

Frequently Asked Questions

Regarding the Negative 90-Day Finding on the Petition to Consider Listing the American Dipper in the Black Hills of South Dakota Under the ESA

What is the American Dipper?

The American dipper is a gray passerine bird which occupies mountain streams in western North America. The dipper has a strong, stout bill, which enables the bird to probe and forage for aquatic insects among rocks. The bird has rather large feet with strong toes and claws that enable the bird to grip rocks and pebbles on streambeds. The dipper's dense plumage insulates them against low air and water temperatures and has helped them adapt to living in cold streams and creeks. This special plumage also helps with evaporative cooling in hot weather.

The American dipper was listed in 1996 as a threatened species in the State of South Dakota. The dipper is also federally protected under the Migratory Bird Treat Act.

Dipper nest surveys in the Black Hills were started in 1993 and became more extensive from 2003-2005. The lowest number of dippers reported on Spearfish Creek was 10 in 1997, with only 2 nests found. In 2004, 49 dippers were reported on Spearfish Creek, with 31 nest attempts; and 12 adults, and 7 nest attempts, were observed on Whitewood Creek.

What is a 90-day petition finding?

When the Service receives a petition to list, delist, or reclassify a species under the Endangered Species Act (ESA), the first step is to complete a finding on the petition. To the maximum extent practicable, this finding is to be made within 90 days of when the Service receives the petition and publishes it in the *Federal Register*. The purpose of the 90-day finding is to determine whether the petition contains substantial information indicating the petitioned action may be warranted.

What guides a Service petition review?

A petition must provide substantial information to indicate that the petition action is warranted. The Service considers the reliability and adequacy of the information contained in the petition, the supporting documentation, and information otherwise available in Service files.

What was the Service's finding?

The petition contended to list the Black Hills American dipper as a distinct population segment under the ESA. Although the population is discrete, the information in the petition and Service files does not indicate that the Black Hills population lives in a significantly unique ecological setting in relation to the remainder of the taxon. The cold, fast moving mountain stream habitat that the dipper needs is not unique to the Black Hills and can be found throughout the west half of North American

including in the Rocky Mountains. However, if new, substantial information becomes available, the Service will reevaluate this finding.

What is a distinct population segment?

A distinct population segment (DPS) is a wildlife population of a vertebrate species that can receive protection under ESA as if it were a species. However to be listed under the ESA, the population must be discrete in relation to the rest of the species and significant to the species to which it belongs.

Why did the Service make this finding?

The petition did not present substantial information of the validity of the population as a discrete population segment in an ecological setting unique for that species. The American dipper occupies permanent, clean, cold, and swift mountain streams throughout the western half of North America.

The petition contends the streams in the Black Hills that are inhabited by dippers are a unique ecological setting, but the Service recognizes the commonalities of streams used by dippers in the Black Hills and in other parts of the western half of North America, particularly in the Rocky Mountains. The Service does not believe the petitioners presented information that the streams of the Black Hills occupied by dippers are in a geographical setting that is unique for this population, and thus are not considered significant enough to qualify as a DPS.

Where can I get more information on this finding?

For more information about this finding, please visit the Service's web site at http://southdakotafieldoffice.fws.gov/AmDipper_main.htm or contact the Fish and Wildlife Service's South Dakota Ecological Services Field Office at 605-224-8693. The petition, supporting data, and comments will be available for public inspection, by appointment, during normal business hours.