



November 1, 2017

## **Statement of the BCCP Scientific Advisory Committee concerning the review by the U.S. Fish and Wildlife Service of a petition to delist the Golden-cheeked Warbler**

The BCCP Scientific Advisory Committee has reviewed the findings of an evaluation by the U.S. Fish and Wildlife Service (Service) of the golden-cheeked warbler (GCW) listing status and offers the following comments.

Background. The Service received a petition on June 30, 2015 from Marzulla Law, LLC (Washington, DC) and the Texas Public Policy Foundation (Austin, TX) requesting that the golden-cheeked warbler be removed from the Federal List of Endangered and Threatened Wildlife (“delisted”), asserting that the species had reached recovery goals or that there was error in the original listing. The petitioners submitted supplemental information on December 11, 2015. After an extensive evaluation of the petition and all submitted information, the Service published the results of its review and concluded that “the petition does not provide substantial scientific or commercial information indicating that the petitioned action may be warranted” (Fed. Reg. 81 (107): 35700-35701; June 3, 2016).<sup>1</sup>

Endangered Species Act review requirements. Under the Endangered Species Act (ESA), the five factors used in making a listing, reclassification, or delisting decision for a species under section 4(a) of the Act (16 U.S.C. 1531 et seq.) 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.

Findings. The Service conducted a thorough review of the petition and the information provided by the petitioners, with respect to the five factors required for review by the ESA. The Service’s “90-day Finding on a Petition to Remove the Golden-Cheeked Warbler from the List of Endangered and Threatened Wildlife”<sup>1</sup> identifies and describes all the factors presented in the petition and how the Service reviewed those factors. The Service’s findings document details the requirements for the evaluation of a petition and the rationale for the Service’s answers.

Opinion of the SAC. The Service completed a 5-year review of the GCW in August 2014<sup>2</sup>, and concluded that the GCW should remain in the “endangered” category. In the Service’s review of the petition, they found that the petitioners did not provide any substantial information not previously considered in the 5-year review, and we concur with that assessment. We have reviewed the petition, the information submitted by the petitioners, and the Service’s findings, and we conclude that the Service conducted a thorough and accurate assessment of the petition.

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<sup>1</sup> Documents related to the subject petition may be obtained at <https://www.regulations.gov/document?D=FWS-R2-ES-2016-0062-0003>.

<sup>2</sup> GCW 5-year review: <https://ecos.fws.gov/ecp0/profile/speciesProfile?slid=33>