

Questions and Answers

*12- Month Finding on a Petition to Delist the Coastal California Gnatcatcher (*Polioptila californica californica*)*



Q. What was the assertion made in the petition to delist the coastal California gnatcatcher?

A. On May 29, 2014, the U.S. Fish and Wildlife Service (Service) received a petition to delist the coastal California gnatcatcher from Attorneys Robert Thornton, representing National Association of Home Builders and California Building Industry Association; and Damien Schiff representing Center for Environmental Science, Accuracy and Reliability; Coalition of Labor, Agriculture, and Business; and Property Owners Association of Riverside County. The petition asserted that based on new information presented in a 2013 paper by Robert Zink and others, the coastal California gnatcatcher cannot be distinguished taxonomically from other California gnatcatchers and, therefore, is not a listable entity under the Endangered Species Act (ESA).

We published a 90-day petition finding in the *Federal Register* on December 31, 2014, stating the petition provided substantial information indicating the petitioned action may be warranted. The Service initiated an in-depth review of the coastal California gnatcatcher. The Service has completed its review known as a 12-month finding.

Q. How did the U.S. Fish and Wildlife Service address the taxonomy issue raised in the petition?

A. To ensure best available scientific information would inform our 12-month finding, we contracted with Amec Foster Wheeler Infrastructure and Environment, Inc. (Amec Foster Wheeler) to convene a group of six qualified scientists to review information presented in the petition, including the 2013 paper published in the journal *The Auk* by Robert Zink and others, and other relevant information.

Q. Why did the Service convene a science panel?

A. A contract with Amec Foster Wheeler was issued in accordance with a Science Advisory contract process to assemble a panel of independent experts to provide individual assessments of the available data concerning the subspecies designation of the coastal California gnatcatcher.

Q. How were the panelists selected?

A. The panelists were selected in accordance with peer review and scientific integrity guidelines from the Office of Management and Budget's 2004 [Final Information Quality Bulletin](#). The Service was not involved in the selection of the panelists, nor did the Service know the identities of the panelists until a 2-day workshop was convened at the Carlsbad Fish and Wildlife Office in August 2015. Each panelist's report is assigned a random number from 1 through 6. They are included in Appendix C of Amec Foster Wheeler's summary report. All of the panelists have appropriate in relevant fields of study including avian conservation, conservation genetics, taxonomy, population genetics, and systematics.

Q. Did the Service ask the panelists to make recommendations about delisting the coastal California gnatcatcher?

A. No. The purpose of convening the scientific panel was not to provide a specific recommendation to the Service regarding delisting of the coastal California gnatcatcher. The experts were asked to review the information contained in the petition, including the 2013 Zink *et al.* paper, a 2000 Zink *et al.* paper, and other relevant information. They provided individual and independent summaries of their reviews. The Service took this information and completed an in-depth analysis of all relevant information to make its 12-month finding on the delisting petition.

Q. What other information did the Service review as part of the 12-month finding?

A. In addition to the expert panelists' summary report, we looked at any new information that became available since 2011 when the Service published a prior 12-month finding on a petition to delist the subspecies. We also reviewed comments and information received in response to the December 2014 90-day finding, and assessed the conservation status of the subspecies relative to the five factors used to determine if a species is threatened or endangered under the ESA.

Q. What was the primary weakness identified in 2013 Zink et al. paper?

A. All of the panelists indicated that subspecies should be evaluated for their discreteness and significance using multiple criteria such as morphology, genetics, behavior, and ecology. In the case of the coastal California gnatcatcher, it has likely recently diverged from other subspecies of California gnatcatcher. The particular genetic markers selected for analysis in the 2013 Zink *et al.* paper are not appropriate to evaluate because they are markers with slow mutation rates.

Q. What is the range of the coastal California gnatcatcher?

A. The range of the coastal California gnatcatcher extends from the southern part of Ventura County, California, south to 30°N latitude in Baja California, Mexico. Approximately 56 percent of the coastal California gnatcatcher's habitat is in the United States, with the remainder in Mexico.

Q. What are the current threats facing the coastal California gnatcatcher?

A. The most significant environmental stressors on the coastal California gnatcatcher are wildland fire and vegetation type conversion of its native coastal sage scrub habitat into nonnative grassland which is not suitable for the subspecies. The subspecies also faces ongoing and future impacts from grazing, habitat fragmentation, and climate change.

Q. What efforts are underway to conserve and recover this subspecies?

A. Development and implementation of landscape-scale conservation planning efforts have helped to decrease the magnitude of the threat posed by urban and agricultural development. There are several landscape-scale Habitat Conservation Plans (HCP) and State approved Natural Communities Conservation Plans (NCCP) in place within the range of the subspecies; however, not all of these NCCPs/HCPs are fully implemented, and some are still in development.

The Service is continuing to work with an array of partners to conserve, manage, and restore coastal sage scrub and other native habitats that support the subspecies in southern California.

Q. Will this finding affect any other petition to delist a subspecies based on taxonomy?

A. Our 12-month finding applies specifically to the coastal California gnatcatcher and not to avian subspecies in general. Each possible species or subspecies is under unique evolutionary forces and different methods of selection; therefore evaluations, particularly genetic analyses, to detect potential differences will be unique for each particular species or subspecies.

Q. Where can I find the relevant documents for this 12-month finding?

A. All documents and supporting information, including public comments will be available online beginning August 31, 2016, at www.regulations.gov. In the search box enter Docket No. FWS–R8–ES–2014-0058, and click the ‘Search’ button.