

# FAQ's on 5-year Status Reviews

Under the Endangered Species Act of 1973 (Act), as amended, the Fish and Wildlife Service and National Marine Fisheries Service are required to conduct a review of listed species under their jurisdiction at least once every 5 years.

## **What is a 5-year status review?**

A 5-year review is an assessment of each listed species to determine whether its status has changed since the time of its listing such that it should be delisted or classified differently than its current status. The purpose of a 5-year review is to ensure that listed species have the appropriate level of protection under the Act.

The 5-year review will consider the best scientific and commercial data regarding the species, particularly any information that has become available since the original listing determination. Such information includes:

- species biology including, but not limited to, population trends, distribution, abundance, and demographics, and genetics;
- habitat conditions including, but not limited to, amount, distribution, and suitability;
- conservation measures that have been implemented that benefit the species;
- threat status and trends;
- other new information, data, or corrections including but not limited to changes in taxonomy or nomenclature, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants; and improved analytical methods.

The review also will assess: a) whether new information suggests that the species is increasing, declining, or stable; b) whether existing threats are increasing, unchanged, reduced, or eliminated; c) if there are any new threats; and d) if any new information or analysis calls into question any of the conclusions in the original listing determination as to the species' classification.

## **Who is responsible for doing a 5-year review?**

The Secretary of Interior and the Secretary of Commerce are ultimately responsible for conducting the 5-year reviews of listed species. This responsibility has been delegated to the U.S. Fish and Wildlife Service and NOAA Fisheries to assess the species for which they have jurisdiction.

### **Why haven't we done 5-year reviews sooner?**

Given our limited resources to accomplish a multitude of high priority workload issues such as our section 7 consultations, habitat conservation planning efforts, and backlog of recovery planning needs, we have relied on other processes to assess the status of listed species. In addition to the requirement for review of listed species every 5 years, there are other requirements of the Act and other processes under which we do this kind of assessment. Section 4(f)(3) of the Act requires us to report every 2 years to Congress on the status of efforts to develop and implement recovery plans for all listed species, and on the status of all species for which recovery plans have been developed. In addition, we annually assess the status of each listed species as a measure of our progress in achieving our goals under the Government Performance and Results Act of 1993 (31 U.S.C. 1115). Although the Act and other processes require us to assess the status of all listed species periodically, our practice is to monitor the status of listed species on a continual basis. We do this as part of recovery planning and implementation efforts, our consultation process with other Federal agencies under section 7 of the Act, our permitting program under section 10 of the Act, our petition process under section 4 of the Act, and other activities related to listed species.

### **What is the outcome of a 5-year review?**

The Service will make a recommendation whether or not a change in the Federal classification of the species being reviewed is warranted. Possible recommendations include that the classification should be changed from threatened to endangered or from endangered to threatened, a recommendation that the species no longer needs protection and should be delisted, or a recommendation that the classification should remain the same. If the Service recommends that a change in classification is warranted, the agency may propose to reclassify or delist a species. If the agency does propose a change, it would go through a formal rulemaking process, including public review and comment, as defined in section 4(a) of the Endangered Species Act. No change in classification would occur until the completion of that rulemaking process.

### **What happens if new scientific information is presented during the public notice period?**

Our analysis of new information received during the public notice period may indicate that a change in species classification is warranted. Changes may include delisting or reclassification from endangered to threatened or threatened to endangered but any change would occur only through a formal rulemaking process, including public review and comment, as defined in section 4(a) of the Act. No change in status of the species may occur until that process is complete.

### **How does the Service determine whether a species is endangered or threatened?**

Under the Act, the term "endangered species" means any species that is in danger of extinction throughout all or a significant portion of its range. The term "threatened species" means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;

- (b) Overutilization for commercial, recreational, scientific, or educational purposes;
- (c) Disease or predation;
- (d) The inadequacy of existing regulatory mechanisms; or
- (e) Other natural or manmade factors affecting its continued existence.

Our assessment of these factors is required, under section 4(b)(1) of the Act, to be based on the best scientific and commercial data available.

**What information is the Service seeking after announcing a review?**

The *Federal Register* notice announcing a review solicits information from the public about the species' status. The Service is soliciting new scientific or commercial information from the public, including new information that has become available since a species listing. Such information may include but is not limited to: species biology; population trends, distribution, abundance, demographics and genetics; habitat conditions (amount, distribution, and suitability); conservation measures; impacts to the species and trends; and any other new information, data, or corrections such as taxonomic or nomenclature changes, identification of erroneous information contained in the list, and improved analytical methods.

Information submitted should be documented with maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. We will consider all information submitted, but raw data that has not been analyzed or summarized may have limited usefulness.