



United States Department of the Interior

Fish and Wildlife Service

Arizona Ecological Services Office

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In reply refer to:

AESO/SE

September 14, 2020

Subject: Not-warranted 12-month Finding on Petition to Delist Western Distinct Population of the Yellow-billed Cuckoo

Dear Interested Parties:

On September 16, 2020, the U.S. Fish and Wildlife Service (Service) will publish a 12-month finding in the *Federal Register* on the petition to delist the western distinct population segment (DPS) of the yellow-billed cuckoo (*Coccyzus americanus*) under the Endangered Species Act (ESA) of 1973, as amended. After thoroughly reviewing the best available scientific and commercial information, the Service finds that delisting the yellow-billed cuckoo is not warranted and consequently, the DPS will remain listed as threatened under the ESA. To reach this finding, the Service reviewed existing information as well as new information about western yellow-billed occupancy and habitat compiled from states, tribes, federal agency partners, academia, industry, and citizens. The western DPS yellow-billed cuckoo finding will be available for public inspection on September 15, 2020 and will be published on September 16, 2020 in the *Federal Register*. Please see the links provided at the end of this letter.

The primary threats identified at the time of listing and that continue to impact the western DPS include loss and degradation of habitat from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat to predominantly nonnative vegetation. Additional threats to the species include the effects of climate change, pesticides, wildfire, mining, development, and small and widely separated habitat patches. The cumulative impact from various threats is also a factor that continues to exacerbate multiple existing threats to this species and its habitat.

We provide a brief history of the petition. The May 4, 2017, petition from the American Stewards of Liberty claims listing was in error, because the: (1) western populations of yellow-billed cuckoo do not constitute a discrete and significant DPS; and (2) threats to the purported DPS do not warrant protection under the ESA. The petition provided new information on the bird's use of additional habitat that was not included or evaluated in the 2014 listing document. While we did not find that the petition provided substantial information indicating the entity may warrant delisting due to an error in our DPS analysis, the petitioners did provide substantial information regarding additional habitat use by the species during the breeding season. Therefore, on June 27, 2018, the Service published a substantial 90-day finding that the new

information provided in the petition was sufficient to initiate a full review of the species' status. In our 90-day finding, we requested information on the five listing factors under section 4(a)(1) of the Act as well as information pertaining to the DPS. During our status review, we thoroughly evaluated all potential threats to the species and revisited our DPS determination.

The western DPS yellow-billed cuckoo finding will be available for public inspection on September 15, 2020 and will be published on September 16, 2020 in the *Federal Register* at the following links:

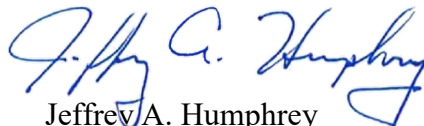
Public inspection: On September 15, 2020, the date of public inspection, the document will appear here: <https://www.federalregister.gov/public-inspection>. This site is available to the public, and all documents on it are also available to the public when they visit the reading room of the Office of the *Federal Register* in Washington, DC. In the search box enter Docket No FWS -R2-ES-2020-0004 and click "search".

Publication: On September 16, 2020, the document will appear here: http://www.gpo.gov/fdsys/html/FR/todays_toc.html --- and also in the hard copy version of the *Federal Register*. In the search box enter Docket No FWS -R2-ES-2020-0004 and click "search".

After September 16, 2020, links to document can be found here: <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. In the search box enter Docket No FWS -R2-ES-2020-0004 and click "search".

Please call me directly at (602) 889-5958 if you have any questions on this decision not to delist the western DPS of the yellow-billed cuckoo; or contact Susan Sferra, our Arizona western yellow-billed cuckoo lead biologist, at Susan_Sferra@fws.gov. I thank you and look forward to continuing to work with you to promote the conservation of this species.

Sincerely,



Jeffrey A. Humphrey
Field Supervisor

cc:

Julie McIntyre, Assistant Field Supervisor, Arizona Ecological Services
Caitlin Snyder, Chief, Branch of Domestic Listing, Ecological Services Headquarters
Alejandro Morales, Interior Region 8 External Affairs
Arnold Roessler, Critical Habitat Coordinator, Pacific SW Regional Office
Vicky Ryan, Western yellow-billed Cuckoo Species Co-lead, New Mexico Ecological Services
Susan Sferra, Western yellow-billed cuckoo Species Co-lead, Arizona Ecological Services