing, broad-based and mutual distrust among the agencies, accentuated by acute rancor among the highest ranking officials and among some professional and field staff.

There are clearly important jurisdictional questions at issue, in addition to very rational concerns over the potential loss of management authority and of already scarce management dollars. Associated interest groups both drive and reflect those differences, making intergovernmental strife a central dynamic, and not just background noise, for this situation. Furthermore, some purely interpersonal conflicts further exacerbate the situation.

Ultimately, as everyone interviewed acknowledges, the state and the federal agencies will have to find a way to work together constructively if a management plan is ever to be implemented. Bridging these differences during the management planning process may be the best guarantee for cooperative implementation. This will be the central challenge for the public involvement design, because encouraging public dialogue given the current agency context will only mirror, amplify, or further distort agency agendas. If, however, agencies are able to “get themselves on the same page” then the potential exists for a process leading to greater public support for a management strategy, and a higher level of public trust in the agencies’ joint abilities to grapple with an extremely difficult situation.

### Public distrust of agencies and of public involvement strategies

The interviews also revealed considerable distrust within the public of one or more state or federal agency or official responsible for bison and elk management. There is a general concern that the agencies will conduct “business as usual” and not really listen to the public or be candid and forthcoming about their intentions. Unless they are confident that their input will be valued, members of the public will be hesitant to contribute their time or good faith effort in any public involvement activity. In order to dispel this distrust, the cooperating agencies will need to understand and commit themselves to sponsoring and participating in a public involvement process and linking that process in a transparent and meaningful manner to their management planning activities. Again, this will require intergovernmental cooperation.

There is a notable sense of discouragement and pessimism about public involvement efforts that have occurred in the region, and specifically about certain types of processes, (e.g., “conflict resolution” models, consensus building, open houses). This presents an added challenge for the public process design to be particularly responsive to the feedback from this situation assessment. Since there is such a diversity of opinions and a variety of scheduling needs, the process should include a variety of public involvement mechanisms and the agencies will need to explain carefully the process choices made.

### The herds’ value to Jackson, the State of Wyoming, and the nation

The herds are highly valued by a very broad array of interests, ranging from residents in the local community to hunters and conservationists abroad. Another process design challenge is how to involve all of these groups in appropriate and meaningful ways, particularly in light of the tension between local and national perspectives. Some local residents and state officials fear being “co-opted” by national interests; while others fear that national interests will dominate and fail to fully take local needs and concerns into account. Nonetheless, most acknowledge that the bison and elk herds are of significant value to both local and national interests, as well as to international interests.

Given this diversity and broad scale of interest, it makes sense to provide for a variety of processes and levels of involvement to engage individuals and organizations appropriately and to gather input for the plan in a balanced manner. This also suggests that adequate time for feedback and meetings be scheduled into the planning process given the high level of interest in the future of the bison and elk herds.

### The need for more credible information

The Jackson community is very sophisticated and knowledgeable. The interviews revealed, however, considerable disparities among people regarding what is known and/or understood about the bison and elk herds and the potential impacts of various

management approaches. In addition, the distrust discussed above extends to a more-than-healthy skepticism about the credibility of information reports and studies prepared by the state and/or federal agencies.

What may be scientific common ground has not been adequately communicated to the public. Just how much is known and what remains to be studied about the biology and population dynamics of the herds and their role in the larger ecosystem is not clear to the majority of those interviewed. By extension, it is probable that even less is clear for members of the general public who are not as actively engaged in the issues as those interviewed. It is confusing for many whether there are legitimate scientific disagreements in certain areas or whether they are simply the product of agency rivalry and conflicting political agendas. The selective use of certain information to substantiate positions is inevitable, but in this situation, it is particularly difficult for the public to discern, given their concerns over the reliability of most public sources of information.

It will be important to develop an explicit strategy for educating the public and gaining their confidence in the on-going research and scientific and technical bases for plan alternatives, their analyses, and the preferred plan recommendations. Such a strategy should be integrated with the overall public involvement process and management planning process design.

In addition to taking advantage of all available studies and research, the most effective way to both educate and build trust within the public may again depend on intergovernmental cooperation. Federal and state agency scientists and educators might work together more closely and jointly sponsor needed research, public information materials, and educational workshops.

#### Other factors to consider in designing a public involvement process

There are legal considerations or “sideboards” to be factored into any design, such as those guiding the EIS process, shaping any advisory committee under the Federal Advisory Committee Act (FACA), as well as consideration of the State of Wyoming public meeting laws applicable to state agencies. There are also legal constraints imposed by the continuing injunction against bison hunting and the active litigation on the matter of vaccinating elk.

In addition there is considerable political uncertainty with regard to the upcoming national elections, which may well influence, the motivations of the state and federal agencies to slow down or to speed up their commitment to a public involvement process. Hopefully, the long-term benefits of such a process and the critical nature of the herd management issues will encourage all sides to take the necessary steps toward a cooperative approach.

Were there infinite financial resources (and there are not) to apply to the process challenges raised above, there would still be other very real constraints which must be taken into account in designing a public involvement process. For example, the potential for “process fatigue” by over-involving the public in too-long and too-frequent public meetings must be recognized. A balance must be struck between inclusivity and the realistic levels of involvement that can be expected of unpaid citizens with other commitments in their lives.

From the taxpayers’ perspective, there also needs to be a balance in applying scarce staff time and dollars across public involvement activities, research, plan alternatives analysis, and ongoing management activities. There are a limited amount of human and financial resources that can be dedicated to this issue.

## VI. RECOMMENDATIONS FOR PUBLIC INVOLVEMENT<sup>2</sup>

The situation assessment highlights the need for an extensive public involvement strategy for the Jackson bison and elk herd management plan. There is considerable common ground concerning desired outcomes; that is an essential starting condition for achieving an effective, broadly supported management plan. Virtually all those interviewed, representing a broad spectrum of interests, indicated a readiness to participate in some manner in the upcoming planning process. There is a shared perception that collective action is needed to protect the future condition of the herds and manage their impact on the surrounding area.

It is also timely to consider a public involvement strategy, informed by this assessment report and at the beginning (rather than mid-way through) a new planning process. Resources exist, including time, money, and personnel, on the part of the federal agencies; the state is also assessing the resources it might be able to commit to such a process. Incentives to develop a more collaborative planning approach are present, given the legal challenges that limit future actions and the political conflicts that impede necessary cooperation among federal and state agencies.

In fact, no one disputes the need for public involvement or its potential benefits, such as a more acceptable and durable plan and a more informed and actively engaged public. Several have pointed out the hazards of not reaching out to an already disaffected and contentious public. On the other hand, a public involvement strategy, if not conducted in a forthright and purposeful manner, can be counterproductive and will only disappoint people if their expectations for bona fide involvement are not met. The agencies will need to carefully consider their commitment to the recommended public involvement strategy and how they will work together to ensure its success.

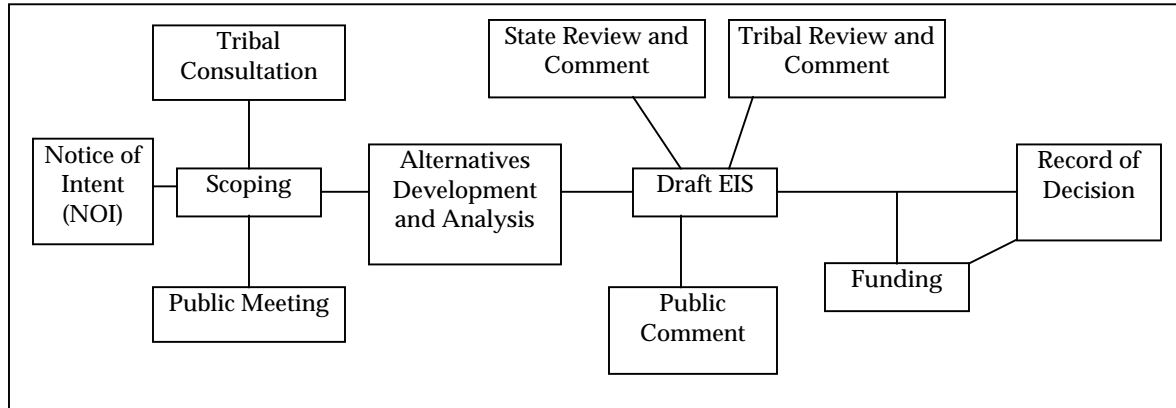
### Overview

The recommended process design aims to enhance and integrate effective public involvement throughout the management planning process. The proposed strategy is an extension of the basic National Environmental Policy Act (NEPA) model that provides at a minimum for public notice, scoping, and comment periods. The diagram below illustrates the basic sequence of activities for preparing an environmental impact statement (EIS). In Appendix D, this standard NEPA model is compared to other progressively more open processes. It is understood by the situation assessment team that the agencies are interested in offering a process that builds on this basic NEPA model and is consistent with all requirements of NEPA. Indeed, the situation assessment itself is a first innovative step toward a more responsive and open management planning process.

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<sup>2</sup> Tribal consultation is discussed in the final section of this report. Their participation in the public involvement strategy is also noted where applicable in this section.

### Basic NEPA Model



Taking into account the design considerations presented in the previous section of this report, the recommended public involvement strategy is intended to provide the interested public with opportunities for:

- Direct input and participation in identifying the issues agenda and advising on process refinement during the scoping period;
- Access to balanced technical information, for education about the adequacy and reliability of existing information, and for interaction with a team of knowledgeable experts throughout the management planning process;
- Representation on a designated working group that would identify alternatives and criteria for assessing those alternatives and provide review and feedback to the inter-agency project team;
- Direct comment on the draft EIS and exchange with the working group and the inter-agency project team.

In designing these opportunities for public engagement, it is essential that the roles and responsibilities for participants be spelled out and that the processes and authority for decision-making throughout the management planning process be clearly understood.

The recommendations that follow include several options and choice points for the agencies and those they work with to consider. The major components of the strategy and proposed options are described first. These are followed by a more detailed presentation of the strategy and recommended sequence of activities.

The recommended public involvement strategy is best portrayed in the context of an overall framework for the management planning process, since the



recommendations are integrated into that process, rather than distinguished as one discrete component added to the beginning or end of that process. The following table lists the steps and major actions and decision points. As the agencies review this strategy it is important to keep in mind that there are variations and options to consider and decide upon for each element of the strategy.

### Overview of Recommended Strategy

Steps	Actions/Decisions
1. Assessment report is disseminated.	
2. Individual federal and state agencies review and discuss recommendations	<ul style="list-style-type: none"> <li>• Agencies hold internal meetings to deliberate on the report.</li> </ul>
3. Federal and state agency directors meet to negotiate cooperation in the planning process.	<ul style="list-style-type: none"> <li>• Develop ground rules for cooperating.</li> <li>• Clarify roles and responsibilities.</li> <li>• Address funding and resource issues.</li> <li>• Specify terms and conditions through a MOU.</li> <li>• Designate an interagency project team.</li> <li>• Negotiate the basic language for NOI.</li> </ul>
4. Notice of Intent is issued.	
5. Interagency project team convenes.	<ul style="list-style-type: none"> <li>• Designate an interdisciplinary science council.</li> <li>• Develop a public education strategy and host science issues forums.</li> </ul>
6. Scoping process is conducted.	<ul style="list-style-type: none"> <li>• Identification of issues to be studied.</li> <li>• Refinement of further public involvement process.</li> </ul>
7. Federal and state agency directors meet again.	<ul style="list-style-type: none"> <li>• Discuss results of scoping.</li> <li>• Review previous cooperative agreement.</li> <li>• Complete any necessary negotiations on future actions.</li> <li>• Review candidates for alternatives working group.</li> <li>• Establish alternatives working group.</li> </ul>
8. Alternatives working group is assembled and begins work.	<ul style="list-style-type: none"> <li>• Group selects a professional facilitator.</li> <li>• Negotiation training and orientation.</li> </ul>
9. Interagency project team completes analysis	<ul style="list-style-type: none"> <li>• Analysis of draft EIS.</li> </ul>
10. Local and national public dialogues on alternatives are conducted.	<ul style="list-style-type: none"> <li>• Develop a series of local, state, and national dialogue workshops on the alternatives.</li> </ul>
11. Draft EIS is completed and issued.	<ul style="list-style-type: none"> <li>• Interagency project team and /or alternatives working group completes draft EIS.</li> </ul>
12. Public comment period.	Additional workshops as needed.
13. Federal and state agency directors meet	<ul style="list-style-type: none"> <li>• Review public comments compiled by interagency project team</li> <li>• Discussion on preferred alternatives</li> </ul>
14. Final decision of record	<ul style="list-style-type: none"> <li>•</li> </ul>

### **Recommended Process Components**

The overall strategy and sequence of activities described in the following section contain various options for the agencies' consideration. In the sections that follow here, we attempt to clarify the extent of the public involvement activities being recommended, the specific purpose of various activities and clarification on the limits to decision making authority, as well as the preferred decision making rules envisioned.

Based on the situation assessment, we have concluded that there are issue areas where broad agreement can be forged through consensus, and other areas where that is not likely, nor politically or legally feasible. What we are recommending is an interactive public involvement strategy with multiple opportunities for public collaboration and consensus building, as well as for reinforcing an improved partnership between the federal and state authorities. An underlying assumption here is that certain necessary decisions within the EIS process can and should be made by consensus: some decisions, in our opinion, can be reached in facilitated public meetings; others require more sustained involvement and are appropriate for a representative body such as the alternatives working group. Nonetheless, certain decisions must be made by agency staff or the signatories to the MOU, or ultimately by the lead agency(ies).

### Individual Agency Deliberations

The preliminary internal agency discussions should focus on the situation assessment report recommendations, to determine if and how their missions and mandates would be furthered by the recommended public involvement strategy and its associated options. Some suggested topics for these discussions include:

- Test the report findings and analysis against agency experiences and perspectives;
- Determine whether there is agreement at various levels within the agency on the report recommendations and decide which options are preferred and why;
- Address legal requirements regarding planning issues, agency EIS requirements, FACA constraints, etc.
- Identify areas where the agency has flexibility to participate;
- Identify areas or issues that are non-negotiable because of existing regulations, laws, or policies;
- Identify areas of uncertainty or contingencies;

- Identify agency commitments, staffing and resources needed to participate in such a strategy; and
- Determine decision makers for interagency negotiations and important provisions to negotiate regarding the MOU.

### Intergovernmental Cooperation

A central finding from the situation assessment was the need to improve federal and state agency relations, since implementation of any management plan will depend on intergovernmental cooperation. Proceeding with any public involvement strategy requires a good faith commitment as well as active leadership on the part of the federal and state agencies. This can be best expressed at the outset through a negotiated MOU.

As part of the individual agency discussions, there must be an early decision as to who would be the negotiators and signatories of such an MOU. We recommend that the regional directors of the federal agencies and the director of the Wyoming Game and Fish Department conduct the negotiations. A neutral facilitator may be particularly helpful in building a meeting agenda and assisting in these negotiations.

In addition to developing procedures for the meeting and ground rules for future cooperation, we recommend that the agency representatives also:

- Discuss the terms and conditions for working together;
- Clarify roles and responsibilities in the management planning process and the public involvement components;
- Address funding and resource issues;
- Craft the MOU;
- Designate an interagency project team; and
- Negotiate the basic language for a Notice of Intent (NOI) to proceed with an EIS. If possible, a joint press release would be issued.

Some decisions, if not readily achieved at these meeting (or series of meetings), could be deferred. For example, the agencies could agree to cooperate at a minimum through the scoping activities, then reconvene and discuss outstanding issues, such as co-lead status, and resource sharing.

To the extent possible, meeting participants should have decision-making authority to make agreements at this initial meeting. If not, an additional round of caucusing and/or review by individual agencies may be necessary.

Another option would be for this negotiation to proceed through two rounds, with the decision makers at the first round while the project team members observe; then the project team would draft a detailed framework and proposed terms and conditions for subsequent signature.

Most important is creating opportunities during these meetings for candid discussion, not only of past grievances, but also of future challenges to intergovernmental cooperation.

#### Interagency Project Team

Within the context of the extensive public involvement strategy being recommended, the role of the interagency project team extends beyond its primary responsibility for completion of the plan. The team will play an immediate and visible role in demonstrating the commitment of their respective agencies through the MOU to each other and to the public. This may require special attention to team-building and conflict management skills. Their presence as a team at public meetings, science fora, and in joint press releases will be quite important.

#### Interdisciplinary Science Council

Based on the findings and analysis from the situation assessment, the importance of providing more scientific and technical information and access to experts was apparent. We recommend the designation of an interdisciplinary, interagency science council to assist the public involvement strategy as well as the management planning process generally.

The purpose and mandate of the science council would be to:

- Identify areas of agreement on what is known and accepted, what is in contention, and what remains to be studied;
- Coordinate with existing technical groups to seek information and to co-sponsor public workshops (e.g., Greater Yellowstone Interagency Brucellosis Committee);
- Communicate scientific and technical information to the alternatives working group and the public through written materials and through interactive workshops;

- Demonstrate good faith cooperation among federal and state agency scientists; and
- Provide assistance and resources to the alternatives working group and the interagency project team on technical questions and issues.

The science council would be designated by the interagency project team at the outset prior to the scoping period. It would include scientists from all federal and state agencies cooperating in the planning process. One possible option to consider would be to appoint scientists from universities or other private or governmental research institutions to the council.

A coordinator should be selected to work closely with the project team on the scoping activities and to attend the alternatives working group meetings. It would be particularly useful if the coordinator were an educator knowledgeable about planning and presenting technical information to lay audiences. The coordinator would oversee several science forums during the planning process. We recommend ongoing agency involvement and support of the scientific/public education forums to demonstrate the commitment of agencies to the process and their willingness to work together, as well as to enhance public knowledge and further engage the public in discussion of the issues and options.

There exists the potential for using the geographic information systems technology to demonstrate alternative futures and impacts of various management scenarios to the public. This tool could be particularly useful for the meetings of the alternatives working group as they identify alternatives and then review the analyses of the agency project team. The science council should also participate with the interagency project team in an orientation training on integrating science into collaborative resource management.<sup>3</sup>

### Scoping Activities

There are a number of formats available to gather input directly from the public on the array of issues during the scoping process. We recommend sending notice to the individuals and organizations who participated in the previous Jackson Bison Herd Environmental Assessment, the Grand Teton National Park Open-Space Study, and the Yellowstone Winter Use EIS. In addition, a notice in the Federal Register and a website with information about the issues and the scheduled meeting dates are recommended. The website should provide individuals with the opportunity to submit comments electronically. Depending on the number of Internet comments received outside of the Rocky Mountain region, one or two national meetings might be advisable, if the budget

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<sup>3</sup> An important resource guide will be: Managing Scientific and Technical Information in Environmental Cases. Principles and Practices for Mediators and Facilitators by Peter S. Adler et., al. Additional references are provided in Appendix E.

permits, in addition to a number of workshops in the Jackson area and elsewhere in the state.

The format of the scoping meetings should be interactive, with large group discussions as well as small group sessions to gather their feedback on issues. The scoping meetings should be facilitated and the report from these meetings sent to all attendees and posted on websites.

As mentioned above, these workshops should be preceded by a public education forum to disseminate much needed information and provide opportunities to raise and answer questions.

Based on the situation assessment, it would be feasible and appropriate to determine the relevant set of issues to be addressed in the EIS through a public, facilitated consensus-building process. The series of scoping workshops and collection of input from other written comments and electronic media could culminate in a large public scoping meeting in Jackson where all the issues previously identified could be sorted and prioritized by the participants. The outside framing for the relevant issues would come from the interagency negotiation on the Notice of Intent and assure from the outset the focus and boundary for the EIS. However, the specific issues relevant to the EIS could be a consensus product based on direct public input. An additional value of such an endeavor would be the mutual education of the various interest groups on their different perspectives and concerns regarding herd management issues.

The scoping workshops could have an additional function: to engage the public in determining the representative make-up of the alternatives working group. As with the assessment interviews, there would be a substantive section and a process section to the workshop agendas. Participants would discuss what interests should be represented on the working group and the criteria to be used to determine who should represent those interests. In small group break-out sessions, participants could also identify candidates that they felt would meet those criteria. As noted in the sequence of activities, these candidates would then be forwarded to the signatories of the MOU for appointment after the conclusion of the scoping period.

#### Alternatives Working Group

The purpose of a representative working group would be to identify the set of alternatives to be studied and to develop criteria for assessing and selecting the most appropriate alternative. Based on the situation assessment, these tasks, in our opinion, can be completed through a consensus-based process..

There are at least two models to choose from when constructing an alternatives working group. It is recommended that this choice be made prior to the scoping activities by the interagency project team with the advice of their attorneys regarding

the implications of the Federal Advisory Committee Act (FACA) and with the consent of the MOU signatories.

- **Advisory Model:** Appointed by and advisory to the interagency project team, in this model the working group would be representative of broad interests, operate independently from the agencies, and be assisted by a facilitator/staff paid for by agencies and/or private foundations. The group's primary role would be to provide input to the project team, help educate the public, and serve as a community liaison. We strongly recommend that these meetings be noticed and public, and ground rules applied to encourage meaningful participation of the public. This working group could strive to operate by consensus; on the other hand, minority reports might be appropriate or differing individual input identified and provided. The group would determine its own ground rules for operating and decision-making. Agency staff would attend meetings as a resource to the group. Care should be given to representation of tribes, as discussed in Chapter VII, and to representation of state and national interests.
- **Partners Model:** In this option, the working group members would include the interagency project team and other representative interests and would operate by consensus for the specific purposes of identifying alternatives and developing criteria, and reviewing the draft EIS prepared by the project team. Again these meetings would be noticed and public, with facilitation and appropriate mechanisms for observers to comment or participate.

For both models, it may be helpful to provide some training in collaborative processes, interest-based negotiation and NEPA, as well as in-depth meetings with the science council to familiarize themselves with the scientific and technical data available and/or needed.

As discussed earlier, the composition of the alternatives working group and the selection criteria for group members would be determined collectively by participants at the final scoping meeting. The signatories to the MOU would make the appointments to the working group.

In both scenarios, the working group facilitator would produce meeting reports to be broadly disseminated via the web and the media. In either scenario, the members could lead small issue-specific discussion groups with membership extending beyond the appointed working group as deemed appropriate by the larger group.



The mission of the working group can be defined preliminarily in this report, revised by the interagency project team, then by the working group if there is agency agreement. DRAFT: “The (agencies) have established this Jackson Bison and Elk herd alternatives working group to negotiate and develop alternatives and criteria for selection of alternatives for consideration by members of the public, Native American tribes, and local, state and federal agencies in the development of a management plan for the Jackson bison and elk herds.”

The roles and responsibilities of the working group vary across these models, as does their decision-making authority. In the advisory model, the working group is independent from and advisory to the interagency project team. In the partners model, the project team is part of the membership of the working group that can make collective decisions on the alternatives and the selection criteria for assessing the alternatives.

In neither model does the working group have authority to make the decision of the preferred outcome. That would rest with the agencies as negotiated by the signatories and made explicit in the MOU. Given the tensions between the state and federal government over jurisdictional issues and the risks of cooperating on this project, it is not advised that their authority over the outcome of this planning process be delegated to an appointed working group. Of major importance, in our opinion, is building trust among the agencies and creating opportunities for cooperating with each other in making sound policy and management decisions for the Jackson herds.

Once constituted, the working group would clarify its charge from the MOU signatories and proceed to adopt ground rules, which describe the member’s responsibilities, the nature of the deliberations in relation to the public, and behaviors that are encouraged and expected to keep the discussions fair, open and constructive. The following general ground rules are recommended as a starting point for the working group to negotiate among themselves:

- Flexibility – Expect change and uncertainty, the overlap of this process with the national election and its outcome may change elements of this project.
- Resource Equity - Everyone will not have the same amount of experience, knowledge of the issues, or time and resources to participate equally. Consideration needs to be given to training “coaching”, access to information, and resources so that everyone can participate in a meaningful fashion.
- Respect for Diversity - Thoughtful consideration must be paid to all values and interests. Seek to understand the underlying concern, interests and needs of the participants.

- **Accountability** - Share the information discussed in work groups with members of coalitions, caucuses and the public. Seek their feedback and concerns, and articulate these to the work group. Work group must provide sufficient time between meetings for public review and feedback.
- **Time Limits** - Draft milestones, and mark progress towards reaching the milestones.

Some suggested specific ground rules for working group members:

- Keep constituencies informed about the committee's deliberations and actively seek their input.
- Attend all of the scheduled meetings, and arrive at the meetings prepared to discuss the issues on the agenda, having reviewed all the documents distributed in advance.
- Strive throughout the process to bridge gaps in understanding, seek creative resolution of differences, and pursue the goal of reaching agreement on the content of the items under discussion.

Initial meetings should be one and one-half days in length separated by a period of four to six weeks. Once the scope of the issues is narrowed, subsequent meetings can be shortened to one day. The length of the first meetings provides the opportunity for members to get to know each other and begin building relationships and trust.

### **Detailed Strategy and Recommended Sequence of Events**

1. Assessment report is disseminated.

This report is being distributed on July 21<sup>st</sup> to all those who were interviewed or requested a copy of the report. It is also posted on the websites of the three institutes responsible for this report.<sup>4</sup>

2. Individual federal and state agencies review and discuss recommendations.

During the week of July 24, the U.S. Institute and assessment team members meet with federal agency staff at regional and local offices and with the Wyoming Game and Fish Commission to discuss report recommendations. Agencies hold internal meetings to deliberate on the report.

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<sup>4</sup> U.S. Institute: [www.ecr.gov/new.htm](http://www.ecr.gov/new.htm), IENR: [www.uwyo.edu/enr/ienr.htm](http://www.uwyo.edu/enr/ienr.htm), and Meridian Institute: [www.merid.org](http://www.merid.org)

3. Federal and state agencies meet to negotiate cooperative agreement.

An essential element of this strategy is forging a renewed working relationship between the federal and state agencies. The public involvement strategy depends on this. A meeting or series of meetings described earlier is necessary to develop ground rules for cooperating; clarify roles and responsibilities; address funding and resource issues; specify these terms and conditions through a memorandum of understanding (MOU); designate an interagency project team; and negotiate the basic language for a Notice of Intent (NOI) to proceed with an EIS.

4. Notice of Intent is issued.

This step is taken after the interagency discussions and with advanced review of the text by all affected federal and state agencies.

5. Interagency project team convenes, begins work, and initiates the scoping phase.

Based on the preceding negotiations among the agencies, an interagency project team is convened to manage the core EIS activities. The U.S. Fish and Wildlife Service is currently leading this project team. Prior to arranging the public scoping activities, the interagency project team should designate an interdisciplinary science council to develop a public education strategy, launched with a forum held just before the first scoping meeting. At the outset of the scoping, the interagency team should decide whether and how to establish an alternatives working group and define the scope of its operations.

A multi-faceted approach to scoping is recommended to tap the local, state and national interests. In addition to the proposed approaches for public workshops and other information collection techniques, we recommend a facilitated consensus-based process for identifying the full set of issues to be addressed in the EIS and for developing the composition and selection criteria for a representative alternatives working group.

6. Federal and state agencies meet again to assess scoping and establish alternatives working group.

Signatories to the MOU and/or regional directors of federal agencies and directors of participating state agencies meet to discuss results of scoping, review their previous cooperative agreement and complete any necessary negotiations on future actions. At this meeting, the candidates for the alternatives working group are reviewed and agreed upon. The final determination is made with regard to the working group's status and charge.

7. Alternatives working group is assembled and begins work.

Depending on the model chosen, the working group meets, interviews and selects a professional facilitator. The alternatives working group participates with the interagency project team in negotiation training and orientation on NEPA, meets with experts, and begins deliberations on identifying alternatives for study and the assessment and selection criteria. With the exception of the training sessions, these meetings should be open to the public. The facilitator should manage the meetings and provide a meeting record.

8. Interagency project team completes analyses.

Again, depending on the working group model selected, the interagency project team would proceed to complete the analyses for the draft EIS.

9. Local and national public dialogues on alternatives are conducted.

The alternatives working group, the interagency project team, and the science council work together to develop a series of dialogue workshops on the alternatives. These workshops should be informative and interactive with opportunities to integrate public education, public comment, debate, and discussion. Professional facilitation will be valuable. A critical element will be coordinating the design and output from the local, on site workshops and any workshops held elsewhere.

10. Draft EIS is completed and issued.

Depending on the model chosen above, the interagency project team and/or the alternatives working group completes the draft EIS.

11. Public comment period

A recommended comment period of 90 days provides continued opportunities for extended discussions in Jackson, around the state and with national audiences through additional workshops and organized public dialogue.

12. Final decision of record.

With the completion of the comment period, the interagency project team compiles the comments and in a joint public session with the alternatives working group reviews the preferred alternative in light of new information and insights encountered. The decision rules put in place earlier guide the final recommendations forwarded to the signatories of the MOU for their deliberation. A meeting of signatories, facilitated if needed, takes place to discuss the revisions and seek agreement in accordance with the terms of the MOU.

## VII. FINDINGS AND OPTIONS FOR TRIBAL CONSULTATION

### **Interview Summary**

Although a number of tribal interviewees indicated they were not aware of the specific details of the Jackson bison and elk herds, all interviewees reflected similar interests regarding the Jackson herds, in particular the bison because of its cultural and religious significance to the tribes. Several interviewees reflected on the cultural importance of the bison to their tribe and expressed a strong interest and desire to conduct religious ceremonies on-site before bison are harvested from the Refuge or surrounding public lands. A few tribes with bison herds expressed interest in the receipt of live cull bison for their herds, and recognize the jurisdictional challenges transporting bison across state lines may cause. A number of interviewees also discussed the jurisdictional and management challenges associated with brucellosis in the bison and elk as they relate to winter feeding on the Refuge and livestock grazing on public lands.

Tribal preferences for inclusion in a public involvement process and for special consultation with the federal and state agencies vary only slightly from tribe to tribe. All tribal interviewees from the eleven tribes contacted expressed a strong interest in some form of tribal representation in the management design process. All those interviewed reiterated the importance of communicating with the tribal councils early and often to provide them with sufficient time to fully consider and discuss proposed options. The majority of tribes contacted prefer to meet directly with the cooperating agencies involved in the management plan. Only in one instance did a tribe indicate that the formal consultation must be before the entire tribal council. Several tribes requested written consultation to ensure a record of decisions made and the steps taken.

In addition to direct contact with individual tribes, group meetings with tribal representatives would be welcomed, particularly for discussions on technical issues. Some interviewees also suggested that a series of group meetings could be held with tribes in geographic proximity to each other in order to reduce the time and cost of travel. Several interviewees who attended the meeting in Jackson three years ago for the previous bison management plan, spoke highly of that meeting and in particular of the efforts of the National Elk Refuge Manager to include tribes in the management planning process. A number of interviewees suggested that the Montana-Wyoming Tribal Game and Fish Commissioners might be a good starting place for the agencies to present information and gather input from the tribes. In addition, some tribes also suggested the Montana-Wyoming Tribal Leaders Council as a good forum where the agencies can apprise the tribes of on-going management plan activities. The Inter-Tribal Bison Cooperative is also interested in this process and is currently exploring their desired role.

All interviewees indicated that they want to work cooperatively with the lead and co-lead agencies involved in the management plan. They expect to interact directly, government-to-government, with those who carry the decision making authority on the Refuge and surrounding public lands. None of the interviewees expressed a desire for their tribe to take a co-lead role. A number of those interviewed indicated that tribes might be wary of consultation on this management plan because of the failure of the previous plan.

With respect to relationships with other agencies, many of the interviewees want to see a closer working relationship between the tribes and both the state and federal agencies and suggested a memorandum of understanding (MOU) between the federal and state agencies may improve relations and help build trust. In addition, separate meetings with the state and the federal agencies (e.g., state-tribe, federal-tribe) may be a good way to begin building relations. Several interviewees recommended that the tribal fish and wildlife directors work more closely with their counterparts in the states of Wyoming and Montana. One interviewee has worked with Wyoming Game and Fish Department personnel on grizzly bear issues and felt this working relationship was quite successful.

Finally, several Montana tribal leaders expressed deference towards the Wyoming tribes, in a consultation process, in as much as the herds' winter feeding range is located in Wyoming.

In summary, as one interviewee put it:

*Seek tribal input early and often. There is room for negotiation and understanding of positions and interests. It is critical to keep tribal leaders involved. But, be sure to tell why, where, and how you are expecting to see their input. Politics makes things too hurried and can lead to poor outcomes.*

### **Options for Tribal Consultation Processes**

The cultural and religious significance of the bison to tribes in the Wyoming and Montana region as well as the historic presence of Native Americans in the Greater Yellowstone Area, underscores the importance of formal consultation with Native American tribes in this region. The cultural significance of the bison extends to many tribes beyond the geographic vicinity of the tribes interviewed here thus consideration of a broader consultation process is warranted. There are a number of options for engaging the tribes in meaningful consultation. These options are briefly summarized below. These options are not offered as recommendations at this time since they are still under discussion by the tribes themselves. The U.S. Institute is meeting with the representatives of the eleven tribes interviewed to discuss these and other options further.

### Representative tribal advisory group

The purpose of the advisory group is to provide the cooperating agencies with feedback and direction on various management options as they relate to Native American preferences, cultures, treaties, and laws. This group would provide feedback to the agencies on behalf of the tribes. This approach may increase communication and dialog across tribes as well as with members of the interagency project team. The advisory group could meet every two to three months to provide sufficient time to disseminate information to tribal councils and members and gather their feedback before the next meeting. The advisory group would not be a substitute for periodic meetings with all appointed tribal representatives or meetings with the public. The public should be informed about the tribal meetings through periodic reports from a tribal coordinator. The meetings could be centrally located or be hosted by various tribes and agencies.

If an advisory group is established, tribal appointments should be made and agreed upon by the tribes. Appointees who have technical expertise with the issues relating to the bison and elk management, as well as representatives who can offer cultural perspectives of the various tribes are recommended. Tribal appointees should report to all tribes involved as well as the Montana-Wyoming Tribal Game and Fish Commissioners and the Montana-Wyoming Tribal Leaders Council. Because these two entities do not include the identified Idaho tribes, close attention must be paid to ensure that the Idaho tribes as well as tribes from other states, remain informed and participate to the extent they desire.

### Direct tribal input

This approach provides tribes the opportunity to provide direct input to the agencies either collectively through a forum such as those used in the Yellowstone Park Native American consultation process where the agencies meet collectively with the tribes to gather their suggestions for management alternatives. Alternatively tribes could provide their input independent of a group meeting through one-on-one meetings with the interagency project team as well as written correspondence. A forum approach may reduce the number of meetings as well as provide the opportunity for all interested tribes to participate but also limits the feedback and expertise that the tribal representatives may have to offer. In contrast to an advisory group, this approach also limits the opportunity for the agencies and tribes to build working relationships.

### National outreach to all federally recognized tribes

The cultural and religious significance of the bison beyond the tribes in the geographic proximity to the Jackson herds suggests that consultation be offered at a larger scale to all federally recognized tribes. Under this option, the cooperating agencies, working through the USFWS technical support branch and the Native American representative in each region send a letter of invitation for participation and comment about the Jackson bison and elk herd management planning process to all

federally recognized tribes. The letter should review the project, and invite them to participate if they desire and to clearly indicate their preference for consultation. Those tribes that respond back to the agencies should be included in the consultation process as requested by the tribes. This option, though initially labor intensive may result in a moderately larger group than the eleven tribes already contacted. The extent of the interest and the availability of resources will vary across tribes and thus influence the number of tribes that participate in the consultation and management planning process.

In sum, all of these options have benefits and shortcomings; we recommend that consideration be given to each of these options and how they might work independently as well as in some combination. The U.S. Institute's meeting with tribes will help identify the preferences of those tribes present at the meeting.

### **Next Steps**

From the information gathered in the interviews with tribal chairmen and fish and wildlife directors, the following steps, may be feasible and warrant consideration by the agencies and feedback from the tribes. These recommendations are provided to generate additional input and feedback and will be discussed at with tribal representatives at the meeting July 25, at the National Elk Refuge.

1. The interagency project team meets and designates a tribal coordinator and considers the options provided in this report.
2. The interagency project team offers to meet individually with each tribe and requests a representative be designated from each tribe. The purpose of individual meetings is to further clarify the tribe's interests and specific concerns about the Jackson bison and elk. Several of the tribes interviewed have made this request.
3. A planning meeting with the tribal representatives and the interagency project team is organized by the tribal coordinator. The options presented here and how the tribal representatives would like to proceed would be discussed.
4. Tribes provide their comments and feedback through their representative and the tribal coordinator begins developing the steps for the preferred option.



**APPENDICES**

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**APPENDIX A: Institute Information and Assessment Team Members**

**U. S. Institute for Environmental Conflict Resolution ([www.ecr.gov](http://www.ecr.gov))**

The U.S. Institute for Environmental Conflict Resolution is located in Tucson, Arizona, and operates under the aegis of the Morris K. Udall Foundation, an independent federal agency. The U.S. Institute provides a neutral place inside the federal government but “outside the beltway” where public and private interests can reach common ground. Its primary objectives are to:

- Resolve federal environmental, natural resources, and public lands disputes in a timely and constructive manner through assisted negotiation and mediation;
- Increase the appropriate use of environmental conflict resolution (ECR) in general and improve the ability of federal agencies and other interested parties to engage in ECR effectively;
- Engage in and promote collaborative problem solving and consensus building during the design and implementation of federal environmental policies to prevent and reduce the incidence of future environmental disputes.

Any federal agency, or any person or organization involved in an environmental conflict with a federal agency, can call upon the Institute for assistance. The U.S. Institute maintains confidentiality in all appropriate projects and processes. Nonetheless, by law, the U.S. Institute must inform the President’s Council on Environmental Quality (CEQ) of its engagement in a project and seeks CEQ’s concurrence on projects involving more than one federal agency. The U.S. Institute is funded through a congressional appropriation and through fees for services provided to public and private sector clients.

The Institute’s professional staff provides services that range from preliminary consultations to convening and conflict assessment, process design and guidance, large group facilitation, assisted negotiation and mediation, and dispute system design and evaluation. The Institute may assist the parties directly, sub-contract the work to qualified practitioners, or refer parties to panels of practitioners from whom they may select based on their needs and preferences.

**University of Wyoming- Institute for Environment and Natural Resources ([www.uwyo.edu/enr/ienr.htm](http://www.uwyo.edu/enr/ienr.htm))**

The Institute for Environment and Natural Resources represents a partnership between University of Wyoming faculty and a prominent advisory board of leaders in the field of environment and natural resources, chaired by William D. Ruckelshaus. Its mission is to advance effective decision-making on environmental and natural resources issues by promoting and assisting collaborative informed approaches that sustain both the economy and the environment. To accomplish this, the Institute takes on research and policy projects that are consistent with three core values:

- Collaborative problem solving on environment and natural resource issues;

## Appendix A – Institute Information and Assessment Team Members

- Balance among diverse points of view with acknowledgement of the fundamental rights of Americans;
- Respect for transdisciplinary research and best available information.

The Institute strives to empower citizens and communities with accurate and unbiased scientific, technical and socioeconomic information that can assist in formulating effective, collaborative solutions to thorny environmental and natural resource issues.

### **Meridian Institute ([www.merid.org](http://www.merid.org))**

The mission of the Meridian Institute is to increase society's ability to solve problems and resolve conflicts arising from the integration of environmental, health, economic, and social issues. The Institute accomplishes its mission through third party, neutral facilitation which will help people identify critical issues, utilize creative problem solving and conflict management, and implement effective, durable solutions.

Meridian Institute focuses on four areas of work:

- Convening and facilitating multi-party, problem-solving and conflict resolution processes;
- Assisting diverse parties in creative alliances and partnerships;
- Designing processes which assist organizations in achieving sustainable policies, and durable decisions;
- Advancing the understanding of collaborative decision-making processes.

In all four focus areas, Meridian facilitators apply experience from projects conducted at the local, state, national and international levels to the interplay of environmental, health, economic, and social issues. Specific topics that Meridian facilitators have addressed include environment and natural resource policy and management; occupational safety and health; public health; agricultural policy; trade; sustainable development; and alternative approaches to regulation.

### **Code of Professional Conduct**

Members of the Jackson Bison and Elk Situation Assessment Team are non-partisan and committed to fairly serving all individuals, organizations, and agencies. We do not advocate any particular interest or outcome and we strive to be free from favoritism or bias by word or action. We will be forthright about our backgrounds and associations.

**Assessment Team Biographies**

**U.S. Institute for Environmental Conflict Resolution (U.S. Institute)**

**Kirk Emerson, U.S. Institute Director**

Kirk Emerson is director of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). She has been responsible for the Institute startup and oversees all of the Institute's projects and programs. Prior to her appointment, Dr. Emerson developed and coordinated the environmental conflict resolution program at the University of Arizona's Udall Center for Studies in Public Policy. While at the Center, she managed a combination of research, teaching, and professional outreach activities that included local, regional, and statewide initiatives regarding water resources, endangered species, and Western range policies. As an assistant research professor, Dr. Emerson designed and taught the core graduate course on conflict resolution for public management students. She has conducted research and written articles on environmental mediation, land use law, and environmental policy. Her dissertation on regulatory takings and state property rights laws received the prestigious William Anderson Award from the American Political Science Association in 1998. Before pursuing her doctoral studies, she worked as an environmental planner and as the director of countywide planning at the Bucks County Planning Commission in Pennsylvania. Dr. Emerson holds a Ph.D. in Political Science and Public Policy from Indiana University, a Master's in City Planning from Massachusetts Institute of Technology, and a B.S. from Princeton University, magna cum laude.

**Sarah Palmer, Environmental Research Specialist**

Sarah Palmer is an environmental research specialist for the U. S. Institute for Environmental Conflict Resolution (U.S. Institute). With nearly ten years experience in scientific research and administration, Ms. Palmer provides background research and information for natural resources cases at the Institute. Prior to her work at the Institute, Ms. Palmer served as the Biosafety Officer at The University of Arizona. In that capacity, she oversaw the environmental and human safety aspects of more than 300 research projects involving genetic engineering. Ms. Palmer also taught laboratory safety courses to undergraduate and graduate students as well as faculty. She initiated the University's first evaluation process to determine the efficacy of laboratory safety training. She also provided community outreach programs on the importance of risk assessment of genetic engineering. Ms. Palmer received her B.S. from the University of Wyoming and holds a M.S. in Biology from Virginia Tech. She is currently working towards a second Master's degree in Public Policy with an emphasis in natural resources at The University of Arizona.

## **University of Wyoming's Institute for Environment and Natural Resources (IENR)**

### **Harold L. Bergman, IENR Director**

Harold Bergman is Professor of Zoology and Physiology, J.E. Warren Distinguished Professor of Energy and the Environment, and Director of the School and the Institute of Environment and Natural Resources (IENR) at the University of Wyoming. Dr. Bergman received BA and MS degrees in Biology at Eastern Michigan University and a PhD in Fisheries Biology at Michigan State University. Prior to joining the University of Wyoming faculty in 1975, he was a fishery biologist at the Great Lakes Fishery Laboratory, U. S. Fish and Wildlife Service, Ann Arbor, Michigan, and Research Associate in the Environmental Sciences Division at Oak Ridge National Laboratory, Oak Ridge, Tennessee. He has authored or co-authored over 100 research articles and edited four books on diverse topics related to his principal research interests in environmental toxicology, fish physiology, and environmental policy. He has received numerous research and teaching awards and he has served on many national and international advisory and review panels.

### **Andrea Brandenburg, Founder of Homeland**

Andrea Brandenburg is the founder of Homeland, an organization dedicated to promoting sound, locally made decisions. She is working on the bison and elk situation assessment under contract to IENR. Ms. Brandenburg designed and completed a graduate program in natural resources to refine her research, teaching, and dispute resolution skills. She has a wealth of experience as an educator, researcher, policy analyst, facilitator, and mediator. She has taught classes in environmental issues and ethics, ecology and society, natural resources policy, consensus building, and community enhancement at the university, college and community level. Her funded research projects have included: studies of alternative methods of public participation and decision making throughout the West; an assessment of the economic potential of special forest product harvesting in the Pacific Northwest; an ethnohistory of subsistence in the Yukon-Charley Rivers Preserve, Alaska; and a bioregional narrative of rural environmental activists. Most notably, Andrea was appointed to the Interagency Forest Ecosystem Assessment Team and is frequently cited for her work on the importance of place in creating environmental ethics and landscape meanings. Andrea is originally from Montana and now makes her home with Tony Malmberg on the Three-Quarter Circles Ranch outside of Lander, Wyoming.

### **Sara Flitner, Owner of Flitner Communications**

Sara Flitner is the owner of Flitner Communications, specializing in strategic communications, collaborative problem solving, public involvement and community relations. She is working on the bison and elk situation assessment under contract to IENR. Since 1995, she has worked with clients and projects ranging from facilitation of community, regional and national issues, design of corporate retreats, and communication strategy consulting. Ms. Flitner's work has included a national study aimed at open space preservation, strategic planning for an educational non-profit, a national park use study and many specific-interest corporate retreats. She has handled

## Appendix A – Institute Information and Assessment Team Members

outreach and publicity for projects that include two Presidential visits, national communications for the Jackson Hole tourism community, and national communication consulting for The Nature Conservancy. Ms. Flitner served as Marketing Director for the Jackson Hole Visitors Council before starting Flitner Communications. A Wyoming native, Sara earned her Bachelor of Arts in Organizational Communication with an emphasis in public relations from the University of Wyoming. She lives in Jackson with her husband, Bill Wotkyns, owner of a fly-fishing manufacturing company called Tarponwear, and son, Pete.

### **Ruth Shepherd, IENR Project Coordinator**

Ruth A. Shepherd is a project coordinator for the Institute for Environment and Natural Resources, and is responsible for conflict resolution and collaborative planning workshops. She prepares presentations for the University of Wyoming and Colorado State University in coordination with faculty from the Agricultural Cooperative Extension Departments. Ms. Shepherd works with local communities to develop solutions for natural resource issues in coordination and compliance with national policy. She is experienced in promoting community based conservation programs that work collaboratively with local landowners and include state and federal land or wildlife management agencies. She works closely with local citizen groups to coordinate projects designed to meet the economic needs of the community while maintaining natural resource sustainability. Ms. Shepherd designs distinctive approaches to meet the challenges of natural resource management planning that addresses public resources on private lands. Prior to joining IENR, she served as the Executive Director for the Wyoming Riparian Association. She received BA and MS degrees in Anthropology at the University of Wyoming.

### **Meridian Institute**

#### **John Ehrmann, Meridian Institute Senior Partner**

John Ehrmann is a co-founder and Senior Partner with the Meridian Institute, which is headquartered in Dillon, CO. Dr. Ehrmann has pioneered the application of collaborative processes for almost two decades. He has extensive experience in legislative and regulatory processes dealing with environmental, natural resource and other policy areas related to sustainable development, including the President's Council for Sustainable Development and the National Commission on Superfund. He also provides facilitation for internal organizational processes including strategic planning, organizational development, formation of advisory committees and processes designed to further collaborative decision-making and sustainable development. Dr. Ehrmann serves as an adjunct faculty member for the University of Wyoming and provides advice to the IENR and School of Environment and Natural Resources regarding the role of collaborative problem-solving processes in natural resource decision-making. Dr. Ehrmann received his PhD From the University of Michigan School of Natural Resources.



## Appendix A – Institute Information and Assessment Team Members

### **Connie Lewis, Meridian Institute Senior Partner**

Connie Lewis is a co-founder and Senior Partner with the Meridian Institute. She has worked as a mediator, facilitator, and process design consultant since 1987. In addition, she has offered numerous trainings on conflict resolution and provided strategic planning assistance to agencies, non-governmental organizations, and corporations. Her practice has focused on natural resource and environmental quality issues, including biodiversity, ecosystem management, forestry, plant genetic resource conservation, wildlife management, fisheries, pollution prevention, protected area management, and facility siting. Selected examples of her work include successfully mediating settlements to two long-standing lawsuits concerning Air Force operational impacts on wildlife and recreational uses in southwestern Idaho, serving as project director for the Keystone National Policy Dialogue on Biodiversity on Federal Lands, and facilitating a consensus agreement among diverse stakeholders concerned with wolf management in the State of Alaska. Ms. Lewis edited a book for the IUCN (World Conservation Union) on managing conflicts in protected areas. She received a BS from Southern Oregon State College and a Masters in Wildland Resource Science from the School of Forestry at the University of California at Berkeley.

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## **APPENDIX B: List of Interviewees**

## Appendix B – List of Interviewees

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Stanley	Anderson	University of Wyoming, Wyoming Coop Research Unit
John	Baughman	Game and Fish Department, State of Wyoming
Joe	Bohne	Game and Fish Department, State of Wyoming
Gene	Borre	Western Wyoming Outfitters
Larry	Bourret	Wyoming Farm Bureau Federation
Sarah	Bransom	National Park Service, Yellowstone National Park
Mac	Bray	Concerned for Animal Rights
Doug	Brimeyer	Game and Fish Department, State of Wyoming
Kathy	Buchner	Trout Unlimited
Pam	Buline	State contact for US Senator Craig Thomas, Wyoming
Steve	Cain	National Park Service, Grand Teton National Park
Franz	Camenzind	Jackson Hole Conservation Alliance
Bonnie	Cannon	State contact for, US House of Representative Barbara Cubin, Wyoming
Kenneth	Cannon	National Park Service
Bill	Cawley	Rancher
Tim	Clark	Northern Rockies Conservation Cooperative
Jamie	Clark	US Fish and Wildlife Service
Lynda	Cook	Attorney General's Office, State of Wyoming
Derek	Craighead	Craighead Environmental Research Institute
Ken & DaJuana	Crichton	Wyoming Hunters Association
Candra	Day	Local Resident
Rich	Day	National Wildlife Federation
Doyle	Dorner	Wyoming Game and Fish Commission
Lloyd	Dorsey	Wyoming Wildlife Federation
Steve	Duerr	Jackson Hole Chamber of Commerce
Bob	Ekey	Wilderness Society
Frank	Ewing	Barker-Ewing Whitewater, Inc.
Walt	Farmer	Concerned for Animal Rights
Hank	Fischer	Defenders of Wildlife
Kim	Floyd	Wyoming Wildlife Federation
Camilla	Fox	Animal Protection Institute
Charlene	Gallina	Town of Jackson
Denis	Galvin	National Park Service
Cameron	Garnick	Triangle C Ranch
Rik	Gay	Teton County Natural Resource District
Gerald	Geis	Wyoming State Legislature
Jim	Geringer	Governor, State of Wyoming
Paul	Gilroy	Gilroy Outfitting
Charlene	Gorlena	Town of Jackson
Roger	Green	Wyoming Game and Fish Commission

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<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Nancy	Hall	USDA Forest Service, Bridger Teton National Forest
Niffy	Hamilton	USDA Forest Service, Bridger Teton National Forest
Dave	Hammond	National Park Service, Grand Teton National Park
Clifford	Hansen	Former Governor and Senator, State of Wyoming
Harry	Harju	Game and Fish Department, State of Wyoming
Ann	Harvey	National Wildlife Refuge Association
Steve	Haynes	National Park Service, Grand Teton National Park
George	Helfrich	National Park Service, Grand Teton National Park
Les	Henderson	Wyoming Game and Fish Commission
B.J.	Hill	Swift Creek Outfitters
Gene	Hoffman	Teton County Natural Resource District
Bernie	Holz	Game and Fish Department, State of Wyoming
Steven	Horn	University of Wyoming, College of Agriculture
Robert	Hoskins	Local Resident
Dan	Huff	US Fish & Wildlife Service
Tracy	Hunt	Wyoming Game and Fish Commission
Dan	Ingalls	Dan Ingalls & Sons
Steve	Iobst	National Park Service, Grand Teton National Park
Matt	Jones	Office of the Governor, State of Wyoming
Jay	Kirpatrick	Zoo Montana
Grant	Larson	Wyoming State Legislature
Clarene	Law	Wyoming State Legislature
Kelly	Lockhart	Rancher
Andrea	Lococo	Fund for Animals
Jim	Logan	State Veterinarian, State of Wyoming
Bob	Lucas	Rancher
Cynthia	Lummis	Treasurer, State of Wyoming
Gary	Lundvall	Wyoming Game and Fish Commission
Lynn	Madsen	Wagon West & Yellowstone Outfitters
Jim	Magagna	Wyoming Stock Growers Association
Page	McNeill	Sierra Club
Brad/Kate	Mead	Rancher
Ron	Micheli	Department of Agriculture, State of Wyoming
Jack	Neckels	National Park Service, Grand Teton National Park
Jim	Ozenberger	USDA Forest Service - Bridger Teton National Forest
Chris	Papouschif	Animal Protection Institute
Michael	Parada	Town of Jackson
Carolyn	Paseneaux	Wyoming State Legislature
Mark	Peterson	National Parks and Conservation Association
Ben	Pierce	The Nature Conservancy
J. Michael	Powers	Wyoming Game and Fish Commission
Art	Reese	Federal Land Policy, State of Wyoming
Barry	Reiswig	US Fish & Wildlife Service, National Elk Refuge

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<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Steve	Reynolds	Office of State Lands and Investments, State of Wyoming,
Alan	Rosenbaum	Pinto Ranch
Tony	Royle	Spotted Horse Ranch
Alan	Rutberg	Humane Society of America
Jerry	Sanders	Wyoming Game and Fish Commission
Bob	Schiller	National Park Service, Grand Teton National Park
Michael	Schrotz	USDA Forest Service, Bridger-Teton National Forest
DJ	Schubert	Schubert Consulting/Fund for Animals
Lyn	Shanaghy	Field representative for US Senator Mike Enzi, Wyoming
Jack	Shea	Teton Science School
Nancy	Shea	Murie Center
Sandy	Shuptrine	Jackson Hole Buffalo Forum
Scott	Smith	Game and Fish Department, State of Wyoming
Bruce	Smith	US Fish & Wildlife Service, National Elk Refuge
Margaret	Spearman	Office of the Governor, State of Wyoming
Robert	Stanson	National Park Service
Ann	Stephensen	Teton County Commissioners
Grant	Stumbough	Society for Range Management, Wyoming Section
Meredith	Taylor	Greater Yellowstone Coalition
Tory	Taylor	Outfitter
Glen	Taylor	Gros Venture Wilderness Outfitters, Inc.
Terri	Terrell	US Fish & Wildlife Service
Steve	Thomas	Greater Yellowstone Coalition
Tom	Thorne	Game and Fish Department, State of Wyoming
Stephen	Torbit	National Wildlife Federation
Harold & Don	Turner	Triangle X Ranch
John	Turner	Conservation Fund
Elizabeth	Williams	University of Wyoming
John	Winter	Two Ocean Pass Ranch and Outfitting
Gay	Woodhouse	Attorney General, State of Wyoming

## Appendix B – List of Interviewees

### Tribal Interviewees

<b>First Name</b>	<b>Last Name</b>	<b>Affiliation</b>
Anthony	Addison	Chairman, Arapaho Business Committee, Northern Arapaho Tribe
Gordon	Belcourt	Executive Director, MT-WY Tribal Leaders Council
Robert	Belcourt	Director, Natural Resources Department, Chippewa-Cree Tribe
Dale	Beckers	Biologist, Fish, Wildlife, and Wildland Recreation, Confederated Salish and Kootenai Tribes
Clyde	Bronco	Vice-Chairman, Shoshone-Bannock
Chad	Colter	Director, Department of Fish and Wildlife Shoshone-Bannock
Bert	Corcoran	Chairman, Chippewa-Cree Business Committee, Chippewa-Cree Tribe
Trudy	Ecoffey	Inter-Tribal Bison Cooperative
Ricky	Fighter	Director, Fish and Wildlife, Crow Tribe
Keith	Lawrence	Director, Fish and Wildlife Department, Nez Perce
Robert	Magnan	Director, Fish and Wildlife Department, Assiniboine and Sioux Tribes of Ft. Peck
Don	Meyers	Natural Resources Department, Chippewa-Cree Tribe
Aaron	Miles	Director, Natural Resources Department, Nez Perce Tribe
Ira	Newbreast	Director, Blackfeet Fish and Wildlife, Blackfeet Nation
Ivan	Posey	Eastern Shoshone Tribe
Arlen	Shoyo	Director, Fish and Wildlife Department, Eastern Shoshone
Ron	Skates	US Fish & Wildlife Service, Technical Division
Benjamin	Speakthunder	Vice-Chair, Gros Ventre and Assiniboine Tribes of Ft. Belknap
William	Walks Along	Director, Fish and Wildlife, Northern Cheyenne Tribe
John	Washakie	Chairman, Shoshone Business Council

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## **APPENDIX C: Interview Guide and Selected Responses**

## Appendix C – Interview Guide and Selected Responses

The following are representative comments from interviews relating to the current situation and preferred management outcomes. The comments are arranged into subcategories that appeared most appropriate. Many of the comments could easily go into several of subcategories, e.g., disease, hunting, population size, etc.

### General Comments

- The area covers the old vision document that was conducted 10 or 12 years ago. Forest Service and Park Service examined the same area and there were meetings all over the West side of the state. The constituents took their concerns to Malcolm Wallop and Al Simpson (U.S. Senators), and pointed out the management of private property. The U.S. Forest Service and Park Service met in D.C. without the team leaders and finally removed private property from federal management. The map in the packet covers the same area again.
- Not all that aware of specifics of the current situation. Consider big game to be very high on the community asset list, and doesn't see a lot of community dialogue going on around these issues. "Shocked and concerned" that APHIS is the only cooperating agency and hopes this does not reflect final process outcome. Concerned that APHIS has driven the situation so far and will continue to shape the process through their position on brucellosis. Biggest need, at this time, is to have the problem defined clearly for all parties.
- A series of band-aids have been applied to conflicts and the fundamental issues have not been dealt with. This situation emphasizes the intolerance for wildlife outside of public lands.
- We are faced with the following general problems involving public involvement with elk and bison planning in Jackson Hole and the southern Greater Yellowstone Ecosystem: (1) How do we establish appropriate and non-contradictory goals and objectives for elk and bison conservation? (2) How do we satisfy the broadest range of public values without adversely affecting elk and bison populations and their ecology (i.e., how do we achieve the common interest in elk and bison)? Please note that I do not include the existence of conflict among these problems. As of yet, conflict over elk and bison has accomplished little, but that fact has led to the erroneous conclusion that our problem is the existence of conflict. It is not. I have become convinced that if we focus on resolving conflict, as it appears that the proposed interagency conflict resolution process intends, we will fail to solve the problems out of which the current intractable conflicts have grown. I would like for us to approach the problems of elk and bison conservation differently: with completely different assumptions, goals, and management regimes.

## Appendix C – Interview Guide and Selected Responses

- There are so many levels of involvement. They are doing the best job they can do under the critical public. They sneeze and there is a lawsuit. From a resource standpoint, there are plenty of buffalo. This is not a petting zoo but that is what the public thinks the park represents. There is resource damage, and resource damage population is a problem. Hunting is a tool and so are predators, but neither are doing a very good job. Starvation is not a humane way to manage population.
- The Gros Ventre should not be part of the EIS.
- If something different is not applied, we will see “more of the same” which will translate into catastrophe for elk and bison management. More problems between the state and federal government will arise and management of the herds will become even more impossible.
- Would like to see consideration of small “mom and pop” businesses when devising elk/bison plans. I am worried that many of them will be run out of business if more “regulation” is the result of the study. Overall success can result from finally identifying optimum numbers for elk and bison herds.
- Things cannot continue as they are, both legally and from the “human tolerance” perspective. It is important to come together as a community and look at the problems in constructive, educated ways.
- Multiple use is not a consideration by the land management agencies. The USFS/BLM were established to utilize the resource, and they are not doing so because of national pressures. Agency personnel need to have resource background and understand multiple use.
- We must care for the bison the best that we can. The bison is essential to the survival of the northern tribes who rely heavily on the bison for food, warmth, clothing and spirituality. Preservation of the species is essential.
- It is an impossible situation and I am appalled by the amount of misinformation that circulates and also by the lack of public information that is not available. Jackson Hole is a fish bowl and attracts many interests from wildlife advocacy groups, tourists, outfitters, ranchers and the scientific community. Not everyone who takes an interest in wildlife is concerned about the wildlife nor remembers that they might be working for a cause.

### Comments Regarding Management

- The current situation underscores the need for a different approach to problem solving. The standard NPS approach encompasses poor communication, rigidified positions, and fosters acrimonious debate between agencies and with the public.
- Many differing philosophies on wildlife management have created crisis-like conditions. Because of lawsuits and political agendas of advocacy groups and agencies, management of the herds is at a standstill. This has resulted in too many elk on refuge and bison numbers that are too high. The need to support the elk herd means more involvement is necessary from agency land managers. These managers need information about forage so that they can manage population numbers based on available feed, and supplement that forage through vegetation management (irrigation, possibly haying on the Refuge) and additional winter-feeding.
- There is a definite need for management of the wildlife, as there seems to be an unrealistic expectation that wildlife, surrounded by people and a town, can behave completely naturally. Ultimately, it comes down to what the public wants and there is little or no tolerance for watching herds of elk and bison die of starvation or disease.
- I'm for as much wildlife as possible. I love Jackson elk and bison. I just wish managers understood their responsibility.
- The left wing public wants to manage what they don't know about. Management is all bullshit. It is really simple: if you want something to propagate, you take care of them. These agencies don't realize that they have a responsibility to manage.
- While there is a clear need for better management plans for elk and bison herds, there is a lot of confusion around the study area (what elk herds/feed grounds are included?) and how broad the study will be. Feed grounds have created a situation where wildlife act like livestock and require more management. Introduction of predators on feed grounds up the Gros Ventre caused three elk herds to combine on one feed ground, doing significant damage to the vegetation and habitat. There is a need to manage both elk and bison herds at reasonable population numbers.
- It seems like bison are just left alone to do their thing and elk are pretty intensively managed through feeding. It seems to me that the managers are doing a reasonable job and that the process is relatively conflict free.

## Appendix C – Interview Guide and Selected Responses

- Overeducated, under experienced people who lack responsibility. Justify it by science. The Park needs to be hunted.
- Without more consideration on use of hunting and vaccination along with other possible solutions, herds face risks of higher disease, out of balance population numbers, and other threats to their viability. There is a significant need for agencies to work jointly to develop a plan or “activists could prevail back East.” Successful outcome: balanced plan that considers health of the herds with health of the economy must have public involvement and must also “inject realism” and gather sound data so that the public is informed.
- Primary concern is trust and fairness. The issues of distrust on both sides make it difficult to work together. Over time, personal values have displaced the chain-of-command.

The Refuge, because of its size and position as a federal entity, has the best opportunity to shift elk off artificial feed. The state is more limited by the burden of public. The Refuge should be treating the desired land management objectives as the dependent variable, not the elk as the desired management objective.

- Would like to see a situation where herds are managed for healthy, controlled numbers with an emphasis on vegetation management. I would specifically like to see vegetation management tools, like fire and timber removal, be utilized to create more forage and minimize competition for forage.
- A successful outcome would be the realization of two separate but interconnected goals: one for elk and bison conservation, and one for public involvement in elk and bison planning. With the former, our primary goal should be "to provide sustainable and diverse habitat for wild, free ranging wildlife in ways that enjoy public support and are in the public interest." With the latter, the goal should be "to incorporate the public in elk and bison conservation in such a way that the public establishes strategic policy and participates in decision-making and management oversight."

### **Comments Regarding Management Tools**

- I would like the Refuge and others to consider burning, irrigation and other tools to increase forage and become less dependent on winter feeding. Want biological diversity and forage improvement to sustain herds less artificially.

## Appendix C – Interview Guide and Selected Responses

- Success would entail a process that honestly considers options for increasing forage (irrigation) and decreasing the threat of disease (vaccination, dispersal of animals on feed grounds). May also need to look at culling and/or quarantining diseased animals.

### Comments Regarding Disease

- Highly managed and artificial. Facing severe problems with the spread of disease in the future. Elk refuge habitat is "hammered" and costs associated with the program of feeding (feed, irrigation and fencing) is of concern. The range of issues surrounding the situation is vast, and dealing with the "whole" problem is necessary though daunting.
- Managers have a pretty good handle on the brucellosis disease. Wildlife managers need to continue to monitor the herds to keep wildlife as clean of disease as possible and reduce contact between wildlife and livestock. It is important for the whole open space issue not to move livestock operators out of business in the Jackson area.
- The current conditions are deplorable because the widespread brucellosis exasperates the potential for elk off of the Refuge to acquire the disease. Feeding creates the environments for disease transmission.
- I am most concerned with the biological viability of both herds, and the threat that disease poses to that viability. Tuberculosis is a bigger concern than brucellosis. I want to see free ranging sustainable herds as per successful outcome.
- Need to take the opportunity to look at the whole picture and avoid irrational decisions. There are big problems around herd size and disease, though some of this could be addressed with good science. Lots of politics at work. Why doesn't anyone mention brucellosis with regard to elk?
- Brucellosis is an issue. The USDA-APHIS program to eradicate brucellosis in livestock was aggressive. There are very few remaining livestock herds in the U.S. that carry brucellosis. It occurs as a self-sustaining disease in bison/elk. In wildlife populations, the calf loss is not sufficient to reduce herd numbers. Brucellosis does represent a human health hazard, it is not easily transmitted and it can be treated, but any human health hazard concerns the USDA (minor issue).

When brucellosis is introduced into a livestock herd, they suffer overwhelming losses. The transmission risk from wildlife to livestock is not a

## Appendix C – Interview Guide and Selected Responses

high risk, nor is it proven to occur. The association of livestock with wildlife, when brucellosis outbreaks occur, most likely indicate the source to be wildlife. There is a kernel of truth that brucellosis can be transmitted to livestock.

- Population numbers, habitat and disease management are tightly woven together. Under the current situation, disease management is a hotly debated topic, followed closely by population density of elk feeding on the Refuge. There is a three pronged approach to disease management. The WGFD and the USFWS in cooperation should vaccinate (hot topic) and manage the habitat for forage to draw elk away from the feed grounds during calving. This is done more to enhance habitat and reduce dependency on feed grounds. Finally, the first two combined actions reduce the risk of brucellosis transmission. Wyoming presently has brucellosis free status for livestock. Elk need to be discouraged from co-mingling with livestock by hazing and holding depredation hunting seasons. Chronic damage to livestock food sources on private land must be approved by the Commission and their approval is a last resort. Keep elk out of hay. Without a food reward, elk can be displaced to an outlying feed ground or to the native winter range.
- Migration of the bison/elk herd out of the GTNP and Refuge, and the potential for the spread of disease. I am not yet comfortable with combining the bison and elk in a single management EIS. There are some obvious commonalities, e.g., forage and disease, but there are also some distinct issues. The scope of the area represents the Jackson elk herd, but it is beyond the acceptable movement for the bison herd. The management EIS and public involvement process will need to accommodate for differences. If the public involvement assessment is adding layers to an already lengthy process, there is a danger that immediate management issues will be put aside.
- The threat of disease is real and the impact could be devastating. It is in Wyoming's best interest to maintain its disease-free status. The Oregon/Arkansas embargo of Wyoming livestock was easy to create and quarantine of Wyoming's livestock nationally could occur just as easily. Wyoming would not survive a livestock embargo; we are not diverse enough, we are too reliant on livestock, minerals and tourism.
- Control of disease, balance of population, protection of hunting as a tool, ability of agencies to collaborate. Use of feed grounds as a tool to manage elk and bison is important. I believe feed grounds need to be sustained.
- In wildlife under natural conditions diseases play themselves out, the concentration of animals on the Refuge makes brucellosis an issue in wildlife.

## Appendix C – Interview Guide and Selected Responses

- Afraid that the populations are in danger due to disease threat without better management plans. I feel strongly that wildlife in Teton County must be protected, and therefore want to see a plan that reduces risk of disease to the elk and bison herds. Hunting is okay as population control, but must be FAIR CHASE hunting.
- Headed for catastrophe with regard to disease and conflict over forage. Want to see Refuge return to more wild conditions and Park act as sanctuary for animals. Want to see feeding phased out, more natural regulation of animals, more diversity of animals and lower population numbers. Natural systems will provide this scenario if given a chance. Want to see immuno-contraception considered as a tool and other non-lethal controls. Eventually want to get to more wilderness-like settings on Refuge as opposed to game-farm situation. Would like to see scenario of “let nature take its course and accept winter kill.”
- Pay attention to the brucellosis issue and don't place unfair pressures on ranchers. Presently, ranchers maintain open space in Jackson, and that is compatible with wildlife. Increased housing density is supplanting the critical habitat for the increasing numbers of wildlife and feeding perpetuates the transmission of brucellosis among elk. Bison maintain the disease with or without feed grounds. The transmission issues for bison/elk are similar to the transmission issue in livestock.
- Protection of herd viability, health and human safety. (How does disease affect Jackson residents and visitors? Any potential danger with food chain?) The town has also been interested in the Refuge viewshed, and has some issue with negative visual of irrigation systems.
- In a successful outcome the herds would be vaccinated and monitored for disease, cull animals that are disease free could go to the tribes.
- A successful outcome: There would be Federal and State cooperation in the management and control of brucellosis in the Teton bison/elk herds. The federal agencies should agree to follow the NAS vaccination rule to proceed with the current science, while at the same time researching other methods of disease control.

### **Comments Regarding Population**

- Elk population needs to be thinned. Wolves will help thin older population. Extremely concerned about brucellosis/cattle/bison problem. Believe the Forest Service has the authority to remove cattle from allotments, and would consider helping get cattle removed from the forest. Bison numbers should not be limited



## Appendix C – Interview Guide and Selected Responses

necessarily to 400-500. We need science to identify the number. The Forest Service has to give precedence over cattle for wildlife. Wyoming Game and Fish perpetuates their jobs. Disagree with their attitudes.

- There is a large population of elk on the Refuge which is favorable. Would like to see lots of elk, as does the public. Has felt for many years that feeding is critical, but with current information about disease and threat to the wildlife population, more concerned that something be done.
- Without the use of hunting as a tool, populations are in jeopardy. Herds are valuable to local economy, especially tourists and outfitters. There also needs to be more scientific data regarding vaccination that could also be used to insure healthy herds.
- The elk and bison herds are robust. There is a history of ranching in the valley and the perceived public need to supplement the elk forage to reduce their damage to rancher haystacks. When there is damage to ranch property, Wyoming Game and Fish must reimburse the ranchers. So it's likely that WGFD feels 'stuck' paying the bill and vulnerable to federal management plans. There have been problems developing management plans for the last 12 years, though the problems really go back to when the valley was settled and the ultimate creation of the Refuge. The recent plans are either not acceptable to all of the stakeholders or are not legally acceptable.
- The herd numbers will increase and the agency will be doing another management EIS in five years to determine how to manage the higher numbers of animals. It is not an acceptable course of action because they have to write new management objectives every time the herd numbers increase. A successful outcome is one where the agency reckons with the disease problem and controls animal population numbers. The agency should hold to the established herd unit objectives, and harvest animals when the numbers exceed the objective. The WGFD would have responsibility for controlling herd numbers.
- The public will not tolerate uncontrolled growth of the bison population and will ultimately force the management approach to change. The elk feeding program may need to change over time, though right now they are doing a good job feeding and managing the target elk population. They need to work on reducing the incidence of brucellosis in elk and should do so with vaccination.
- Successful outcome deal with overpopulation of elk on refuge. Find better ways to manage bison numbers with an emphasis about the inter-relation of elk and bison.

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- Bison will wreak havoc if present scenario continues. Would like to see bison herd size controlled, and elk population maintained at current level. Wildlife has to be managed, and tools like feeding, vaccinating, and hunting are available to do that.
- This is an extremely important issue and now it's the biggest crisis that we have faced. It potentially could be disastrous if park elk are not hunted, or if we do not get a handle on bison populations. As the bison populations go up, the elk will go down. We would like to see a Teton game management area where we can use any appropriate management tool to meet our population objectives.
- We need to ask whether we want to maintain artificially high numbers. If we do, we certainly need better distribution.
- Herd size/available habitat, importance of a free-roaming herd, disease, use of hunting and feed grounds are all issues needing attention. Grazing in the park (by livestock) is also an issue as it relates to disease spread and available forage.
- Herd size, competition over forage, and use of hunting. [Our group] tolerates no lethal control, no "senseless killing." Sport hunting is considered senseless. Grazing management practices are of concern and wildlife should always take precedence over cattle. There should also be mandatory cattle vaccination in Wyoming. For the record, [our group] does not consider current bison numbers too high.
- Herd size, use of hunting, irrigation and vaccination, inability to work with "Washington DC agendas".
- The last time the WGFD took the herd number down to objective, the town's people hung the WGFD biologist in effigy in the town square. There will be dissatisfaction when herd numbers come down. The Federal agency will propose that elk numbers will be low enough that feeding will be minimal on the Refuge, but this won't eliminate brucellosis. Reducing the herd to a fraction of the present number and not ever feeding the herds would reduce brucellosis.
- The experimental idea of re-establishing the Gros Ventre migration route would be very difficult. The reality is that elk have not been through there for generations, and the herds would move through ranching country.

### **Comments Regarding Feeding**

- Concerns of the feed grounds disappearing.

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- I am concerned that they may stop feeding. Habitat in this country comes in square bales. Without feeding, we will not have the numbers. I don't think the Gros Ventre feed ground should be part of this EIS. It is part of the bison hunt. On the refuge, I would question if they are feeding the elk quick enough.
- Disease concerns are invalid. We feed 500 horses and they will get disease if they are run down or not fed. The refuge waits too long to feed them and they get run down. That makes them susceptible. Many of the animals will starve to death if they are not fed.
- Refuge and NPS have created a supportive/artificial environment by feeding elk and bison. Emotional connections have created and sustained the Refuge and though it is expensive and artificial, the public loves the accessibility of these animals. We need to manage animals to live with people.
- Don't feed the elk and bison. Unless the public is satisfied with a lot of animals that are a poor quality resource. Feeding permits the weaker animals to survive ultimately reducing the strength of the gene pool.
- The current situation is a Catch 22: feed grounds were developed to maintain healthy numbers of elk as development encroached on winter habitat, and now the feed grounds are contributing to potentially catastrophic disease spread. The feed grounds have also created behavior patterns in the animals that exacerbate the problem, for instance, contributing to higher bison numbers and more habitat damage.
- Interviewee believes that the USFWS is trying to reinvent the wheel. Meetings on bison/elk feeding started two years ago. They heard at that time that there is no way to quit feeding. The agency attitude is changing and they are withdrawing from feeding the herd. Wildlife won't be able to over-winter without artificial feeding programs. There is a proposal to irrigate the elk refuge to produce more standing winter forage, but with the snow depths in the valley, that will only take the refuge a little further into the winter before they have to start feeding. Winter habitat is a bale of hay for elk herds in the Jackson area.
- People don't like the wild herds being fed, but they like the large numbers of elk. It is an impressive sight but it might not be natural. There is an economic aspect to keeping the elk on artificial feed, and the summer range might be the limiting factor.

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- For the elk, if they stop feeding this is unacceptable. The Refuge must feed the elk. The bison must be hunted otherwise they will overpopulate the area and both the elk and the bison will starve. Seeing starving animals is completely unacceptable.
- Elk that are fed what they need but only when necessary.
- Revisit why elk feeding was set-up in the first place. Ranchers, the very people who are vilified for grazing areas that should be for wildlife, set aside land and hay to feed a starving elk population which was due to several years of early, prolonged heavy winters.
- The USFWS can't stop feeding without looking at other avenues. Identify the impairments for elk leaving the ecosystem, restore old migration patterns and expand the use of the historic winter range. Irrigate to improve native forage. Elk and bison remain dispersed until they (USFWS) begin the artificial feeding program in the winter.

### **Comments Regarding Hunting**

- There is too much emphasis on hunters. I think they should concentrate on bringing back the predators into the system.
- Herds should be managed by hunting NOT starvation. If artificial feeding is discontinued, the Refuge should discontinue the sleigh rides. Wyoming has a small population, therefore they have little say in the management of their wildlife herds. Fear of losing control as has happened with the grizzly bear and wolf reintroduction. It costs the state money. Wyoming Game and Fish paid \$942,000 in damage against cattle. This money comes from the sportsmen and there is some resentment that the Feds are not paying more. One wolf can kill 3 elk, which is worth \$5,000 to outfitters.
- Under the current condition predators would be eliminated. Bison will continue to carry disease. A successful outcome would be the management of the number of bison through hunting. Management should involve the least amount of handling possible. We need to strive for a scenario where there are free ranging herds.
- Animals that are culled through hunting should be dispersed to needy tribal members.
- Bison have a high spiritual value to the tribes. We would like to conduct religious ceremonies on-site before the animals are harvested.

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- There is not a problem. Elk may be a little high but I'm not worried about it. We have the best elk herd in the world. We need to be hunting bison.

### **Comments Regarding Habitat**

- The poor range conditions and quality of the water is serious.
- Expanding range. Brucellosis is not an issue. Cattle and bison don't even come into contact. We build in prejudices against certain species and people are just against bison for no real reasons.
- There is tremendous overgrazing of the riparian areas and aspen trees by wildlife. This is a very poor example of maintaining biodiversity. There is a need for a wildlife management scheme that protects the forage base.
- Would like to see herds managed for protection of habitat and migration corridors as well as economic benefit. Herds are important to visitors, which is part of what sets Jackson apart. Need for balance between development pressures and protection of wildlife and habitat.
- Would like to see management plan developed that concentrates on health of habitat and biological diversity of species. Suggests looking at options to replace winter feeding program and get animals out to winter ranges.
- Without a plan, damage to the habitat and forage will continue. Threats related to feeding especially chronic wasting disease will continue to be a concern or turn into a full-fledged crisis. The best-case scenario would be a successful public education campaign, increasing public tolerance for natural cycling, winter die-off and less or no feeding.
- Expand the range to accommodate the number of elk on winter range. Primary issue is hunting. We must be able to continue hunting elk and bison. Feeding is next in importance. If the Refuge stops feeding, they should have to stop the winter sleigh rides. Third, elk and bison populations should be managed by hunting NOT starvation. Fourth, the Refuge and Teton National Park should include WY Game and Fish in a bigger role in management of the elk and bison herds, e.g., the state pays for half of the winter feed but can't vaccinate the elk. Fifth, worry about the involvement of Native Americans. Perception that they restrict the property rights of the people of Wyoming.

### **Comments Regarding Agriculture**

- No matter how one feels about cattle, it has a large impact on Wyoming's economy. In California the industry is \$21 billion/year, in Texas it is \$19 and a half billion and Wyoming is \$1.2 billion. Relative to Wyoming's overall budget, agriculture is two and a half times more important to the Wyoming economy than agriculture is to California's budget. 81% of Wyoming's economy is driven by livestock (farm gate receipts). As a small industry, it is important to Wyoming's economy. Speaking as a wildlife biologist, the State has a priority to protect its agriculture base.

Within the private sector, if the displacement of agriculture does occur, there are those with the flexibility to take the financial risk to raise bison. It is a remarkable opportunity to niche market, but bison management must be held accountable for grazing practices and riparian condition.

- The agencies cater to the cattle industry and the hunters . Need to look at prehistoric bison data for the region.
- The BLM and Park Service are amiss by allowing cattle grazing in the Park. Livestock grazing has to end in GTNP.
- Cattle grazing on state, USFS, and NPS land must be considered in the management plan because the intensity and duration of cattle grazing influences the amount of available forage for elk and bison. A plan that does not consider cattle grazing is a 'colossal mistake'.
- The Park is here to maintain historic and cultural values. Cattle grazing and dude ranching is more historic than the wildlife numbers that we see here. This place is our own little creation. The bison that they reintroduced are not even mountain bison.

### **Comments Regarding Education/Information**

- There seems to be a great need for scientific data in order to find solutions that will protect the JH bison and elk herds. Especially concerned with data looking at vaccination and irrigation as ways to help manage herds. Currently, there is a lack of knowledge and a lot of conflict.
- Without science and a group of people (probably agency people) looking at the problems, the herds are in jeopardy. There are few mechanisms to ensure balance (equal consideration to wildlife and human populations) and the problems continue to worsen. Without intensive efforts to find answers, it will

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be impossible to protect herd size and the species in general. That situation further jeopardizes other interests, like the “economic side.”

- Successful outcome would address how agencies and the public could work together to become educated about realities. End result would be a plan that builds agreement on how much feeding should be done on feed grounds, where hunting of elk and bison should take place, including in the Park, jurisdiction of agencies, and a population objective for both herds. The plan would also look at additional ways besides hunting to maintain the population objectives.
- It is probable that lawsuits will ensue despite collaborative efforts, but there is value in being able to show the courts that all options were well researched and weighed. Such a decision-making process would probably result in decisions being upheld.

### **Comments Regarding Urban Development**

- Human population pressures in the area of wildlife habitat. People need to know that the Jackson Hole area is only part of the habitat and corridors must be maintained for herd migration. That does not mean leaving a path 20 meters wide, but requires several open areas through housing developments for animals to move through. Subdivision fencing is creating a problem for wildlife migration.
- The primary management issue is continued urban development and the ensuing loss of habitat for bison and elk. The loss of habitat really complicates the other issues such as disease, cattle grazing, and supplemental feeding. We must find a way to let elk move naturally within the valley. Must involve the Jackson planners to find a way to limit growth.
- The refuge is important but the town of Jackson is really a wildlife dam [meaning that the town restricts migration.] So it's going to be a status quo thing.

### **Comments Regarding Jurisdictional Issues**

- Current situation in terms of moving forward as agency partners encompass concerns about jurisdiction and agendas of agencies and special interest groups. [The group] is particularly concerned with a partnership with federal agencies that would mandate NEPA and potentially shut down all progress towards management of elk and bison. [The group] is also concerned with groups who might use issues like brucellosis to shut down feed grounds and eliminate public lands grazing for livestock. Feels these actions would escalate conflicts with the public, creating crisis situation with starving elk, impacts on landowners and

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concern from the general public about the herds dying off. Also concerned that applications of solutions in Jackson area will have adverse impacts beyond this region. Specifically concerned with this in regard to brucellosis issue and how it could affect public lands grazing.

- The whole issue revolves around which agency has primacy. The DOI/USFWS could have easily prevented the problem by allowing elk vaccination for brucellosis. The Elk Refuge is the federal government's, but the wildlife is the State's trust, and people expect the State to keep the herd healthy and viable.
- There is a diversity of opinion between State and Federal agencies. This should be presented to the public in the form of different perspectives. The role of the State, including the WGFD, needs to be defined early and upfront. There is a broad statement in the cover letter about a future role for the State, but it should have left the State a choice to participate or not. The role of APHIS is critical. They must be included.
- The orchestration of a joint planning effort is important. Many agencies lack clarity in terms of jurisdiction, and who is responsible for what in terms of managing the elk and bison herds. There is a division between sportsmen who are suspicious of any plans that don't benefit their interests and non-consumptive users of the Park and public lands. It seems apparent that the Game and Fish Department will advocate for more harvest of animals, though they may not be clear and upfront about their purpose. The Park sees a collective inability to deal with bison, and that herd is of greater concern currently because there are no tools to manage them.
- Jurisdictional issues and clearly defining the role of the WGFD early in the process. It is upsetting that the cover letter states the role of the WGFD is to be announced - to do what? What is the USFWS analyzing outside of their jurisdictional boundary? Concern that the State agency will be designated as cooperators, but they won't get to decide how the USFWS operates and cooperates in the process. Ramifications to the State management of wildlife are considerable. It appears to be another management process like the wolves and the State senses a trap.
- If there is one single issue, it is who has management jurisdiction of the elk. Put this aside and then it is feeding and the relationship to the population objective for the herd. Hunting in Teton Park, livestock grazing in the Park and brucellosis. WGFD has a high level of confidentiality in serology testing for brucellosis in elk. The program is twice as effective as a standard test. The WGFD believe vaccination could be done very effectively on the Refuge.



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- The Federal government makes decisions aligned with the environmentalists. The states end up having to pay, but they have no control. This is the reason behind the lack of State push to de-list species in the Jackson area. The State would have to take over the fiscal responsibility. All the State does is increase hunting license fees to pay the costs for de-listing a species.
- Keep the process open and don't make decisions before jurisdiction or tribal involvement is clearly agreed upon because those two items alone will influence the outcome. The geographic area to be analyzed should be discussed further. The lawsuit only called for elk feeding to be analyzed. The DOI appears to have decided upon the geographic area. This is a complex issue because bison/elk management decisions (referring to brucellosis) will eliminate the agricultural community in the Jackson area. Livestock operators maintain valuable open space in the area, and without a means of a viable business, agricultural landowners will sell and the open space will be lost. This should be taken in to account in any management decision.
- There are a lot of political and jurisdictional issues here including issues of sovereignty and hunting and fishing rights.
- Lack of understanding of the jurisdictional boundary by the Federal government. There is a difference of opinion between federal agencies. The Animal and Plant Health Inspection Service (APHIS) would rule one way on elk vaccinations, and the National Elk Refuge states that they are opposed to the proposed rule. The decision, whenever it comes, will affect livestock producers. The Jackson bison/elk management issue needs to have all federal agency people at the table early in the process. Conflicting messages from various federal agencies will affect how the State is involved as a cooperating agency.

### **Comments Relating to Agencies Relations**

- The potential for lawsuits continues to exist. A successful outcome invites the State to participate as a cooperating agency very early on, not after the fact. This is not just given as a title, but actually includes involvement and requires mutual respect with Federal and State agency personnel. Cooperating agency status requires a synergistic approach, even if the State doesn't have the authority to make the decision, the State should be accepted on the ID Team. And no one on the Federal team should lord it over the others at the table that they don't have the power of the decision. Even if they think it, it should never be stated. If the State is brought to the table and positioned with the ID Team, then there is actual involvement in the decision making process.

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- The wildlife belongs to the State. If the programs cost too much, the USFWS want to shift more responsibility to the WGFD. If it were strictly up to the WGFD to resolve, they could work out most of the problems. The USFWS does not have to pay any regard to the WGFD.
- Agency cooperation is important. The public input for season setting is considerable and inclusive of sportsmen. Would like the public involvement expanded on the level that is most meaningful for the WGFD. The loss of winter range in order to maintain high levels of elk/bison.
- Want to see a closer working relationship between the state and federal agencies and the tribes.

**Representative Interviewee Perceptions and Recommendations About Processes.**

**Experiences with Other Processes and Agencies**

- Interviewee has participated in all aspects of NEPA and public workshops. What works best is one-on-one education. Some individuals are better suited to the task than others. The most successful are the most unknown and have the greater number of projects implemented on the ground. They are rarely surrounded by a lot of conflicts with landowners or the Endangered Species Act. Personalities of the agency people and those responsible for the decision are key as to whether public involvement processes accomplish what they are set out to do - reduce conflict.
- Local level agency personnel is a good place for partnerships. Beyond local level, there is little trust or control.
- Worked with the agencies during Buffalo Forum and other public involvement processes. Find the local folks to be very forthcoming and willing to participate. Good collaboration potential.
- The process that resulted in the original Jackson Hole Bison Management Plan was a great process and they heard us terrifically. There were a series of public meetings and we got a great product. All those that participated (I think) would think that was a good process.
- I have been involved in all types of processes. I still question facilitated processes. Sometimes mobilization has to occur among the constituents before it becomes too formal.
- I don't participate anymore. They don't do anything with the input. Why are you doing this? I've seen collaboration slow the process down but not do anything. Collaboration is a feel good process.
- A successful outcome has been demonstrated with the grizzly bears. Outfitters were very instrumental in having the grizzly bear return. Outfitters could be very supportive of maintaining bison/elk herd numbers in the region.
- All of my experiences in forums, town hall meetings, scoping, and collaborative processes have been a total disaster.
- Lots of experience with agencies and public processes. Very positive experience with the agencies, particularly Game and Fish.

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- Public meetings are important - people can either provide oral or written comments. Open houses have been disastrous. There is minimal information, usually in the form of a few maps, and the open houses don't allow for people to sign-up and speak, nor is there the opportunity for the agencies to listen.
- The most successful one were the wilderness plans for the Gros Ventre, Bridger Teton. All the different interests worked together to reach consensus. The Forest Service supplied us technical expertise and moderators and they promised that our consensus decision would be implemented.
- The Greater Yellowstone Interagency Brucellosis Committee (GYIBC). The scientific community presented fact sheets and synthesized information. Need a good presenter to report to the public. A highly scientific/technical team is not necessarily the best means for presenting to an advisory team, but it (the GYIBC) was effective for developing consensus on facts and areas of greatest disagreements.
- As a former government employee, I have been involved in all aspects of public meetings and public involvement processes. Personalities are key to whether the processes produce an outcome favorable to the resource and consider the local impacts of the decision.
- I have been involved with many NEPA planning EIS documents and have learned that some Federal agencies (USFS) are better than others (Park Service) at working with the State as a cooperating agency. The State must be made to feel that there is respect for their involvement in the process.
- Things have begun to open up in a pseudo way. Involving the State as a cooperating partner, up front and on board at each step from the beginning will help. Under NEPA that is possible, but presently there is an imbalance of power. The county where the action is taking place should be designated a cooperative agency, and the impacts of the decision should be included on equal footing with the federal viewpoint.
- NEPA hearings are good when people aren't irate, but basically the USFWS doesn't listen to the general public. The wolf hearings are a good example. People testified that wolves would leave the park and multiply faster than the USFWS estimated. The USFWS hierarchy had already made the decision, and NEPA was used as a facade.
- Public comment processes associated with agency regulations is good. Has been an effective way to give the public a chance to provide input, and is open to all.

### Concerns About Public Processes

- Agencies have a tendency to not be open. NPS seems to be concerned with internal boundaries, and the Forest Service and Wyoming Game and Fish don't seem to agree on how to manage feed grounds. There is concern about USF&W services taking over control.
- The public and agencies will view any suppression of a perspective as not being fully honest and open. Suspicions will remain high and differences of opinion will not be accommodated.
- The DOI will conduct studies until they get the results they want. The EIS process is corrupted. The participant could write the preferred alternative right now, knowing how long this issue has been around and what should be done. The DOI did not accept the overall information in the NAS book, and the GAO report was not as in-depth or as well-done as the NAS book.

Federal employees provide the propaganda on bison/elk feeding to the conservation groups. The USFWS couldn't do a non-biased EIS now. The issue is very complex. The Jackson elk herd is the largest in the world and management falls under multiple agency jurisdictions. People are very authoritative about their knowledge, and bison only complicate the issue.

- While challenges exist in terms of agencies working together, there is a huge incentive to collaborate. Besides the threat of lawsuits, which all want to avoid, there is a critical need to work together to avoid “public thrashing” and to come up with a much needed management plan.
- [Group] perspective with regard to agencies is mostly positive. Good experience with BTNF and National Elk Refuge, and some members of Game and Fish. NPS is less open to feedback and too authoritarian. Concerned with revolving door at some agencies, specifically BTNF.
- Concerned that agency agendas will not be forthcoming and will get in the way of collaborative planning. The lack of certainty that WG&F will participate is a big worry.
- I am a little leery of conflict resolution as now practiced because of the come-one-come-all attitude. I question the legitimacy of some participants. Most collaboratives are a watering down everyone's goals, goring everyone's ox, and the product that squirts out the end is the management plan.

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- Agencies have desire to work together, but not the skills. It will be difficult to keep them focused on real, meaningful outcomes instead of being concerned about “paper they have to produce.”
- Distance, time and money are factors that may limit the extent that our tribe and other tribes may be able to participate.

### **Suggested Processes**

- Agencies must first meet to clarify problems and agree on how they will deal with legal requirements. Agencies will need to be facilitated so that they stay on track and get meaningful public comment on their list of issues and problems. It is critical that public meetings have clear objectives, clear agendas, and stay on track. Process is too frustrating without confidence that things will move along in practical, efficient ways.
- It is critical to clarify common interests and define problems in a real way. Suggest working within the agencies first to explore flexibilities and build trust, and then begin to meet with the agencies together. The initial phase done properly, would take up to six months. The first set of tasks must deal with the relationship between the state and federal agencies and personnel.
- Everyone has their own agenda. Ideally, the federal agency balances the various points of view. Sometimes it does not feel like the agency is seeking a balance, and frankly, sometimes they are not attempting to balance the differences of opinion. Again, the public meetings should serve as a public education forum. People need to understand that if one scenario is chosen (e.g., the Refuge chooses to stop feeding elk in the winter) there will be economic affects that go well beyond just what is good for the elk/bison herd.
- The Federal and State agencies need to work together early in this process and establish a mutual respect for each other's sovereignty. This work needs to be accomplished even before the NOI is published. If the State is involved as a cooperating agency, there needs to be an understanding that the State expects to do more than just comment on the document (EIS).
- It would be helpful if agencies would coordinate their approach so as to clarify goals and not duplicate efforts. There should be one person from each agency working on the elk/bison management, and those people should have decision-making authority. Meetings should be open, and public information exchange is critical. Consider using tools such as a website to post progress, changes, meeting minutes, etc.

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- It is important to include the public on the discussion, but seems evident that the agencies have ultimate decision-making responsibility. They must define some objectives and then look at options for meeting those objectives with the public.
- Wildlife are under the State domain and jurisdiction. Collaboration means that everyone is involved with a common goal. This is not true with the federal government. It is more about a 500 lb. gorilla getting its way. The winter use snowmobile issue in the Park is an example of the governmental collaborative process.
- Informational exchange/brain trust forum was suggested in the form of a conference that would include all interest groups and national interests, promoting participation beyond agency, science, agriculture and conservation (i.e. arts, social sciences, process experts).
- A process that was based on the good faith of the legitimate participants for the public interest who are committed to not maintain status quo might be appropriate.
- I like hearings because what is said is at least on the record. In open houses you don't know if they are getting it. They just politely nod their heads.
- The goal is that all the right information gets out. I like the idea of the types of roundtables that Mike Dombeck uses as a way to get all of the information out. Then combine that exercise with the public hearing. Maybe then the people who participated in the roundtable will be more on track at the hearings.
- Any conflict resolution process that can be used is a good idea. Initially, all that will happen is an airing of past grudges. Use anything new that will focus on the issues, rather than the positions. Be especially careful about the questions that are posed to the public. When applying NEPA, it is very easy for the federal agencies to get the answers they want if the questions are leading.
- A collaborative group would be ok but you can't have governor approved or appointed members. We need to pick our own representatives.
- Need consortium of agencies working in conjunction with the public. Public comment must be included. Unclear how public could be involved additionally. Important that expertise of scientists and agency managers is considered heavily. Western Governors Association may be able to assist.

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- Need to establish working representatives not necessarily a work group, but individuals who are responsible for conducting portions of the study or planning process.
- When they do the process I think it should be more than the "general meetings." We need to go out and dig up information especially from the agricultural community -- they are just not comfortable in these processes.
- Along the lines of the town-hall meeting, it doesn't need to be at the Wort Hotel, informal, possibly through the County Extension Service, they have the trust of agriculture but also a formal connection with government. If you have a meeting at the Wort, no agriculture folks will come. If you have Teton Extension send out a letter and say that there will be a meeting at the Moran school, they might come.
- While there is a need to include the public, same old public process won't get at the emotional level of conflict people feel when the management of these herds are discussed. Should consider a forum that encourages the emotional, spiritual voice to come through. [The group] would be interested in helping create a gathering that could be an opportunity for celebration, acknowledgement and respect. People must be reminded of common ground and reasons they care deeply about the outcome of a management approach to these herds.
- Leave egos and politics out of the process as much as feasible, by relying on agency field people to work together and with the community to figure it out. Typically, the "further down the agency chain you go, the more you get biologically sound decisions." Would like to see the process include impacts/consequences associated with whatever alternatives are given. Meetings must be organized, clearly defined in terms of purpose, and not too long or people won't come.
- The Jackson area is a national and global treasure. The scope of public involvement is huge, geographically. Develop the process with that in mind. There will have to be consumptive and non-consumptive surveys that will include the non-resident and cover the large influx of seasonal tourism. The public input cannot be just a few town meetings in Jackson. The public expectation is for a large stratified sample, something on the scale of the gray wolf. Go broad throughout Wyoming then the U.S. and go global. If the process is tied to people who have expressed an interest by visiting the area, survey those people, not just everyone randomly.
- Let existing laws and processes run their course. This is the best we can do.



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- The agencies should be careful to have the EIS crafters be those that have some history and knowledge of the area. There are a lot of people here that certainly help inform the process.
- Want an EIS process that is unbiased and open, where the public was not unduly influenced. If the public who really uses the elk were asked, the herd objective would be raised. If you talk to the across the counter license buyer in Jackson and then to the Torrington hunter, the EIS will be ok. Then give those same groups of people the "what if" scenario (reduce elk numbers) and the opinion will be completely different. They will respond with everything from the status quo to marked reduction in elk numbers. This process must reach the non-local and non-resident hunter.
- While there is a need to include the public, large working groups and lengthy public processes are not effective. Whatever process is arrived at, it needs to balance public involvement with realistic needs of the agencies to be able to implement a plan. It is important to include and involve the public, try to get buy-in on alternatives, and move a majority opinion forward.
- Prior to the public involvement, the USFWS needs to bring together knowledgeable people (scientists, landowners, and local residents who have a working knowledge of herd behavior and habitat needs), to agree on the biology of the populations in question. Then begin the public education process from the scientific perspective, and introduce the financial and political constraints. Make it clearly understood who makes the decision, not just the USFWS, but show the credentials of all those who will be involved in writing the management objectives. State the limitations to the public right upfront (e.g., we have built the town of Jackson in prime elk habitat, and we are not going to tear it down, or that we have changed the habitat, and we will have to remove animal population numbers). An educated public is the biggest asset. They will need education on the public involvement process. If the process is designed to educate the public first and then do the scoping, the public needs to understand what is planned for their participation. Too often a meeting is called and there is not a plan by the agencies on how to use the information that is gathered.
- Since the impact will be in the Jackson area, be sure to involve the local parties upfront. If the USFWS has the legal flexibility, they should meet with livestock groups in Jackson, Pinedale, and Dubois. Educate the livestock operator about what they are doing and why. Treat the environmental community the same way. Meet with them in their preferred locations and provide everyone with public outreach education on bison/elk management. Ask for comments, explain the process and basically, have a meeting before the big meetings. Explain the agency's concerns about whether they can implement the plan. What

## Appendix C – Interview Guide and Selected Responses

are the restrictions that lead the agency to make one decision over another. Then the public has an opportunity to empathize with the agency position. Do this before the NOI and scoping process begins.

- Need to bring people into the process in new ways. Perhaps BTNF could help with field trips to educate and get people onto the ground to understand what could happen if numbers get out of control. Agencies must also work together to define scope and boundaries of study. Public should have input after that point. While BTNF is committed to participating, there is no interest in “going the same ol’ way.”
- Need education up front so that public is more aware of the real issues and their potential impacts (example cited: stop feeding elk and lots of elk will die). Agencies must coordinate first to identify goals of the study or assessment and then go to the public. It is important not to leave the impression with the public that things have already been decided without them. For example, if agencies have been able to identify goals, they should ask the public how they can move forward to reach the goals. They should also ask if additional objectives should be added. Great concern if agencies go to public saying “this is our plan/decision, please comment.”
- I am an advocate and practitioner of an open and scientific process. What doesn't work is an exclusionary group of people and opportunities for certain groups to cut a deal.
- You can be as creative as you can be. The purpose should not be to reach consensus. Rather the group should discover elements that are satisfactory. The decision maker needs to take the science and public opinion. That may mean pissing people off and it may end up in the courts, but that's how it all works.
- Involve more science in the discussion. There should be equal participation from all interest groups. There must be lots of accessibility to the lead agencies AND work to dispel any misconceptions. May need to overcome public suspicion and build trust with the people of Wyoming, especially at the local level. The process should be transparent - use the Internet to let people know what is going on in the process.
- Stress the following: Whatever, whoever does what, the EIS must be science based, biologically sound and emotional responses removed from the preferred alternatives. Right now the State and Federal agencies are jockeying for who is on first. When they are finished, there must be well-rooted decisions that can be justified. Science should be the common denominator - will the decision withstand scrutiny if epidemiology and biology were not the basis?

**Suggestions regarding Native American Consultation**

- Involve members of the Wyoming and Montana Tribal Game and Fish Commissioners. Many of the commissioners have technical expertise and an interest in the bison and elk.
- The Montana-Wyoming Tribal Leaders Council is a good forum for the agencies to present information to the tribes.
- Meet with each of the tribes individually. Many tribes have unique and cultural practices that they may be reluctant to discuss in a group meeting.
- Hold public forums on reservations or in towns centrally located to several of the reservations so that the tribes can participate.
- Be sure to send meeting fliers and agendas well in advance. Send out a newsletter on this process. It's hard to figure out what's going on and I frequently don't have the information before the meetings.
- Avoid the miscommunications of Yellowstone and have agency contact come from the agencies not the media.
- Government-to-government consultation is essential, be sure to involve the people who actually make the decisions not those who report to the decision makers.
- Seek tribal input early and often. Any time there is a meeting notify the tribes in advance. There is room for negotiation and understanding of positions and interests. It is critical that the tribal leaders be kept involved. Politics makes things too hurried and can lead to poor outcomes. Tell the tribes why their input is sought and where and how it will be sought.

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**APPENDIX D: Comparison of Traditional NEPA Process to Other  
Involvement Processes**

## Appendix D – Comparison of Traditional NEPA Process to Other Involvement Processes

Comparison of NEPA implementation steps different process types.<sup>5</sup>

	<b>Type 1: Traditional Public Involvement</b>		<b>Type 2: Agency-initiated Collaboration</b>		<b>Type 3: Collaboration initiated by others</b>
<b>Main Actors</b>	<b>A. Lead Agency</b>	<b>B. Lead Agency with innovations</b>	<b>A. Inter-agency</b>	<b>B. Multi-stakeholder</b>	<b>Citizens, industry, other interested parties</b>
<b>Pre-Proposal Stage</b>	Agency chooses site for action.	Using field trips and slide shows, agency tests public opinion about needs for action	May be some interagency collaboration or discussion	May be some agency / multi-stakeholder collaboration or discussion	May be some collaboration or discussion between group and agency
<b>Proposed Action</b>	Agency frames a proposal.	Agency seeks out community leaders to hold living room discussions.	Cooperating agency status is conferred upon those willing agencies with project-related expertise or jurisdiction. An MOU or other cooperative agreement may be negotiated	Agency frames proposal with input from multi-stakeholder group.	Agency frames proposal after discussion with collaborative group.
<b>Scoping</b>	Agency publicizes its proposal; public comments in writing.	Agency begins publishing a newsletter or website and accepts written comments.	Scoping is conducted jointly by cooperating agencies.	Agency, multiple agencies, and/or project proponent convenes multiparty group to assist. Group may be chartered to reach consensus on set of alternatives for analysis or simply asked to serve as sounding board for the NEPA analysis.	Collaborative group jointly crafts one or more alternatives to submit to the agency for their analysis. Group may or may not define themselves as inclusive, consensus-seeking group. Group may or may not explicitly include agency perspectives in their deliberations.

<sup>5</sup> This table is taken from the report: “Reclaiming NEPA’s Potential: Can Collaborative Processes Improve Environmental Decision Making?” Report from a March 1999 workshop on the National Environmental Policy Act cosponsored by the O’Connor Center for the Rocky Mountain West at The University of Montana and the Institute for Environment and Natural Resources at The University of Wyoming.

Appendix D – Comparison of Traditional NEPA Process to Other Involvement Processes

	<b>Type 1: Traditional Public Involvement</b>		<b>Type 2: Agency-initiated Collaboration</b>		<b>Type 3: Collaboration initiated by others</b>
<b>Main Actors</b>	<b>A. Lead Agency</b>	<b>B. Lead Agency with innovations</b>	<b>A. Inter-agency</b>	<b>B. Multi-stakeholder</b>	<b>Citizens, industry, other interested parties</b>
<b>Develop Alternatives</b>	Agency develops variations on its proposal, referring to scoping comments.	Agency publishes preliminary alternatives and maps on Internet. Uses feedback to finalize alternatives.	Agencies cooperatively develop set of alternatives.	Agency works with multi-stakeholder group to generate alternatives.	Collaborative group jointly crafts one or more alternatives to offer the agency.
<b>Analyze Alternatives</b>	Agency documents its analysis.	Agency holds educational seminars.	Agencies cooperatively analyze alternatives.	Agency works with multi-stakeholder group to analyze alternatives.	Agency works with collaborative group to analyze alternatives.
<b>Public Comments on draft EIS</b>	Agency accepts public comments in writing and /or at public hearings.	Agency holds open house, accepts written, verbal, and internet comments.	Agencies accept public comments in writing and/or at public meetings	Agency accepts public comments in writing and/or at public meetings.	Agency accepts public comments in writing and/or at public meetings.
<b>Record of Decision</b>	Agency considers comments and makes decision.	Deciding official publicizes possible changes, gathers feedback, and makes a decision.	Lead agency considers comments and makes decision.	Agency considers comments and makes decision, may be in consultation with multi-stakeholder group.	Agency considers comments and makes decision, may be in consultation with collaborative group.
<b>Administrative or Judicial Challenges</b>	Public may or may not seek recourse to the decision.	Deciding official convenes another open house to discuss claims of an appeal or intent to sue.	Public may or may not seek recourse to the decision.	Public may or may not seek recourse to the decision.	Public may or may not seek recourse to the decision.
<b>Post-Decision Implementation and Monitoring</b>	Agency is responsible.	Agency is responsible.	Lead agency is responsible.	Multi-stakeholder group may be charged with monitoring implementation of decision.	Collaborative or other interest group may take on task on monitoring implementation of decision over time – formally or informally.

Appendix D – Comparison of Traditional NEPA Process to Other Involvement Processes

	<b>Type 1: Traditional Public Involvement</b>		<b>Type 2: Agency-initiated Collaboratives</b>		<b>Type 3: Collaboratives initiated by others</b>
<b>Main Actors</b>	<b>A. Lead Agency</b>	<b>B. Lead Agency with innovations</b>	<b>A. Inter-agency</b>	<b>B. Multi-stakeholder</b>	<b>Citizens, industry, other interested parties</b>
<b>Strengths:</b>	<p>Clarity and predictability regarding decision-making steps, schedule, and opportunities for people to influence outcome.</p> <p><i>May</i> be most efficient in terms of time, staff work, and agency expense, especially for non-controversial actions.</p>	<p>Clarity and predictability regarding decision-making steps, and schedule.</p> <p>Enhanced opportunities for people to participate and influence outcome.</p> <p>May reduce administrative or legal challenges.</p>	<p>Opportunities for joint fact-finding, joint generation of alternatives, and package deals (putting together a set of options that meet the key interests of all agency players).</p> <p>Potential to strengthen agency working relationships for future work.</p>	<p>Opportunities for joint fact-finding, joint generation of alternatives, and package deals (putting together a set of options that meet the key interests of agencies and multi-stakeholder group).</p> <p>Outcomes tend to be more durable if jointly invented and negotiated.</p>	<p>Opportunities for joint fact-finding, joint generation of alternatives, and package deals (putting together a set of options that meet the key interests of all participants).</p> <p>Can provide a practical means for manageable number of key parties to come together and jointly craft alternatives and generate options that may not have been thought of by agency.</p> <p>Outcomes tend to be more durable if jointly invented and negotiated.</p>
<b>Weaknesses:</b>	<p>Information flows tend to be one way and typically in written form, thus limiting the opportunities for dialogue and mutual learning.</p> <p>If stakeholders don't see evidence their comments were addressed, they may challenge the process and/or the decision.</p>	<p>Likely to take additional time and expense.</p>	<p>Likely to take additional time and expense to conduct.</p> <p>Past problems with working relationships, power/jurisdiction struggles, and other issues can lead to impasse and delay.</p>	<p>Process takes substantial time and commitment to structure and facilitate appropriately.</p> <p>Without purposeful shuttle diplomacy and caucus work between meetings, some parties may not participate in good faith and may discredit or mischaracterize the process.</p>	<p>Without explicit pre-commitment by, or linkage to, agency decision makers, group product may not be used or considered.</p> <p>Group unassisted by trusted facilitator or less concerned with inclusiveness could result in less stable outcome.</p>



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## **APPENDIX E: List of Resources for Further Reference**

## Appendix E – List of Resources for Further Reference

### Resources for further reference

#### Books

Stern, Alissa, J. and Hicks, Tim. 2000. The Process of Business/Environmental Collaborations: Partnering for Sustainability. Quorum Books. Westport, Connecticut. London. 204 pp.

Susskind, Lawrence, and Thomas-Larmer, Jennifer. 1999. Conducting A Conflict Assessment. In: The Consensus Building Handbook. Lawrence Susskind, Sara McKernan, Jennifer Thomas-Larmer (eds.) Sage Publications. Thousand Oaks, CA. p. 100-136.

#### Reports

A Practical Guide to Consensus. 1999. Policy Consensus Initiative.

Adler, P.S., Barrett, R.C., Bean, M.C., Birkhoff, J.E., Ozawa, C.P. and Rudin, E.B. 2000. Managing Scientific and Technical Information in Environmental Cases. Principles and Practices for Mediators and Facilitators. Western Justice Center Foundation, CA. 80 pp.

Bingham, G. and Langstaff, L.M. May 1995. Alternative Dispute Resolution in the NEPA Process. St. Lucie Press. pp. 227–288.

Clark, T.W. and Brewer, Garry. D. 2000. Introduction In: Developing Sustainable Management Policy for the National Elk Refuge, Wyoming. Tim W Clark, Denise Casey, and Anders Halverson (eds.) Yale University, New Haven, CT. pp. 9-22.

Council on Environmental Quality. 1997. The National Environmental Policy Act: A Study of Its Effectiveness After Twenty-five Years. Washington, D.C. 49 pp.

O'Connor Center for the Rocky Mountain West and Institute for Environmental and Natural Resources. 2000. Reclaiming NEPA's Potential: Can Collaborative Process Improve Environmental Decision Making? Report from a March 1999 workshop on the National Environmental Policy Act cosponsored by the O'Connor Center for the Rocky Mountain West at The University of Montana and the Institute for Environment and Natural Resources at The University of Wyoming. 104 pp.

#### Websites

Conservative Ecology: Integrating Citizens in Adaptive Management: A Propositional Analysis. <http://www.consecol.org/Journal/vol13/iss1/art9>. Downloaded July 8, 1999.

## **APPENDIX F: Acronyms**

## Appendix F - Acronyms

### Acronyms

APHIS	Animal and Plant Health Inspection Service
BTNF	Bridger-Teton National Forest
CEQ	Council on Environmental Quality
CMP	Comprehensive Management Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
FACA	Federal Advisory Committee Act
GRTE	Grand Teton National Park
GAO	General Accounting Office
GYA	Greater Yellowstone Area
IENR	Institute for Environmental and Natural Resources
JBEMP/EIS	Jackson Bison and Elk Management Plan and Environmental Impact Statement
MOU	Memorandum of Understanding
NAS	National Academy of Sciences
NEPA	National Environmental Policy Act
NER	National Elk Refuge
NPS	National Park Service
NOI	Notice of Intent
USDA	United States Department of Agriculture
USDOI	United States Department of Interior
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USIECR	United States Institute for Environmental Conflict Resolution
WGFD	Wyoming Game and Fish Department
YNP	Yellowstone National Park

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