



▼ GAZETTE OPINION

STATE WORKERS DO THEIR best in an environment so tinged with politics it would make Machiavelli blush. Still they do us proud. As case in point is a multiagency committee meeting on grizzly bears last week.

The technical subcommittee of the Interagency Grizzly Bear Committee met to devise a plan to accommodate taking grizzlies off the federal endangered list.

Obviously, that issue creates a great deal of public interest. Grizzlies require huge areas of habitat, but their living space is shrinking, not growing. Normal shift of grizzly populations is being curtailed because of developments in their natural habitat. Some bear experts are concerned whether the great bears will continue to be viable in Montana.

In a very real sense, grizzlies make Montana what it is. This state has more grizzlies than any other in the lower 48. To camp in the high country is to know that your continued existence depends, in part, on the attitude of any grizzlies you meet. We are the weak cousins of these great creatures.

So people from the private sector were

Meeting of the minds

State workers did right thing by leaving closed gathering

drawn to the meeting. That really shouldn't have surprised anyone.

But technical subcommittee head Chris Servheen of the U.S. Fish and Wildlife Service didn't want the public to take part in the meeting. He ordered Louisa Willcox and Vanessa Johnson of the Sierra Club Grizzly Bear Ecosystem Project to leave the room.

Unwarranted? Yes. Frustrating? Yes. Aggravating? Unquestionably.

There is a shiny side to this coin. Biologists from the Montana Department of Fish, Wildlife and Parks told the committee that Montana's open meeting law prohibits them from attending secret meetings, those closed to the public. They walked out.

Kurt Alt, a wildlife biologist in the Bozeman office of Fish, Wildlife and Parks said, "If I were to stay in a meeting like that, I am putting myself in jeopardy due to the laws in Montana, and that's not something I want to do. ... We in Montana feel no need to keep the public from sitting in and listening to what's going on, whether that means snowmobilers, environmentalists or people from agricultural interests."

Montana endangered species biologist Arnold Dude said, "I'm not averse at all to having the public listen in on anything I do. That's who we work for."

Makes you proud, doesn't it? Those people understand the public in public service. We are lucky to have them working for us.

Secrecy has no place in grizzly bear management

On the surface, when read in the isolated context of a newspaper, the stories about conservationists being tossed out of a grizzly bear management meeting might appear inane.

But look beneath the opaqueness and what you find are larger issues of democracy and government accountability — in addition, of course, to the fate of the Yellowstone grizzly, one of the most beloved animals in America.

Last week, were it not for the heroic intervention of the Montana Department of Fish Wildlife and Parks, and the U.S. Forest Service, the public today would still be denied access to information it has a right to know.

As you may recall, Dr. Christopher Servheen, the U.S. Fish and Wildlife Service's Grizzly Bear Recovery Coordinator, ordered Vanessa Johnson and Louisa Willcox of the Sierra Club to leave what had been organized as a secret meeting of government bear managers in Bozeman.

I say "secret" because no public notice was given of the meeting, no public record would have been published of what was said, and no members of the public were invited to attend — even though thousands of public tax dollars were spent assembling public representatives of four federal and three state agencies.

Fortunately, Arnie Dood, Montana's endangered species biologist, walked out of the meeting in protest and he received unqualified support from his colleague, Kurt Alt, who said the rationale used by Servheen was completely unjustified. A short time later, Forest Service regional director Dale Bosworth and his assistant, Laird Robinson announced they would craft a new policy to ensure that similar meetings remain open to the public.



TODD WILKINSON

SYNDICATED
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Fortunately, Arnie Dood, Montana's endangered species biologist, walked out of the meeting in protest and he received unqualified support from his colleague, Kurt Alt, who said the rationale used by Servheen was completely unjustified. A short time later, Forest Service regional director Dale Bosworth and his assistant, Laird Robinson announced they would craft a new policy to ensure that similar meetings remain open to the public.

Kudos to Dood, Alt, Bosworth and Robinson, but the fact is, fellas, the action is long overdue, and the closed meetings are symptomatic of a serious problem.

This was not the first time that Dr. Servheen has arrogantly shut the public out of grizzly bear meetings. Over the last four

years, dozens of closed-door meetings have been premised on the following rationale:

That if the public learns what is actually said at the meetings, conservation groups might bring a lawsuit against the Fish and Wildlife Service's management of federally protected grizzlies.

"You would think that if they truly believe everything they did is on the up and up, then they would have nothing to fear, but their reaction is to bar the doors and kill the messenger," says Jim Angell, an attorney with Earthjustice Legal Defense Fund.

"It has become a siege mentality amongst bear managers who are fearful of any public oversight," he added. "This closed-door attitude where everything is done in secret fosters distrust and it leaves the public with no other option but litigation to open the doors."

Dr. Servheen claims that raging debates occur between various state and federal bear managers over habitat protection plans for the grizzly, and that if the public were present, some bureaucrats might be less than candid. What he fails to recognize is that the public has a right to know where public agencies stand on grizzly bear management issues.

If there are philosophical disagreements, then we, as citizens, deserve to hear what they are. Again, this is not the first time bear managers under Dr. Servheen's leadership have resorted to stealth over full disclosure.

In December, wildlife demographer Craig Pease, a professor at the University of Vermont Law School, filed a Freedom of Information Act request to obtain scientific data on grizzly bears collected by the Yellowstone Grizzly Bear Study Team. The study team is a public entity, staffed by public employees who are paid with public money. But grizzly bear managers have repeatedly tried to prevent Pease and others from obtaining the information because it might be used to criticize Servheen's bear conservation strategy.

In 1997, Servheen attempted to get Pease professionally discredited after Pease filed a similar FOIA. Servheen accused him of trying to purloin proprietary information. The question, of course, is proprietary for whom? Although scientific protocol prescribes that the researcher who collects the data will have first right to publish it, ownership ultimately resides with American citizens.

Why is intensive scrutiny of bear managers so critical? Consider this: The same body that has been publicly funded to study the grizzly for the last 20 years, decides how research will be conducted, collects the data, interprets the data, presents highly-selected data to the public, and then tells us which management option we should choose.

One could argue that because the process is so tightly controlled, and not scrutinized by outside, independent biologists, that it could easily be slanted to support predetermined outcomes. Or worse, that research projects could be awarded only to those biologists who will produce results favorable to certain points of view held by certain managers with personal agendas.

The U.S. Office of Management and Budget recently published a memorandum on the obligation of public agencies to make information available for public review. The memo was issued to serve notice upon agencies taking closed-door approaches in order to control and essentially monopolize how information is disseminated.

"Federal agencies are often the sole suppliers of the information they hold," the OMB wrote. "The agencies have either created or collected the information using public funds ... and no one else has it."

Hence, the OMB notes, "agencies need to take care that their behavior does not inappropriately constrain public access to government information ... Statutes such as FOIA establish a broad and general obligation on the part of federal agencies to make government information available to the public and to avoid erecting barriers that impede public access."

Why do we need openness on the issue of managing the Yellowstone grizzly? Because democracy hangs in the balance.

Todd Wilkinson's syndicated column appears in the Chronicle every Monday. He writes about suppression of grizzly bear scientists in his book, Science Under Siege: The Politicians' War on Nature and Truth.

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OPINION

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■ Tribune editorial

Closed grizzly meeting typifies federal operations

Hooray for the state Fish, Wildlife and Parks employees who walked out of a meeting last week with the federal government's grizzly bear coordinator.

They said they didn't want to participate in the meeting after the agent for the U.S. Fish and Wildlife Service had closed it to the public.

Their protest, laudable in its own right, had the added effect of standing federal secrecy tendencies up against a backdrop of Montana openness in government.

It's a contrast that has grown more stark in recent years.

The federal agent in this case, grizzly coordinator Chris Serveen, said he decided to close the meeting because he didn't think it was fair that the only members of the public in attendance were representatives of an activist group that has been a thorn in the agency's side.

Some would say that's all the more reason to open the meeting. Besides, the chairman of the Intra-agency Grizzly Bear Committee, Re-

Montana law pretty clear, but for the feds

Were I not for the presence of federal agencies on the panel, which complicates the issue, a meeting last week under the auspices of the Intra-agency Grizzly Bear Committee should have been open under Montana law.

The two most relevant statutes that would cover such a meeting are:

- 2-3-202 defining a meeting as the convening of a quorum of an agency to hear, discuss or act upon a matter over which the agency has a say; and
- 2-3-203 saying all meetings of governmental bodies of the state and subdivisions of it supported by public funds shall be open to the public, including committees and subcommittees.

Global Forester Dale Bosworth, had said in December that planning for the grizzly's removal from the Endangered Species List would be done in the open.

The sad truth is that Serveen's action is about what we've come to expect from the federal government.

As much grousing and suing as we and others do to keep state and local meetings and documents open to public view, we've actually got it pretty good in Montana.

As time passes — and as the state Supreme Court continues to uphold

the presumption of openness in government — more and more public officials here try to follow the rules laid out in the open-meetings law and the state Constitution.

There will always be some officials who'd rather do the public's business in private, but they're increasingly the exception, not the rule.

That's why it's heartening to see two state employees, Kurt Alt and Arnold Dood of FWP's Bozeman office, stand up for the public's right to know, regardless of whether it tech-

nically applies to Big Brother from Washington.

Big Brother's behavior might actually be part of the reason some people in these parts are so fed up with the feds.

While the Fish and Wildlife Service, for which Serveen works, has gotten its share of criticism in recent years for heavy-handed tactics, it is far from the only offender of Big — and open — Sky sensibilities.

Examples are everywhere you look in the federal hierarchy:

- Federal court proceedings are cloaked in multiple layers of secrecy, starting with the Montana courts' refusal to release the identities of indicted criminal defendants until they appear in court.
- Reporters who deal routinely with federal agencies have cabinets full of unfulfilled — and more than a little oxymoronic — "Freedom of Information" requests for information that most sensible people would agree should be available via telephone.

● The Tribune had to file suit against the Forest Service in 1997 before the agency would reveal the identities of people who filed comments about the Rocky Mountain Front.

● The U.S. Senate has gone behind closed doors at least three times in recent weeks so the members could have "open" discussions of impeachment trial procedures.

● And then there's the military. Behind a shield of "national security," our people in uniform rarely utter an honest opinion, much less useful information.

No, the federal government is in a class by itself when it comes to openness. A closed class.

It may not be fair to set up Mr. Serveen's action as a metaphor for all that is wrong with the federal government, and that's not our intention.

But chipping away the layer of travertine that seems to encase all things federal has got to start somewhere.

2 environmentalists ejected from meeting on grizzly bears

By **MICHAEL MILSTEIN**
Gazette Wyoming Bureau

BOZEMAN — The head of a multiagency committee developing a conservation strategy for Yellowstone grizzly bears on Tuesday ejected members of an environmental group from a committee meeting, prompting Montana officials to leave, too.

Environmentalists said the action illustrated the secretive approach of agencies developing the conservation strategy. Officials of some agencies involved said even they did not understand why the meeting was closed.

Biologists of the Montana Department of Fish, Wildlife and Parks said state open meetings laws prohibit them from taking part in meetings that are closed to the public.

"If I were to stay in a meeting like that, I am putting myself in jeopardy due to the laws in Montana, and that's not something I want to do," said Kurt Alt, a wildlife biologist in the Bozeman office of Fish, Wildlife and Parks.

The standoff arose Tuesday morning when a technical subcommittee of the Interagency Grizzly

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Grizzlies

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Bear Committee began a four-day meeting at a U.S. Forest Service office in Bozeman. The meeting was planned to complete work on a conservation strategy for grizzly bears in and around Yellowstone National Park that is a prerequisite to taking the Yellowstone grizzly bear off the federal endangered species list.

Subcommittee head Chris Servheen of the U.S. Fish and Wildlife Service announced at the start of the meeting that it was closed to the public and ordered Louisa Willcox and Vanessa Johnson of the Sierra Club Grizzly Bear Ecosystem Project to leave the room.

Montana officials then stated they could not participate in a closed meeting and they left, too.

Servheen offered no explanation for his decision to close the meeting, said Willcox and others who were there. Servheen did not return phone messages left at the office where the subcommittee was meeting on Tuesday.

Willcox said Servheen's action contradicted earlier statements by U.S. Forest Service Regional Forester Dale Bosworth, chairman of the higher-level Interagency Grizzly Bear Committee. At a December meeting, Bosworth said meetings of the committee or subcommittees would be open to the public unless they involved personnel or legal issues.

U.S. Forest Service Public Outreach Coordinator Laird

Robinson, who serves as executive assistant to Bosworth, confirmed Bosworth's earlier statements.

"I really don't understand the thinking behind what happened this morning," Robinson said.

He said he planned to meet Wednesday morning with Bosworth, who was out of town on Tuesday, and draw up a formal policy statement on when meetings will be open or closed.

"We've got to get this thing resolved so we don't have people being told they have to leave," Robinson said.

Tuesday's meeting included representatives of the National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service, Idaho Department of Fish and Game and Montana Department of Fish, Wildlife and Parks. Only Montana

officials left the room when the meeting was closed.

Montana endangered species biologist Arnold Dude said he saw no reason for closing the meeting.

"I'm not averse at all to having the public listen in on anything I do," he said. "That's who we work for."

He said he personally did not want to participate in a closed process.

"People have a right to attend the meeting as long as they're not disruptive," he said, noting that Willcox was not disruptive. "That's not to say anyone can get up and talk, but they can certainly sit and listen."

Fish and Wildlife Service spokeswoman Sharon Rose said she could not reach Servheen on Tuesday and did not know his ratio-

nale for closing the meeting. She said past meetings have sometimes been closed when they were for purposes of "brainstorming — to give all the agencies a chance to put their thoughts together and not look foolish — just to come up with some ideas."

Willcox said grizzly bear meetings had been closed off and on for the past four years, but she thought Bosworth had changed that. Closing meetings on a grizzly conservation strategy is counterproductive, she said.

"They're trying to create a conservation strategy without everyone in the room," she said. "It's not just that we're frozen out and we're tired of it, but at some point the public's got to understand what's in this document so they know what it means for grizzlies."

Servheen has said the conservation strategy is almost done. The meeting that began Tuesday was intended to iron out final points in the document.

"We're not trying to interfere with anything inappropriate or find out the details of people's personal lives," Willcox said. "We're just trying to be part of the public discourse."

Alt said it was difficult to tell whether Montana's absence from the meeting would make the final conservation strategy less responsive to Montana's concerns.

"It was their choice to close the meeting, not ours," he said. "We in Montana feel no need to keep the public from sitting in and listening to what's going on, whether that means snowmobilers, environmentalists or people from agriculture interests."