

Five-Year Status Reviews Under the Endangered Species Act

What is a 5-year review?

A 5-year review is a periodic review of the status of species listed under the Endangered Species Act of 1973, as amended (Act), that is conducted at least once every 5 years. The purpose of a 5-year review is to ensure that listed species have the appropriate level of protection under the Act. The reviews assess each threatened and endangered species to determine whether its status has changed since the time of its listing or its last status review and whether it should be classified differently or delisted. Per our regulations at 50 CFR 424.21, we publish notices in the **Federal Register** announcing the species we are reviewing.

Why do we conduct 5-year reviews?

Under the Act, we maintain Lists of Endangered and Threatened Wildlife and Plants in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants), which we collectively refer to as the “List.” Section 4(c)(2) of the Act requires us to review the status of each species on the List at least once every 5 years and determine whether any species should be removed from the List (delisted), reclassified from endangered to threatened (downlisted), or reclassified from threatened to endangered (uplisted). Any change in Federal status requires a separate rulemaking process which is open to public comment.

What happens during a 5-year review? What do we consider in our review?

A 5-year review begins with gathering the best available scientific and commercial data regarding the species. To facilitate this process, we publish a notice in the **Federal Register** notifying the public that a species is under review and requesting any relevant information we should consider, in particular, any information that has become available since the original listing determination or most recent status review. Such information includes:

- Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;
- Habitat conditions, including but not limited to amount, distribution, and suitability;
- Conservation measures that have benefited the species;
- Threat status and trends; and
- Other new information, data, or corrections, including but not limited to changes in taxonomy or nomenclature and identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants.

What is the outcome of a 5-year review?

After reviewing and considering the best available scientific and commercial data regarding the species, the Service will recommend whether a change in the Federal classification of the listed

species is warranted. Upon completion of a 5-year review, the Service could make four possible recommendations:

- Reclassify the species from threatened to endangered (uplist);
- Reclassify the species from endangered to threatened (downlist);
- Remove the species from the List (delist); or
- Maintain the species' current classification.

What could happen as a result of our review?

The outcome of a 5-year review does not change the status of a species. However, if the Service's 5-year review recommends that a change in classification is warranted, we may propose to reclassify or delist a species through a separate rulemaking process that includes public review and comment, as defined in the Act. No change in status of the species may occur until the completion of the rulemaking process. We engage in rulemaking based on the results of 5-year reviews as our priorities dictate and our resources allow.

What are the benefits of conducting 5-year reviews?

Research, monitoring, management, and recovery implementation programs for threatened and endangered species begin as soon as a species is listed. As a result, new information becomes available, and conservation efforts may begin to take effect. The Service must continually work to use the best available scientific information in implementing its responsibilities under the Act, including incorporating new information and assessing ongoing conservation efforts. A 5-year review affords us the opportunity to periodically take a comprehensive look at the full body of information available for a species and assess its progress toward recovery. These reviews assist us and our partners in identifying conservation needs and better targeting and prioritizing conservation efforts for listed species.

How do we determine whether a species ought to be endangered or threatened?

During a 5-year review, we use the same Endangered Species Act (Act) standards that are applied in the original listing process. In determining whether a species ought to be listed as threatened or endangered, or not listed at all, we use the Act's definitions of "species," "endangered species," and "threatened species."

Section 4(a)(1) of the Act requires that we determine whether any species is an endangered species or a threatened species because of threats under any of five factors, and section 4(b)(1) of the Act requires that we base our assessment of these factors solely on the best scientific and commercial data available.

How do we determine whether a species ought to be delisted?

We use the same process described above to determine whether a species is no longer a threatened species or endangered species and may be removed from the list, or delisted. We may delist a species only if the best available scientific and commercial data available indicate that it is no longer endangered or threatened because it is extinct, it is recovered, or it was listed in error (50 CFR 424.11(d)):

How can the public participate in a 5-year review?

To ensure that our 5-year reviews are complete and based on the best available scientific and commercial information, we solicit information from the public through notices of review published in the **Federal Register**. The notices request any new information and may identify specific information needs for the species. The notices usually request that information be submitted within a certain timeframe in order to ensure that we receive it in time to consider the information in our review. However, we will accept new information on any species at any time. Instructions for submitting information are provided in the notices announcing the species we are reviewing. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. We will consider all information submitted, but raw data that has not been analyzed or summarized may have limited usefulness.

Will the results of a 5-year review be available to the public?

All completed reviews are posted on the Service's webpage. Go to <http://www.fws.gov/endangered/> and use the "Species Search" field to find information on individual species. As of 2010, we also report the results of each species' most recent review in our biennial recovery report to Congress (<http://www.fws.gov/endangered/esa-library/index.html>).