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Subject:	Hearing Q&A"s
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Attachments:	SPR and Foreseeable Future Q&As.docx

Attached are Q&As on two items from the WGA Policy Resolution - the definitions of "significant portion of its range" and "foreseeable future". - GDF

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Significant Portion of the Range

Q: The WGA Policy Resolution says that "significant portion of the range" should be defined to incentivize and reward state conservation efforts by listing species only in states or areas where they are actually imperiled and, conversely, delisting them where recovered. Does FWS agree?

A: The Service and NMFS finalized policy regarding the definition of this phrase, following notice and comment, in July 2014. The phrase comes from the statutory definitions of threatened and endangered species – "any species in danger of extinction throughout all or a significant portion of its range . . ."

The Service policy first establishes that a significant portion of a species range is not in itself a listable entity. On this important point, the Service's policy differs from the recommendation of the WGA Resolution.

Only taxonomic species, subspecies, or distinct population segments of vertebrate species (all encompassed within the Act's definition of "species") are entities subject to listing or delisting under the Act. Rather, this phrase describes a circumstance in which a "species" may warrant listing – when it is in danger of extinction throughout a significant portion of its range.

The Service policy then establishes that "range" means the general geographical area within which the species is found at the time of the listing determination, i.e., where the species exists now, not historically.

The policy then defines "significant portion" to mean a portion so significant to the viability of the species as a whole that, without the members of that portion, the species as a whole would warrant listing.

We only consider whether threats to a "significant portion of its range" would trigger a listing (or forestall a delisting) after first determining that the species is not in danger of extinction throughout all of its range. The policy purposely sets a relatively high bar for when threats to only a portion of a species range would trigger protection of the entire species.

Foreseeable Future

Q: The WGA Policy Resolution recommends that the term "foreseeable future" be defined. Do you agree that is necessary?

A: An Interior Solicitor's opinion provides excellent guidance to the Service on how to interpret and apply this term. We do so appropriately and consistently and do not believe that statutory definition of such a complex concept is needed or desirable.

"Foreseeable future" is an element of the definition of a threatened species – one that is not in danger of extinction now, but is likely to become so "within the foreseeable future". We interpret this term to describe the extent to which we can reasonably rely on predictions about the future in making listing determinations.

Determining the "foreseeable future" is a fast-specific exercise, using the best available data to make predictions about future conditions. Foreseeable future extends only so far as those predictions are reliable. "Reliable" does not mean "certain"; it means sufficient to provide a reasonable degree of confidence in the prediction. When the point is reached that the conclusions concerning the trends or impacts of a particular threat are based on speculation, rather than reliable prediction, those impacts are not within the foreseeable future.

For the purpose of our greater sage-grouse determination, the foreseeable future for the predictions we relied on was 20-30 years.