



## Questions and Answers: Black-Capped Vireo Final Delisting

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) [www.fws.gov/southwest/](http://www.fws.gov/southwest/)

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### **Q. What action is the U.S. Fish and Wildlife Service taking?**

**A.** Due to successful recovery, the Service is removing the black-capped vireo from the Endangered Species Act (ESA). The Service published the delisting proposal on December 15, 2016, and on March 13, 2018, we published a draft Post Delisting Monitoring Plan for the species.

Our decision is based on a rigorous Species Status Assessment and public comments received on the delisting proposal. The best available science indicates that populations of black-capped vireo are growing and stable and that the threats to the species have been adequately managed or reduced and the species no longer requires protection under the ESA.

### **Q. What partnerships were involved in the recovery of the black-capped vireo?**

**A.** Nearly every successful ESA wildlife recovery involves strong partnerships with diverse stakeholders and the black-capped vireo is no exception. The recovery of the vireo was due to conservation efforts by the Department of the Army (Fort Hood and Fort Sill), Texas Parks and Wildlife Department, Oklahoma Department of Wildlife Conservation, The Nature Conservancy of Texas, and Environmental Defense Fund. These partnerships were important in developing management and monitoring methods on public and private lands that resulted in substantial increases and documented stability in managed populations.

### **Q. What were the steps involved in this delisting?**

**A.** In 2007, the Service completed a five-year review of the black-capped vireo which recommended the species be downlisted to threatened. In 2012, we received a petition to downlist the black-capped vireo based on our 2007 recommendation. The Service used the Species Status Assessment framework to evaluate species viability and address the petition.

**Q. Why did the Service list the black-capped vireo as endangered?**

A. The black-capped vireo was listed as endangered in 1987 primarily due to habitat loss through land use conversion, grazing and browsing by domestic livestock and native herbivores, vegetational succession, and brood parasitism by brown-headed cowbirds. At the time, the species was listed there were only 350 adult birds reported within the known breeding range.

**Q. What is the range of the black-capped vireo?**

A. The current distribution of the black-capped vireo includes a breeding range within central Oklahoma, Texas, the Mexican states of Coahuila, Tamaulipas, and Nuevo León, and a winter range along Mexico's western coastal states.

**Q. What is the estimated population of the black-capped vireo?**

A. We have estimates of black-capped vireos in local areas within the breeding range including Fort Hood and Fort Sill military installations, Kerr Wildlife Management Area, Wichita Mountains Wildlife Refuge, and one area in Val Verde County, Texas. In 2013-2014, we estimated that more than 14,000 adult male black-capped vireos were present at these locations during the breeding season. Additionally, the Species Status Assessment (SSA) Report evaluated information collected from 48 other locations between 2009 and 2014 that documented 5,244 adult males across the breeding range.

**Q. What factors did the Service consider in the decision to delist the black-capped vireo?**

A. Section 4(a)(1) of the ESA requires the Service to determine whether a species is endangered or threatened based on one or more of the five following factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanism; or (5) other natural or man-made factors affecting its continued existence.

To address these factors, the Service characterized the species' viability using the Species Status Assessment framework. This assessment used the best scientific and commercial information available to evaluate the known threats to the species, as well as identify any new threats since it was listed.

**Q. What comments did the Service receive on the proposal to delist the black-capped vireo?**

A. The Service received comments from 32 respondents, including the Texas and Oklahoma state wildlife agencies. Both states were in support of the proposed delisting and offered continued assistance in post-delisting monitoring. Concerns from respondents not favoring the delisting largely cited the necessity of continued management of the species, the lack of a rangewide population estimate and the relevance of the 1991 Recovery Plan for the species. We

carefully considered all substantive comments submitted and responded as appropriate in the final rule.

**Q. What are the recovery criteria for the black-capped vireo?**

**A.** Recovery plans establish goals for long-term conservation of listed species, define criteria that indicate when the threats facing a species have been removed or reduced and recovery achieved. They also provide guidance to our federal, state, and other governmental and non-governmental partners on methods to minimize threats to listed species.

The Black-capped Vireo Recovery Plan that was approved by the Service in 1991 does not have up-to-date recovery goals. When the plan was approved, the prospect of complete recovery of the species was indeterminable and, therefore, an interim objective of downlisting to threatened status was used to develop recovery criteria. During the 2007 five-year review of the status of the species, it was determined that the recovery plan was outdated and did not reflect the best available information on the biology of the species and its needs. For this reason, in 2015 we assessed the species' viability using the Species Status Assessment framework. This approach allowed us to forecast future scenarios that considered the threats to the species and the condition of known localities of breeding birds. We used a 50-year timeframe to project these scenarios and evaluated future viability in each case. According to the best available science and 20 years of monitoring, the Service and our partners have reduced or adequately managed the primary threats to the black-capped vireo, many populations are healthy and stable, and the vireo's range and population numbers are much larger than was known in the 1980s. Based on a thorough review of all available information, the threats to this species have been adequately managed or reduced to the point that the species has recovered and no longer meets the definition of threatened or endangered under the ESA.

**Q. Did the Service consider the status of the black-capped vireo in Mexico in its decision to delist the species?**

**A.** Yes, all information was considered. The black-capped vireo breeds and winters in Mexico. While research and information on the status of the species in Mexico is sparse, several relevant studies were used in the Service's assessment. Information on the breeding range in Mexico indicates three states are known to have breeding populations and a potential breeding range approximately two-thirds the size of the breeding range in Texas. Within the breeding range in Mexico, evidence suggests the known threats to the species, cowbird parasitism and habitat loss, as well as rates of nest predation (the primary cause of nest failure) are much lower than elsewhere in the breeding range. Additionally, research shows the density of breeding birds in Mexico to be up to six times that of locations in the United States. In the wintering range, habitat requirements for the black-capped vireo are more general. Habitat modelling has concluded that wintering areas in Mexico occur across 103,000 to 141,000 km<sup>2</sup> (39,769 to 54,440 mi<sup>2</sup>) and extend further than previous records identified at the time of listing.

**Q. What conservation actions are being undertaken that resulted in the recovery of the black-capped vireo?**

**A.** Conservation measures implemented to reduce threats to the species include active management on public or otherwise protected lands such as prescribed fire, grazing management, and brown-headed cowbird control. Conservation programs and partnerships that address the black-capped vireo include a 37-county Safe Harbor Agreement in Texas, state and non-governmental organization cowbird control programs, private lands incentives (*e.g.*, USDA Environmental Quality Incentive Program), ten Habitat Conservation Plans, two permanently protected mitigation lands, several conservation easements, and public outreach.

**Q. Has the population of the black-capped vireo actually increased, or have more birds been discovered?**

**A.** Both are true. There was an increase in known population numbers of the vireo after it was listed. When the vireo was listed under the ESA research and recovery efforts resulted in additional populations of black-capped vireo being located and documented. Population growth and enhancement efforts were regularly monitored at stations such as those at Fort Hood and Wichita Mountains National Wildlife Refuge. The conservation efforts of the Service and our partners have resulted in significant population gains because threats are being managed.

**Q. How did you determine the status of the vireo without accurate measures of its habitat or population?**

**A.** The ESA requires the Service assess a species' status based on five-factors, or threats to the viability of the species. By using the Species Status Assessment approach, we analyzed the best available information to characterize the species' viability in the future. While there is still limited information related to rangewide habitat and exact population estimates, we currently have much more robust information about the species than we had when it was listed in 1987. Our analysis indicates that up to 50 years in the future, the black-capped vireo will be represented across its breeding range, and the majority of known populations will persist and remain healthy.

**Q. How will the delisting impact project planning and consultation?**

**A.** A delisting means the species no longer has protections under the ESA. Development projects and federal actions will no longer require coordination or consultation under the ESA, thus reducing time associated with consultation and permitting.

**Q. Will the black-capped vireo continue to be monitored by the Service or some other agency or group?**

**A.** Yes, the Service, in coordination with our partners, developed a post-delisting monitoring (PDM) plan for the black-capped vireo, published in the *Federal Register* on March 13, 2018, for public review and comment. The PDM plan will guide us in monitoring the species population for 12 years after the delisting. This plan describes monitoring methods, reporting procedures and agency responsibilities. Multiple monitoring strategies are being used in order to assure that population trends and information on threats will be captured at various time periods and scales, respectively.

**Q. Will lands that maintain populations of black-capped vireos stop managing habitat and controlling cowbirds if it is delisted?**

**A.** The recovery of the black-capped vireo was, in part, related to substantial efforts to manage habitat and cowbirds on both public and private lands. Our conservation partners, including Texas Parks and Wildlife Department, Oklahoma Department of Wildlife Conservation, Fort Hood, Fort Sill and The Nature Conservancy have helped develop and implement necessary management activities that led to enhanced populations and reduced threats, particularly on public lands. We believe these important partnerships will continue as necessary in the long term. For example, two large populations occur on National Wildlife Refuge lands managed by the Service, which will continue to devote resources toward species management. Additionally, two major populations occur on Department of the Army lands (Fort Hood and Fort Sill), where habitat management is guided through existing Integrated Natural Resource Management Plans under the Sikes Act. Through the PDM plan we will coordinate sustainable management activities with our partners on public lands, which will also be applicable on a voluntary basis for private lands.

**Q. What happens if the post delisting monitoring yields information indicating there is a substantial threat to the black-capped vireo?**

**A.** The PDM plan provides thresholds for monitoring of localities and threats, which if reached require responses to address concerns. If the monitoring yields substantial information indicating that a threat is causing a decline in the status of the black-capped vireo, then the Service would initiate a formal status review to assess changes in threats to the species as defined in the PDM plan. If it is determined appropriate, then the Service would propose that the black-capped vireo be listed in accordance with section 4 of the ESA. Also, depending on the scope of the threat(s), the Service could use the emergency listing provisions provided under the ESA.