

main component of the program to reduce grizzly bear/human conflicts. The Yellowstone DPS now has sufficient control of mortality to ensure that it is not likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

The Act defines a threatened species as one that is likely to become endangered in the foreseeable future throughout all or a significant portion of its range. The Act defines an endangered species as one that is likely to become extinct in the foreseeable future throughout all or a significant portion of its range. Based on the best scientific and commercial information available, we have determined that the Yellowstone grizzly bear DPS is recovered and no longer meets the Act's definition of threatened or endangered. Therefore, we are hereby delisting the Yellowstone grizzly bear DPS.

Petition Finding

Additionally, we announce a 90-day finding on a petition (submitted during the public comment period for the proposed rule) to list the Yellowstone grizzly bear population as endangered on the Federal List of Endangered and Threatened Wildlife under the Act and to designate critical habitat. We reviewed the petition to list the Yellowstone DPS of grizzly bears and the literature cited in the petition, and evaluated that information in relation to other pertinent literature and information available to us. All assertions of this petition are addressed either in the Summary of Public Comments and in the 5-factor analysis sections of this final rule, or in the Reassessing Methods Document's issues and responses summary. After this review and evaluation, we find that the petition and additional information in our files did not present substantial information indicating that listing the Yellowstone grizzly bear population as endangered may be warranted. Therefore, we are not initiating a status review in response to this petition.

Effects of the Rule

Promulgation of this final rule will affect the protections afforded to the Yellowstone grizzly bear DPS under the Act. Taking, interstate commerce, import, and export of grizzly bears from the Yellowstone DPS are no longer prohibited under the Act. Other State and Federal laws will still regulate take. In addition, with the removal of the Yellowstone grizzly bear DPS from the List of Endangered and Threatened Wildlife, Federal agencies are no longer required to consult with us under

section 7 of the Act to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the species' continued existence. However, actions within the PCA will still be regulated by over 70 State and Federal laws, regulations, and policies ensuring enforcement of the Strategy. Delisting the Yellowstone grizzly bear DPS is expected to have positive effects in terms of management flexibility to the States and local governments.

However, the full protections of the Act will still continue to apply to grizzly bear in other portions of the lower 48-States outside the Yellowstone DPS. Those grizzly bears will remain fully protected by the Act. There is no designated critical habitat for this species.

Post-Delisting Monitoring Plan

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been recovered and delisted. The purpose of this requirement is to develop a program that detects the failure of any delisted species to sustain itself without the protective measures provided by the Act. If, at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing.

To further ensure the long-term conservation of adequate grizzly bear habitat and continued recovery of the Yellowstone grizzly bear population, several monitoring programs and protocols have been developed and integrated into land management agency planning documents. The Strategy and appended State grizzly bear management plans effectively satisfy the requirements for having a Post-Delisting Monitoring Plan for the Yellowstone DPS. Monitoring programs, which we anticipate will be continued in perpetuity, will focus on assessing whether demographic standards and habitat criteria described in the Strategy are being achieved. A suite of indices will be monitored simultaneously to provide a highly sensitive system to monitor the health of the population and its habitat and to provide a sound scientific basis to respond to any changes or needs with adaptive management actions (Holling 1978, pp. 11-16). More specifically, monitoring efforts will document population trends, distribution, survival and birth rates, and the presence of alleles from grizzly populations outside the Yellowstone DPS boundaries to document gene flow into the population. Throughout the

DPS boundaries, locations of grizzly bear mortalities on private lands will be provided to the Study Team for incorporation into their Annual Report. Full implementation of the Strategy by State and Federal agencies will allow for a sustainable population by managing all suitable habitat.

Within the Primary Conservation Area—As discussed in previous sections, habitat criteria established for the Yellowstone grizzly bear population will be monitored carefully and any deviations from these will be reported annually. The number and levels of secure habitat, developed sites, and livestock allotments will not be allowed to deviate from 1998 baseline measures in accordance with the implementation protocols in the Strategy.

The Study Team will prepare Annual Reports summarizing the habitat criteria and population statistics. The Study Team will be responsible for counting the number of unduplicated females with cubs-of-the-year and monitoring mortality, distribution, and the presence of alleles from grizzly populations outside the Yellowstone DPS boundaries to document gene flow into the population (U.S. Fish and Wildlife Service 2007, pp. 155-156, Appendix I). To examine reproductive rates, survival rates, causes of death, and overall population trends, the Study Team will strive to radio collar and monitor a minimum of 25 adult female grizzly bears at all times. These bears will be spatially distributed throughout the ecosystem as determined by the Study Team.

The Study Team, with participation from Yellowstone National Park, the USDA Forest Service, and State wildlife agencies, also will monitor grizzly bear habitats, foods, and impacts of humans. Documenting the abundance and distribution of the major foods will be an integral component of monitoring within the PCA as it allows managers some degree of predictive power to anticipate and avoid grizzly bear/human conflicts related to a shortage of one or more foods. Major foods, habitat value, and habitat effectiveness will be monitored according to Appendices E and I in the Strategy, and as described in Factor A of this final rule.

Outside of the Primary Conservation Area—Although State management plans are the guiding documents for management of the Yellowstone grizzly bear DPS outside of the PCA upon delisting, habitat management will primarily be the responsibility of the GYA National Forests. State wildlife agencies will be responsible for monitoring population parameters in areas outside of the PCA. The GYA