

From: Bierce, Pamela
To: [Chris Servheen](#)
Subject: Fwd: Reporter inquiry regarding 2014 CBD grizzly petition
Date: Wednesday, March 16, 2016 5:38:08 PM
Attachments: [Grizzly Recovery Plan Petition .pdf](#)
[Response to RP petition final.pdf](#)

Good afternoon,

I've been contacted by a reporter (Sammy Caiola [916-321-1636](tel:916-321-1636)) with the Sacramento Bee who is doing a story on the extinction of the grizzly bear in California and the status of efforts to bring it back. She also has questions regarding the 2014 petition from CBD regarding re-introducing the grizzly into the Western states. Kelly's response regarding the petition is below and she suggested that the reporter should talk to you. She already spoke to R6.

Would you be able to address her questions:

-My understanding is that a petition to look at reintegrating grizzly bears into California was rejected in 2014. Can anyone give a comment on why?

-What, if any, research efforts are currently being undertaken to look for potential grizzly habitats in California?

-What are some of the challenges associated with bringing grizzly bears into California?

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-What steps would need to be taken for California to be considered as a grizzly bear recovery area?

Thank you!

Pam

----- Forwarded message -----

From: Hornaday, Kelly <kelly_hornaday@fws.gov>
Date: Wed, Mar 16, 2016 at 5:00 AM
Subject: Re: Reporter inquiry regarding 2014 CBD grizzly petition
To: "Bierce, Pamela" <pamela_bierce@fws.gov>

Hi Pam, I asked our region 6 liaison here if she knows more about this and she was able to

track it down. The petition and our response are attached.

This kind of "petition" is a little different than the typical petition. Some things are petitionable under the Act (and this isn't one of them). The Act sets up specific procedures and timelines for petitions to list, delist, and reclassify species (we are supposed to make a substantial/not substantial finding in 90 days and if substantial, do a status review and 12-month finding within a year). It also sets up some specific (though slightly different) direction for petitions to revise critical habitat.

The Administrative Procedures Act (APA) also allows the public to petition federal agencies. The provisions of APA with regard to petitions are geared more toward requests for rules or regulations, and our own regulations direct us to promptly review petitions for rules or regulations in accordance with the APA.

However, a petition for recovery planning is a little different. Since it isn't petitionable under the Act and isn't a rulemaking, and the petitioner is asking us to take an action for which we have a lot of discretion, there aren't a lot of requirements for how we address the petition. The upshot is that we should respond to the petitioner, but there is no specific timeline or course of action we are required to take to address a petition for largely discretionary actions. In this particular case, we've already done the required recovery plan for grizzly bears, so the Service has a lot of discretion in whether and when we might revise a recovery plan and the scope and scale of the plan should we decide to revise it (especially give existing resources and priorities). Our response essentially indicates that.

If the reporter would like to speak to someone with grizzly bear expertise, I would suggest our grizzly bear recovery coordinator Chris Servheen. Hope this helps!

Kelly

Kelly Hornaday
U.S. Fish and Wildlife Service
Ecological Services
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On Mon, Mar 14, 2016 at 8:21 PM, Bierce, Pamela <pamela_bierce@fws.gov> wrote:

Good afternoon,

I've been contacted by a Sacramento Bee reporter who would like information about a petition that Center for Biological Diversity filed in 2014 regarding the return of the grizzly bear to the American West.

Mike Long suggested that I contact HQ ES because he doesn't recall this petition. Do either of you have any information that you would be able to share with the reporter, or know who

would be the best contact?

Thank you,

Pam

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