

North Cascades Ecosystem Grizzly Bear Restoration

October 2023





Draft EIS and Proposed 10(j) Rule

Published on September 29:

- **Draft Environmental Impact Statement**
 - to “evaluate various approaches for the restoration of a grizzly bear population to the NCE.”
- **Proposed 10(j) rule**
 - would designate North Cascades grizzlies as a “nonessential experimental population,” providing additional management tools





Draft EIS and Proposed 10(j) Rule

- Publication opened 45-day public comment periods, closing Nov. 13
- Comments on the two documents must be submitted separately
- One informational virtual public meeting
- In-person public meetings around the ecosystem





Draft EIS and Proposed 10(j) Rule

Virtual meeting:

- October 17, via Microsoft Teams live

In-person meetings:

- **Oct 30:** Okanogan County Fairgrounds
- **Nov 1:** Currier Hall, Newhalem
- Additional dates may be announced soon





Comments

To review the draft EIS, submit comments, and find additional information, including details about public meetings, visit:

<https://parkplanning.nps.gov/NCEGrizzly>

Hard copy comments on the draft EIS can be submitted by U.S. mail or hand-delivery to:

Office of the Superintendent
Grizzly Restoration EIS
810 State Route 20
Sedro-Woolley, WA 98284





Comments

To view the proposed 10(j) rule from the U.S. Fish & Wildlife Service and submit comments, visit <https://regulations.gov>

Search for docket FWS-R1-ES-2023-0074

Hard copy comments on the proposed 10(j) rule can be submitted by U.S. mail or hand-delivery to:

Public Comments Processing, Attn: FWS-R1-ES-2023-0074
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803.





Comments

**Direct links also available on the
North Cascades National Park website
www.nps.gov/noca**





Comments

As of October 10:

- >1600 comments submitted on the draft EIS
- >70 comments submitted on proposed 10(j) rule





Draft EIS Alternatives





Alternatives

- **Alternative A**
No Action
- **Alternative B**
Active Restoration with Existing Endangered Species Act Protection
- **Alternative C**
Active Restoration with 10(j) Experimental Population Designation





Alternative A- No Action

Continuation of existing management practices

- Grizzly bears would not be released into the NCE.
- Grizzly bears would not be prevented from moving into the NCE from other ecosystems.
- Would be protected as a threatened species under the Endangered Species Act (ESA) and managed under the existing ESA rules that govern management of threatened grizzly bears in the lower 48 states.





Alternatives B & C- Action Alternatives

- Both action alternatives involve the same population goal, translocation strategy, education and outreach, sanitation, and habitat protection.
- *Differ significantly in management strategies*





Alternatives B & C- Action Alternatives

- **Release of 3 to 7 grizzly bears per year for 5 to 10 years to achieve an initial population of 25 bears**
- **Population goal of 200 bears within 60 to 100 years**





Alternatives B & C- Action Alternatives

Under Alternative B, grizzly bears restored to the NCE would be managed as a threatened species under the existing ESA section 4(d) rule, which governs the management and “take” of grizzly bears in the lower 48 states.





Alternatives B & C- Action Alternatives

- Under Alternative C, FWS would designate grizzly bears in the US portion of the NCE and surrounding area as a 10(j) nonessential experimental population, which would provide authorized agencies with greater management flexibilities.
- Identified as the agency preferred alternative





10(j) Experimental Population Designation





10(j) Rules

- **FWS may designate an "experimental population" before reestablishing a threatened or endangered species in an unoccupied area.**
- **Allows for customized measures to reduce impacts to stakeholders while providing for the conservation of the species.**





Proposed 10(j) Rule

- Proposes three management zones based on habitat suitability and the likelihood of human-bear conflicts
- Also includes a buffer zone around the Selkirk Ecosystem in the northeast corner of Washington
- Aims to provide for *the maximum management flexibility* on non-federal lands outside the ecosystem



Proposed 10(j) Rule

Zone 1: For restoration of grizzly bears *on federal lands*

- North Cascades National Park Service Complex
- Mt. Baker-Snoqualmie and Okanogan-Wenatchee National Forests north of Interstate 90 and west of Washington State Route 97



Proposed 10(j) Rule

Zone 2: to accommodate natural movement or dispersal by grizzly bears on federal lands

- Mt. Baker-Snoqualmie NF and Okanogan-Wenatchee NF south of Interstate 90
- Gifford Pinchot NF
- Mount Rainier National Park
- Colville NF and Okanogan-Wenatchee NF lands east of State Route 97, within the experimental population boundary



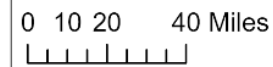
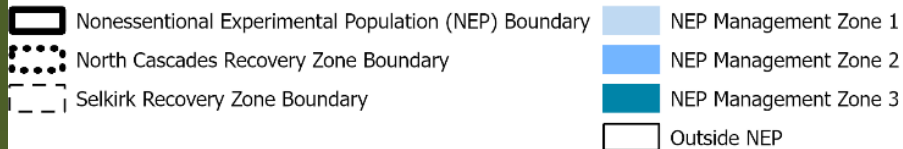
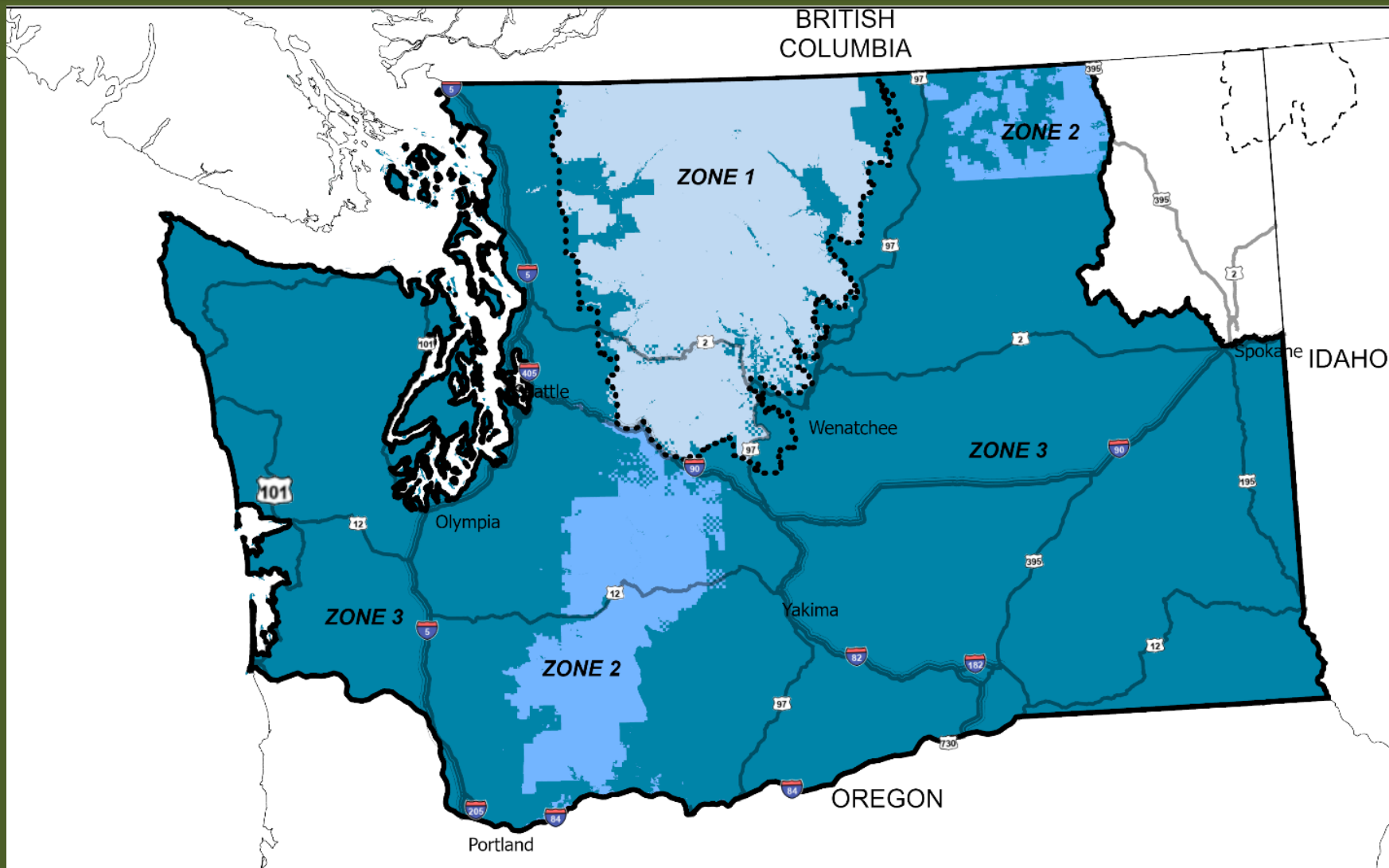
Proposed 10(j) Rule

Zone 3: to further ensure the safety of humans, bears, and property in areas that may be incompatible with grizzly bear presence.

- All private, state, and local lands
- All other lands outside Zones 1 and 2 within the experimental population boundary



Proposed 10(j) Rule



The USFWS makes no warranty for use of this map and cannot be held liable for actions or decisions based on map content.



Proposed 10(j) Rule

Comparison of Take Allowed Under Alternatives B and C

Alternative B (Under current ESA 4(d) rule)	Alternative C (Under proposed 10(j) rule)	
Defense of life	Defense of life	All Zones
Federal, state, or Tribal scientific or research activities	Federal, state, or Tribal scientific or research activities	
Agency removal of grizzly bears if a 'conflict bear' determination has been made	Agency removal of grizzly bears if a 'conflict bear' determination has been made	
	Deterrence for the purposes of avoiding human-bear conflicts	
	Unintentional take, provided such take is non-negligent and incidental to an otherwise lawful activity	
	Relocation of grizzly bears for single incidents	Zones 2 and 3
	Conditioned lethal take authorization if depredation confirmed	
	<i>Preemptive relocation of any grizzly bear in certain circumstances</i>	Zone 3
	Conditioned lethal take authorization if there is a demonstrable and ongoing threat	



10(j) Rules

If bears move south from British Columbia and establish a population in the U.S. before a 10(j) rule is put in place, this larger “toolbox” for management is no longer an option





10(j) Without Active Restoration?

An alternative of designating a 10(j) without translocation was considered, but a section 10(j) designation under the ESA cannot *only* identify an area that they may occupy.

Additionally, this alternative does not meet this project's stated purpose and need under NEPA.



Timeline

Nov-Dec 2022	Notice of Intent and Public Scoping
Nov-Dec 2022	Public Comment Period
Winter 2022-2023	Development of Alternatives
Fall 2023	Notice of Availability of Draft EIS and Proposed 10(j) Rule
Fall 2023	Public Comment Period
Spring 2024	Notice of Availability of Final EIS and 10(j) Rule
Spring 2024	NPS/FWS Record of Decision



Questions?

