

# If-Asked Questions and Answers



## Grizzly Lower-48 5-year Review

[Date]

---

### Q1: Why did the Service complete this 5-year review now?

A: The Service completed this 5-year review in accordance with a court settlement requiring completion by March 31, 2021. We last completed a 5-year status review for the grizzly bear in the lower-48 States on September 6, 2011. While the Service strives to complete 5-year reviews on-time, challenges to resources, competing priorities, and litigation sometimes prohibit timely completion.

### Q2: Wasn't the Service sued to complete this 5-year review?

A: 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. 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.

### Q3: Doesn't the Service consider some populations of grizzly bear to be recovered, why recommend they remain listed?

A: The grizzly bear in the lower-48 States is currently listed as a single entity, the Endangered Species Act indicates that the service complete a 5-year review and status recommendation for the listed entity as a whole. While populations in certain ecosystems may be recovered, they are not individually listed entities under the Act necessitating a 5-year review, so the 5-year review provided one recommendation for the entire listed entity.

### Q4: What are the next steps to recovering the grizzly bear in the lower-48 states?

A: The Service looks forward to continuing grizzly bear conservation work alongside partners at local, state, Tribal, and federal agencies to fully recover the species.

### Q5: Is the Cabinet-Yaak population Warranted but Precluded for Uplisting to Endangered Status?

A: Yes, the Cabinet-Yaak ecosystem (CYE) population's current legal status remains warranted but precluded from uplisting to endangered. In 2014, the Service determined that the CYE population had recovered to the point that they were no longer warranted but precluded from listing as endangered (79 FR 72487, December 5, 2014). In 2017, in *Alliance for the Wild Rockies v. Zinke et al.*, the District Court

of Montana remanded the determination that the CYE grizzly bear was not warranted but precluded for endangered status back to the Service for further consideration. Therefore, the current legal status of the CYE population remains warranted but precluded from uplisting.

The Endangered Species Act indicates that the Service completes a 5-year review and status recommendation for the listed entity as a whole, thus as the CYE population is not an individually listed entity, the 5-year review and status recommendation did not address it. The Service will evaluate the current status of the CYE in an upcoming Candidate Notice of Review expected to publish in late 2021.