DENVER (December 6, 2017) – Today the U.S. Fish and Wildlife Service (Service) published a Notice of Regulatory Review (NORR) in the Federal Register requesting public comment on any potential effects a recent D.C. Circuit Court of Appeals ruling may have on the Service’s June 30, 2017 final rule delisting the Greater Yellowstone Ecosystem (GYE) grizzly bear Distinct Population Segment (DPS).

In this recent case, Humane Society of the United States et al. v. Zinke et al., the court found that the Service had not evaluated how delisting the Western Great Lakes (WGL) DPS of gray wolves would affect the remaining wolf populations that were still listed under the Endangered Species Act (ESA) and what the effect of lost historical range might have on the status of the WGL wolf DPS. This court opinion may impact the GYE grizzly bear final delisting rule which, like the WGL wolf decision, designated a portion of an already listed species as a DPS and then revised that listed species by removing the DPS due to recovery.

Consequently, the Service is reviewing the potential implications for the GYE final delisting rule in light of this ruling and is seeking any public comments that would aid in this review. Specifically, the Service is interested in public input on whether this court’s opinion affects the GYE final delisting rule and what, if any further evaluation the Service should consider regarding the remaining grizzly bear populations in the lower 48 states and their lost historical range. The NORR also outlines the Service’s current strategy to recover all grizzly bears in the lower 48 states. Today’s announcement opens a 30-day public comment period, which will close on January 5, 2018. Comments may be submitted by one of the following methods:


The Service will address public comments and notify the public of its conclusions by March 31, 2018. The GYE final delisting rule remains in effect and the status of grizzly bears throughout the rest of the range remains unchanged.

The recovery of the GYE grizzly bear population serves as a remarkable conservation success story. It is the result of strong partnerships among the Service, federal and state agencies, tribes and other partners. GYE grizzly bear numbers have rebounded from as few as 136 bears when listed in 1975 to an estimated population of approximately 700 today.

For further information about today’s announcement and the nature of comments being sought, please contact Hilary Cooley, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, Missoula, MT 59812; by telephone (406) 243-4903.
FINAL EXAM, BIOE 440R and BIOE 521, Conservation Biology
Due NOON THURSDAY DECEMBER 14th

Appended on the next page is the Notice of Regulatory Review (NORR) published in the Federal Register that describes the USFWS request for comments. It is also available here:


You have read the DPS Policy and the critical portions of the ESA (links are on class webpage in module 5). You have seen data on GYE grizzly bears, including long term population growth, changes in population growth rate beginning about 2002, and changes in resources (elk calves, cutthroat trout, army cutworm moths and white-barked pine). You have used count-based PVA to examine population dynamics based on GYE grizzly bear data.

The complete delisting decision from the Federal Register is available at:


For the final exam, write a comment and submit it to the USFWS following the procedures given in the press release and NORR.

Your comment can support any stance that is logical and consistent with the ESA, DPS and empirical data. It must:

- be at least 600 words

- include at least one relevant quote from the ESA,

- include at least one relevant quote from the DPS policy

- be supported by at least three pieces of information/data from the delisting decision or peer-reviewed papers.

Give me a copy of your comment by THURSDAY DECEMBER 14th at noon. If I am not in my office (311-A Lewis, at the SE corner of the building down the little side hall), just put it in my mailbox in the main Ecology Department Office on the 3rd floor of Lewis Hall.
or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (55 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 17, 2017.

Robert A. Kaplan,
Acting Regional Administrator, Region 5.

[FR Doc. 2017-28038 Filed 12-6-17; 8:45 am]
BILLING CODE 6560-50-S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Possible Effects of Court Decision on Grizzly Bear Recovery in the Contiguous United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Regulatory review; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are seeking public comment on a recent D.C. Circuit Court of Appeals ruling, *Humane Society of the United States, et al. v. Zinke et al.*, 865 F.3d 585 (D.C. Cir. 2017), that may impact our June 30, 2017, final rule delisting the Greater Yellowstone Ecosystem (GYE) grizzly bear Distinct Population Segment (DPS). In *Humane Society of the United States, et al. v. Zinke et al.*, the court opined that the Service had not evaluated the status of the remainder of the listed entity of wolves in light of the Western Great Lakes (WGL) wolf DPS delisting action and what the effect of lost historical range may have on the status of the WGL wolf DPS. We also describe in this notice our strategy to recover grizzly bears (*Ursus arctos horribilis*) in the lower 48 States of the United States and provide a brief recovery update for each ecosystem.
Federal Register / Vol. 82, No. 234 / Thursday, December 7, 2017 / Proposed Rules 57699

Yellowstone Coalition v. Servheen, et al., 665 F.3d 1015 (9th Cir. 2011).

The CYE grizzly bear final rule and the status of grizzly bears throughout the rest of the range will remain unchanged.

Request for Public Comments

We invite written comments on the manner in which the Human Society decision may affect the CYE grizzly bear final rule (82 FR 30502, June 30, 2017). Specifically, we are interested in public input on whether the Human Society opinion affects the CYE grizzly bear final rule and what, if any, further evaluation the Service should consider regarding the remaining grizzly bear populations and lost historical range in light of the Service’s decision regarding the CYE grizzly bear.

We request comments from any interested party that pertain to the issues raised in the preceding paragraph only. We will consider all comments received by the date specified in DATES. You must submit your comments and supporting materials by one of the methods listed in ADDRESSES. We will not consider comments sent by email or fax, or written comments sent to an address other than the ones listed in ADDRESSES.

Public Availability of Comments

If you submit a comment via http://www.regulations.gov, your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but we cannot guarantee that we will be able to do so. We will post all hardcopy comments on http://www.regulations.gov. Comments and materials we receive will be available for public inspection at http://www.regulations.gov, or by appointment, during normal business hours, at the Grizzly Bear Recovery Office (see FOR FURTHER INFORMATION CONTACT).

References Cited

A complete list of all reference cited herein is available at https://www.regulations.gov in Docket No. FWS-B5-ES-2017-0098, or upon request from the Grizzly Bear Recovery Office (see FOR FURTHER INFORMATION CONTACT).

Authority: This document is published under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.).