

DEPARTMENT OF THE INTERIOR

Fish and Wildlife

50 CFR Part 17

Petitions To Change Status of Grizzly Bear Population in Selkirk Ecosystem of Idaho and Washington et al.

In the matter of Endangered and Threatened Wildlife and Plants: Notice of Receipt of Petitions to Change the Status of Grizzly Bear Populations in the Selkirk Ecosystem of Idaho and Washington; the Cabinet-Yaak Ecosystem of Montana; the Yellowstone Ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide Ecosystem of Montana from Threatened to Endangered.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day petition finding for two petitions to amend the List of Threatened and Endangered Wildlife. The petitioners submitted substantial information indicating that the reclassification from threatened to endangered status may be warranted for the grizzly bear (*Ursus arctos horribilis*) populations in the Cabinet-Yaak Ecosystem and in the Selkirk Ecosystem. Through the issuance of this notice, the Service is commencing a formal review of the species in these two areas. The petitioners did not present substantial information that changing the status of the grizzly bear from threatened to endangered may be warranted for the Yellowstone Ecosystem and the Northern Continental Divide Ecosystem. The petitioners also requested a change from threatened to endangered status for the grizzly bear population in the North Cascades area. This request was previously addressed and the finding was published in the *Federal Register* dated July 24, 1991 (56 FR 33892-33894).

DATES: The finding announced in this notice was approved in February 1992.

ADDRESSES: Questions or comments concerning this finding should be sent to Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, NS 312, University of Montana, Missoula, Montana 59812, telephone (406) 329-3223. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen (see ADDRESSES above).

SUPPLEMENTARY INFORMATION:
Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 15331 et seq.), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition and the finding is to be published promptly in the *Federal Register*. If the finding is positive, the Service also is required to promptly commence a review of the status of the involved species. The Service announces a 90-day finding on two petitions requesting the reclassification of grizzly bears from threatened to endangered status, and initiates a status review.

A petition dated February 4, 1991, was received by the Service from The Fund for Animals, Inc., on February 7, 1991. The petition requested the Service to reclassify grizzly bear (*Ursus arctos horribilis*) populations in the Selkirk Ecosystem of Idaho and Washington; the Cabinet-Yaak Ecosystem of Montana; the Yellowstone Ecosystem of Montana, and Idaho; and the Northern Continental Divide Ecosystem of Montana, from threatened to endangered. A petition dated January 16, 1991, was received by the Service from Mr. D.C. "Jasper" Carlton on January 28, 1991. The petition requested that the Service reclassify the grizzly bear populations in the Cabinet-Yaak Ecosystem of Montana and the Selkirk Ecosystem of Idaho and Washington, from threatened to endangered. The petition furthermore requested that the grizzly bear population in the North Cascades of Washington be reclassified from threatened to endangered. In addition, the petitioner requested designation of critical habitat for the Northern Continental Divide, Yellowstone, Selkirk, and Cabinet-Yaak Ecosystems.

The Funds for Animals, Inc., and Mr. D.C. "Jasper" Carlton submitted information that grizzly bears in the Cabinet-Yaak region and Selkirk Mountains are imperilled because current populations there are small. The petitioners also indicated that a range of threats exist to the survival of the remaining populations of grizzly bears in these areas and in the Yellowstone Ecosystem and the Northern Continental Divide Ecosystem, including road construction, land management activities, livestock grazing, land

development, and inadequate support from management agencies.

Grizzly bears have been eliminated from most of their endemic range in the lower 48 States, and presently occupy approximately 2 percent of their historic range (U.S. Fish and Wildlife Service 1990). In 1975, grizzly bears in the lower 48 States were listed as "threatened" under the Act of 1973. As such, grizzly bear populations receive the protection afforded a species listed as threatened under the Act; section 7 (Consultation) and section 9 (Prohibited Acts) apply. However, species listed as endangered have more protection under section 9 than species listed as threatened, and special rules cannot be established for endangered species. The Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1982) provides guidelines for recovery of the species.

The draft revised Grizzly Bear Recovery Plan identifies seven ecosystems that may play a role in recovery: Yellowstone, Northern Continental Divide, Cabinet-Yaak, Selkirk, North Cascades, Bitterroot Ecosystems in Montana, Wyoming, Idaho, and Washington, and the San Juan Mountains in Colorado. Four of these areas (Yellowstone, Northern Continental Divide, Cabinet-Yaak, and Selkirk Ecosystems) are known to contain grizzly bears and provide adequate space and habitat to maintain a population of grizzly bears, and as such are designated as grizzly bear recovery zones in the draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990). Additionally, evaluation of the North Cascades Ecosystem as to its potential to support a grizzly population is ongoing.

The petitions addressed here involve five areas, four of which are designated recovery zones. Grizzly bear populations within the various ecosystems are relatively isolated from each other and are considered individually for status review.

The Yellowstone Grizzly Bear Ecosystem encompasses over 23,300 km² (14,447 mi²), and includes Yellowstone National Park, Grand Teton National Park, John D. Rockefeller Memorial Parkway, and significant contiguous portions of six national forests, Bureau of Land Management lands, and State and private lands.

The Northern Continental Divide Ecosystem encompasses 24,800 km² (14,900 mi²) and contains Glacier National Park, parts of five national forests including the Bob Marshall, Great Bear, Mission Mountains, and Scapegoat Wilderness Areas, portions of the Blackfoot Indian and the Flathead

Indian Reservations, Bureau of Land Management lands, and significant amounts of private and State lands.

The Cabinet-Yaak Ecosystem encompasses 6,800 Km² (4200 mi²) and includes the Cabinet Mountains and Yaak River region of northwestern Montana and northeastern Idaho. The Selkirk Ecosystem encompasses 2,800 km² (1736 mi²) in the United States portion and 2,270 km² (1400 mi²) in Canada, including the Selkirk Mountains of northwestern Idaho and northeastern Washington and extends northward into British Columbia to the Kootenay Lake area.

The North Cascades Ecosystem is not as yet designated as a grizzly bear recovery zone in the draft revised Grizzly Bear Recovery Plan. A habitat evaluation, completed in 1991, indicated that the ecosystem is capable of supporting a viable grizzly bear population. The Interagency Grizzly Bear Committee supports the Service's recommendation to designate this area as a grizzly bear recovery area. The North Cascades Ecosystem includes the North Cascades Mountains of north-central Washington and encompasses North Cascades National Park, portions of one national forest including the Paysayten, Glacier Peak, and Alpine Lakes Wilderness areas.

Grizzly bear populations in the Yellowstone Ecosystem and Northern Continental Divide Ecosystem have been studied and monitored since 1975. Presently, no reliable methods exist for determining absolute numbers of grizzly bears in any area. The Service relies instead on indicators that can be monitored to give an accurate representation of population status. These indicators are outlined in the draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) and include three parameters: (1) The number of female bears with cubs of the year monitored over a 3- or 6-year running average, (2) the distribution of females with young, based on all verified sightings within Bear Management Units throughout each particular recovery zone over a 3-year running average, and (3) known human-induced mortality within each ecosystem. Monitoring efforts are ongoing in both the Yellowstone Ecosystem and Northern Continental Divide Ecosystem.

The draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) subgoals for the Yellowstone Ecosystem are 15 females with cubs over a running 6-year average, and known human-induced mortality not to exceed a total of 7 grizzly bears or 2 adult females on a running 6-year

average. From 1980 to 1990, the unduplicated females with cubs in this area averaged 16 per year, and female mortality averaged 2.4 per year (Knight et al. 1991). The numbers of females with cubs reported remained fairly stable or increased over the years, and female mortality remained stable. There are more than 200 grizzly bears in the Yellowstone Ecosystem. These data indicate that the grizzly bear in the Yellowstone Ecosystem is unlikely to go extinct in the near future. Because the definition of an endangered species is a species that is in danger of extinction, the grizzly bear population in the Yellowstone Ecosystem does not fit the definition of an endangered species. Therefore, the Service chooses not to reclassify the grizzly bear from threatened to endangered in the Yellowstone Ecosystem.

The draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) subgoals for the Northern Continental Divide Ecosystem are 10 females with cubs within Glacier National Park, and 12 females with cubs outside the Park over a 3-year running average, and known mortality not to exceed 14 total bears or 6 females annually over a running 6-year average. In the Northern Continental Divide Ecosystem, the average number of unduplicated females with cubs since 1987 was 24 per year, and annual female mortality averaged 5.4 per year. The numbers of females with cubs remained fairly stable or increased, and female mortality remained stable or decreased. The Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1982) included a grizzly bear population estimate for the Northern Continental Divide Ecosystem of 440 to 680 bears. Additionally, the bear population of the Northern Continental Divide Ecosystem is contiguous with the larger population of grizzly bears in southeastern British Columbia. Research indicates that there is substantial movement of bears back and forth across the Montana-British Columbia border. These data indicate that the grizzly bear in the Northern Continental Divide Ecosystem is unlikely to go extinct in the near future. Because the definition of an endangered species is one that is in danger of extinction, the grizzly bear population in the Northern Continental Divide does not meet the definition of an endangered species. Therefore, the Service chooses not to reclassify the grizzly bear from threatened to endangered in the Northern Continental Divide Ecosystem.

The Interagency Grizzly Bear Committee approved the Interagency Grizzly Bear Guidelines (Interagency Grizzly Bear Committee 1986) which

provide land management recommendations that include special grizzly habitat management areas within the recovery zones. These guidelines have been adopted by various land management agencies in their NEPA planning documents.

Management within the grizzly bear recovery zones includes three Management Situations. Management Situation 1 is warranted in areas containing grizzly bear population centers and habitat components needed for the survival of the species or a segment of its population. Management will favor the needs of the grizzly bear when grizzly habitat and other land use values compete. Management Situation 2 occurs where the area lacks distinct population centers and highly suitable habitat does not generally occur. Management direction in Situation 2 accommodates demonstrated grizzly bear populations and/or grizzly bear habitat use in land use actions if feasible, but not to the extent of exclusion of other uses. In Management Situation 3, grizzly bear presence is possible but infrequent and habitat is unsuitable for grizzly bears because of existing developments. Grizzly bear habitat maintenance and improvement are not management considerations and grizzly bear use of the area is discouraged.

Grizzly bear habitat of Federal lands is currently managed according to the Interagency Grizzly Bear Guidelines. Large portions of grizzly bear habitat in both the Yellowstone Ecosystem and Northern Continental Divide Ecosystem recovery zones are contained in National Park Service, Bureau of Land Management, or National Forest lands including designated wilderness areas.

The Service has reviewed the best scientific and commercial information available for the grizzly bears in the Yellowstone Ecosystem and Northern Continental Divide Ecosystem, and has determined that the petition did not present substantial information indicating that reclassifying these populations may be warranted.

Research on the status of grizzly bears in the Cabinet-Yaak Ecosystem began in 1978 in the Cabinet portion, and in 1986 in the Yaak portion (Kasworm and Thier 1991). No population estimate is known for the Yaak portion of the area. Low densities of grizzly bears are found in the Yaak and contiguous areas in Canada, and interchanges of bears have been documented across the border. Movement between the Cabinet Mountains and the Yaak area has not been documented, although at the existing low densities, such movement

would be difficult to detect. Habitat and population data are being collected in the Yaak portion of the ecosystem as part of a 5-year study in this area. To date, eight grizzly bears have been trapped and radio-collared. Three individual grizzly bear have been trapped in the Cabinet portion. Based on this research, the grizzly bear population in the Cabinet Mountains portion of this area is thought to be less than 15 hours. Efforts are presently underway to augment the Cabinet area grizzly population. In 1990, a 4-year-old female grizzly bear was successfully translocated from southeastern British Columbia to the Cabinet Mountains. The movements of this bear are being closely monitored. Efforts to trap and relocate three more females into the Cabinet Mountains are ongoing. Up to four more relocations are planned during the present phase of work.

The Selkirk Ecosystem encompasses part of Canada and grizzly bear habitat is contiguous across the border. Research in the Selkirk Ecosystem has been ongoing since 1985 (Wakkinen et al. 1990). At least 23 grizzly bears have been radio-collared, however, no reliable population or density estimates exist for this region. Human-caused grizzly bear mortality is a problem in the Selkirk Ecosystem (Wakkinen et al. 1990). Six of eight known grizzly bear mortalities occurring during 1983 to 1990 were human induced.

The Service agrees that grizzly bear populations in both the Cabinet-Yaak area and the Selkirk Mountains are small and that increasing human demands exist in the areas, including logging, recreation, and livestock grazing. After a review of the petition, accompanying documentation, and references cited therein, the Service found the petitioners presented substantial information that the requested action for the Cabinet-Yaak Ecosystem and the Selkirk Ecosystem may be warranted. Within 1 year from the date the petitions were received, a finding as to whether the petitioned actions are warranted is required by section 4(b)(3)(B) of the Act.

With the publication of these findings, the Service initiates a status review of grizzly bear populations in the Cabinet-Yaak Ecosystem and the Selkirk Ecosystem. The Service solicits any additional data, comments, and suggestions from the public, other concerned Government Agencies, the scientific community, industry, or any other interested party concerning the status of this species.

The reclassification of the grizzly bear in the North Cascades Ecosystem has been previously addressed by the

Service in a **Federal Register** Notice, dated July 24, 1991, (56 FR 33892-33894), in response to a petition submitted by the Humane Society of the United States, Greater Ecosystem Alliance, North Cascades Audubon Society, Skagit Alpine Club, North Cascades Conservation Council, and Carol Rae Smith. The finding of the Service in response to the petition to change the status of grizzly bears in the North Cascades from threatened to endangered was warranted but precluded at this time.

In regard to the petitioner's request that critical habitat be designated for the Northern Continental Divide, Yellowstone, Selkirk, and Cabinet-Yaak Ecosystems, the designation of critical habitat is not a petitionable action under the Act. The Service will consider the request under the Administrative Procedures Act (5 U.S.C. 553). If it is determined that the petitioned action to change the status of the grizzly bear in the Cabinet-Yaak and Selkirk Ecosystems is warranted, then the designation of critical habitat would have to be addressed in the subsequent proposed rule.

References Cited

- Interagency Grizzly Bear Committee. 1986. Interagency grizzly bear guidelines. U.S. Dept. of Agriculture, Washington, D.C. 99pp.
- Kasworm, W. and T. Thier. 1991. Cabinet-Yaak Ecosystem grizzly bear and black bear research 1990 progress report. U.S. Fish and Wildlife Service, Missoula, Montana. 35 pp.
- Knight, R., B. Blanchard, and D. Mattson. 1991. Yellowstone grizzly bear investigations, report of the Interagency Study Team, 1990. National Park Service, Yellowstone National Park. 11 pp.
- U.S. Fish and Wildlife Service. 1982. Grizzly bear recovery plan. U.S. Fish and Wildlife Service, Denver, Colorado. 109 pp.
- U.S. Fish and Wildlife Service. 1990. Grizzly bear recovery plan, draft revision. U.S. Fish and Wildlife Service, Denver, Colorado. 117 pp.
- Wakkinen, W.L., P. Zager, and R. Wielgus. 1990. Selkirk Mountains grizzly bear ecology project, April 1990-October 1990. Idaho Dept. of Fish and Game, Boise, Idaho. 14 pp.

Author

This notice was prepared by Dr. Christopher Servheen (see **ADDRESSES** above).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

Dated: March 23, 1992.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
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