

# North Cascades Grizzly Bear Proposed 10(j) Rule

## Frequently Asked Questions

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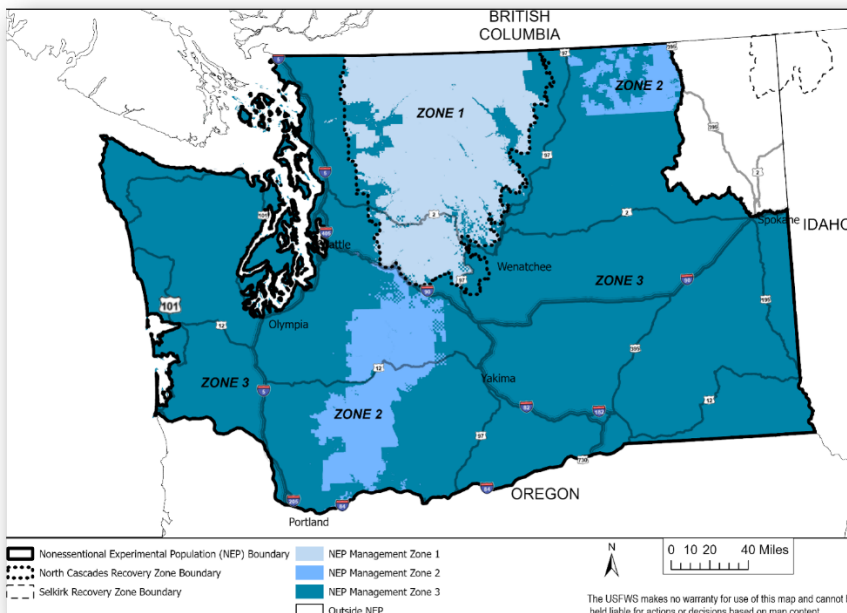
### What is a 10(j) population?

- A 10(j) experimental population is a special designation for a group of plants or animals that are restored in an area that is geographically isolated from other populations of the listed species.
- Congress specifically added the provision for experimental populations under section 10(j) of the Endangered Species Act to address landowner concerns that reintroduction of threatened or endangered species may result in restrictions on the use of private, Tribal, or public land. [See a 10\(j\) fact sheet](#) for more information.

### What would the benefit of a 10(j) population designation for North Cascades grizzly bears be?

- A 10(j) experimental population designation would give wildlife and land managers and local communities additional options for managing grizzly bears. If adopted, management tools could include the deterrence, relocation, or removal of animals involved in conflict (*see further down for more detailed information.*)
- The added flexibility provided by the designation would ensure grizzly bear restoration does not result in the restriction of other land uses and resource development activities or compromise public safety.

### What areas would the proposed 10(j) rule cover?



- The proposed 10(j) rule from the U.S. Fish & Wildlife Service (FWS) would divide the experimental population into three management zones, each with primary management priorities for reintroduced grizzly bears. It proposes to exclude part of northeastern Washington from the experimental designation based on movement data from grizzly bears that have dispersed from the Selkirk Ecosystem, where they are listed as threatened.
- **The remaining area in Washington is divided into three zones:**
  - **Management Zone 1** would cover federal lands in the vicinity of the North Cascades Ecosystem (NCE) recovery zone. It includes the Mt. Baker-Snoqualmie National Forest (NF) and Okanogan-Wenatchee NF north of Interstate 90 and west of Washington State Route 97, as well as the North Cascades National Park Service (NPS) Complex. The primary purpose of management actions in Zone 1 are to restore grizzly bears in federal lands in the NCE recovery zone. State and private lands within the NCE recovery zone will be part of Zone 3.
  - **Management Zone 2** would include the Mt. Baker-Snoqualmie NF and Okanogan-Wenatchee NF south of Interstate 90, Gifford Pinchot NF, and Mt Rainier National Park. It also includes the Colville NF and Okanogan-Wenatchee NF lands east of Washington State Route 97 within the experimental population boundary. Management Zone 2 is meant to accommodate natural movement or dispersal by grizzly bears.
  - **Management Zone 3** is comprised of all other lands outside Management Zones 1 and 2 within the experimental population boundary, and outside the area excluded near the Selkirk Ecosystem Recovery Zone. Management Zone 3 represents areas that may be incompatible with grizzly bear presence due to a lack of suitable habitat, land ownership, and/or potential for bears to become involved in conflicts and resultant bear mortality.

#### **What management tools would be available in each zone?**

- Below is a partial list of actions that would be permitted under the 10(j) rule, depending on location. *See the text of the proposed rule for information and full detail.*
- In **Management Zone 1** (federal lands around the NCE), proposed management actions would include the exemption of the take of bears in self-defense or defense of others; exemption of take resulting from otherwise lawful activities (e.g., timber harvest, road construction, recreation); intentional deterrence of bears that does not cause harm or death; exemption of take associated with research and recovery actions; federal, state, or Tribal authorities may relocate, deter, or lethally remove bears consistent with recovery purposes;

Lethal removal must be done according to Interagency Grizzly Bear Committee (IGBC) guidelines when it is not reasonably possible to eliminate the threat through non-lethal means.

- In **Management Zone 2**, proposed management actions include *all actions authorized for Zone 1, plus*: federal, state, or Tribal authorities are able to relocate bears for single conflict incidents and FWS may issue written time-limited conditioned lethal take authorization to a livestock owner if a depredation has been confirmed.

- In **Management Zone 3**, which covers areas that may be incompatible with grizzly bear presence, proposed management actions include *all actions authorized for Zones 1 and 2, plus*: the ability for federal, state, or Tribal authorities to relocate any bear as a pre-emptive action to prevent conflict; and the ability for FWS to issue written time-limited conditioned lethal take authorization to a private landowner to kill a bear presenting an ongoing threat to human safety, livestock, or other property (e.g., compost, chickens, beehives).

<b>Zone</b>	<b>Area</b>	<b>Purpose</b>	<b>Management Tools</b>
Management Zone 1	<ul style="list-style-type: none"> <li>• North Cascades National Park Service Complex</li> <li>• Mt. Baker-Snoqualmie and Okanogan-Wenatchee National Forests north of Interstate 90 and west of Washington State Route 97</li> </ul>	Restoration of grizzly bears on federal lands	<ul style="list-style-type: none"> <li>• Exemption of take resulting from otherwise lawful activities</li> <li>• Intentional deterrence of bears that does not cause harm or death;</li> <li>• Exemption of take associated with research and recovery actions;</li> <li>• Federal, state, or Tribal authorities may relocate, deter, or lethally remove bears consistent with recovery purposes;</li> </ul>
Management Zone 2	<ul style="list-style-type: none"> <li>• Mt. Baker-Snoqualmie NF and Okanogan-Wenatchee NF south of Interstate 90</li> <li>• Gifford Pinchot NF</li> <li>• Mt Rainier National Park</li> <li>• Colville NF and Okanogan-Wenatchee NF lands east of Washington</li> </ul>	To accommodate natural movement or dispersal by grizzly bears on federal lands	<ul style="list-style-type: none"> <li>• All actions authorized for Zone 1, plus:</li> <li>• federal, state, or Tribal authorities are able to relocate bears for single conflict incidents</li> <li>• FWS may issue written time-limited conditioned lethal take</li> </ul>

	State Route 97 within the experimental population boundary		authorization to a livestock owner if a depredation has been confirmed.
Management Zone 3	<ul style="list-style-type: none"> <li>Private, state, and local lands, and all other lands outside Zones 1 and 2 within the experimental population boundary, and outside the area excluded near the Selkirk Ecosystem Recovery Zone.</li> </ul>	To further ensure the safety of humans, bears, and property in areas that may be incompatible with grizzly bear presence	<ul style="list-style-type: none"> <li>All actions authorized for Zones 1 and 2, plus:</li> <li>The ability for federal, state, or Tribal authorities to relocate any bear as a pre-emptive action to prevent conflict;</li> <li>The ability for FWS to issue written time-limited conditioned lethal take authorization to a private landowner to kill a bear presenting an ongoing threat to human safety, livestock, or other property (e.g., compost, chickens, beehives).</li> </ul>

**What does “nonessential” mean in the context of an experimental population?**

- All experimental populations are classified as “nonessential” unless FWS determines that the loss of the experimental population would be likely to appreciably reduce the likelihood of the survival of the species in the wild.
- Under section 10(j) of the Endangered Species Act, the agency makes a determination whether or not an experimental population is essential to the continued existence of the species based on best available science.

**Does the release of this proposed 10(j) rule mean that agencies have decided to pursue Alternative C from the draft EIS?**

- No, NPS and FWS have not yet selected an alternative. The proposed 10(j) rule illustrates what management might look like if the agencies do select an alternative involving a 10(j) designation. The public is invited to comment on the management strategies outlined in the rule during the public comment period.

**What are examples of other 10(j) populations?**

- 10(j) experimental population designations have been an important tool in conserving species across the country, including the black-footed ferret, bull trout, California condor, whooping crane, and wood bison.
- A recent example of a 10(j) designation is the [2022 final 10\(j\) rule for the Mexican wolf in the southwestern United States](#).