



### Reference and resource materials for the 5-year Review Guidance

#### **Sections of the Endangered Species Act:**

**3** - definitions of *species, threatened, endangered*

**4(a)(1)** – 5 factors

**4(a)(3)** – critical habitat

**4(b)** – best scientific and commercial information available

**4(c)(1)** – list of threatened and endangered species

**4(c)(2)** – 5-year review requirement

**4(d)** – special rules

**4(f)** – recovery plans

**4(e)** – similarity of appearance

**10(j)** – experimental populations

#### **Regulations:**

**50 CFR 424.11** – 5 factors, reasons for delisting

**50 CFR 424.14** – petition process

**50 CFR 424.16-17** – proposed rule process and requirements

**50 CFR 424.21** – 5-year review requirement, FR notice requirement

**50 CFR 17.11-12** – the List (but check any rules that modify the CFR, TESS, court actions, etc., for most current listing)

**50 CFR 17.50-52** – similarity of appearance

**50 CFR 17.80-83** – experimental populations (FWS only)

#### **Policies and other guidance:**

**Policy Regarding Recognition of Distinct Vertebrate Population Segments Under the ESA.**

(DPS policy). 61 FR 4722, February 7, 1996

**Listing and Recovery Priority Guidance.** FWS - 48 FR 43098, September 21, 1983 & 48 FR 51985, November 15, 1983; NMFS - FR 24296

**Policy and Guidelines for Planning and Coordinating Recovery of Endangered and Threatened Species.**

USFWS 1990 (<http://www.fws.gov/endangered/recovery/90guide.pdf>)

**Interim Endangered and Threatened Species Recovery Planning Guidance.** NMFS 2004

(<http://www.nmfs.noaa.gov/pr/recovery/guidance.htm>)

#### **Other statutes and policies**

**Information Quality Act (IQA) & DOI/FWS Information Quality Guidelines –**

(<http://www.fws.gov/informationquality/> )

**Office of Management and Budget Peer Review Bulletin –** for influential scientific assessments

([http://www.fws.gov/informationquality/peer\\_review/index.html](http://www.fws.gov/informationquality/peer_review/index.html) )

**Federal Advisory Committee Act (FACA)**(107 FW1; <http://pdm.fws.gov/advcom.html>)

**Administrative Procedures Act (APA)**

**Endangered Species Conservation Act of 1969** (precursor to ESA)

**Other resources**

**Recovery Reports to Congress** (<http://www.fws.gov/endangered/recovery/index.html>)

**Threatened and Endangered Species System (TESS)** ([http://ecos.fws.gov/tess\\_public/TESSWebpage](http://ecos.fws.gov/tess_public/TESSWebpage);  
<https://ecos.fws.gov/ecos/index.do>)

**CITES Directory of scientific and management authorities of foreign countries**  
([http://www.cites.org/common/directy/e\\_directy.html](http://www.cites.org/common/directy/e_directy.html))

**Service Manual and Delegation of Authorities for Ecological Services**  
(<http://www.fws.gov/policy/manuals/>; <http://www.fws.gov/policy/032fw5.html>)

**Guidance and powerpoints on the Service's intranet** (<https://intranet.fws.gov/region9/es/index.html>)

**Regional 5-year review pages (links to completed reviews)**

Region 1: <http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html>

CNO: <http://www.fws.gov/cno/es/recovery.html>

Region 2:

[http://www.fws.gov/southwest/es/Documents/R2ES/Kuenzlers\\_Hedgehog\\_Cactus\\_Five\\_Year\\_Review\\_FINAL.pdf](http://www.fws.gov/southwest/es/Documents/R2ES/Kuenzlers_Hedgehog_Cactus_Five_Year_Review_FINAL.pdf)

[http://www.fws.gov/southwest/es/Documents/R2ES/Yuma\\_Clapper\\_Rail\\_5-Year\\_Review\\_FINAL\\_Sept\\_2006.pdf](http://www.fws.gov/southwest/es/Documents/R2ES/Yuma_Clapper_Rail_5-Year_Review_FINAL_Sept_2006.pdf)

[http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/CochiseCactus/cochise\\_cactus\\_5yr\\_revfinal.doc.pdf](http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/CochiseCactus/cochise_cactus_5yr_revfinal.doc.pdf)

[http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/PimaPineappleCactus/PPC\\_5yrReview.pdf](http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/PimaPineappleCactus/PPC_5yrReview.pdf)

Region 3: <http://www.fws.gov/midwest/Endangered/recovery/index.html>

Region 4: <http://www.fws.gov/southeast/5yearReviews/index.html>

Region 5: <http://www.fws.gov/northeast/endangered/>