



U. S. Fish and Wildlife Service

Frequently Asked Questions - Proposal to Reclassify the U.S. Breeding Population of the Wood Stork (*Mycteria Americana*) from Endangered to Threatened

Last Updated: 12/18/2012

Q1: What is a petition?

A1: A petition is a request filed under the Endangered Species Act (ESA) by an interested party asking that a species be listed on, delisted from, or reclassified on the Federal List of Endangered and Threatened Wildlife and Plants or that critical habitat be revised for a listed species.

Q2: How are the endangered and threatened classifications defined?

A2: The ESA defines “endangered” as “...in danger of extinction throughout all or a significant portion of its range...” whereas “threatened” is defined as “...is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range....”

Q3: What is a 12-month Finding?

A3: Section 4(b) of the Act requires the Service to make a finding on whether a petition presents substantial scientific or commercial information to indicate that the petitioned action may be warranted; this is referred to as a 90-day finding. If the Service finds the petitioned action may be warranted the ESA requires the Service to initiate a formal review to determine if the petitioned action is warranted and, if so, how it intends to proceed with the requested action. This second determination is referred to as a 12-month finding, and is normally made 12-months following the receipt of the petition.

Q4: Who petitioned the Service and what did they request?

A4: On May 28, 2009, the Service received a petition requesting the U.S. breeding population of the wood stork be reclassified from endangered to threatened under the ESA. The petition was submitted by the Pacific Legal Foundation (PLF) and Biological Research Associates (BRA), on behalf of the Florida Home Builders Association (FHBA), and included as sole supporting information the Service’s recently completed 2007 Wood Stork Five-Year Review which recommended reclassification. On July 9, 2009, the Service sent a letter to the Pacific Legal Foundation informing them that the agency received the petition.

Q5: What did the Service conclude?

A5: After a thorough review of the best available scientific and commercial information, the Service found that the U.S. breeding population of the wood stork has both increased in numbers and broadened its breeding range, and, as such, is no longer in danger of becoming extinct within all or a significant portion of its range.

However, because loss, fragmentation, and modification of wetland habitats continue around nesting colonies and core foraging areas, and because delisting criteria have not been met, the Service concluded that the U.S. breeding population of wood storks meets the definition of a threatened species under Section 3 of the ESA.

Therefore, the Service found the petitioned action to reclassify the wood stork was warranted.

Q6: What is the range for the U.S. breeding population of wood storks?

A6: When the Service originally listed the southeastern U.S. portion of the population, the wood stork's range included Florida, Georgia, South Carolina, and Alabama, and breeding was primarily in central and south Florida. Today its range includes portions of North Carolina and Mississippi with significant nesting in Florida, Georgia, and South Carolina.

Q7: What is the population status of the U.S. breeding population of wood storks?

A7: The U.S. breeding population of the wood stork has been increasing since it was listed in 1984. The three-year averages during the past 10 years (2001–2010) are all above the 6,000 nesting pairs reclassification benchmark, ranging from 7,086 to 8,996.

However, the nesting pair average is well below the 5-year average of 10,000 nesting pairs needed for delisting.

Q8: What did the Service consider in reaching its determination and finding?

A8: 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. Over utilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or man-made factors affecting its continued existence.

In making this finding, the Service conducted a thorough status review based on these factors using the best available scientific and commercial information in accordance with the Code of Federal Regulations (CFR): 50 CFR 424.14(c) and Section 4(a)(1) of the ESA.

Q9: What is the next step?

A9: Simultaneously with this warranted finding, the Service is proposing to upgrade [reclassify] the U.S. breeding population of wood stork's status from endangered to threatened under the ESA and to designate this population as a distinct population segment (DPS).

Q10: Why designate the U. S. breeding population of wood storks as a distinct population segment? How was this DPS determined?

A10: To help conserve genetic diversity, the ESA defines "species" broadly to include subspecies and, for vertebrates (animals with backbones, such as wood storks), distinct population segments of a given species. Service biologists evaluated the information and

concluded that the data supports designation of the U.S. breeding population of wood storks as a distinct population segment noting that there is negligible interchange between the wood storks breeding in the Southeastern U.S and the remaining global population in Central and South America. This lack of interchange is reflected in the Service's proposal to not only reclassify the U.S. breeding birds but also to designate them as a distinct population segment from all others.

Q11: Is the Service seeking information from the public for use in making its final determination?

A11: Yes. To ensure its final decision reflects the best available information, the Service is soliciting comments from the public, other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested party. However, submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the ESA directs that determinations as to whether any species is a threatened or endangered species must be made "solely on the basis of the best scientific and commercial data available."

Q12: What information is the Service seeking?

A12: The Service is particularly interested in information and comments concerning:

1. The historical and current status and distribution of the wood stork, its biology and ecology, and ongoing conservation measures for the species and its habitat.
2. Wood stork nesting colony location data (latitude/longitude in decimal degrees to confirm or improve the Service's location accuracy); nest census counts and survey dates; years when a colony was active or not; years and dates when a colony was abandoned (fully or partially); and annual productivity rates (per total nest starts and per successful nests) and average chicks per nest estimates from U.S. colonies.
3. Current or planned activities within the geographic range of the U.S. breeding population of the wood stork that may impact or benefit the species, including any acquisition of large tracts of wetlands, wetland restoration projects, planned developments, roads, or expansion of agricultural or mining enterprises, especially those near nesting colonies and surrounding suitable foraging habitats.

Please include sufficient information with your submission to allow the Service to verify any scientific or commercial information or data you provide.

Q13: How do I submit information?

A13: You may submit information by one of the following methods:

- Online at the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket FWS-R4-ES-2011-0020.
- *U.S. mail or hand-delivery*: Public Comments Processing, Attn: FWS-R4-ES-2011-0020, Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Please note that submissions by other means or to other offices are not processed.

The Service will post all information received on <http://www.regulations.gov>. This generally means that the Service will post any personal information that is provided (see the **Public Comments** section of the *Federal Register* notice for more details).

Submissions must be received or postmarked on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN FR]**.

Q14: Are comments/information submitted on-line given greater consideration than those received by mail or hand delivered?

A14: No. All comments and information provided during the public comment period receive equal consideration regardless of how they are submitted and will be considered in making a final decision.

Q15: Would an upgrade of the U.S. breeding population of wood storks' status to threatened result in changes to or lessen existing conservation measures?

A15: No. The Service treats threatened species similarly to endangered species with regard to prohibitions on take, modification of habitat, and requirements for consultation by federal agencies. All federal wood stork conservation and protection measures would remain in force. Addressing the threats associated with habitat loss would continue to be a significant focus for the Service. This could include proposals for additional protection measures when deemed warranted.

Q16: If the Service moves forward with the proposed reclassification, what would listing the wood stork as threatened in Mississippi and North Carolina mean for the regulated publics in those States, such as aquaculture and the Service's National Wildlife Refuges?

A16: The short answer is very little.

In areas where nesting colonies are located, such as in North Carolina, Federal agencies would be required to determine whether or not an action they are proposing to "authorize, fund or carry out" might impact the wood stork colony and/or nearby foraging habitat. If they determine there are possible impacts, they could initiate an ESA Section 7 consultation with the Service for assistance in avoiding or minimizing those impacts. In-kind wetland mitigation, such as is typically required in a U.S. Army Corps of Engineers permit, is sufficient to address impacts to wood storks.

In areas outside nesting colonies, very little will change from the perspective of the regulated publics. Aquaculture businesses possessing federal depredation permits are not allowed to shoot wood storks now, nor would they be allowed to do so if this proposal is finalized and the wood stork is listed as threatened in the broader range, including Mississippi and North Carolina. Those permit holders would continue to be allowed to harass the wood storks impacting their operations. The Service will need to initiate an ESA Section 7 consultation on a programmatic basis to ensure federal permits issued by the Service and other federal agencies meet the avoidance and minimization standards under the ESA. No additional permits will be required of private operators.

Service National Wildlife Refuges would see little (NC) to no (MS) impacts to their operations.

Q17: What is contributing to the U.S. breeding population of wood storks' recovery?

A17: While habitat loss and degradation continue to occur throughout the range of the U.S. breeding population of wood storks, ongoing protection of natural wetlands, through partnerships and focused management of public lands, is a conservation priority contributing to the species' recovery.

The Natural Resources Conservation Service (NRCS) Wetlands Reserve Program has restored over 200,000 acres of wetlands in Florida and over 115,000 acres in Alabama, Georgia, and South Carolina during the past 18 years. Thousands of acres of wetlands are also being protected on private lands to assist in habitat and wildlife protection through restoration in conjunction with establishing conservation easements. Wetland losses are being avoided, minimized, and mitigated through the project consultation and regulatory review process.

Here are some examples.

In Alabama:

Ongoing wetlands restoration projects, such as those undertaken in several US Fish and Wildlife Service National Wildlife Refuges (Eufaula and Choctaw NWRs) and the State of Alabama's Wildlife Management Areas (Demopolis WMA and Upper Delta WMA), are providing excellent foraging habitat for post-breeding wood storks dispersing following the nesting season.

In Florida:

Large-scale restoration projects like the CERP, Kissimmee River Restoration Project, and St. Johns River Headwaters Restoration Project are significant conservation efforts that continue to greatly benefit wood stork recovery. Florida nesting pairs totaled more than 5,000 in 2011.

In Georgia:

Through public and private partnerships with NRCS nearly 20,000 acres of key wetlands are restored and/or being managed for the benefit of a wide variety of wildlife, including nesting wood storks. In 2011, Georgia had 2,160 nesting pairs.

In Mississippi:

Along the eastern part of the state, wetlands associated with federal lands (including the Sam D. Hamilton Noxubee National Wildlife Refuge, with its moist-soil waterfowl management, and the Tennessee-Tombigbee Waterway) attract feeding wood storks, as well as other long-legged wading birds and wildlife.

In North Carolina:

Wood storks were first observed nesting in North Carolina in 2005 with the two known colonies occurring on private lands. While the wood storks nest on private lands, the birds are routinely observed foraging on a broad range of Federal and State protected wetlands throughout

southeastern North Carolina. In 2011 the nesting survey found 96 nesting pairs bringing the State's three-year average to 141 pairs.

In South Carolina:

Public and private partnerships such as the Ashepoo, Combahee and Edisto (ACE) Basin Task Force protect and manage coastal estuaries and are contributing to a growing number of wood stork nesting colonies. In 2011, South Carolina's three-year average was 2,031 nesting pairs.

Q18: Would this change in classification make it easier or harder to get project permits?

A18: The Service treats threatened species similarly to endangered species with regard to prohibitions on take, modification of habitat, and requirements for consultation by federal agencies. All federal wood stork conservation and protection measures would remain in force, as would requirements for federal agencies to determine how projects they conduct, fund and/or permit might impact federally-listed species, including the wood stork.

Q19: Given the new information, would the Service update the recovery plan for the U.S. breeding population of wood storks as a result of the reclassification to threatened?

A19: If the Service moves forward with reclassification, the next natural step in the conservation and recovery process would be to update the recovery plan for the U.S. breeding population of wood storks. However, this would be a future action item and is not currently being discussed or tentatively scheduled.

Q20: Where can I find more information on current and future actions related to the wood stork?

A20: Information on the wood stork is available online at: <http://www.fws.gov/northflorida>.