



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
FWS/DCN 079192

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Ravalli Board of County Commissioners
215 S. 4th St., Suite A
Hamilton, MT 59840

Dear Board of Commissioners:

The U.S. Fish & Wildlife Service (Service) has begun an Environmental Impact Statement (EIS) process pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C] § 4321 et seq.) to assess options for restoring grizzly bears to the Bitterroot Ecosystem. The Service will publish a Notice of Intent (NOI) initiating the public scoping process by the end of 2023. Following the public scoping period, the Service, along with any Cooperating Agencies, will develop a draft EIS. We will also evaluate the non-essential experimental population status for the Bitterroot Ecosystem under section 10(j) of the Endangered Species Act. We invite your participation in the development of this EIS as a Cooperating Agency.

In 2000, the Service released a Final EIS, “Grizzly Bear Recovery in the Bitterroot Ecosystem,” a Record of Decision (ROD), and a final section 10(j) regulation to reintroduce grizzly bears into the Bitterroot Ecosystem as a non-essential experimental population (USFWS 2000; 65 FR 69624, November 17, 2000). In 2001, the Service published an NOI proposing to reevaluate our ROD and select the “no action” alternative, and a proposed rule to remove the 10(j) regulation. That proposal was never finalized, and we took no further action to reevaluate our ROD or withdraw the 10(j) designation and associated regulation.

On March 15, 2023, the Montana District Court concluded that the Service unreasonably delayed implementing non-discretionary actions in our 2000 ROD in violation of NEPA and the Administrative Procedure Act. *AWR et al. v. Cooley et al.*, No. 9:21-cv-00136-DWM (D. Mont.). The court ordered the Service to prepare a supplemental EIS and if warranted, a new ROD and final 10(j) rule by October 2026.

The Service is the Lead Federal Agency responsible for completion of the EIS (40 CFR 1508.16). We are requesting those Federal and State agencies and Indian Tribes which may have jurisdiction by law or special expertise to serve as Cooperating Agencies in the development of the EIS (40 CFR 1501.8, 1508.1(e)). Enclosed for your consideration is a draft Memorandum of Understanding (MOU). If you find these roles and responsibilities described in the MOU

acceptable, or acceptable with modifications, please confirm your interest by replying to this letter within 14 calendar days of receipt. Your reply should identify an individual on your staff who will serve as your point of contact for all communications regarding the EIS process. Upon receipt of the confirmation of your participation as a Cooperating Agency in the preparation of this EIS, we will transmit an MOU for signature by both parties. Should you decline to accept Cooperating Agency status but would like to be kept informed of the status of the EIS, please provide the name and contact information for the individual you wish to receive the information.

Replies should be sent by U.S. Mail or email to:

Hilary Cooley, Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
University of Montana, Room 309
Missoula, Montana 59812
hilary_cooley@fws.gov

We will hold a kickoff videoconference for Cooperating Agencies on August 31, 2023, at 10:00 a.m. MDT. During this videoconference, we will discuss Lead Agency and Cooperating Agency roles and responsibilities and the plan for public participation in the EIS, as well as identify any additional issues of importance to the Cooperating Agencies and review the project timeline. Informational materials and a final agenda will be distributed prior to the meeting. Please plan to have your designated point of contact participate in the videoconference. If your designated contact is unable to attend, Jennifer Fortin-Noreus from our staff will work with your point of contact to arrange a separate videoconference.

For additional information, please contact Hilary Cooley, hilary_cooley@fws.gov, 406-273-8002 or Jennifer Fortin-Noreus, jennifer_fortin-noreus@fws.gov, 406-243-4994.

Sincerely,

**ANNA
MUNOZ**

Digitally signed by
ANNA MUNOZ
Date: 2023.08.04
14:08:35 -06'00'

Regional Director

Enclosure

cc: RD Hugh Morrison, Regional Director, Pacific Region
Marjorie Nelson, Acting Assistant Regional Director, Ecological Services
Hilary Cooley, Grizzly Bear Recovery Coordinator, Ecological Services
Greg Chilcoll, County Commissioner, Ravalli Board of County Commissioners
Dan Huls, County Commissioner, Ravalli Board of County Commissioners
Jeff Burrows, County Commissioner, Ravalli Board of County Commissioners