

Q & As

Northern Continental Divide Ecosystem Conservation Strategy

July 3, 2018

Q: What is the Conservation Strategy for the Northern Continental Divide Ecosystem?

A: A Conservation Strategy (CS) summarizes the commitments and coordinated efforts made by the State, Tribal and Federal agencies to manage and monitor the Northern Continental Divide Ecosystem (NCDE) grizzly bear population and its habitat upon delisting. The CS lists the management plans and regulations that are in place for the NCDE grizzly bear population and its habitat that will ensure their continued conservation after delisting. The CS will be reviewed by the state, tribal and federal management agencies every five years, or sooner as necessary. Any changes to those commitments will be subject to public review and comment, must be in writing, and must be approved by the Coordinating Committee.

Q: Why was the Conservation Strategy developed?

A: Before any population is delisted, the 1993 Grizzly Bear Recovery Plan recommends the attainment of the population demographic criterion for that ecosystem and the development and completion of an interagency conservation strategy be completed. The Recovery Plan further describes that the conservation strategy should ensure that proper habitat and population monitoring will remain in place to ensure the grizzly bear will remain recovered without protection under the Endangered Species Act (Act), and that the conservation strategy, which serves as the management plan for grizzly bears in the NCDE after they are removed from the Act, should be finalized and signed by all agencies prior to delisting the species.

Q: Whose document is the Conservation Strategy for the Northern Continental Divide Ecosystem?

A: Because the Conservation Strategy (CS) summarizes the commitments made by the State, Federal and Tribal agencies and was written by an interagency team, it belongs to all the signatory agencies, collectively. Originally the Service took the lead as the writer of the Draft Conservation Strategy to assist in its development and to facilitate public review. When work began on finalizing the CS, it was decided that all of the agencies would review and help write the Final CS, with the U.S. Forest Service and Montana Fish, Wildlife and Parks (FWP) taking over coordination and writer/editor roles. In addition, the Service previously planned on relying on the CS as its post-delisting monitoring plan; however, the Service has now separated the post-delisting monitoring plan from the CS and it will be available for public comment and review with the proposed delisting rule for the Northern Continental Divide Ecosystem, if one is published.

Q: Why isn't the final Conservation Strategy going to go out for public review again before the Agencies sign? Didn't the Service commit to the public that there would be an additional opportunity to review the Conservation Strategy?

A: The draft Conservation Strategy was made available to the public May 3, 2013, and was open for public comment for 60 days. Over 2,400 comments and 3 peer reviews on the draft NCDE Conservation Strategy were received. These were considered and addressed as appropriate in the final Conservation Strategy (CS) along with new information.

The final CS is a logical outgrowth of comments received and new information. The CS is not a regulatory nor a statutory document but rather summarizes regulatory commitments that are made elsewhere or that will be made elsewhere (e.g., forest planning documents, recovery plan supplements or the Montana Fish, Wildlife and Park administrative rulemaking process). Much of the material within the CS has already been or will be made available for review by the public. We think these alternate review processes have met the public's need for review of the information presented in the CS.

In addition, the Service fully intends to incorporate post delisting monitoring from the CS into any future proposed rule where it will be available for review by the public.

Q: Why doesn't the Conservation Strategy use the same terminology (i.e. Standards and guidelines) as the Forest Service Planning documents? Will this weaken the management that the Forest Service is required to do to conserve the NCDE grizzly bear habitat?

A: The Conservation Strategy (CS) is an interagency document that summarizes the regulatory mechanisms from individual Federal, Tribal, and State agencies. Some words, such as standards and guidelines, have specific meaning for individual agencies that do not apply to all agencies that are signatory to the CS. Therefore, the interagency strategy team decided that the more general terms "goals and objectives" were more appropriate to use when referring to commitments made in the CS. This change does not weaken the CS because it is not a regulatory document. Forest Service land management plans, which are regulatory documents, still use the terms "standards and guidelines."

Q: Why is the Service evaluating whether delisting of the Northern Continental Divide Ecosystem of grizzly bears is warranted?

A: The Northern Continental Divide Ecosystem (NCDE) population is steadily increasing, and has been for more than 10 years, and is expanding into territory that it hasn't occupied in over 100 years. The Service believes that because of these changes the NCDE population should be reviewed to determine if it has met the demographic criteria to delist as identified in the grizzly bear recovery plan.

What are the steps to the delisting process?

A: Once a population has reached its recovery goals, the Service must assess whether it still needs protection under the ESA based on a five-factor analysis. These five factors are: habitat destruction or modification, overutilization, disease or predation, inadequate regulatory mechanisms, or other factors. If these five factors, both independently and in combination, are found to be not substantial, then a proposed rule to delist is published in the *Federal Register*. Then the Service seeks input from the public, scientific community, federal and state agencies, as well as peer review from at least three experts.

If information and review further support the decision to delist, then a final rule is published in the *Federal Register*. The species is then removed from the Lists of Endangered and Threatened Wildlife. The Service monitors the species for a minimum of five years according to a post-delisting monitoring plan. See more at: www.fws.gov/endangered/what-we-do/recovery-process.html.

Q: What happens after delisting?

A: If the Northern Continental Divide Ecosystem grizzly bear population is delisted, the Service will remain engaged in the conservation of the species. The ESA requires that the Service, in cooperation with the states, monitor the recovered species for a minimum of five years in order to assess the population's ability to sustain itself without the ESA's protective measures. The Conservation Strategy will apply indefinitely to help guide management agencies to assure population recovery is maintained.

If at any time, threats to the species change or unforeseen events change the stability of the population, then the species may be relisted. In addition, any member of the public can petition the Service to relist the species, and the Service will assess that petition on its merits. The Service reviews annual reports provided by the states that track population numbers.