

# Delmarva Peninsula Fox Squirrel

## *(Sciurus niger cinereus)*

### Questions and answers about removal from the List of Threatened and Endangered Species

November 13, 2015

The U.S. Fish and Wildlife Service will officially remove the Delmarva Peninsula fox squirrel, more commonly called the Delmarva fox squirrel, from the List of Threatened and Endangered Wildlife (known as the Endangered Species List) under the Endangered Species Act (ESA) on November 16, 2015. Following a 2012 review of all available information about the species, the agency concluded that the squirrel is recovered, and followed the review with a proposed rule September 23, 2014, to delist the squirrel. The Service's review of all available information found that the squirrel's abundance and distribution is sufficient to withstand current and future threats, and it is no longer endangered and not likely to become so in the foreseeable future.

**1. Why is the Service delisting the Delmarva fox squirrel?** The Service's analysis of the best available data concluded that the Delmarva fox squirrel is not in danger of extinction throughout all or a significant portion of its range (endangered) and that it is not likely to become endangered within the foreseeable future (threatened). The Delmarva fox squirrel's abundance and distribution is sufficient to withstand current and future threats, including habitat losses that might occur from sea level rise or other threats. In addition, populations have enough suitable habitat to continue expansion and movement between populations. Delmarva fox squirrels occur over a large area and occupy a variety of mature forest types from mostly upland hardwoods to wet woods of mixed pines and hardwoods.

**2. What helped recover the Delmarva fox squirrel?** Establishing new populations through translocations and overall growth of the rangewide population primarily reduced the risk of extinction and contributed to the species' recovery. The closing of a hunting season on the squirrel also reduced mortality and probably enabled populations in some areas to rebuild. Over time, populations increased, and young squirrels dispersed to new areas of occupied forest.

With more than 80 percent of this squirrel's home on private land, Delmarva residents played a major role in the recovery of this species. Some private landowners host new translocated populations of squirrels on their farms, and many others are providing habitat for squirrels on private lands across the range. In addition, much of the discovery of new populations is thanks to knowledgeable observers, such as foresters, hunters and other residents.

The species' greater abundance and larger distribution have eliminated the risk of extinction in the foreseeable future. In addition, many state laws and programs protect large areas of forest.

**3. Why was the Delmarva fox squirrel listed as endangered?** The Delmarva fox squirrel was listed because of its decline due to forest clearing for agriculture and development, short-rotation timber harvest and over-hunting. Its distribution decreased to just 10 percent of its range, which historically included the Delmarva Peninsula (Maryland, Delaware and Virginia) and southern Pennsylvania. At the time of its 1967 listing, the Delmarva fox squirrel primarily occurred in three Maryland counties (Dorchester, Talbot and Queen Anne's) with a small population in a fourth (Kent).

**4. What is the estimated population of the Delmarva fox squirrel?** The Service estimates that between 17,000 and 20,000 squirrels are distributed across the species' current range. To establish this estimate, biologists determined the average density of squirrels in each county and applied this to the amount of forest acres occupied by squirrels. In addition, more than 20 years of mark-recapture trapping at various locations support our understanding of the squirrel's population dynamics and persistence.

**5. What is the current range of the Delmarva fox squirrel?** Populations of the squirrel now span 10 counties across the Delmarva Peninsula, with the majority of fox squirrels residing in Maryland. Since the squirrel was listed, the Service has worked with state, federal, and private partners to translocate animals and successfully establish 11 new populations across the three states. Additional populations, likely attributed to natural expansion, have been discovered in many other areas as well. Delmarva fox squirrels now occur on about 135,000 acres of forest across the Delmarva Peninsula—an increase of about 32,000 acres from the forest occupied in 1990.

**6. Can the Service delist a species before reclassifying it as threatened?** The ESA does not require a species to be reclassified to threatened, called downlisting, before being delisted. An endangered species' path to recovery may follow a step-wise process with many years between its status of endangered, threatened and finally recovered, and in these cases, downlisting may be appropriate. However, in some cases, a species' status may change directly from endangered to recovered, or a species' status may continue to improve from endangered to threatened to recovered before formal rulemaking is initiated to change its classification. In these cases for a species listed as endangered, the Service would proceed directly to a delisting rulemaking.

**7. How did the Service determine the species has recovered?** The ESA requires the Service to review each threatened or endangered (listed) species every five years to ensure the accuracy of its classification. A [five-year review](#) uses the best scientific and commercial data available at the time and analyzes whether the species is endangered or threatened due to the [five factors noted in the ESA](#). This is the same analysis that is conducted when a species is listed or delisted.

The Service's [2007 five-year review](#) of the Delmarva fox squirrel concluded that the species was near recovery and recommended that it be reclassified to threatened. However, the review acknowledged that new information on habitat availability based on lidar (light detection and ranging) data was becoming available and could indicate recovery, so it

recommended that reclassification rulemaking wait until the new information was analyzed.

The [2012 five-year review](#) included that new information, as well as a new analysis of the five factors used in determining whether a species warrants ESA protection. The review determined that delisting was warranted. In addition, the analysis included a review of the recovery criteria in the species' recovery plan ([PDF](#)). To change a species' classification, the Service must complete a formal rulemaking process that includes peer review and the opportunity for public comment. The proposed rule provides the five factor analysis of threats and a review of the recovery criteria in the recovery plan. [Learn more about the recovery process.](#)

**8. Did the Service consider sea level rise and climate change in our review?** Yes. The Service reviewed and analyzed all known threats, including habitat loss from development, sea-level rise and timber harvest; over-utilization such as hunting, disease or predation; sufficiency of state and local laws or programs to protect habitat and the species; and other natural or manmade factors such as vehicle strikes or forest pests. We concluded that these natural or manmade threats, taken individually or together, do not place the Delmarva fox squirrel in danger of extinction throughout all or a significant portion of its range and are not likely to do so within the foreseeable future.

**9. Does a species have to be restored to its entire historical range before it can be delisted?** No. The ESA does not require that a species be restored to its entire historical range or any specific amount of its historical range. The listing or delisting of an animal or plant from the list of endangered and threatened species is based on a five-factor analysis of the potential threats to a species' current range and its risk of extinction.

**10. What happened between the proposed rule and the final rule to delist?** On September 23, 2014, the Service published a proposed rule to remove the Delmarva fox squirrel from the List of Threatened and Endangered Wildlife. At that time, we solicited information and comments from the public and scientific experts. The 129 comments received were condensed into 16 basic comments addressed in the final rule, and covered subjects including current population numbers and range, hunting, sea level rise, development, and future monitoring. No substantive changes have been made between the proposed and final rule. The only changes made improved clarity in response to public and peer review comments.

**11. How would delisting impact project planning and consultation?** Under the ESA, proponents of new construction projects must consider the possible effects to federally listed threatened and endangered wildlife and plants occurring in their project areas. If any federally listed species are potentially affected, project proponents should consult with the Service on ways to reduce or offset the negative impacts.

Once the squirrel is delisted, this ESA evaluation would no longer include effects to the Delmarva fox squirrel. Planners for residential and commercial development or other projects that involve permanent clearing of occupied Delmarva fox squirrel forest habitat

would no longer be required to consult with the Service. However, federal, state and local laws that are not dependent on the species' federal status would continue to be in effect, including the Maryland Forest Conservation Act and Maryland Critical Area Law that protect forest habitat.

**12. When the Delmarva fox squirrel is removed from the Endangered Species List, will it be legal to hunt or kill them?** Deliberate killing of any animal is permissible only during an open hunting season defined under state law in Maryland, Delaware and Virginia. States would be responsible for opening any hunting seasons once the squirrel is removed from the endangered species list, and any future hunting seasons would specify strict limits and locations where hunting is considered sustainable. The three states have not planned to open a hunting season for the Delmarva fox squirrel.

**13. When delisted, how will the squirrel remain secure?** The states will resume leadership for the conservation of this species. The state of Delaware considers the Delmarva fox squirrel as state endangered and has developed a [Delmarva Fox Squirrel Conservation Plan](#) to provide a coordinated framework for conservation actions to increase squirrel populations in Delaware. The Maryland Department of Natural Resources expects to reclassify the Delmarva fox squirrel as a "Species in Need of Conservation." In Virginia, the anticipated state listing status for Delmarva fox squirrel will remain state endangered. In addition, a [Post-delisting Monitoring Plan](#) outlines how the Service and partners will monitor squirrel populations to ensure the population does not decline and require re-listing under the Endangered Species Act.

**14. How many species have been removed from the endangered species list?** Of the U.S. species for which the Service has the lead, 60 plants and animals found in the U.S. have been removed from the list since 1967. Of these, 31 recovered; 10 were removed from the list due to extinction (though some were believed to be extinct when they were placed on the list); and 19 were removed for other reasons, such as a revision in the species' taxonomy. Some other protected species are under the lead of the Service's sister agency, the National Oceanic and Atmospheric Administration. [Learn more about delisted species.](#)

**15. How can I see the final rule or find more information about the Delmarva fox squirrel?** For more information about the Delmarva fox squirrel, see its [database page](#) or the Chesapeake Bay Field Office's [Delmarva fox squirrel website](#). You can see the final rule and supporting documents at [regulations.gov](https://www.regulations.gov) (FWS-R5-ES-2014-0021). Related documents are also at our [Chesapeake Bay Field Office website](#).