



Questions and Answers

90-Day Substantial Petition Finding on U.S. Population of Northwestern Moose

1. What action is the U.S. Fish and Wildlife Service taking?

The Service is initiating a status review for the U.S. population of northwestern moose as a result of a 90-day finding on a petition from the Center for Biological Diversity and Honor the Earth. We published a notice of the finding in the Federal Register on June 3, 2016. The notice begins a 60-day information request period, which closes on August 2, 2016. Before making a finding on whether listing the U.S. population of northwestern moose is warranted, we must gather and analyze available information, including new information received during this open information request period.

2. What is a petition?

A petition is a request filed under the Endangered Species Act by an interested party asking that a species be listed on, delisted from, or reclassified on the Federal List of Endangered and Threatened Wildlife and Plants. The Endangered Species Act requires that we make and publish specific findings on the petition. We must make a finding within 90 days of receiving a petition (to the extent practicable) as to whether or not there is “substantial information” indicating that the petitioned listing may be warranted. If this preliminary finding is positive, a status review is conducted.

3. What is a 90-day Finding?

The Endangered Species Act requires the Service to determine if a petition to list a species contains substantial information to support the requested action. Findings are based on information contained in the petition, supporting information submitted with the petition, and other readily available information in the Service’s files.

4. Who petitioned the Service and what did they request?

The Center for Biological Diversity and Honor the Earth submitted a petition on July 9, 2015, to the Service to list the U.S. population of northwestern moose as a threatened or endangered distinct population segment.

5. What did the Service conclude as its 90-day findings?

We found that the information provided in the petition and supporting information submitted with the petition, provided substantial scientific or commercial information indicating that listing may be warranted. This 90-day findings notice is our initial finding on the petition for this species. The finding is provided in the June 3, 2016, Federal Register notice.

6. Where is the U.S. population of northwestern moose found?

The petition requests the Service to list moose as a distinct population segment in the Upper Peninsula of Michigan, westward across the northern counties of Wisconsin and Minnesota and into northeastern North Dakota. Moose in other parts of the country, including the Northeast,

Rocky Mountains and Alaska, are not addressed in the petition and will not be included in the status review.

7. What did the Service consider in reaching its conclusion and finding?

In making this finding, the Service evaluated the information provided by the petitioners. The process of coming to a 90-day finding is limited to a determination of whether the information provided in the petition, supporting information submitted with the petition, and information otherwise available in Service files meets the “substantial information” threshold. The Service does not conduct additional research at this point, nor does the Service subject the petition to rigorous critical review or solicit information from parties outside the Service.

8. What is the next step?

The Service will conduct a status review of the U.S. population of northwestern moose.

9. Is there a difference between a 90-day finding and a status review?

Yes. A 90-day finding is not a status assessment of the species and does not constitute a status review under the Endangered Species Act. A substantial 90-day finding simply states that a petitioned action (i.e., listing, delisting or reclassification) may be warranted. Our final determination of whether a petitioned action is warranted is not made until we have completed a thorough status review of the species, which is only conducted after a positive 90-day finding. A positive 90-day finding does not mean that the finding that results from status review will be positive.

10. What options does the Service have when making a status review determination following a 90-day finding?

Based on the status review, the Service will make one of three possible findings:

- Listing is not warranted, in which case no further action will be taken. This finding will be published and the petitioner notified.
- Listing as either endangered or threatened is warranted. The Service will publish a proposed rule, solicit scientific peer review, seek input from the public, and consider the input before a final decision about listing is made.
- Listing is warranted but precluded.

11. What is the current legal status of moose in Upper Midwest states?

In Michigan and Minnesota, the moose is considered a species of special concern, with no hunting season. Moose occur in the Upper Peninsula and on Isle Royale in Michigan. Minnesota’s moose population is thought to be declining; hunting was discontinued in 2012. North Dakota has a fall hunting season for moose, and the statewide population is increasing. In Wisconsin, there may be an increase in both frequency and the geographic range of sightings; there is no hunting season.

12. When the status assessment is complete, will the Service’s findings affect moose populations outside the Upper Midwest?

No. The Service’s findings will pertain only to moose in Michigan, Wisconsin, Minnesota and North Dakota.

13. How does this 90-day finding affect hunting in North Dakota?

This finding merely initiates a status review of moose in the Upper Midwest. It does not affect any state regulations.

14. Is the Service seeking information from the public for the status review?

Yes; publication of the substantial petition findings opens a 60-day information request period, which will close on August 2, 2016.

15. What information is the Service seeking from the public?

We are seeking information from the public about the status of the species included in the substantial 90-day finding. Please note, however, that submissions merely stating support for or opposition to a potential listing, without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Endangered Species Act mandates that listing decisions must be made “solely on the basis of the best scientific and commercial data available.”

The Service specifically is seeking information regarding:

- species biology, range and population trends, including:
 - habitat requirements;
 - genetics and taxonomy;
 - historical and current range, including distribution patterns;
 - historical and current population levels, and current and projected trends; and
 - past and ongoing conservation measures for the species, its habitat, or both.
- the factors that are the basis for making a listing determination under section 4(a)(1) of the Act:
 - the present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);
 - overutilization for commercial, recreational, scientific, or educational purposes (Factor B);
 - disease or predation (Factor C);
 - the inadequacy of existing regulatory mechanisms (Factor D); or
 - other natural or manmade factors affecting its continued existence (Factor E).
- If, after the status review, we determine that listing is warranted, we may propose critical habitat for those species. Therefore, we also specifically request the following data and information:
 - what may constitute “physical or biological features essential to the conservation of the species,” within the geographical range occupied by the species;
 - where these features are currently found;

- whether any of these features may require special management considerations or protection;
- specific areas outside the geographical area occupied by the species that are “essential for the conservation of the species”; and
- what, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission to allow us to verify any scientific or commercial information or data you provide.

16. How do I submit information?

You may submit information by one of the following methods:

- Electronically:
 - 1.) Go to the Federal eRulemaking Portal: <http://www.regulations.gov>.
 - 2.) In the Search box, enter the Docket Number FWS-R3-ES-2016-0061
 - 3.) You may click on the document title to open the Federal Register notice or you may submit a comment by clicking on the “Comment Now!” button.
- U.S. mail or hand-delivery:

Public Comments Processing Attn: Docket No FWS-R3-ES-2016-0061.
 U.S. Fish and Wildlife, MS: BPHC
 5275 Leesburg Pike
 Falls Church, VA 22041-3803

The Service will post all information received on <http://www.regulations.gov>. This generally means that the Service will post any personal information that is provided.

The 60-day information request period is open until August 2, 2016.

17. When will the Service complete the status assessment?

At this time, we do not have a projected date for completing the status assessment. For the past 5 years, the Service has carried out its listing program priorities according to a Multi-District Litigation settlement. With the work from that settlement ending in 2016, we are preparing our next 5-7 year listing work plan. We currently have about 500 petitioned species awaiting 12-month findings.

18. Where can I find more information?

Information on the U.S. population of northwest moose can be found on the Service’s Midwest website at www.fws.gov/midwest/es/soc.