



## USFWS INFORMATION MEMORANDUM



**DATE:** February 22, 2021

**TO:** Noreen Walsh, Regional Director, Interior Regions 5 and 7

**FROM:** Stephen Small, Assistant Regional Director, Ecological Services, Interior Regions 5 and 7

**SUBJECT:** 5-Year Status Review Recommendation for the Grizzly Bear (*Ursus arctos horribilis*) in the Lower-48 States

### I. KEY FACTS

- Following our review of the best available science, as documented in a species status assessment (SSA) report, we recommend that the grizzly bear in the lower-48 States remain listed as a threatened species under the Endangered Species Act (Act). Although conservation efforts have improved the condition of the grizzly bear in the lower-48 States since its listing in 1975, our assessment of the entire listed entity's condition 30 to 45 years into the future indicates that the grizzly bear in the lower-48 States continues to meet the Act's definition of a threatened species.
- We solicited data for this 5-year status review, and the associated SSA report, from interested parties through a January 14, 2020, *Federal Register* notice announcing this review. A variety of partners contributed to the development of our SSA; the SSA report was also reviewed by partners and independently peer reviewed.
- This 5-year status review fulfills our obligations under the Act and a court-ordered settlement agreement to review the status of the grizzly bear in the lower-48 States. To meet the court-stipulated agreement, we must post this 5-year status review to our websites by March 31, 2021.

### II. BACKGROUND AND FWS POSITION

- The Act requires that we review each listed species' status at least once every 5 years. Based on this review, we must recommend whether the species should maintain its current classification on the Federal List of Threatened and Endangered Wildlife or if it should be reclassified or removed. Five-year status reviews do not automatically result in regulatory action but merely recommend any needed status changes. Any change in the regulatory status would require a subsequent rule-making with public review and comment.
- On June 27, 2019, the Center for Biological Diversity (CBD) filed a complaint in the United States District Court for the District of Montana alleging that we had failed to conduct a 5-year status review for the grizzly bear in violation of the Act. We last completed a 5-year status review for the grizzly bear in the lower-48 States on September 6, 2011.
- The U.S. Department of Justice filed a settlement agreement for this case on December 6, 2019, that committed us to complete this 5-year status review by March 31, 2021.

### III. POSITION OF AFFECTED STAKEHOLDERS/PUBLIC LANDS AFFECTED

- Though completing a 5-year status review is a routine procedure that does not itself change any regulations, there is always significant public interest in actions relating to the grizzly bear.

- We received information from various stakeholders in response to our January 14, 2020, initiation notice, including: summaries of conservation actions from the U.S. Forest Service, Idaho Department of Lands, and Washington Department of Fish and Wildlife ; monitoring information from Idaho’s Office of Species Conservation, Idaho Department of Fish and Game, and Washington Department of Fish and Wildlife; and information from non-governmental organizations and other interested parties on potential threats.
- The States in grizzly bear recovery zones (Montana, Wyoming, Idaho, and Washington) have an interest in removing recovered grizzly bear populations from the Federal List of Threatened Wildlife to return them to state management. Our recommendation that the entire listed entity (the grizzly bear in the lower-48 States) remains a threatened species could create confusion for these stakeholders, especially given our past rulemakings regarding the biological recovery of bears in the Greater Yellowstone Ecosystem (GYE) and recent public statements regarding the biological recovery of bears in the Northern Continental Divide Ecosystem (NCDE).

#### IV. DISCUSSION

- Our SSA report provides a review of the best available scientific and commercial information regarding the biological status of the grizzly bear in the lower-48 States. Based on our analysis of demographic and habitat factors, grizzly bears in the lower-48 States currently occupy four ecosystems, two with high resiliency, one with moderate resiliency, and one with low resiliency. Grizzly bears within two additional ecosystems are functionally extirpated, and do not currently contribute to redundancy. Representation of the grizzly bear in the lower-48 States is currently captured by the ecological diversity inherent within the four resilient ecosystems. Thirty to 45 years into the future, viability for the grizzly bear in the lower-48 States improves slightly if conservation efforts continue at their current rate and levels of effectiveness. If conservation efforts decline, viability also decreases. If conservation efforts increase, viability improves.
- Given these future projections of resiliency, redundancy, and representation 30 to 45 years into the future, the grizzly bear in the lower-48 States could experience increased risk of extinction under two out of the five future scenarios we analyzed in the SSA. While the GYE and NCDE populations remain relatively resilient under all but one future scenario, viability for the species as a whole only increases under the two optimistic future scenarios, which rely on increases in conservation efforts such that the Bitterroot Ecosystem and North Cascades support resilient populations. Although these are plausible future outcomes, there is enough future uncertainty associated with conservation efforts such that the grizzly bear in the lower-48 States remains likely to become in danger of extinction within the foreseeable future.

#### V. TIMELINE AND NEXT STEPS

- Typically, Project Leaders sign 5-year status reviews that recommend no change in status. However, given the high-profile nature of grizzly bear issues, the Regional Director’s office will sign this 5-year status review.
- To comply with the 2019 settlement agreement, we must post this completed 5-year status review on our websites by March 31, 2021.

**Prepared by:** *Stephen Small, Assistant Regional Director, Ecological Services, Interior Regions 5 and 7*

☒ **FYI** or ☐ **Requested by:** *[name]*

☐ **Prepared for a meeting:** *[meeting date] [meeting invite title]*

**Does this involve, directly or tangentially, any Director’s Office recusals?** ☐ **Yes** ☐ **No**

**If yes, please identify:**