



U. S. Fish & Wildlife Service

Frequently Asked Questions **5-year Review for Florida scrub-jay** *(Aphelocoma coerulescens)*

Updated: February 19, 2006

Q1: What action is the Fish and Wildlife Service taking?

A1: The Service will undertake a 5-year review for the Florida scrub-jay (*Aphelocoma coerulescens*). Under section 4 (c)(2) of the Endangered Species Act of 1973, as amended (ESA), the Fish and Wildlife Service is required to conduct a review of listed species at least once every 5 years.

Q2: What is a 5-year review?

A2: A 5-year review is an assessment of each listed species to determine whether its status has changed since the time of its listing. The purpose of a 5-year review is to ensure that listed species have the appropriate level of protection under the Act.

Q3: What does a 5-year review entail?

A3: 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.

Q4: Who is responsible for doing a 5-year review?

A4: 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.

Q5: Why is the Service doing a 5-year review for the Florida scrub-jay now?

A5: The Florida scrub-jay was listed in 1987. Research and monitoring programs for this species have been carried out and are ongoing. As a result, new information is available. Although this information has been made public, and the Service has continued to use the best available information under its ESA responsibilities, the 5-year review affords us the opportunity to take a comprehensive look at the full body of information now available regarding Florida scrub-jay as required by the ESA's 5-year review provisions.

Q6: Why haven't we done a 5-year review for the Florida scrub-jay before?

A6: 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 ESA and other processes under which we do this kind of assessment. Section 4(f)(3) of the ESA 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 ESA 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 ESA, our permitting program under section 10 of the ESA, our petition process under section 4 of the ESA, and other activities related to listed species.

Q7: Is the Florida scrub-jay 5-year status review a result of or related to the Service's recent decision regarding two petitions to reclassify?

A7: No. That action was a separate, unrelated procedure that only focused on the information provided within the petitions to reclassify. Our decision regarding the petitions did not draw any conclusions on the species' status and was not comprehensive in nature.

Q8: What is the outcome of a 5-year review?

A8: The Service will make a determination as to whether or not a change in the status of the Florida scrub-jay, as defined under the ESA, is appropriate. Possible determinations in a 5-year review include that (1) the classification should be changed from threatened to endangered or endangered to threatened; (2) the species no longer needs protection and should be delisted; or (3) the classification should remain the same. A 5-year review and concluding recommendation on the status of a species is not a regulatory action. If the Service determines that a change in status is appropriate, whether it be to reclassify or delist a species, the formal rule-making process defined in section 4(a) of the ESA, including public review and comment, must be undertaken.

Q9: What happens if new scientific information is presented during the public notice period?

A9: Our analysis of new information received during the public notice period may indicate that a change in Florida scrub-jay classification is appropriate. Changes may include delisting or reclassifying from 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.

Q10: How does the Service determine whether a species is endangered or threatened?

A10: Under the ESA, 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 ESA 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) Over utilization 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 ESA, to be based on the best scientific and commercial data available.

Q11: When will the 5-year review of the Florida scrub-jay be completed?

A11: Although there is no statutory deadline, we anticipate the review will take approximately one year to complete.

Q12: What information is the Service seeking after announcing the review?

A12: The notice 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 its 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.

Q13: How do I submit information to be considered in the review?

A13: Information may be submitted in writing to:

Via Email: floridascrubjay@fws.gov -- Please include "Florida scrub-jay 5-year Review" in subject line. Comments may be included in the body of the email or as attachments. Due to system limitations, emails with attachments over 4 MB in size may experience delay in delivery or be undeliverable. We recommend such attachments be referenced in the email and sent via regular mail.

Via Regular Mail: U.S. Fish and Wildlife Service
Attn: Florida scrub-jay Five-Year Review
6620 Southpoint Drive South, Suite 310
Jacksonville, FL 32216

Via Fax: 904-232-2404 -- Please include "Florida scrub-jay 5-year Review" in subject line. If you have a substantial number of pages or graphics, please consider submitting them via regular mail or as email attachments.

Q14: When should information be submitted?

A14: In order to allow the Service adequate time to consider information, it **must be received no later than April 17, 2006.**

Q15: Will submissions be available to the public after the review?

A15: Information received in response to this notice, and review results, will be available for public inspection by appointment during normal business hours at the above Service address.

Q16: Where can I find for more information about the Florida scrub-jay?

A16: Additional information on the Florida scrub-jay is available online at <http://www.fws.gov/northflorida>.