



TRAVIS AUDUBON

Listen. Look. And Learn.

Inspiring Conservation through Birding

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February 3, 2017

U.S. Fish and Wildlife Service
Via <http://www.regulations.gov>
Docket ID: FWS-R2-ES-2016-0110

Re: Proposed Rule to Remove the Black-capped Vireo from the Federal List of Endangered and Threatened Wildlife (Federal Register 81(241):90762-90771; December 15, 2016)

To whom it may concern:

Travis Audubon Society offers the following comments regarding the proposal to delist the black-capped vireo (BCV), as published in the Federal Register on December 15, 2016.

Travis Audubon was founded in 1952, and our stated mission is to “promote the enjoyment, understanding, and conservation of native birds and their habitats through land conservation, habitat restoration and management, environmental education, and conservation advocacy.” We work with many local, state, and federal agencies and other organizations and individuals to achieve these goals. We are a partner in the Balcones Canyonlands Conservation Plan (BCCP), and have worked collaboratively with the U. S. Fish and Wildlife Service (Service) and other agencies for many years for the conservation of the BCV and other native species.

We appreciate the good work of the Service in conserving our native wildlife, especially including the Service’s conservation efforts for endangered species. We trust that the Service is doing its utmost to recover endangered species. The recovery and eventual delisting of endangered and threatened species is at the core of the Service’s mission, and is also the primary goal of the Endangered Species Act (ESA), which is one of the main responsibilities of the Service.

However, we are concerned that the Service is currently rushing to delist the BCV without doing the thorough and careful review that is required by the ESA. We are especially concerned that in the 2007 5-year status review, the Service determined that the 1991 Recovery Plan was outdated and did not reflect the best available information on the biology of the species and its needs (USFWS 2007, p. 5), but the Service also recommended downlisting from endangered to threatened. The 2016 species status assessment fails to adequately describe how the Service has determined that delisting is now the appropriate course of action. When we first obtained the 2016 species status assessment, we immediately sought the information the Service used to assess the population status and change since 2007. We found the reference to USFWS 2014, unpublished (p.77), but this citation is insufficient to support the Service’s conclusion that the population has somehow increased since 2007 or is any less subject to threats. For this reason,

we disagree with the Service's process in determining that the BCV is ready for delisting.

We also reviewed the Service's summary of the peer review of the species status assessment. We note that the FR notice described the peer reviewers as having "no significant objection to the analysis provided in the SSA report" and that "in general, the peer-review comments were largely minor (editorial) or easily addressed," although we note in the peer review comments that they actually had significant substantive concerns.

We urge the Service to further evaluate and consider the peer reviewer comments, especially regarding productivity, survival, and habitat loss.

We understand the desire of the Service to recover endangered species and to show Congress and the public that the ESA is working. But species such as the BCV have become imperiled over many decades, and recovery sufficient to warrant delisting may not be attainable in such a short period. If the BCV has sufficiently recovered as to be ready for the listing, the Service should be able to show it more clearly.

We appreciate your efforts and your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Marshall", written in a cursive style.

Joan Marshall
Executive Director