

## Western Yellow-Billed Cuckoo Proposed Critical Habitat

### Questions & Answers



#### 1. What is being proposed?

The U.S. Fish and Wildlife Service is proposing to designate 493,665 acres of critical habitat for the western distinct population segment (DPS) of yellow-billed cuckoo in 72 units across Arizona, California, Colorado, Idaho, New Mexico, Texas and Utah.

#### 2. What is a distinct population segment?

A DPS is a segment of a species' population that is both "discrete" (i.e., markedly separated from other populations of the same species due to physical, physiological, ecological or behavioral factors) and "significant" (i.e., important to the remainder of the species). Significance can be determined in numerous ways, including the persistence of the DPS in a unique or unusual ecological setting, evidence that the loss of the DPS would result in a significant gap in the range of the species, evidence that the DPS represents the only surviving natural occurrence of the species and evidence that the DPS differs markedly from the other populations of the species in its genetic characteristics.

#### 3. What is the current listing status of the western DPS of yellow-billed cuckoo?

The western DPS of yellow-billed cuckoo was listed as threatened under the Endangered Species Act in 2014.

#### 4. What is critical habitat and how does the Service determine what areas to propose?

When a species is proposed for listing as endangered or threatened under the Endangered Species Act, the Service must consider whether there are areas of habitat determined to be essential to the species' conservation. Those areas may be proposed for designation as critical habitat as part of the species' conservation strategy.

The designation of critical habitat would not affect land ownership or establish a wildlife refuge, wilderness reserve, preserve or other conservation area. Critical habitat designation would not affect the actions of private landowners that are not subject to federal funding or permitting and would not restrict access to public lands.

To determine critical habitat, biologists consider physical or biological habitat features needed for life and successful reproduction of the species. These include, but are not limited to:

- Space for individual and population growth and for normal behavior.
- Food, water, air, light, minerals or other nutritional or physiological requirements.
- Cover or shelter.
- Sites for breeding and rearing offspring.
- Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

**5. Why was the 2014 critical habitat proposal revised?**

The 2014 proposed critical habitat rule was changed based on revisions made to the species' conservation strategy and improvements made in the identification of areas considered essential to the conservation of the species.

**6. How is this critical habitat proposal different than the 2014 proposal?**

In August 2014, the Service proposed 549,849 acres of critical habitat for the western DPS of yellow-billed cuckoo. That rule was not finalized. In October 2014, the bird was listed as threatened. This year, the Service reexamined the listing status of the bird and determined that its threatened status was still appropriate, and a critical habitat designation proposal was developed. The Service used new science and a revised conservation strategy for the bird to adjust the 2014 critical habitat proposal. Overall, the revised proposal decreases the amount of critical habitat by 56,184 acres from the 2014 proposal.

**7. What type of habitat is part of this proposal?**

The western DPS of yellow-billed cuckoo is generally found along rivers and streams in western North America. These riparian woodlands contain the appropriate vegetative structure such as grasses, bushes and trees that provide good nesting and foraging habitat that enable the birds to successfully produce and fledge young.

In Arizona, the species is also found in upland drainage areas and canyons associated with monsoonal (summer precipitation) weather conditions. These areas also provide good nesting and foraging habitat that enable the birds to successfully produce and fledge young.

**8. What activities will be restricted if a critical habitat designation is put into place?**

A critical habitat designation does not necessarily restrict any activities, such as further development, and would mostly affect federal projects, not private landowners.

Although the majority of the proposed designated critical habitat is private land (approximately 208,547 acres), activities conducted by private landowners, when there is no associated federal action, would not be regulated by the designation. Federal agencies, however, would need to demonstrate that the actions they plan to undertake, fund or authorize do not destroy or adversely modify critical habitat to an extent that it defeats the conservation purpose of the entire designation. If the action could dramatically impact critical habitat in the designation, the Service would work with the federal agencies and the project applicants to amend the activity to avoid reaching that threshold.

**9. Who owns the lands where the critical habitat designations are being proposed? Are there any exclusions being considered?**

The majority of the 493,665 acres being proposed for critical habitat designation is either private, local government or other non-government lands (approximately 208,547 acres). Federal lands make up the largest single landowner (162,827 acres), followed by tribal lands (68,414 acres) and state lands (49,066 acres).

Currently, of the 72 critical habitat units proposed, portions or all of 18 units are already designated as critical habitat for the southwestern willow flycatcher. These 18 units total 77,628 acres, or 16% of the proposed critical habitat for western DPS of yellow-billed cuckoo.

The Service is considering excluding 145,710 acres that are under existing Habitat Conservation Plans, Tribal Management Plans, Conservation Easements, State Wildlife Management Plans and Private Habitat Management Plans.

**10. How can I find out specifically where the Service is proposing critical habitat?**

A map of the proposed critical habitat units can be found in the Critical Habitat Proposal posted on the Sacramento Fish and Wildlife Office website [www.fws.gov/sacramento](http://www.fws.gov/sacramento).

**11. What are the economic impacts of this proposed designation?**

The total incremental effect of the administrative costs of this proposed critical habitat designation for all activities (including technical assistance, informal consultations and programmatic consultations) is estimated to be a maximum of \$3.2 million annually. This is the economic cost of the critical habitat designation above those costs already occurring as a result of listing the species.

**12. What is the difference between the western yellow-billed cuckoo and yellow-billed cuckoos in the remainder of their range?**

The western yellow-billed cuckoo is considered a DPS because it is both:

1. Markedly separated from other yellow-billed cuckoo populations by:
  - a) Physical separation: Most of the western yellow-billed cuckoo population is geographically separated by 50 to 500 miles of unsuitable breeding habitat from other yellow-billed cuckoos. Some limited mixing of the birds occurs in New Mexico and Texas.
  - b) Ecology: The western yellow-billed cuckoo nests in riparian woodlands, as well as ephemeral drainages of southern Arizona.
  - c) Migration timing: Western birds arrive at their breeding grounds four to eight weeks later than eastern cuckoos.
  - d) Morphology: Western yellow-billed cuckoos have generally larger body sizes and lay larger eggs that have thicker eggshells than their eastern counterparts.
2. Significant to the remainder of the species:

A loss of the DPS would result in a significant gap (almost 33 percent) across the entire range of the species, both eastern and western birds.

**13. What happens next?**

Before any final decisions are made regarding the designation of critical habitat for the species, the Service will compile and assess all comments received during the public comment period. The Service will also seek the expert opinions of at least three appropriate and independent specialists with scientific expertise to review our determinations.

**14. What is the deadline for comments, and where do I submit my comments?**

Comments on the proposed critical habitat rule will be accepted through April 27, 2020. The *Federal Register* notice and Critical Habitat Proposal can be found at [www.fws.gov/sacramento](http://www.fws.gov/sacramento).