

From: [Hansen, Craig](#)
To: [Kasdin, Alexandra E](#)
Cc: [Backsen, Sarah](#)
Subject: Re: Two 5 YSR Questions
Date: Friday, February 26, 2021 1:27:15 PM
Attachments: [image.png](#)

No problems at all!

From: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>

Sent: Friday, February 26, 2021 1:18 PM

To: Hansen, Craig <Craig_Hansen@fws.gov>

Cc: Backsen, Sarah <Sarah_Backsen@fws.gov>

Subject: Re: Two 5 YSR Questions

Thanks Craig. Really appreciate you helping walk me through this! I promise I will get the hang of it eventually.

Have a great weekend!

Alex Kasdin | Species Assessment Team Project Manager
Ecological Services
Mountain-Prairie Regional Office
134 Union Boulevard, Lakewood, CO 80228
Phone: (303) 236-4419
Pronouns: She/Her

For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).

From: Hansen, Craig <Craig_Hansen@fws.gov>

Sent: Friday, February 26, 2021 1:13 PM

To: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>

Cc: Backsen, Sarah <Sarah_Backsen@fws.gov>

Subject: Re: Two 5 YSR Questions

Hi Alex,

That 5-year status review template you linked to is appropriate for species that have a relatively current status review, within the last 5 years or so, and for which there is very little new information that would require a new analysis under a review of status as either T and E:

This template is intended to document our 5-year review in cases where the last status review for the species still represents an accurate assessment of the threats affecting the species and its status. The species should have a relatively recent status review and there should be little to no new information that would require detailed analyses.

Sounds like it is the appropriate fit for your species. Let me know if I can be of any additional assistance.

Craig.

From: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>

Sent: Friday, February 26, 2021 10:51 AM

To: Hansen, Craig <Craig_Hansen@fws.gov>

Cc: Backsen, Sarah <Sarah_Backsen@fws.gov>

Subject: Re: Two 5 YSR Questions

Thanks Craig. This is super helpful!! Really appreciate it. The pallid team wanted to start drafting the 5 YSR in March (just given some other constraints on their time later in the spring). Just to make sure I am not asking them to do more work than needed, could you point me to the template they can start using for a no change/no SSA 5 YSR (is it [this one](#))? I am worried I might have sent them the wrong thing. After grizzly is signed, if we want them to supplement with more SAF content, I don't think that should be a problem.

Thank you!!

Alex Kasdin | Species Assessment Team Project Manager
Ecological Services
Mountain-Prairie Regional Office
134 Union Boulevard, Lakewood, CO 80228
Phone: (303) 236-4419
Pronouns: She/Her

For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).

From: Hansen, Craig <Craig_Hansen@fws.gov>

Sent: Friday, February 26, 2021 10:45 AM

To: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>

Cc: Backsen, Sarah <Sarah_Backsen@fws.gov>

Subject: Re: Two 5 YSR Questions

Hi, Alex (+Sarah):

Apologies for the delay in responding.

(1) I am going to wait until the grizzly 5-year status is signed before I update any of our 5-year status review templates or examples. I do foresee updating a "template" for 5-year status reviews, particularly for those with SSAs and RTMs, and that may recommend a change in status, based on what we did for grizz. I think that by incorporating some of the section headers from the Species Assessment Form (SAF) that we did a much better job applying the

definitions of threatened and endangered. I hesitate because not all of that detail may be needed in every case, especially as we've tried to make "no new data / no change" 5-year reviews "short-form." Until then, some clear and distinct analysis or statement regarding T and E needs to be in any 5-year status review. So, I wouldn't share the "grizz" approach with your teams just now, unless potentially there is an SSA and RTM.

(2) Your 5-year status review for Pallid need not mention Shovelnose, unless the similarity-of appearance regulations for Shovelnose, in some way influences your evaluation of the Act's definitions of threatened and endangered for Pallid. The [2006 5-year status review guidance](#) provides the following, somewhat contradictory guidance, regarding similarity of appearance listed species. Note the last two sentences from paragraphs one and two:

1.4.1 Similarity of Appearance Cases and Experimental Populations

Rulemakings associated with the listed species include treatment of species on the List due to similarity of appearance under section 4(e) of the ESA and release of experimental populations under section 10(j) of the ESA. These regulations are associated with a threatened or endangered species and are used to facilitate enforcement and reduce threats (similarity of appearance), or promote recovery (experimental populations) of the listed species. Similarity of appearance cases and experimental populations appear as separate entries on the List but should not be treated as separate listed entities for the purposes of 5-year reviews.

The Services place a species on the List due to similarity of appearance because it resembles a threatened or endangered species so closely that distinguishing each species is difficult, resulting in difficulty in enforcement and thus an additional threat to the listed species. In these cases, the species is treated as endangered or threatened in order to facilitate enforcement and further the purposes and policies of the ESA (50 CFR 17.50 – 17.52). Although the status of the species on the List due to similarity of appearance should not be considered in the review of the listed species, the success of the similarity of appearance regulations in reducing threats to the species under review may be relevant information for the review.

Experimental populations of listed species are established to further the conservation of threatened or endangered species (section 10(j)(2)(A) of the ESA). Regulations exist for experimental populations of species under the jurisdiction of FWS (50 CFR 17.80 – 17.83), but no regulations exist for species under NMFS jurisdiction. Although experimental populations appear separately on the List, the experimental and non-experimental populations are considered to constitute a single listed species. Regardless of their classification as essential or non-essential, experimental populations must, by definition, contribute to the species' recovery (50 CFR 17.81), and thus the status of these experimental populations and their effects on the status of the species as a whole must be considered in the 5-year review.

To summarize from above, similarity of appearance cases **are not** treated as separate listed entities for the purposes of 5-year status reviews, **and** the status of the similarity of appearance species **is not** considered in the review of the listed species, so we do not evaluate T or E for the species listed for similarity of appearance in the review of the listed species, but the success of the regulations may be relevant to your assessment of T or E for the listed species.

Perhaps more definitive, since we did not address Shovelnose in the last 5-year status review, unless something has changed, probably no need to address this time around.

Let me know if I can be of any additional assistance and I will be in touch regarding moving forward with a SAF-like 5-year status review.

Craig.

From: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>

Sent: Wednesday, February 24, 2021 10:50 AM

To: Hansen, Craig <Craig_Hansen@fws.gov>

Cc: Backsen, Sarah <Sarah_Backsen@fws.gov>

Subject: Two 5 YSR Questions

Hey Craig,

I have two 5 YSR review questions for you pertaining to the other five-year status reviews on my docket this year (there's apparently a world beyond grizzly!). No rush in getting back to me, and let me know if it would be easier to talk through some of this on a quick call:

1. I know you were experimenting with using the SAF as a model for a 5 YSR with the grizzly document. Is the structure we used for grizzly the template I should be sharing with my teams going forward (instead of the templates/examples we have been using)? I just want to make sure I point them in the right direction as they start to draft their reviews.
2. The sturgeon team had a question that Sarah and I were not sure how to answer so we wanted to seek your input. Shovelnose sturgeon is listed by similarity of appearance. Do we need to make any mention of that species in our 5 YSR for pallid sturgeon (e.g., note that if the pallid's status remains unchanged, shovelnose should remain listed due to similarity of appearance). They do not make mention of shovelnose in the last 5 YSR, in case that helps.

Thanks for your help!

Alex Kasdin | Species Assessment Team Project Manager

Ecological Services

Mountain-Prairie Regional Office

134 Union Boulevard, Lakewood, CO 80228

Phone: (303) 236-4419

Pronouns: She/Her

For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).