

From: [Shoemaker, Justin](#)  
To: [Sarah Backus](#)  
Subject: Fed: Request: February, 2016 Batched 90-day Findings  
Date: Thursday, November 12, 2015 8:07:52 AM  
Attachments: [20151022\\_BP\\_New2015Batch\\_DRAFT.docx](#)

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FYI

Justin Shoemaker  
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----- Forwarded message -----

From: **Vandervort, Ron** <[ron\\_vandervort@fws.gov](mailto:ron_vandervort@fws.gov)>  
Date: Mon, Nov 9, 2015 at 9:31 AM  
Subject: Re: Request: February, 2016 Batched 90-day Findings  
To: Kit Hershey <[kit\\_hershey@fws.gov](mailto:kit_hershey@fws.gov)>, Sarah Quamme <[sarah\\_quamme@fws.gov](mailto:sarah_quamme@fws.gov)>, Laura Ragan <[laura\\_ragan@fws.gov](mailto:laura_ragan@fws.gov)>, Robert Tawes <[robert\\_tawes@fws.gov](mailto:robert_tawes@fws.gov)>, Krishna Gifford <[krishna\\_gifford@fws.gov](mailto:krishna_gifford@fws.gov)>, Seth Willey <[seth\\_willey@fws.gov](mailto:seth_willey@fws.gov)>, Justin Shoemaker <[justin\\_shoemaker@fws.gov](mailto:justin_shoemaker@fws.gov)>, Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>, Arnold Roessler <[arnold\\_roessler@fws.gov](mailto:arnold_roessler@fws.gov)>, Alisa Shull <[alisa\\_shull@fws.gov](mailto:alisa_shull@fws.gov)>  
Cc: Bridget Fahey <[bridget\\_fahey@fws.gov](mailto:bridget_fahey@fws.gov)>, Douglas Krofta <[douglas\\_krofta@fws.gov](mailto:douglas_krofta@fws.gov)>, Don Morgan <[don\\_morgan@fws.gov](mailto:don_morgan@fws.gov)>, Janine Van Norman <[janine\\_vannorman@fws.gov](mailto:janine_vannorman@fws.gov)>, Jessica Evans <[jessica\\_evans@fws.gov](mailto:jessica_evans@fws.gov)>

Hello again Colleagues,

Thank you for reviewing and updating the Google Drive spreadsheet for the February batched 90-day findings. (If you haven't done so yet, please do so as soon as convenient, and let me know if you have any questions or changes.)

One more thing I forgot to note in my previous email: I will need a short narrative paragraph (probably one paragraph will do) so that I may compile a briefing paper for this batch. Please include this with your package when you send to me (on or before January 22). I've attached the draft BP for the November batch, so you may see and share an example of the information I will need.

Please let me know if you have any questions, and thank you!

Best regards,

Ron

Ron Vandervort  
Biologist  
U.S. Fish and Wildlife Service  
MS: ES, Branch of Listing  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
703-358-2312

On Fri, Oct 23, 2015 at 11:41 AM, Vandervort, Ron <[ron\\_vandervort@fws.gov](mailto:ron_vandervort@fws.gov)> wrote:

Greetings Colleagues,

It's time to start planning for and producing our February, 2016, batched 90-day petition findings. As you are probably aware, we are rotating the quarterly batches through HQ branches and staff, and I am the lead for the February batch.

The **Google Drive spreadsheet** (link below) lists the currently active petitions for which we need to make findings. Please **review for accuracy and completeness**, and **confirm with me** whether you are planning to complete the findings in this batch. You can make edits directly in the spreadsheet (it automatically saves your changes):

[https://docs.google.com/spreadsheets/d/1vD3CGc\\_CCGmZv0BxApXVm6fUXGAzx5esXPNRW/UwrKGM/edit#gid=1625132726](https://docs.google.com/spreadsheets/d/1vD3CGc_CCGmZv0BxApXVm6fUXGAzx5esXPNRW/UwrKGM/edit#gid=1625132726)

Also, please review and **complete the lead office, contact person, and outreach contact** of the spreadsheet (columns G, J, and K), if not already done. This will aid in producing the briefing paper and in coordination with External Affairs.

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The Regions will be responsible for completing those findings for which they have been identified as the lead, and headquarters will be responsible for compiling the findings into the Federal Register notice.

We are planning to submit the this batch to the Federal register on February 19, 2016. In order for HQ to have time to draft the FR notice and sufficient time for review and surname, we request the petition packages be sent to me (Ron Vandervort) by **January 22**. Hopefully this will allow sufficient time to complete the findings, given the upcoming holidays.

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Specifically, the petitions packages must include:

- Substantial:
  - 1) Petition Review Form (PRF)
  - 2) RO surname
  - 3) Regional Director signature on the PRF
- Not substantial:
  - 1) PRF
  - 2) RSOL Review and surname
  - 3) RO surname (No RD Signature; non-substantial findings signed by Director)

Please ensure that petition review forms are completed according to the guidance in the SharePoint site (link is below). Please ensure:

- The species range is described using only States or countries.
- Substantial factors only contain citations with page number – no justification is needed.
- Justifications for not-substantial factors are detailed.

Lastly, please find the most up-to-date version of the PRF form (attached.) If PRFs have already been completed using a previous version, it does not need to be redone.

The Sharepoint site with **petition guidance** is at:

<https://fishnet.fws.doi.net/regions/9/es/Listing/Docs/Forms/AllItems.aspx?RootFolder=%2FRegions%2F9%2Fes%2FListing%2FDocs%2FGuidance%2C%20Policies%2C%20Help%2FPetitions%20and%20Findings&InitialTabId=Ribbon%2FDocument&VisibilityContext=WSSTabPersistence>.

Please feel free to contact me if you have any questions.

Thanks, and best regards,

Ron

Ron Vandervort  
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U.S. Fish and Wildlife Service  
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Falls Church, VA 22041-3803  
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## INFORMATION MEMORANDUM FOR THE DIRECTOR

FROM: Gary Frazer, Assistant Director, Ecological Services

SUBJECT: 90-day petition findings for 25 species

### I. INTRODUCTION

The U.S. Fish and Wildlife Service (Service), announces 90-day findings on 25 petitions to list, delist, or reclassify fish, wildlife, or plants under the Endangered Species Act of 1973, as amended (Act).

Based on our review, we find that fourteen (14) petitions (Arizona night lizard; Bezy's night lizard; two petitions for the Cabinet-Yaak grizzly bear; Cheoah bald salamander, Colorado desert fringe-toed lizard; Cow Knob salamander; Florida scrub lizard, Fourche Mountain salamander; Kings River slender salamander; reticulate collared lizard; sandstone night lizard; South Mountain gray-cheeked salamander; and the Yellowstone bison) did not present substantial scientific or commercial information indicating that the petitioned actions may be warranted, and we are not initiating status reviews in response to these petitions.

We find that 11 petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. These include: Culebra skink, Great basin butterfly; Greater Saint Croix skink, Greater Virgin Islands skink, Lesser Saint Croix Skink, Mona skink, Narrow-footed diving beetle; Northern Rocky Mountain DPS of Fisher; Puerto Rico skink, Scott riffle beetle, and the Virgin Island bronze skink. Therefore, with the publication of this notice, we are initiating a review of the status of these species to determine if the petitioned actions are warranted. To ensure that these status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding these species. Based on the status reviews, we will issue 12-month findings on the petitions, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

The target for submitting this batched finding to the *Federal Register* is November 20, 2015.

### II. BACKGROUND

The attached table lists the species, their ranges, and the petitioner(s) for each species.

Summary regarding the not substantial findings:

**Arizona night lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Arizona night lizard be listed as threatened or endangered under the Act. The petitioner identified habitat degradation (A), scientific collection (B), inadequacy of existing regulatory mechanisms (D), and small, isolated population dynamics (E) to be the factors impacting the species. During our review, references cited to support the petitioners

claims were not provided with the petition. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting the Arizona night lizard. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R2-ES-2015-0075.

**Bezy's night lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Bezy's night lizard be listed as threatened or endangered under the Act. The petitioner identified habitat degradation (via reptile collectors using devices to pry up rocks to collect specimens) (A), commercial collection (B), inadequacy of existing regulatory mechanisms (D), and stochastic events, human impacts, environmental factors, and lack of gene flow (E) to be the factors impacting the species. During our review, the sources cited to support these claims were not provided, and therefore, we were unable to validate the petitioner's claims. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Bezy's night lizard. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R2-ES-2015-0076.

**Cabinet-Yaak grizzly bear (petition to delist).** On July 27, 2015, Lincoln County, Montana petitioned the Service to delist the Cabinet-Yaak grizzly bear due to recovery under the Endangered Species Act (Act) and to update the recovery plan. The grizzly bear (*Ursus arctos horribilis*) is a member of the brown bear species (*Ursus arctos*) that occurs in North America, Europe, and Asia; the subspecies *U. a. horribilis* is limited to North America. Prior to the arrival of Europeans, the grizzly bear occurred throughout much of the western half of the contiguous U.S., central Mexico, western Canada, and most of Alaska. The range and numbers of grizzly bears were reduced to less than 2% of their historical levels by the 1930s, approximately 125 years after first contact with European settlers. In the lower 48 states, grizzly bear recovery focuses on six ecosystems: the Greater Yellowstone Area, the Northern Continental Divide, the Northern Cascades, the Selkirks, the Cabinet-Yaak, and the Bitterroot.

Habitat modification, human-caused mortality, inadequacy of regulatory mechanisms, small population dynamics, and population fragmentation are concerns to this grizzly bear population. The Cabinet-Yaak grizzly bear population appears to be responding to recovery actions with improvements in both population and habitat protections in recent years. As of 2014, we have a positive trend (increasing at a rate of 1.4%) in the native bear population, which has improved from a declining trend since 1999. However, the Cabinet-Yaak grizzly bear population still faces threats from limited range and limited population size.

Guided by the five listing factors, we evaluated potential threats to the Cabinet-Yaak grizzly bear using the information presented by the petitioner and the sources cited within the petition:

- The present or threatened destruction, modification, or curtailment of habitat or range is still a threat to Cabinet-Yaak grizzly bears, although the threat is diminished because there are clear, enforceable motorized access standards and secure habitat standards and a timeline to achieve them. We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action (delisting) may be warranted based on Factor A.

- Human-caused mortality is responsible for the majority of Cabinet-Yaak grizzly bear deaths, although the population appears to be responding to protective measures that reduce human-caused mortality, particularly female mortality. Trend calculations indicate positive population growth in 2014. Although human-caused mortality has decreased, all recovery targets are not being met and this source of mortality may still pose a threat to this population in the future. We find that the petition does not present substantial scientific or commercial information indicating that delisting may be warranted based on Factor C.
- Implementation of National Forest motorized access management and food storage orders on public lands has improved the adequacy of regulatory mechanisms. However, not all bear management units currently meet the management objectives set by these plans, but are scheduled to do so by 2019. We find that the information provided in the petition does not present substantial scientific or commercial information indicating that delisting may be warranted based on Factor D.
- We did not find substantial information that delisting may be warranted due to threats from overutilization (Factor B) or other natural or manmade factors (Factor E).

Based on the evaluation of the petition, we did not find the petition presented substantial information indicating the petition action may be warranted. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, XXXXXX.

**Cabinet-Yaak grizzly bear (petition to uplist to endangered).** On December 17, 2014, the Alliance for the Wild Rockies petitioned the Service to reclassify the Cabinet-Yaak grizzly bear as endangered and designate critical habitat for this species under the Endangered Species Act (Act). The grizzly bear (*Ursus arctos horribilis*) is a member of the brown bear species (*Ursus arctos*) that occurs in North America, Europe, and Asia; the subspecies *U. a. horribilis* is limited to North America. Prior to the arrival of Europeans, the grizzly bear occurred throughout much of the western half of the contiguous U.S., central Mexico, western Canada, and most of Alaska. The range and numbers of grizzly bears were reduced to less than 2% of their historic levels by the 1930s, approximately 125 years after first contact with European settlers. In the lower 48 states, grizzly bears are currently limited to six ecosystems: the Greater Yellowstone Area, the Northern Continental Divide, the Northern Cascades, the Selkirks, the Cabinet-Yaak, and the Bitterroot.

Habitat modification, human-caused mortality, small population dynamics, and population fragmentation contributed to the decline in grizzly bear numbers. However, the Cabinet-Yaak grizzly bear population appears to be responding to recovery actions with improvements in both population and habitat protections in recent years. As of 2014, there is a positive trend (increasing at a rate of 1.4%) in the native bear population, which has improved from a declining trend since 1999.

Guided by the five listing factors, we evaluated potential threats to the Cabinet-Yaak grizzly bear using the information presented by the petitioner and the sources cited within the petition:

- The present or threatened destruction, modification, or curtailment of habitat or range is still a threat to Cabinet-Yaak grizzly bears, but the threat is diminished because there are clear, enforceable motorized access standards and secure habitat standards and a timeline to achieve

them. We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted based on Factor A.

- Human-cause mortality is responsible for the majority of Cabinet-Yaak grizzly bear deaths the population appears to be responding to protective measures that reduce human-caused mortality, particularly female mortality. Trend calculations indicate positive population growth in 2014. Although human-caused mortality may still pose a threat to this population in the future, we find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted based on Factor C.
- We will continue to monitor the genetic status of Cabinet-Yaak grizzly bears because declines in genetic diversity are expected in small and/or isolated populations. However, because detectable deleterious effects are not occurring at the current levels of genetic diversity, we do not consider genetic status to be a threat. We find that the information provided in the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted based on Factor E.
- We did not find substantial information that reclassification may be warranted due to threats from overutilization (Factor B) or the inadequacy of regulatory mechanisms (Factor D).

Based on the evaluation of the petition, we did not find the petition presented substantial information indicating the petition action may be warranted. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, XXXXXXXX.

**Cheoah bald salamander.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Cheoah bald salamander be listed as threatened or endangered under the Act. The petitioner identified habitat degradation (via clearcutting) (A), inadequacy of existing regulatory mechanisms (D), and small, isolated population dynamics (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were not relevant to the Cheoah bald salamander or its habitat. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Cheoah bald salamander. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R4-ES-2015-0081.

**Colorado Desert fringe-toed lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Colorado Desert fringe-toed lizard be listed as threatened or endangered under the Act. The petitioner identified habitat degradation (via recreational vehicle use, development, windbreaks, and agriculture) (A), and inadequacy of existing regulatory mechanisms (D) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, referenced localized impacts on habitat and did not suggest that they might be resulting in a species-level effect on the lizard such that it may be in danger of extinction or likely to become so. Additionally, the absence of a regulation to address a particular threat is not considered an inadequacy of regulatory mechanisms. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Colorado

Desert fringe-toed lizard. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R8-ES-2015-0082.

**Cow Knob salamander.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Cow Knob salamander be listed as threatened or endangered under the Act. The petitioner identified habitat degradation (via forest management practices, forest defoliation due to gypsy moths, and firewood collection) (A), overcollection (B), inadequacy of existing regulatory mechanisms (D), and loss of hemlock trees by hemlock woolly adelgri (*Adelges tsugae*) (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the Cow Knob salamander or its habitat. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Cow Knob salamander. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R5-ES-2015-0084.

**Florida scrub lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Florida scrub lizard be listed as threatened or endangered under the Act. The petitioner identified habitat fragmentation and loss (via development, agriculture, fire suppression, and recreational use of habitat) (A), recreational and scientific collection (B), predation (by house cats) (C), inadequacy of existing regulatory mechanisms (D), and small, isolated population dynamics, and application of herbicides and pesticides (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the Florida scrub lizard or its habitat. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Florida scrub lizard at the species-level indicating the Florida scrub lizard may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R4-ES-2015-0087.

**Fourche Mountain salamander.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Fourche Mountain salamander be listed as threatened or endangered under the Act. The petitioner identified habitat loss and degradation (via deforestation and poor timber management) (A), disease (symbionts) (C), inadequacy of existing regulatory mechanisms (D), and narrow endemic species, and small, isolated population dynamics (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the Fourche Mountain salamander or its habitat. Additionally, the petitioner did not identify any regulatory mechanisms in place; the absence of a regulation to address a particular threat is not considered an inadequacy of regulatory mechanisms. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Fourche Mountain salamander at the species-level indicating the Fourche Mountain salamander may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R2-ES-2015-0088.



**Kings River slender salamander.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the Kings River slender salamander be listed as threatened or endangered under the Act. The petitioner identified habitat loss and degradation (via road construction) (A), inadequacy of existing regulatory mechanisms (D), and small, isolated population dynamics, climate change, and road mortality (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the Kings River slender salamander or its habitat. Additionally, the petitioner did not identify any regulatory mechanisms in place; the absence of a regulation to address a particular threat is not considered an inadequacy of regulatory mechanisms. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting Kings River slender salamander at the species-level indicating the Kings River slender salamander may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R8-ES-2015-0094.

**Reticulate collared lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the reticulate collared lizard be listed as threatened or endangered under the Act. The petitioner identified habitat alteration (via land clearing practices and conversion to non-native grasses for livestock grazing purposes) (A), collection (does not specific a purpose for collection) (B), and inadequacy of existing regulatory mechanisms (D), to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the reticulate collared lizard or its habitat. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting reticulate collared lizard at the species-level indicating the reticulate collared lizard may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R2-ES-2015-0109.

**Sandstone night lizard.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the sandstone night lizard be listed as threatened or endangered under the Act. The petitioner identified habitat fragmentation (via roads) (A), inadequacy of existing regulatory mechanisms (D), and isolation and loss of genetic diversity, and road mortality (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the sandstone night lizard or its habitat. Additionally, the petitioner did not provide any information indicating that existing regulatory mechanisms meant to provide protection to the species or its habitat are inadequate such that it is negatively impacting the species. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting sandstone night lizard at the species-level indicating the sandstone night lizard may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R8-ES-2015-0113.

**South Mountain gray-cheeked salamander.** On July 11, 2012, we received a petition from the Center for Biological Diversity, requesting the South Mountain gray-cheeked salamander be listed as threatened or endangered under the Act. The petitioner identified habitat fragmentation (via clear-cutting and residential development) (A), inadequacy of existing regulatory



mechanisms (D), and small, isolated population dynamics (E) to be the factors impacting the species. However, most of the information presented in the petition, and a majority of the references, were either not provided or were not relevant to the sandstone night lizard or its habitat. Additionally, the petitioner did not provide any information indicating that existing regulatory mechanisms meant to provide protection to the species or its habitat are inadequate such that it is negatively impacting the species. No further information was provided in the petition or supplemental to the petition to demonstrate the likelihood that the identified threats are impacting sandstone night lizard at the species-level indicating the sandstone night lizard may warrant listing. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R4-ES-2015-0117.

**Yellowstone bison.** On November 13, 2014, we received a petition from the Western Watersheds Project & Buffalo Field Campaign, requesting the Yellowstone (YNP) population of bison be listed as an endangered Distinct Population Segment (“DPS”) of plains bison, *Bison bison bison*. On March 2, 2015, we received a second petition dated March 2, 2015, from Mr. James A. Horsley, requesting that the Yellowstone National Park bison be listed as threatened or endangered under the Act. This finding addresses both above petitions as they request the same action for the same entity.

Compared to other bison populations across North America that are managed similar to livestock, YNP bison are unique because they are closely integrated with the natural processes of the landscape in which they reside. In the late 1800s, North American bison were hunted to near extinction, save a few remaining individuals in YNP. Through supplementing from other herds and their protection in YNP, the herd now ranges from 2,500-4,500 individuals annually and its status is stable-to-increasing. During the winter, YNP bison frequently move beyond YNP boundaries into cattle grazing areas. Concerns for the spread of brucellosis, a disease transmitted from bison to cattle, in the spring when the two species may occupy the same areas, led to the development of the Interagency Bison Management Plan (IBMP) in 2000. The IBMP prevents the spread of brucellosis by annually hazing bison back into YNP and culling others. The petitions did not present scientific or commercial information indicating this action may be warranted. Additional information regarding the finding and the information reviewed can be found at [www.regulations.gov](http://www.regulations.gov) under docket number, FWS-R6-ES-2015-0123.

Since our 2011 position that the YNP bison may not be considered a DPS, new citations provided by the petitioners present substantial information that the YNP bison may qualify as a DPS. Guided by the five listing factors, we then assessed potential threats to the YNP bison using the information presented by the petitioners and the sources cited within the petitions. The lethal control of YNP bison under the IBMP was the primary concern expressed by the petitioners and threats related to these activities and others were evaluated:

- The petitioners claimed IBMP management activities threaten the YNP bison and these concerns were addressed as they relate to range curtailment (Factor A); hunting and culling (Factor B); and disease management (Factor C). However, we found no substantial information suggesting IBMP activities are a threat to the YNP bison such that listing the DPS may be warranted.
- In addition, we found no substantial information that listing may be warranted due to threats from livestock grazing, development and infrastructure, and invasive species (Factor A);

disease and predation (Factor C); the inadequacy of existing regulatory mechanisms (Factor D); or genomic extinction and climate change (Factor E).

### III. Potential Issues

**Cabinet –Yakk Grizzly:** The Service received two petitions for this population of grizzly, one to uplist, and one to delist. Given the species is charismatic in nature, it will generate some level of interest from the public. Local controversy may arise due to concerns about Federal intrusion and economics. Currently, the population does not warrant endangered status, nor does it currently warrant delisting; the current status is biologically and legally correct. Given the findings for both petitions are publishing together, it is believed the overall interest will be lower than other grizzly bear announcements.

**Yellowstone Bison:** Most of the controversy regarding the Yellowstone bison are related to when the bison migrate from the park (where they are not protected), and concern regarding brucellosis spreading to cattle. Interest in this finding is expected to be modest; animal rights groups and ranching stakeholders may have an interest in this finding. Numerous Federal, State, Tribal, and private land and wildlife managers may be impacted by changes in YNP bison management plans. However, no additional parties other than the petitioners have expressed interest concerning a negative 90-day finding.

### IV. COMMUNICATIONS AND OUTREACH

- Headquarters-External Affairs will send out a basic 90-day batched bulletin and will leave species-specific outreach to the Regions.
- Each Petition Review Form identifies an appropriate Outreach contact.

**Table 1.** List of species included in the September batch of 90-day petition findings.

| <b>Common name</b>                   | <b>Range</b> | <b>Lead Region</b> | <b>Regional Outreach Contact person (Name, phone and Email)</b> | <b>Petitioner</b>               |
|--------------------------------------|--------------|--------------------|---|---------------------------------|
| Arizona Night Lizard                 | AZ           | 2                  | Lesli Gray, 972-439-4542  | Center for Biological Diversity |
| Bezy's Night Lizard                  | AZ           | 2                  | Lesli Gray, 972-439-4542  | Center for Biological Diversity |
| Cheoah Bald Salamander               | NC           | 4                  | Jennifer Strickland, 404-679-7299                               | Center for Biological Diversity |
| Colorado Desert Fringe-toed Lizard   | CA           | 8                  | Pam Bierce, (916) 414-6542                                      | Center for Biological Diversity |
| Cow Knob or White-spotted Salamander | VA, WV       | 5                  | Meagan Racey; (413) 253-8558                                    | Center for Biological Diversity |
| Culebra Skink                        | Caribbean    | 4                  | Jennifer Strickland, 404-679-7299                               | Center for Biological Diversity |

|  |               |   |                                      |  |
|--|---------------|---|--------------------------------------|--|
| Florida Scrub Lizard                       | FL            | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Fourche Mountain<br>Salamander             | AR            | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Great Basin butterfly                      | CO, UT        | 6 | Serena Baker, 303-<br>236-4588       | WildEarth Guardians  |
| Greater Saint Croix<br>Skink               | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Greater Virgin Islands<br>Skink            | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Grizzly bear (Cabinet-<br>Yaak population) | MT, ID        | 6 | Ryan Moehring,<br>303-236-0345       | (Delist) Lincoln County<br>Commissioners   |
| Grizzly bear (Cabinet-<br>Yaak population) | MT, ID        | 6 | Ryan Moehring,<br>303-236-0345       | (Uplist) Alliance for the<br>Wild Rockies  |
| Kings River Slender<br>Salamander          | CA            | 8 | Pam Bierce, (916)<br>414-6542        | Center for Biological<br>Diversity   |
| Lesser Saint Croix<br>Skink                | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Mona Skink                                 | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Narrow-foot diving<br>beetle               | WY            | 6 | Serena Baker, 303-<br>236-4588       | WildEarth Guardians  |
| Northern Rockies<br>population of fisher   | MT, ID        | 6 | Serena Baker, 303-<br>236-4588       | Center for Biological<br>Diversity, Defenders of<br>Wildlife, Friends of the<br>Bitterroot, Friends of<br>Clearwater, Western<br>Watersheds Project,<br>Friends of Wild Swan |
| Puerto Rican Skink                         | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Reticulate Collared<br>Lizard              | TX            | 2 | Lesli Gray, 972-439-<br>4542         | Center for Biological<br>Diversity   |
| Sandstone Night<br>Lizard                  | CA            | 8 | Pam Bierce, (916)<br>414-6542        | Center for Biological<br>Diversity   |
| Scott Riffle beetle                        | KS            | 6 | Serena Baker, 303-<br>236-4588       | Center for Biological<br>Diversity   |
| South Mountain Gray-<br>cheeked Salamander | NC            | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |
| Virgin Islands Bronze<br>Skink             | Caribbe<br>an | 4 | Jennifer Strickland,<br>404-679-7299 | Center for Biological<br>Diversity   |

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| Yellowstone bison | WY | 6 | Serena Baker, 303-236-4588 | Western Watersheds and Buffalo Field Campaign |
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