

# **Proposed Downlisting of the Red-Cockaded Woodpecker from Endangered to Threatened**

## **Questions and Answers**

### **Q: What is a red-cockaded woodpecker?**

A: The red-cockaded woodpecker is a territorial, non-migratory bird species of the southeastern and southern United States. It grows to about eight to nine inches long, about the size of the common cardinal, and has a wingspan of about 15 inches. The red-cockaded woodpecker's most distinguishing feature is a black cap and nape that encircle large white cheek patches. The male has a small red streak on each side of its black cap, visible only when the male is excited, called a cockade, hence its name. The common name came into use during the early 1800s when 'cockade' referred to a ribbon or other ornament worn on a hat. Females lack the red cockade.

The woodpecker's social system is more complex than most bird species, with individuals living in groups normally consisting of a breeding pair and up to four male (rarely female) offspring from previous years. These offspring, known as "helpers," assist in incubating eggs and brooding and feeding nestlings produced by the breeding pair. This social system is referred to as a cooperative breeding system.

The red-cockaded woodpecker makes its home in mature open-canopied pine forests, and prefers longleaf pines. While other woodpeckers bore out cavities in dead trees where the wood is rotten and soft, the red-cockaded woodpecker is the only one that excavates cavities exclusively in living pine trees. Cavity excavation takes one to six years. Artificial nest boxes have successfully accelerated recovery efforts.

### **Q: What is the U.S. Fish and Wildlife Service proposing for the red-cockaded woodpecker?**

A: Based on the best available scientific and commercial data, the Service is proposing to downlist the red-cockaded woodpecker from endangered to threatened under the Endangered Species Act (ESA). Due to the conservation efforts of diverse stakeholders across its range, it is no longer in danger of extinction and does not meet the definition of endangered under the ESA. Due to these efforts, habitat conditions and population numbers are improving, a vast majority of populations are stable and growing and threats to the red-cockaded woodpecker have been successfully managed to the point that it has met recovery benchmarks. These science-based findings enable the Service to propose the red-cockaded woodpecker for downlisting.

The Service is also proposing to issue a rule under section 4(d) of the ESA to tailor protections for the woodpecker to those appropriate for its continued recovery while allowing some commercial activity to take place. We are also correcting the scientific name for the woodpecker in the List of Endangered and Threatened Wildlife (List) to reflect that *Picoides* is not the currently accepted generic name for this species. In the recent 59<sup>th</sup> supplement to the American Ornithological Society's *Checklist of North and Middle American Birds*, the Committee on

Classification and Nomenclature changed the classification of *Picoides borealis* to *Dryobates borealis*.

**Q: What did the Service consider in reaching its decision to propose downlisting the red-cockaded woodpecker from endangered to threatened?**

A: The ESA requires the Service to determine whether fish, wildlife or plants are endangered or threatened based on of five factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Over-utilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or man-made factors affecting its continued existence.

The ESA defines an endangered species as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a threatened species as one that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”

The Service determined that the red-cockaded woodpecker is no longer at risk of extinction, and therefore, does not meet the definition of endangered, but it is still affected by the following current and ongoing stressors to the extent that the species meets the definition of a threatened species under the ESA:

- Lack of suitable roosting, nesting, and foraging habitat due to remnant effects from historical logging, incompatible habitat restoration, and conversion of forests to urban and agricultural uses;
- Fragmentation of habitat, with resulting effects on genetic variation, dispersal, and connectivity to support populations;
- Events such as hurricanes, ice storms, and wildfires, exacerbated by the environmental effects of climate change; and
- Small population size.

**Q: What are the criteria for downlisting the red-cockaded woodpecker to threatened?**

A: Before deciding on the proposal to downlist to threatened, the Service completed a Species Status Assessment (SSA). An SSA is a peer-reviewed, scientifically rigorous characterization of a species’ status, and of the likelihood that the species will sustain populations into the future. It presents a compilation of the best available scientific information on a species, as well as its ecological needs, based on environmental factors.

After reviewing the SSA, the Service determined that the status of the red-cockaded woodpecker was improving and would continue to improve as long as conservation management continued. The 2003 Recovery Plan identified downlisting and delisting criteria for the red-cockaded woodpecker. The population size objectives to meet applicable downlisting criteria have been

met for 15 of 20 designated recovery populations and all 15 of these designated recovery populations show stable or increasing long-term population growth rates. The population size objectives for 13 of 29 designated recovery populations meet the delisting criteria.

While recovery plans provide important guidance to the Service, states and other partners on methods of minimizing threats to listed species and measurable objectives against which to measure progress towards recovery, they are guidance only and not regulatory documents. Revisions to the list, including downlisting or delisting a species, must reflect determinations made in accordance with sections 4(a)(1) and 4(b) of the ESA. The population size objectives to meet applicable downlisting criteria have been met for 15 of 20 designated recovery populations. All of these designated populations show stable or increasing long-term population growth rates. One of the primary recovery tasks of increasing existing populations on federal and state lands has been successful. These recovery benchmarks are what have prompted the Service to propose downlisting the species from endangered to threatened.

**Q: Will the bird still be protected if it is downlisted to threatened?**

A: Yes. The woodpecker will continue to receive protections under the ESA. These are identified in the Service's proposed 4(d) rule. In addition, the requirement for federal agencies to consult with the Service where their actions may harm the woodpecker or its critical habitat will continue unchanged.

Much of the red-cockaded woodpecker's currently occupied habitat is now, and will continue to be, protected under various management plans. The management commitments made by many conservation partners for the foreseeable future (25-30 years from the present) will ensure that red-cockaded woodpecker populations grow or are maintained. The exceptions to take of woodpeckers proposed in the 4(d) rule only apply if actions are in compliance with approved management plans or are actions expected to result in minor effects, such as maintenance of existing infrastructure within active cavity clusters.

Our partners continue to work on recovering red-cockaded woodpecker, including the U.S. Forest Service, the U.S. Army, Air Force and Marines private landowners. State wildlife agency partners include the Alabama Department of Conservation and Natural Resources, Florida Forest Service, Oklahoma Department of Wildlife Conservation, South Carolina Department of Parks, Recreation and Tourism, South Florida Water Management District, St. Johns River Water Management District, Texas Parks and Wildlife Department, and Virginia Department of Game and Inland Fisheries.

Of the 124 current red-cockaded woodpecker demographic populations, conservation partners have committed to continuing management into the foreseeable future for 76 populations. The areas on which the management commitments will be implemented are well-distributed across the range of the species, including populations in all 13 of the ecoregions. Redundancy of red-cockaded woodpecker populations will also be maintained.

Additionally, other existing laws and regulations have provisions authorizing respective agencies to continue managing for the red-cockaded woodpecker. These laws and regulations include the

National Forest Management Act for national forests, Sikes Act for Department of Defense installations, National Wildlife Refuge System Improvement Act and Migratory Bird Treaty Act.

**Q: What is the 4(d) rule that is being proposed for the red-cockaded woodpecker and why is this being proposed?**

A: When a species is listed as threatened under the ESA, section 4(d) allows for the issuance of regulations that are necessary and advisable for the conservation of the species. The 4(d) rule being proposed for the red-cockaded woodpecker would, among other things, prohibit incidental take associated with actions that would result in the further loss or degradation of red-cockaded woodpecker habitat, including impacts to cavity trees, actions that would harass red-cockaded woodpeckers during breeding season, and use of insecticides near clusters. The 4(d) rule would also prohibit incidental take associated with the installation of artificial cavities, unless covered under a section 10(a)(1)(A) permit.

The 4(d) rule also includes exceptions to the prohibitions. Those exceptions include:

- Incidental take associated with conservation or habitat restoration activities carried out in accordance with a Service- or state-approved management plan providing for red-cockaded woodpecker conservation.
- Incidental take associated with red-cockaded woodpecker management and military training activities on Department of Defense installations with a Service-approved integrated natural resources management plan.
- Certain actions that would harm or harass red-cockaded woodpeckers during breeding season associated with existing infrastructure that are not increases in the existing activities.
- Activities authorized by a permit under §17.32.

**Q: When was the red-cockaded woodpecker listed as endangered under the ESA?**

A: The red-cockaded woodpecker was first listed as endangered under the Endangered Species Conservation Act of 1969, the precursor to the ESA. Protections were subsequently carried over with the passage of the ESA in 1973.

Historically, the birds inhabited open pine forests from New Jersey, Maryland, and Virginia to Florida, west to Texas and north to portions of Oklahoma, Missouri, Tennessee, and Kentucky. The longleaf pine ecosystem disappeared from much of its original range because of early European settlement, widespread commercial timber harvesting and the turpentine industry. By 1968, the population had declined to fewer than 10,000 individuals or less than 4,000 active clusters (a dynamic aggregation of active and inactive cavity trees used by a single group of woodpeckers) and the red-cockaded woodpecker was federally listed as endangered in 1970. Passage of the ESA in 1973 provided official federal protection.

**Q: What have the Service and its conservation partners done to protect and recover the red-cockaded woodpecker?**

A: The Service enforces the ESA to ensure legal protections are maintained, brings conservation partners to the table, facilitates conservation programs under the ESA and manages National Wildlife Refuge System lands for woodpeckers in key areas. The Service works with partners to create funding opportunities, monitor populations, set recovery goals and raise awareness of the species status and ongoing efforts to protect it. The Service also consults with federal agencies where their actions may harm woodpeckers or impact their critical habitat. Through these consultations, the Service works to reduce the potential harm and mitigate for any that cannot be prevented.

In addition, the Service works to ensure consistent application of recovery and conservation programs among federal, state, and private lands in the Southeast. The Service promotes conservation, restoration, and ecologically sound management of the longleaf pine ecosystem, the ecosystem upon which red-cockaded woodpecker recovery depends, via implementation of the red-cockaded woodpecker recovery plan.

On private lands, thousands of these woodpeckers benefit from cooperative agreements, Safe Harbor Agreements, Habitat Conservation Plans, and through the Partners for Fish and Wildlife Program. These agreements are popular with forest landowners and represent a win-win for wildlife and landowners.

The red-cockaded woodpecker has been supported by a combination of conservation approaches, including artificial cavity management, habitat management to support suitable nesting and foraging habitat to include silviculture practices and prescribed burning, as well as translocations to augment populations.

**Q: How many red-cockaded woodpeckers are there now?**

A: By around 1973, the best available rangewide estimates were no more than 4,000 active clusters range-wide and by 1993 that number had grown to 4,694. Today, the Service's conservative range-wide estimate is about 7,800 active clusters.

**Q: Where can red-cockaded woodpeckers be found?**

A: Red-cockaded woodpeckers occupy a patchy distribution from southern Virginia south to Florida and west to Texas across 11 states. The bird no longer occurs in Kentucky, Maryland, Missouri, New Jersey or Tennessee. The current distribution and abundance of red-cockaded woodpeckers is largely, if not exclusively, due to intensive management, including prescribed fire, artificial cavities, translocations and other activities.

**Q: Are there national wildlife refuges where red-cockaded woodpeckers can be found?**

A: Yes. There are 14 national wildlife refuges that have populations of red-cockaded woodpeckers. These are: Alligator River, Big Branch Marsh, Carolina Sandhills, D'Arbonne,

Felsenthal, Florida Panther, Great Dismal Swamp, Okefenokee, Piedmont, Pocosin Lakes, Sam D. Hamilton Noxubee, St. Marks, Upper Ouachita and Waccamaw refuges.

**Q. How can I learn more about these proposed rules, comment on them, or provide additional information about the red-cockaded woodpecker?**

A: There will be a 60-day comment period upon the rule's publication in the *Federal Register*. At that time, you may submit comments or additional information by one of the following methods:

**1) Electronically:**

Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the search box, enter FWS-R4-ES-2019-0018, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

**(2) By hard copy:**

Submit by U.S. mail to:

Public Comments Processing. Attn: FWS-R4-ES-2019-0018  
U.S. Fish and Wildlife Service  
MS: BPHC; 5275 Leesburg Pike,  
Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us.