



## USFWS INFORMATION MEMORANDUM



**DATE:** March 2, 2021

**TO:** Martha Williams, Principle Deputy Director

**FROM:** Noreen Walsh, Regional Director, 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, 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.
- 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.

### II. BACKGROUND AND FWS POSITION

- The Act requires that we review each listed species' status at least once every 5 years and recommend whether the species should maintain its current classification on the Federal List of Threatened and Endangered Wildlife (~~List~~) or if it should be reclassified or removed. Any change in the regulatory status would require a subsequent rule-making with public review and comment.
- We solicited data for this 5-year status review, and the associated species status assessment (SSA) report, from interested parties through a January 14, 2020, *Federal Register* notice. The draft SSA report was also reviewed by partners and independently peer reviewed.
- In accordance with a settlement agreement in a case filed by the Center for Biological Diversity in the United States District Court for the District of Montana, we must complete this 5-year review by March 31, 2021.

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

- ~~We received information on conservation actions, monitoring, and potential threats from various State, Federal, and NGO stakeholders in response to our initiation notice.~~
- The States with grizzly bear ecosystems (Montana, Wyoming, Idaho, and Washington) have an interest in removing recovered grizzly bear populations from the List and return them to state management. Our recommendation that the grizzly bear in the lower-48 States remains a threatened species could create confusion amongst stakeholders given our past rulemakings to delist 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. 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. 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

- The Regional Director's office will sign this 5-year status review.
- To comply with the 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:**