



90-day Finding on the Petition to List

The Black-Backed Woodpecker

Questions and Answers



Female black-backed woodpecker
(*Picoides arcticus*)

Photo Credit: Mike Laycock/NPS



Male black-backed woodpecker
(*Picoides arcticus*)

Photo Credit: Mike Laycock/NPS

Questions and Answers

Q. What is the history of today's action?

A. On May 8, 2012, the U.S. Fish and Wildlife Service received a petition dated May 2, 2012, from four conservation organizations requesting that the Oregon Cascades-California population and the Black Hills population of the black-backed woodpecker be listed under the Endangered Species Act (ESA) as an endangered or threatened subspecies, and that critical habitat be designated concurrent with listing. The petition also requested that, should we not recognize either population as subspecies, we consider listing each population as an endangered or threatened distinct population segment.

There are no previous federal actions involving the black-backed woodpecker, or any subspecies or populations of black-backed woodpecker.

Q. Who petitioned the Service to list these species?

The John Muir Project of the Earth Island Institute, the Center for Biological Diversity, the Blue Mountains Biodiversity Project, and the Biodiversity Conservation Alliance.

Q. What is the U.S. Fish and Wildlife Service's determination regarding the status of the black-backed woodpecker?

A. We have determined that the petition to list the Oregon Cascades-California and the Black Hills populations of the black-backed woodpecker (*Picoides arcticus*) presents substantial information indicating that listing the two populations as distinct population segments or subspecies may be warranted. The Service will conduct a comprehensive status review of the populations petitioned when funding becomes available. We are requesting that information regarding these populations be submitted on or before June 10, 2013.

Q. Where are the two populations located?

A. The Oregon Cascades-California population inhabits the forests in the Cascade Range mountains and the Siskiyou Mountains in southwestern Oregon. From Oregon, the range continues south into California along the higher-elevation eastern slopes of the Cascade and Sierra mountains to eastern Tulare County; the California range also extends west through the Siskiyou and Klamath mountains and east to the Warner Mountains.

The Black Hills population occurs in an isolated, forested mountain range located within the Great Plains in western South Dakota and northeastern Wyoming known as the Black Hills. The range covers a relatively small area of approximately 5,984 square miles and is separated from the boreal range of the black-backed woodpecker by approximately 200 miles. Range maps consistently show the Black Hills as clearly separated from the boreal and northern Rocky Mountain portions of the species' range.

Q. How big are the populations?

A. In the Sierra Nevadas, two large-scale, annual bird monitoring programs, the Breeding Bird Survey and the Monitoring Avian Productivity and Survivorship Program, have detected black-backed woodpeckers throughout the region in small numbers, but data are too sparse for estimating regional populations. A 2010 study found that black-backed woodpeckers are relatively rare, yet widely distributed over the 10 national forests in the Sierra Nevadas. It provides preliminary estimates that this occupied habitat could contain 470, 538, or 1,341 pairs, based on varying home-range size estimates reported elsewhere within the species' range, but they caution that estimates are not reliable until home range sizes are determined for the Sierras.

In the Black Hills, the black-backed woodpecker population is thought to be quite small. A report from the South Dakota Department of Game, Fish, and Parks lists the species as locally rare and vulnerable to extinction. A baseline population study

in 2000 estimated approximately 1,200 black-backed woodpeckers in the Black Hills at that time.

Q. What are the threats to the species?

A. Substantial information was presented to show that the Oregon Cascades-California and Black Hills populations may be threatened because of the possible loss of black-backed woodpecker habitat due to salvage logging, fire suppression, and forest thinning, and because of possible negative population effects due to small population size. Substantial information was also presented to show that the Oregon Cascades-California population may be threatened by climate change.

Q. What is the process spelled out in the Endangered Species Act (ESA) for evaluating petitions to list a species or subspecies?

A. The ESA requires that we make a finding on whether a petition to list, delist, or reclassify a species or subspecies presents substantial information indicating that the petitioned action may be warranted. This finding is based on information contained in the petition, supporting information submitted with the petition, and information available in our files at the time of the petition was received. Because we found that substantial information was presented in the petition and our files to warrant it, we will start an in-depth status review of the species when funding becomes available.

After that review, if we believe it is warranted, we will propose the species for listing. If not, no further action will be taken.

Q. What type of information will help the Service make the best informed decision?

A. We are requesting information on the Oregon Cascades-California population and the Black Hills population of the black-backed woodpecker from governmental agencies, Native American tribes, the scientific community, industry, and any other interested parties.

We seek information on:

- (1) The species' biology, range, and population trends, including:
 - (a) Habitat requirements for feeding, breeding, and sheltering;
 - (b) Genetics and taxonomy of the Oregon Cascades-California and the Black Hills populations of the black-backed woodpecker, including information that would pertain to whether either, or both, populations can be listed under the ESA as either subspecies or distinct populations segments;

- (c) Historical and current range including distribution patterns, and presence or absence of physical, physiological, ecological, or behavioral barriers between populations;
 - (d) Historical and current population levels, and current and projected trends; and
 - (e) Past and ongoing conservation measures for the species, its habitat, or both.
- (2) The factors that are the basis for making a listing determination for a species under the ESA, which are:
- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
 - (b) Overutilization for commercial, recreational, scientific, or educational purposes;
 - (c) Disease or predation;
 - (d) The inadequacy of existing regulatory mechanisms; or
 - (e) Other natural or manmade factors affecting its continued existence.

If, after the status review, we determine that listing either an Oregon Cascades-California population or a Black Hills population of the black-backed woodpecker is warranted, we will propose critical habitat.

Therefore, we also request data and information on:

- (1) What may constitute “physical or biological features essential to the conservation of the species,” within the geographical range currently occupied by the species;
- (2) Where these features are currently found;
- (3) Whether any of these features may require special management considerations or protection;
- (4) Any areas outside the geographical area occupied by the species that are “essential for the conservation of the species” and why; and
- (5) What, if any, critical habitat you think we should propose for designation if either population is proposed for listing, and why such habitat meets the requirements of section 4 of the ESA.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. The ESA directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

Q. When does the public comment period close?

A. The 60-day public comment period closes on June 10, 2013.

Q. How can I provide information?

A. You may submit information by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Search for Docket No. FWS–ES–R8–2013–0034, which is the docket number for this action. Then click on the Search button. You may submit a comment by clicking on “Comment Now!”

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–ES–R8–2013–0034; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

Q. What will happen after the 12-month review is completed?

A. Based on the status review, the Service will make one of three possible determinations:

- 1) Listing is not warranted, in which case no further action will be taken.
- 2) Listing as threatened or endangered is warranted. The Service then will publish a proposal to list, solicit independent scientific peer review of the proposal, seek input from the public, and consider the input before a final decision about listing the species is made.
- 3) Listing is warranted but precluded by other, higher priority activities. This means the species is added to the Federal list of candidate species, and the proposal to list is deferred while the Service works on listing proposals for other species that are at greater risk. A warranted but precluded finding requires subsequent annual reviews of the finding until such time as either a listing proposal is published, or a not warranted finding is made based on new information.

Comments must be received by June 10, 2013. The Service will post all information received on <http://www.regulations.gov>. This generally means posting any personal information included in the submission.

More questions? Write or call:

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