



## 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 in the Lower-48 States

### I. KEY FACTS

- Following our review of the best available science documented in our species status assessment (SSA) report, in our 5-year review, 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.
- The 5-year review does not discuss potential delisting paths, and leaves future options open.
- This review fulfills our obligations under the Act and a United States District Court for the District of Montana ordered settlement agreement (due March 31, 2021) 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 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 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.

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

- Montana, Wyoming, Idaho, and Washington have an interest in returning grizzly bears 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 and recent public statements regarding the biological recovery of bears in the Northern Continental Divide Ecosystem.

### IV. DISCUSSION

- Our SSA 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.

- The 5-Year review does not suggest a future path to delisting, leaving options open.

## **V. TIMELINE AND NEXT STEPS**

- The Regional Director for Interior Regions 5 and 7 will sign this 5-year status review.
- To comply with the settlement agreement, we will 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:**