



## USFWS INFORMATION MEMORANDUM



**DATE:** March 2, 2021

**TO:** Martha Williams, Principle Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service

**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, 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 and that at least two recovery areas have met recovery goals, our assessment of the entire listed entity's condition 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 for those recovery areas that we believe have reached recovery 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 to review the grizzly bear's status in the lower-48 States 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 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.
- 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.
- Add bullet with more background on litigation that resulted in the settlement to complete the 5-year review
- We solicited data for this 5-year status review and the associated SSA report from interested parties through January 14, 2020, *Federal Register* notice. The draft SSA report was also reviewed by partners and independently peer reviewed.

Commented [M1]:

Commented [M2R1]:

### 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. [We are considering an embargoed story with the Associated Press to mitigate confusion.](#)

**Commented [M3]:** What do we intend to do to alleviate this confusion we mention?

### 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.](#)
- [Given these future projections of resiliency, redundancy, and representation, 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.](#)
- The 5-Year review does not suggest a future path to delisting, leaving options open.

**Commented [M4]:** I think this comment needs a bit more context....what uncertainty?

### 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:**