



Western Yellow-billed Cuckoo Proposed Listing and Proposed Critical Habitat



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Previous Federal Actions

- 1986 - Petition to list yellow-billed cuckoo as endangered in California, Washington, Oregon, Idaho, and Nevada
 - 1987 90-day finding-substantial
 - 1988 12-month finding-not warranted
 - Petitioned entity lacked distinctness-the range included in the petition did not include all western birds

- 1998 - Petition to list western yellow-billed cuckoo (CA, OR, WA, ID, NV, AZ, TX, NM, CO, UT, WY, MT)
 - 2000 90-day finding-substantial
 - 2001 12-month finding
 - DPS valid
 - Listing warranted but precluded
 - Added to Candidate list

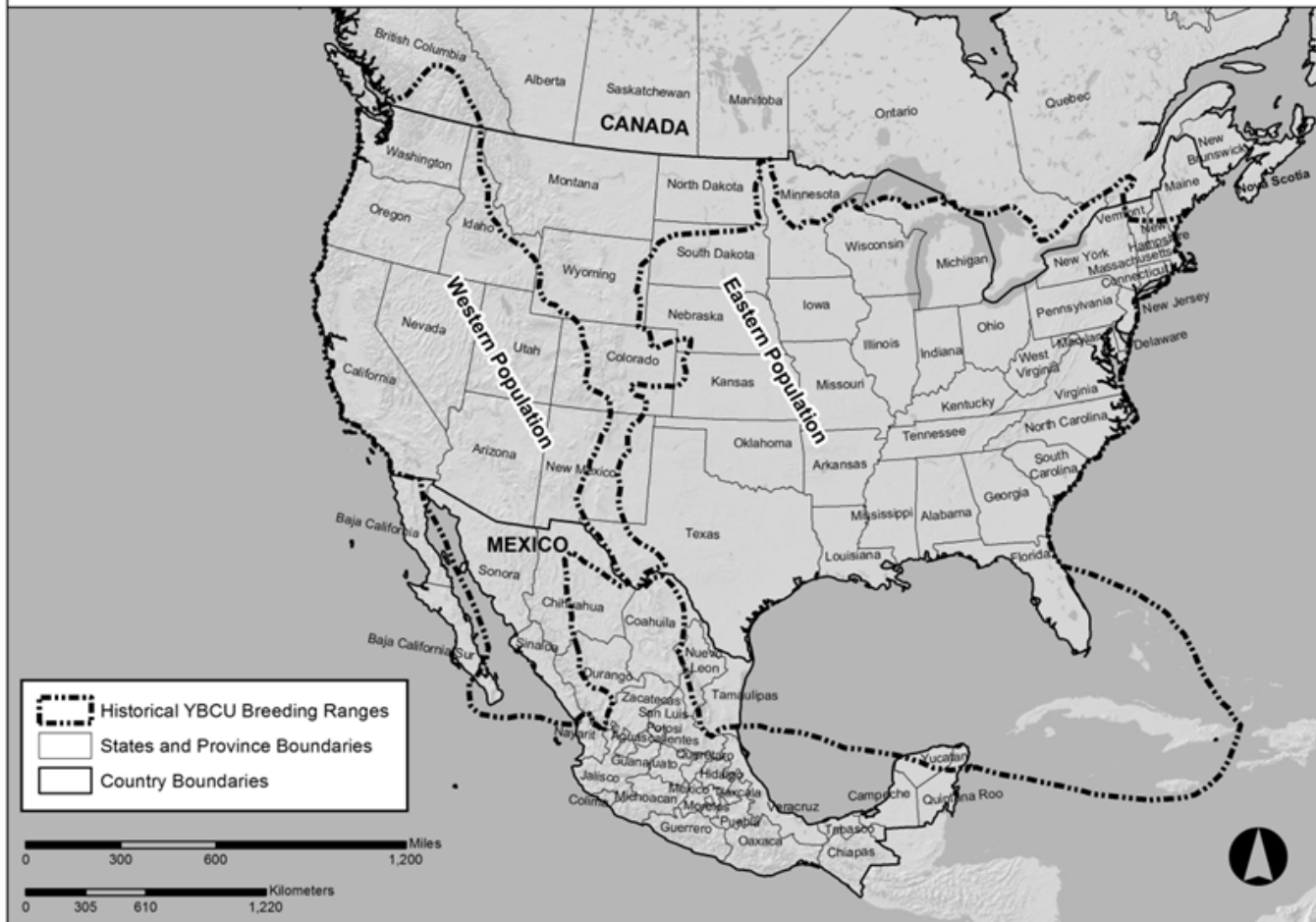
- 2011 - Western yellow-billed cuckoo included as part of the MDL settlement (Multi-District Litigation)
 - Proposed rule published October 3, 2013.

Species Overview

- ▣ The Western Yellow-billed Cuckoo is a Neotropical migrant Bird
 - Breeding range in Western North America
 - Wintering range in South America south of the Amazon Basin
 - Food specialist – large insects (caterpillars, katydids)
 - Differs from cuckoos in the east
 - ▣ Behavior
 - Arrives on breeding grounds 4-8 weeks later
 - Habitat specialist using moist riparian habitats, narrower habitat selection
 - ▣ Morphology – larger, lays larger eggs with thicker shells

Historical Breeding Range of the Yellow-billed Cuckoo

Historical Breeding Range of Western and Eastern Yellow-billed Cuckoos



Taxonomy and DPS

- Taxonomy
 - Western subspecies (Ridgeway 1887; AOU 1958).
 - Genetic studies insufficient to determine classification.

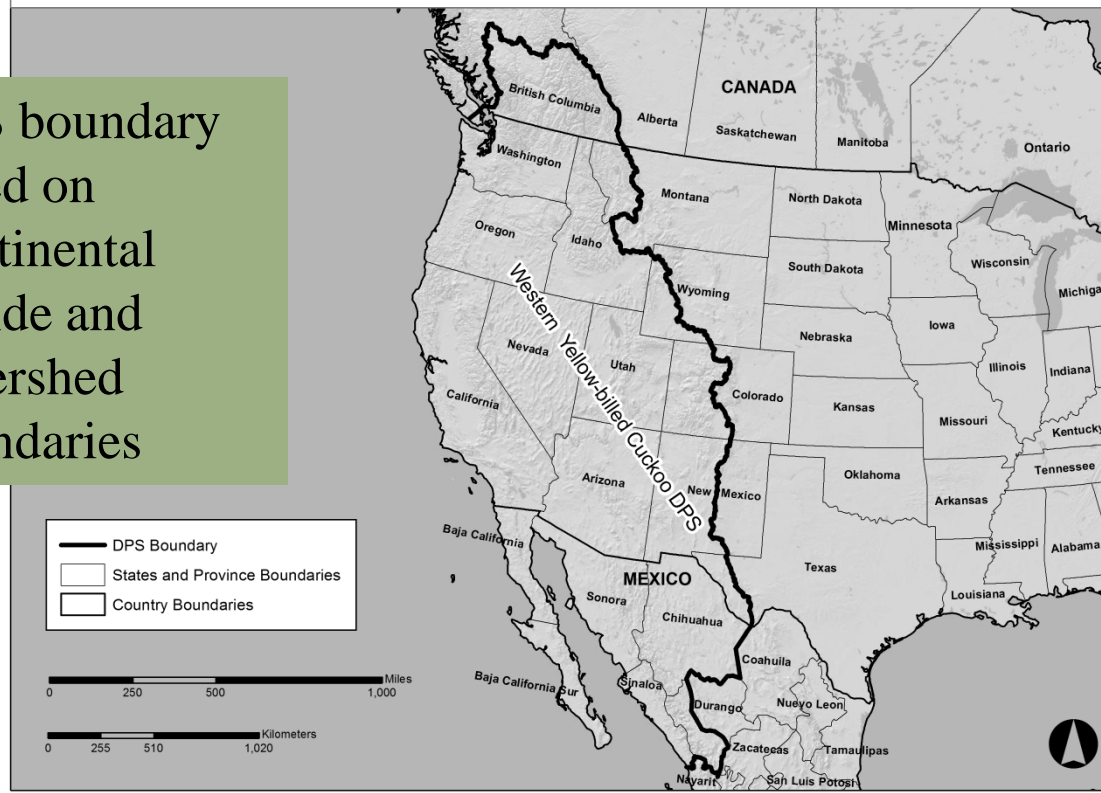
- DPS – “DISTINCT POPULATION SEGMENT”
 - **Discreteness**-markedly separated as a consequence of:
 - **Physical Separation**-
 - Geographically separated by 50 to 500 miles of unsuitable habitat
 - In southern NM and Western TX, there is limited mixing
 - No evidence of mixing elsewhere
 - **Ecological** –
 - **Migration timing**-Western birds arrive on breeding grounds 4-8 weeks later than eastern cuckoos
 - **Habitat Selection**-moist riparian obligate
 - **Morphology**-larger body size, lays larger eggs, thicker egg shells.
 - **Significance**
 - Loss would leave a significant gap in range (1/3 vacant).
 - Persists in an unusual ecological setting.
 - Differs from yellow-billed cuckoos in the east in behavior and morphology.



Western Yellow-billed Cuckoo DPS

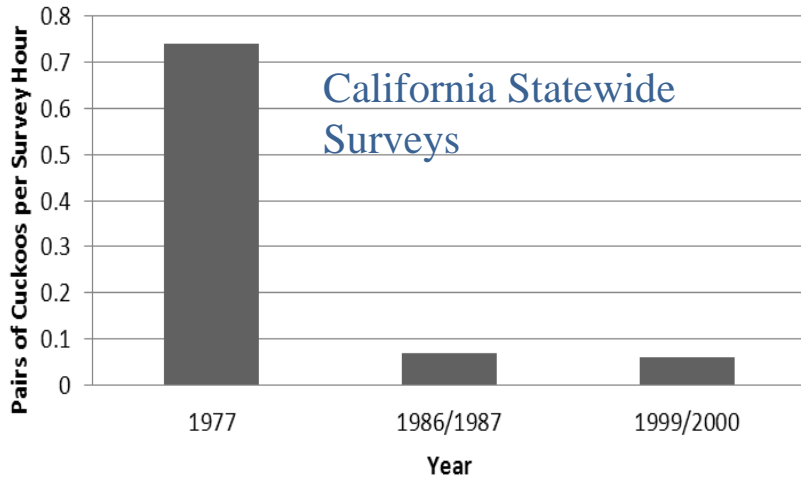
Figure 2: Boundary of the Western Distinct Population Segment of the Yellow-billed Cuckoo

DPS boundary based on Continental Divide and watershed boundaries

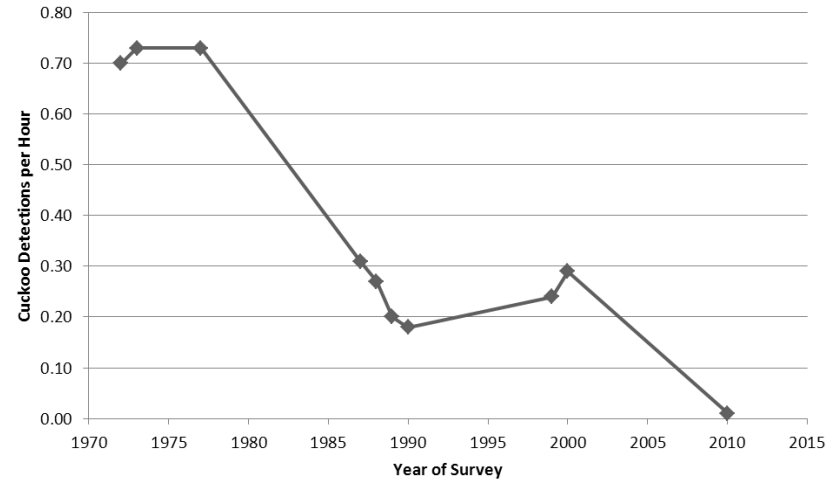


Species Assessment: Recent Trends

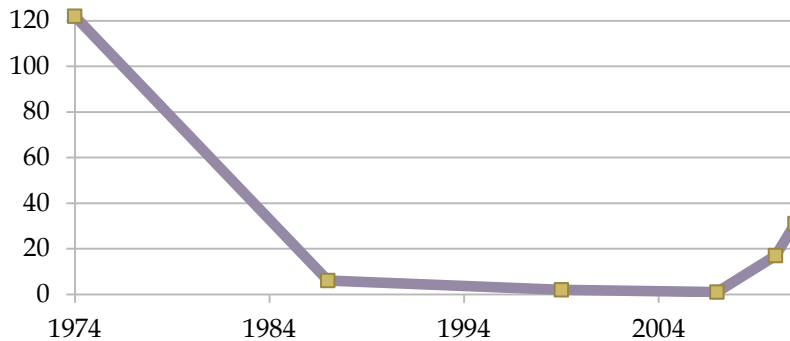
Cuckoo Pairs per Survey Effort 1977 - 2000



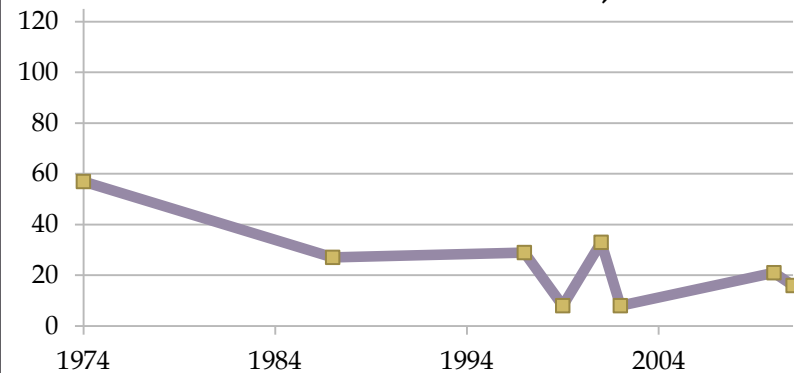
Yellow-billed Cuckoo Surveys on the Sacramento River: 1972-2010



Lower Colorado River (pairs of Yellow-billed Cuckoos)



Bill Williams River (pairs of Yellow-billed Cuckoos)



Species Assessment: Estimated Population (Breeding Pairs)

■ British Columbia	Extirpated	□ Arizona	~210
■ Washington	Extirpated	□ New Mexico	~125
■ Oregon	Extirpated	□ US Pairs	~445
■ Montana	Extirpated	□ Baja California	<10
■ California	<45	□ Sonora	~200
■ Nevada	<10	□ Chihuahua	~10
■ Idaho	~15	□ Sinaloa	~200
■ Wyoming	<5	□ Durango	~10
■ Utah	~15	□ Mexico Pairs	~430
■ Colorado	<10	□ Total DPS Pairs	~875
■ Texas	<10		

Threats Analysis: (Factor A)

Threats to Habitat

- ▣ Primary Threats (widespread)
 - Dams and River Flow Management
 - ▣ Prevents regeneration of riparian habitat
 - ▣ Aids establishment of invasive plant species
 - Groundwater pumping

- ▣ Secondary Threats (localized)
 - Stream channelization & stabilization
 - Land Conversion
 - Wildfire

Threats Analysis: Factor E

Other Threats

- ▣ Vulnerability to random extirpation from small population size
- ▣ Habitat Fragmentation
- ▣ Pesticides on wintering grounds and effects to prey base on breeding grounds

Critical Habitat Overview

- ▣ Summary of Critical Habitat Units
 - ? Units Selected in ? states.
 - ? acres.
 - Considering Exclusions on ? acres based on existing conservation agreements and ongoing management.
 - ? % approximate overlap with Southwest Willow Flycatcher Critical Habitat (San Juan & Rio Grande basins in Colorado)

Critical Habitat

▣ Definition:

1. The specific areas within the geographical area occupied by the species, at the time is it listed, with those physical and biological features:
 - ▣ Essential to the conservation of the species, and
 - ▣ Which may require special management considerations or protection

▣ What does it mean for landowners?

▣ Nothing, unless there is a federal agency action involved:

- ▣ You are applying for a federal permit (“404”)
- ▣ You are receiving using federal funds for an activity that would affect the bird or its habitat.

Selection Criteria

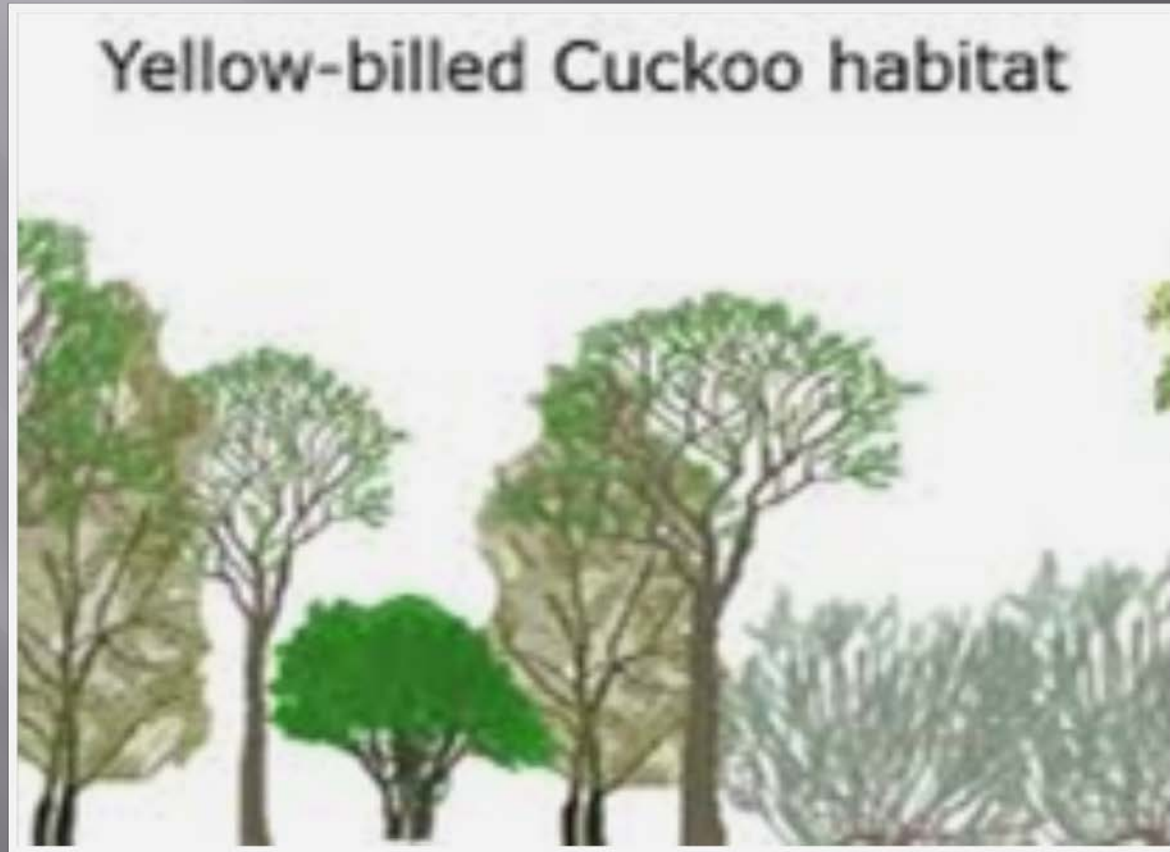
- ▣ Sites all occupied
 - Occupied by mated cuckoos one or more years 1998-2012
 - Occupied by cuckoos of unknown breeding status in two or more years 1998-2012
- ▣ All sites contain the PCEs
- ▣ Sites a minimum of 200 acres in extent
 - Smaller sites not occupied regularly
- ▣ Extends upstream and downstream from cuckoo locations until $\frac{1}{4}$ mile break in habitat.

Primary Constituent Elements

- ▣ PCE 1 – Riparian Woodland
 - Contiguous or nearly contiguous patches
 - 100+ acres in extent and 325' in width
 - Presence of humid closed canopy nest groves
- ▣ PCE 2 – Presence of a Prey Base
 - Large Caterpillars
 - Katydid and Grasshoppers
 - Other: Tree Frogs, Beetles, Cicadas
- ▣ PCE 3 - Dynamic Riverine Processes
 - Sediment movement and deposition
 - Germination and regeneration at regular intervals
 - Maintains plant health and vigor

What does habitat look like?

Graphic from riverpartners.org.







4(d) Special Rule

- ▣ Section 4(d) of the Endangered Species Act
- ▣ FWS Director has discretion to exempt activities from “take” if the activities promote overall benefit to species.
- ▣ Does not exclude Section 7 review for federal actions
 - Exemption from “take” refers to Section 9
 - Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

Non-ESA Protections in Place

- ▣ Migratory Bird Treaty Act of 1918 – *prohibits direct killing of native birds and destruction of active nests.*
"pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

What's Next?

▣ Actions Taken

- Oct 3 – Proposed Listing Rule (Threatened) published in Federal Register
- 60 Day comment period though Dec. 2, reopened for another 60 days from publication of reopening notice – Dec. 26; new deadline is Feb. 24th.

▣ Next Steps

- Publish Proposed Critical Habitat Rule in Fed. Register
- Publish Proposed 4(d) Special Rule in Fed. Register
- Next week??
- 30 day comment period will begin when published, may overlap with reopened proposed listing rule comment period; may comment on any aspect during any comment period. Looks like comment periods will extend through late March or beyond.

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