

December 12, 2021
Teton County Planning Commission
Re: AMD2021-0006: Wildlife Feeding & Bear Conflict Area LDR Text Amendment

Dear Planning Commissioners,

We are pleased to see the proposed updates to Section 5.1.3: Wildlife Feeding in the Teton County Land Development Regulations (LDR). We are grateful for all of the work that has gone into the draft so far and we believe the revised version contains measures that will greatly improve human-wildlife coexistence in Teton County. We also have a few recommendations that we believe would strengthen the efficacy of these regulations and encourage a smooth transition. We ask that members of the Planning Commission consider these points as you move the draft to the County Commission for approval.

Our community values ecosystem stewardship and wildlife, reflected in our Comprehensive Plan. We have an opportunity to update our wildlife feeding regulations to better reflect these values.

We support the additions made to Section 5.1.3 Wild Animal Feeding to better protect humans and wildlife and mitigate negative interactions. We respectfully offer considerations regarding Section 5.1.3.E. Standards:

3. Gardens

Please clarify the types of exclusionary fencing that are allowed to contain food-bearing gardens, beyond the electric wire example, similar to what is offered in **5.b. Bear-Resistant Building, Enclosure, and Fencing Requirements**. For residents that are concerned about safety issues regarding hot wire, alternative examples of approved exclusionary fencing would be productive.

5. Bear-Resistant Standards

We support the expansion to a county-wide requirement of Interagency Grizzly Bear Committee approved bear-resistant trash cans. Enacting countywide bear-resistant trash cans will reduce human-bear conflicts, which protects both humans and bears, and would be easier for Teton County to enforce due to consistency.

Please include language that requires residents to put garbage out the morning of their scheduled pick-up, not the night before.

Implementation

We support approving the revised version of Section 5.1.3 as soon as possible. However, we also understand there is complexity to requiring these updated regulations. Proper enforcement is needed to ensure compliance with the new regulation language, as well as funding mechanisms for private trash haulers and residents to afford this transition. In an additional document included below, we discuss three main components of implementation that need to be addressed: **enforcement, financing, and public education.**

Since the proposed LDR states bear resistant trash cans will begin countywide in 2023, we are confident the County, waste management, and other community entities can develop a clear implementation strategy to be fully compliant by that time. We believe not having these features resolved now should not delay the passing of this updated regulation. In the addendum below, we provide ideas that could help implement full realization of the updated Wildlife Feeding LDR. Once the LDR is approved, our organizations are committed to working with the County on developing an education and outreach strategy to ensure compliance, safety, and a smooth roll-out of the new regulation, as changes are phased in. With proper planning and implementation, these regulations can be adopted with benefit and assistance to all.

Our organizations and many individuals across the County stand prepared to assist in the implementation of these regulations. Please refer to the document below for a deeper description of implementation ideas, and feel free to reach out with any questions. We encourage open communication with us as this process moves forward. Together, we can ensure the safety of our residents and our wildlife on which our economy depends.

Thank you,

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Ideas for successful implementation and compliance of the Wildlife Feeding LDR by 2023

Enforcement

Enforcement is necessary to achieve full compliance of the updated feeding regulations. At present, no person or entity (Wyoming Game and Fish Department, Teton County Sheriff's Office, Code Compliance Officer) has the authority to issue a citation to a landowner that is in violation of this Land Development Regulation. Current enforcement lies with code enforcement officers (which currently is an unfilled position) who observe or obtain evidence of an infraction and then issue a letter to the property owner regarding the violation. A violation of the county resolution is a civil infraction, not a criminal one. Therefore, the only penalty to be incurred is a fine, up to \$750/day. Recouping this amount would require the County to take an individual to civil court, requiring a lengthy process of notifications and letters. This has never happened. The updated regulation should explore allowing law enforcement, code enforcement, wildlife agency personnel, or other persons designated by resolution of the Board of County Commissioners to issue warnings and citations, in the same manner as a speeding/parking ticket.

Recommended enforcement phases:

- Sections 5.1.3.E 1-4: Throughout 2022 - 100% compliance with these sections are enforced
- Section 5.1.3.E.5: 6/30/2022 - 100% compliance in the existing bear conflict areas, commercial and residential
- Section 5.1.3.E.5: 1/01/2023 - 100% compliance with bear resistant trash containers county-wide, commercial and residential

Enforcement ideas:

- To be allowed to tip at the transfer station, each hauler would have to have their entire inventory be bear-resistant trash cans (BRTC), aligned with a phased implementation plan.
- If there are supply chain issues, they must outline their plan for ordering and obtaining BRTC over the next year.
- Residents who haven't made the switch to a BRTC are issued a citation at the same cost it would take to purchase a can for a year, encouraging each person to comply.

Funding

To be successful implementing a county-wide requirement of bear resistant trash cans, we need a funding plan that supports private trash hauling companies, Teton County Public Works Department and Integrated Solid Waste and Recycling, and residents. Reassurance for residents and waste management professionals will be key to ensuring community acceptance and an equitable transition.

Funding Ideas

- Zero interest loans – Waste management companies will need funds to purchase initial inventory. Zero-interest loans could be offered to trash haulers through an application process where the company is required to outline an estimated budget to transition to 100% compliance for both residential and commercial customers by 2023.
- Grants to residents to offset costs of updating their infrastructure – Grants could be made available through the county with help from nonprofits and other private donations to ensure every resident can afford the cost of a new bear-resistant trash can or other measures of securing attractants, like purchasing exclusionary fencing for apiaries and gardens.
 - Our organizations, as well as other community nonprofits and private citizens, have expressed a commitment to help raise funds for a grant program.

We hope these suggestions will be considered by the Planning Commission. We are confident that smart planning and an implementation strategy will ensure successful achievement of preventing and mitigating conflicts between humans and wildlife in Teton County. The good news is we don't have to reinvent the wheel. Many communities have successfully implemented similar regulations to promote wildlife coexistence which we can look to for ideas and strategies. Successful programs throughout Montana, Nevada, Florida, and Canada have developed effective enforcement, funding, and educational campaigns to bring communities into compliance with bear-smart measures.

Education

Once the LDR is approved, our organizations are committed to working with the County on developing an education and outreach strategy to ensure compliance, safety, and a smooth roll-out of the new regulation, as changes are phased in.

Additionally, the Interagency Grizzly Bear Committee (IGBC) is initiating a Bear Smart Communities program which seeks to recognize communities that have implemented Bear Smart policies, such as attractant management, conservation policies, and community programs. Adoption of the updated Land Development Regulations poises Teton County to become a Bear Smart Community. The IGBC would provide valuable educational resources for pragmatic solutions while at the same time giving us a template to follow as we continue on the path to human-wildlife coexistence.