

## Peruvian and Bolivian Birds Petition History

On May 6, 1991, the U.S. Fish and Wildlife Service received a petition from the International Council for Bird Preservation to add 53 foreign bird species to the Federal List of Endangered and Threatened Wildlife, including the six Peruvian bird species that are the subject of this proposed rule. In response to the 1991 petition, the Service published a substantial 90-day finding on December 16, 1991 (56 FR 65207), for all 53 species.

In the Service's 90-day finding on this petition, the agency announced the initiation of a status review to list as threatened or endangered under the Endangered Species Act (ESA) the following six birds species: ash-breasted tit-tyrant (*Anairetes alpinus*), Junin grebe (*Podiceps taczanowskii*), Junin rail (*Laterallus tuerosi*), Peruvian plantcutter (*Phytotoma raimondii*), royal cinclodes (*Cinclodes aricomae*), and white-browed tit-spinetail (*Leptasthenura xenothorax*) which are all native to Peru. The ash-breasted tit-tyrant and royal cinclodes are also native to Bolivia. The Service initiated a 60-day information collection period to allow all interested parties an opportunity to provide information on the status of these six species. The public comment period closed on March 8, 2010.

On July 29, 2008 ([73 FR 44062](#)), the Service published in the *Federal Register* a notice announcing the annual petition findings for foreign species. In that notice, the Service announced listing to be warranted for 30 foreign bird species, including the six Peruvian bird species that are the subject of this rule, and stated that the Service would promptly publish proposals to list these 30 taxa. In selecting these six species from the list of warranted-but-precluded species, the Service took into consideration the magnitude and immediacy of the threats to the species, consistent with the Service's listing priority guidelines.

On September 8, 2008, the Service received a 60-day notice of intent to sue from the Center for Biological Diversity and Peter Galvin over violations of section 4 of the Act for the Service's failure to promptly publish listing proposals for the 30 warranted species identified in the 2008 Annual Notice of Review. Under a settlement agreement approved by the U.S. District Court for the Northern District of California on June 15, 2009, (*CBD et al. v. Salazar*, 09–CV–02578–CRB), the Service was required to submit to the *Federal Register* proposed listing rules for the ash-breasted tit-tyrant, Junín grebe, Junín rail, Peruvian plantcutter, royal cinclodes and white-browed tit-spinetail by December 29, 2009. That proposed rule published on January 5, 2010 ([75 FR 606](#)).

On July 24, 2012, the Service published a final rule ([77 FR 43433](#)) adding the ash-breasted tit-tyrant, Junín grebe, Junín rail, Peruvian plantcutter, royal cinclodes, and white-browed tit-spinetail to the Federal List of Endangered and Threatened Wildlife.