



AMERICAN BIRD
CONSERVANCY
ACTION FUND

Celebrating 50 Years of the Endangered Species Act



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MAKING BIRD CONSERVATION HAPPEN

AMERICAN BIRD CONSERVANCY ACTION FUND is the 501(c)(4) affiliate of American Bird Conservancy (ABC), a nonprofit dedicated to conserving wild birds and their habitats throughout the Americas. We work to advance ABC's mission by building political support for bird conservation.

ABC Action Fund produced "Celebrating 50 Years of the Endangered Species Act" to recognize the 50th anniversary of the Endangered Species Act (ESA). This report educates the public and members of Congress about the history of successful recovery of endangered birds and accomplishments of the ESA.



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Since inception, the ESA has garnered bipartisan support for conserving America's diverse array of wildlife. The iconic Bald Eagle is among the many species that have benefited from ESA protections.

Unfortunately, in recent years, there have been shortsighted attempts to weaken the ESA. This report contextualizes the recovery successes the

ESA has made possible, showing that the ESA is an essential tool for advancing bird conservation.

As birds across North America face extinction, the ESA is needed to help save these species.



AN AMERICAN SUCCESS STORY

2023 marks the 50th anniversary of the [Endangered Species Act](#) (ESA) becoming law. This monumental environmental law has helped save numerous species, including many birds such as the California Condor and Whooping Crane from the very brink of extinction.

The catalyst behind the ESA was Congressional findings that determined various species went extinct due to economic growth and development, and a lack of conservation. In 1973, Congress voted for conservation and passed the ESA with broad bipartisan support in both the House and Senate. The same year, former president Richard Nixon signed the ESA into law.

Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed.

-Richard Nixon, Statement on Signing the Endangered Species Act of 1973

Today the purpose of the ESA remains to be to prevent extinctions and recover Threatened and Endangered wild-life and plant populations. All federal agencies are required under the ESA to conserve Threatened and Endangered species and the U.S. Fish and Wildlife

Service (USFWS) and the National Oceanic Atmospheric Administration (NOAA) are specially tasked with administering and enforcing the law.

Did you know?

The Bald Eagle was the first species protected by the ESA. In 2007, the Bald Eagle was delisted thanks to the success of ESA recovery efforts.

HOW THE ENDANGERED SPECIES ACT WORKS

Listing a species as Threatened or Endangered is a central part of the ESA process. To be listed, a petition must be submitted on behalf of a species. Then the two administering federal agencies begin a [rulemaking process](#), which includes a screening, status review, 12-month finding, and final determination. The final determination is what determines if a species will be listed as Threatened or Endangered or not listed at all. If a species is listed, critical habitat designation, recovery efforts, and monitoring follow.

Protecting critical habitat is a top priority of the ESA because habitat loss is the main threat facing listed species. Designation of critical habitat is supposed to occur at the time of listing but typically takes much longer than that. Once designated, all federal agencies involved with managing that habitat work to protect it. Along with their habitat, a listed species is protected from prohibited acts, including [take](#) (which unless for research and recovery purposes includes harassment, harm, killing, capture, or collection) and commercial trade.

Listing also triggers the creation of a recovery plan to guide conservation efforts, and a status review every five years. There is no mandatory recovery plan timeframe for completion, but generally, plans take several years once initiated.

If a species recovers and is delisted, mandatory monitoring continues for at least five years to ensure progress is continuing.

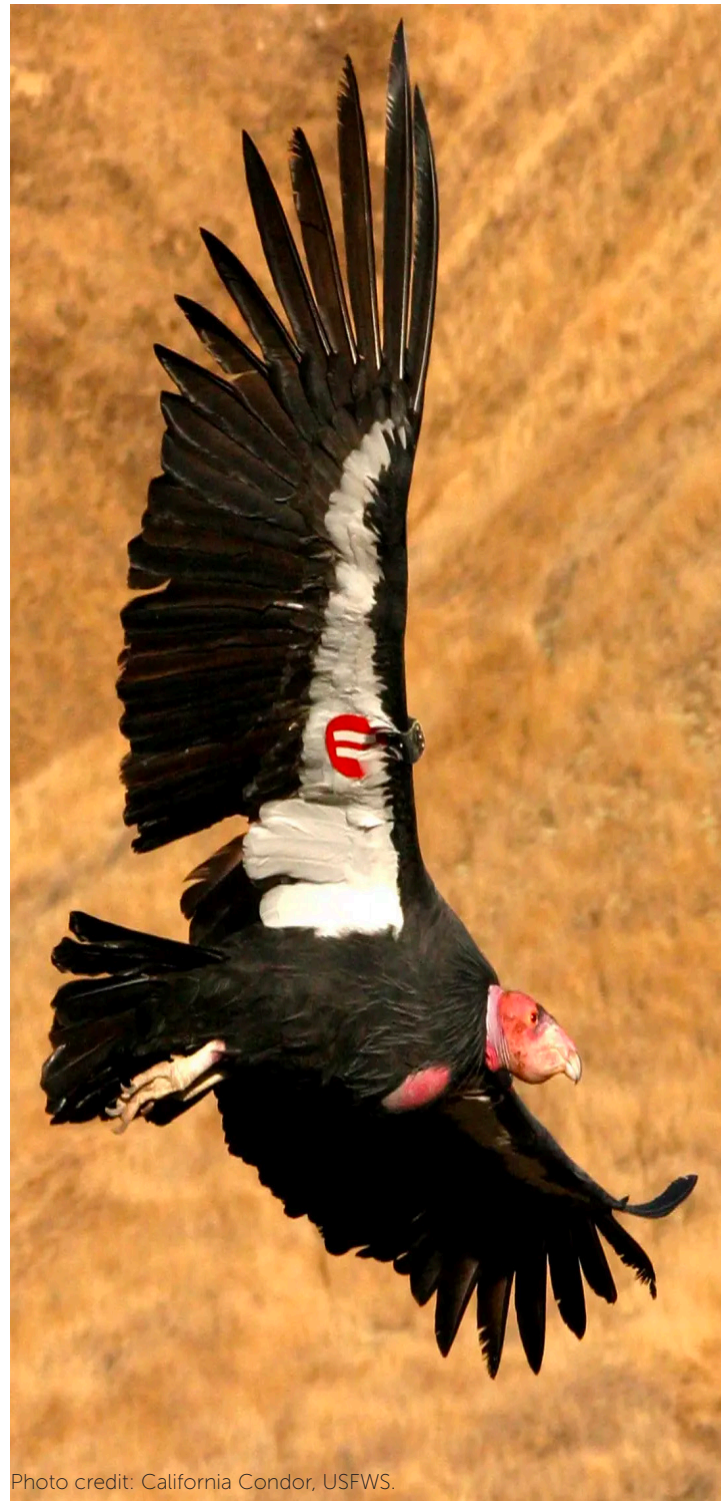


Photo credit: California Condor, USFWS.



Photo credit: Whooping Cranes, Klaus Nigge/USFWS.

EXAMPLES OF SUCCESS

Over the past 50 years, the ESA has helped bird species such as the Bald Eagle, Brown Pelican, Peregrine Falcon, and others, recover from Threatened and Endangered status.

In 2016, American Bird Conservancy (ABC) released the report, "[Endangered Species Act: A Record of Success](#)," detailing how the ESA prevents extinctions and in most cases, provides for recovery.

Since that report, new species have achieved delisting, proving the ESA's track record of recovering species and advancing wildlife conservation. Those species include the Black-capped Vireo, Kirtland's Warbler, San Clemente Sage Sparrow, Hawaiian Hawk ('Io), and Interior Least Tern. In addition, the Hawaiian Stilt and the Wood Stork have been proposed for delisting, and the Hawaiian Goose (Nēnē) was downlisted to Threatened in 2019.



BLACK-CAPPED VIREO

Listed as Endangered in 1987, the Black-capped Vireo was [delisted in 2018](#) after a 30-year journey to recovery. The estimated population at the time of delisting was 14,000 individuals, remarkable considering there were only an estimated 350 individuals in the wild prior to listing.

The compact songbird with yellow-colored flanks winters in coastal, western Mexico and breeds in Oklahoma, central Texas, and northern Mexico during the summer. On the way to recovery, the Black-capped Vireo contended with threats from habitat loss, herbivore browsing disturbance, and Brown-headed [Cowbird parasitism](#) (the Brown-headed Cowbird lays their eggs in the Black-capped Vireo's nest, tricking the bird into incubating and raising their young). Key to Black-capped Vireo recovery was Cowbird management and habitat restoration.



KIRTLAND'S WARBLER

Efforts to recover the Kirtland's Warbler began in 1957, well before the ESA was law. In 1967, under the Endangered Species Preservation Act of 1966 — the precursor to the ESA and the first federal bill to label endangered species — the Kirtland's Warbler was listed as Endangered. Decades of habitat protection and conservation work set out by the ESA eventually helped the Kirtland's Warbler recover and achieve [delisting in 2019](#).

Among the primary challenges to Kirtland's Warbler recovery was habitat restoration. The songbird depends on Jack Pine forest in Michigan, Wisconsin, and Ontario to breed. Fire suppression, which limited the spread of Jack Pine seeds and subsequent new growth, required land managers to step in to mimic the process of natural wildfires. Additionally, managing Brown-headed Cowbird parasitism helped bolster Kirtland's Warbler population.

Since delisting, the Kirtland's Warbler has continued to thrive with the population estimated at [2,245 pairs](#) following the 2021 census.

SPECIES NEED ESA PROTECTION



INTERIOR LEAST TERN

There are three subspecies of Least Tern. The Eastern Least Tern population is stable and the California Least Tern is Endangered. The Interior Least Tern was once Endangered like its California counterparts, but no longer is thanks to efforts from Fish and Wildlife Service and the Army Corps of Engineers. In 2021, the Interior Least Tern was [delisted](#) with a record population of 18,000 individuals.

With a striking yellow beak, the Interior Least Tern is the world's smallest tern. They breed inland along the Colorado, Red, Rio Grande, Arkansas, Missouri, Ohio, and Mississippi Rivers systems. In the mid-20th century, much of their breeding grounds on sandbars were destroyed by river channel engineering. This habitat destruction caused the decline of the Interior Least Tern.

In 1985, the species was listed as Endangered, leading to collaborative habitat management between Fish and Wildlife Service and Army Corps. Army Corps made engineering changes that created nesting habitats. These efforts paid off and the population was rebuilt.

In the last few years, Lesser Prairie Chicken, Elfin Woods Warbler, Mt. Rainier White-Tailed Ptarmigan, Black Rail, 'I'iwi, Friendly Ground Dove, Band-rumped Storm Petrel, and Mao have all been determined to be Threatened or Endangered by the U.S. Fish and Wildlife Service. The Oregon Vesper Sparrow, has been petitioned for listing by ABC, and both the Black-capped Petrel and California Spotted Owl have been found to merit ESA protection.

In addition, a number of listed species continue to decline and need ongoing or additional recovery efforts and/or habitat protection. These include the Cape Sable Seaside Sparrow, Northern Spotted Owl, Marbled Murrelet, Florida Scrub-jay, Gunnison Sage-Grouse, Streaked Horned Lark, Red Knot, Western Yellow-billed Cuckoo, Florida Grasshopper Sparrow, Maui Parrotbill, 'Akeke'e, and 'Akikiki.

The ESA is an invaluable tool to recover bird species facing extinction, and is needed now more than ever. And there are still ways the law could expand its positive impact. Listing of the Greater Sage-Grouse, preventing the imminent extinction of the Gunnison Sage Grouse, increasing funding for avian malaria eradication in Hawai'i, and rapidly assessing the threat to listed species from toxic pesticides are some examples of how the ESA could help conserve more birds.



GUNNISON AND GREATER SAGE-GROUSE ON TRENDLINE TO EXTINCTION

A longstanding concern among the bird conservation community has been the listing prohibition for the Greater Sage-Grouse. Each year, male Sage-Grouse perform mating dances on breeding grounds (leks) to attract females. These leks span the intermountain West, with the largest Sage-Grouse population located in Wyoming. The sagebrush plains of this region are the only habitat the Sage-Grouse live in.

In 2010 and 2015, Fish and Wildlife Service decided against listing and protecting [Sage-Grouse](#) under the ESA. Instead, the federal government launched a [conservation management plan](#) in 2015 to protect Sage-Grouse and sagebrush habitat. Under the plan, federal agencies, states, private landowners, and oil and gas developers agreed to [conserve, enhance, and restore](#) designated sagebrush habitat areas. Part of these efforts included mineral extraction restrictions.

Beginning in 2017, the Trump administration announced changes to this plan, allowing restrictions for oil and gas development to be lifted. In 2020, the U.S. District Court in Montana ruled that this 2017 directive had no legal basis. It also nullified the oil and gas leases that the Bureau of Land Management had sold under the administration's directive.

In 2021, under the Biden administration, the [Bureau of Land Management announced](#) its intent to review and revise Sage-Grouse management plans. They are currently still engaged in this process and expect to release an updated plan in summer 2023. Improvements to the plan will certainly benefit Sage-Grouse, but to ensure full protection of the iconic species, the ESA should be applied.

Through the power of the law, the ESA ensures that Sage-Grouse and their habitat will be protected from destructive activities, like oil and gas development. As the Sage-Grouse declines at an alarming rate, the ESA is the best-proven tool to prevent extinction. ABC supports restoring Sage-Grouse ESA protections and designation of protected sagebrush habitat to provide for its recovery.

Did you know?

Sage-Grouse feed primarily on tough sagebrush. In the winter they intake water through snow during feeding.



PREVENTING THE EXTINCTION OF HAWAIIAN BIRDS

[Hawai'i](#) is a hot spot for bird extinctions. Thirty-three endemic Hawaiian bird species are listed under the ESA. There are only 44 total endemic bird species left in Hawai'i. Protecting Hawai'i's birdlife is vital for preserving biodiversity and Hawaiian culture. While the ESA listings for many species are helping recovery efforts, more funding is needed for avian malaria prevention.

Avian malaria transmitted by nonnative mosquitoes is decimating native honeycreeper species like the 'Akikiki, Kiwikiu, and 'Akeke'e. These tiny songbirds can die from just a single mosquito bite. The high-elevation mountains where the birds live are becoming more hospitable to mosquitos because of climate change.

Did you know?

There are only 17 species of Hawaiian Honeycreepers still alive today.

The songbirds range in size from 10 to 20 cm (4 to 8 inches).

When a malaria-carrying mosquito bites a honeycreeper, it can pass along a parasite that causes anemia, weakening the bird to the point of death.

Greater investments into mosquito eradication technology and care for sick wild birds is necessary for the survival of honeycreepers. A dozen bird species are at risk of extinction if the mosquitoes are not controlled. ABC is currently engaged with local partners to experimentally introduce sterile male mosquitoes into the population. The males mate with females and sire eggs that will never hatch, [preventing the spread of avian malaria](#). This is just one example of a measure that will need to be assessed and scaled to prevent extinctions.

The collaboration embedded within ESA recovery efforts means that extra money given to Hawaiian bird recovery will be put to immediate and good use. ABC has advocated for [increased mosquito control](#) funding and will continue to do so. ABC Action Fund will continue to amplify this effort.



THE ESA AND PESTICIDES

Since its inception in the 1970s, the Environmental Protection Agency (EPA) has been charged with the review of pesticides. This includes the evaluation of active ingredients, application methods, and any potential impacts on non-target organisms.

[Section 7](#) of the ESA outlines procedures for “consultation” with other agencies, which is the set of steps to be taken when an action carried out or authorized by another government agency may impact a Threatened or Endangered species or the critical habitat they rely upon. If a proposed pesticide use may impact a species or critical habitat, Section 7 is invoked and the process carries on.

EPA has historically chosen to ignore this duty, citing a lack of capacity or, in decades past, apathy. [Ninety-five percent of chemicals](#) have not undergone legally required ESA consultations. In stark contrast to their predecessors, the Biden EPA is taking this task to heart. They have outlined an ambitious schedule of product review and are taking huge strides towards protecting Threatened and Endangered species.

In spring of 2022, EPA published “[Balancing Wildlife Protection and Responsible Pesticide Use](#),” a report outlining the scope of the problem and the agency’s plan for addressing the issue.

Included in the proposed solutions are implementing mitigations before formal registration or review, batch mitigations on chemicals (via national rodenticide, insecticide, and herbicide strategies), and introducing a Pilot Program for Threatened and Endangered species.

In the [Pilot Program](#), representative species from diverse taxa are used to develop mitigations for various chemicals. The Program will then use these mitigations as outlines for Threatened and Endangered species which may trigger future



ESA pesticide consultations. For instance, in developing species-saving mitigations for 11 different rodenticide chemicals, the California Condor and Attwater’s Prairie Chicken were used to develop bird-specific mitigations for rodenticides. If rodenticides are proposed in the future for uses that may impact Threatened or Endangered birds, the Condor and Prairie Chicken mitigations can be used as a starting point.

EPA has a long way to go on this front, but this is certainly a promising start. We are grateful to be a part of the process and look forward to recommending abundantly cautious approaches to chemical mitigation.

CHARTING RECOVERY

Over the past 50 years, the ESA has helped save at-risk birds. Today, more can be done to ensure the ESA protects all species in need. On the next page is a chart documenting the status of current and proposed ESA listings.

Black indicates species that have been recently listed, proposed for listing or procluded from listing. These species show the need for the ESA. For example, 'I'iwi are being decimated by avian malaria, which climate change amplifies. Urgent action through the ESA is a critical step in saving the small Hawaiian honeycreeper.

Red indicates listed species experiencing population declines. There are various reasons for a species to be in decline. For example, the Marbled Murrelet is in decline due to delays on the development of a recovery plan and failed efforts to uplist the species from Threatened to Endangered.

Red highlighted in yellow indicates an unknown population trend.

Green indicates listed species that are stable, increasing in population. Species in green outnumber those in red, a testament to what a successful ESA recovery looks like.

Species in teal indicate those that made a successful recovery under the ESA and are now delisted.

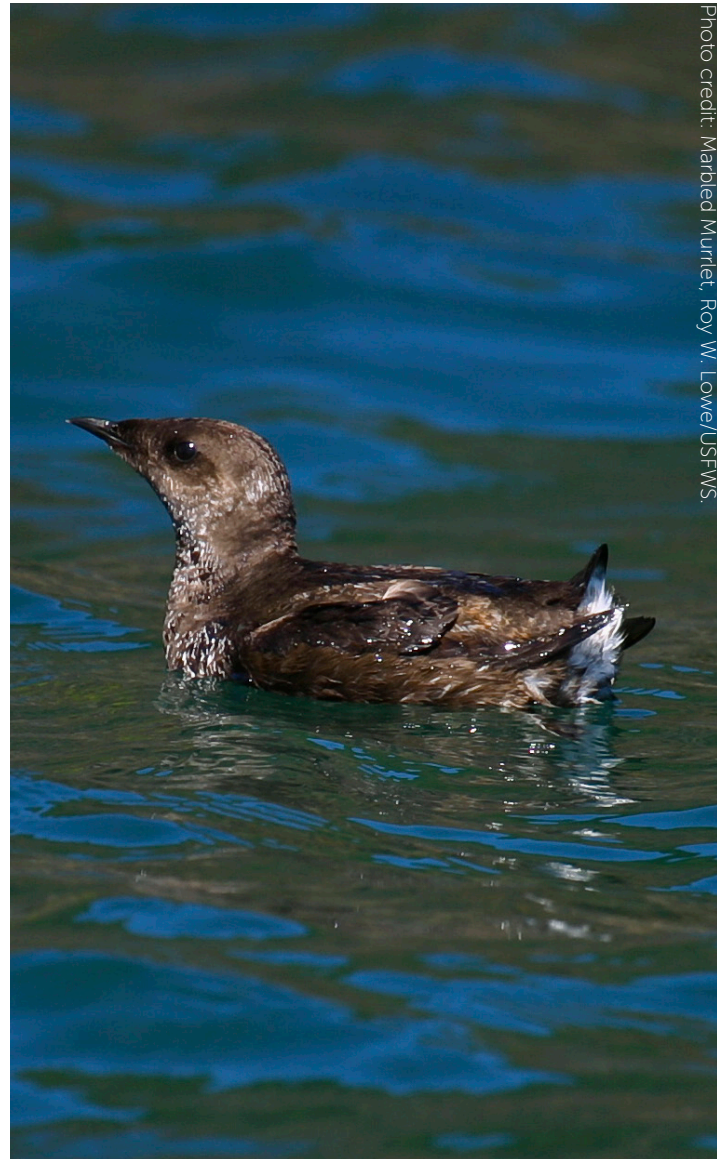


Photo credit: Marbled Murrelet, Roy W. Lowe/USFWS

What Can You Do?

Contact your members of Congress and urge them to support the ESA.

Send a thank you note to bird conservation champions in Congress.

THE ESA BIRD SPECIES STATUS CHART

RECENTLY LISTED, PROPOSED, OR PRECLUDED FROM LISTING	SPECIES IN DECLINE OR POPULATION TREND UNKNOWN		STABLE SPECIES	SPECIES INCREASING		DELISTED SPECIES
Mao	Florida Grass-hopper Sparrow	Florida Scrub-Jay	Hawai'i 'Ākepa	Hawaiian Stilt	Western Snowy Plover	Palau Ground Dove
Mt. Rainier White-Tailed Ptarmigan	Attwater's Greater Prairie Chicken	Newell's Shearwater ('A'o)	Audubon's Crested Caracara	Short-Tailed Albatross	San Clemente Sage Sparrow	Bald Eagle
Band-rumped Storm Petrel	Roseate Tern (Caribbean DPS)	Gunnison Sage-Grouse	Laysan Duck	Mona Yellow-Shouldered Blackbird	Rota Bridled White-Eye	Peregrine Falcon
Streaked Horned Lark	Mariana Crow (Aga)	Hawaiian Petrel ('Ua'u)	Spectacled Eider	Hawaiian Coot	Least Bell's Vireo	Arctic Peregrine Falcon
Western Yellow-billed Cuckoo	Puerto Rican Sharp-shinned Hawk	Coastal California Gnatcatcher	Laysan Finch	Puerto Rican Yellow-Shouldered Blackbird	Mariana Swiftlet	Palau Fantail Flycatcher
Elfin Woods Warbler	Guam Kingfisher	Golden-cheeked Warbler	Nihoa Finch	Mississippi Sandhill Crane	California Least Tern	Aleutian Canada Goose
'I'iwi	Maui Parrotbill (Kiwikiu)	Mariana Nightingale Reed-Warbler	Puerto Rican Broad-winged Hawk	Whooping Crane	Red-cockaded Woodpecker	Tinian Monarch
Black Rail	'Akeke'e	Marbled Murrelet	Mariana Common Moorhen	Hawaiian Crow ('Alalā)	San Clemente Loggerhead Shrike	Palau Owl
Lesser Prairie Chicken	'Akikiki	Northern Spotted Owl	Nihoa Millerbird (Ulūlu)	Northern Aplomado Falcon	Hawai'i Creeper ('Alawi)	Atlantic Brown Pelican (SE & West Gulf DPS)
Friendly Ground Dove	California Clapper Rail	Mexican Spotted Owl	Small Kauai Thrush (Puaiohi)	Inyo California Towhee	Hawaiian Goose (Nēnē)	Brown Pelican (CA & Caribbean)
Black-capped Petrel (proposed)	O'ahu 'Elepaio	Steller's Elder	Yuma Clapper Rail	Everglades Snail Kite	Roseate Tern (NE DPS)	Black-capped Vireo
Bi State Greater Sage Grouse (proposed)	'Ākohekohe			Hawaiian Common Gallinule	Micronesian Megapode	Kirtland's Warbler
California Spotted Owl (proposed)	'Akiapōlā'au			Puerto Rican Nightjar	Southwestern Willow Flycatcher	Hawaiian Hawk ('Io)
Oregon Vesper Sparrow (proposed, petitioned by ABC)	Palila			Puerto Rican Parrot	Puerto Rican Plain Pigeon	Interior Least Tern
Columbia Basin Greater Sage Grouse (precluded)	Cape Sable Seaside Sparrow			Northern Aplomado Falcon	Light-footed Clapper Rail	San Clemente Sage Sparrow
Greater Sage-Grouse (precluded)	Hawaiian Duck (Koloa)			Piping Plover (Atlantic & Great Plains)	Guam Rail	
	Red Knot			California Condor	Woodstork	
				Bermuda Petrel		



Photo credit: Florida Scrub-Jay, James Lyon/USFWS.



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