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May 3, 2017

The Honorable Ryan Zinke, Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Mr. Jim Kurth, Acting Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, D.C. 20240

Re: Petition to Remove the Western Distinct Population Segment of the Yellow-Billed Cuckoo from the List of Endangered and Threatened Species under the Endangered Species Act

Dear Secretary Zinke and Acting Director Kurth:

Pursuant to Section 4(b) of the Endangered Species Act (“ESA”), 16 U.S.C. § 1533(b), Section 553(3) of the Administrative Procedures Act, 5 U.S.C. § 553(e), and 50 C.F.R. § 424.14(a), the American Stewards of Liberty, Arizona Cattlemen’s Association, Arizona Mining Association, Hereford Natural Resource Conservation District, Jim Chilton, National Cattlemen’s Beef Association, Public Lands Council, WestLand Resources, Inc., and Winkelman Natural Resource Conservation District (together, “Petitioners”) hereby formally petition the Secretary of the Interior to delist the threatened western distinct population segment (“DPS”) of the yellow-billed cuckoo (*Coccyzus americanus*). The petitioned delisting of the western DPS of the yellow-billed cuckoo is rooted in both new data and new interpretations of previously available information, which demonstrates that the original listing of the species was in error, because: (1) western populations of yellow-billed cuckoo do not constitute a discrete and significant DPS; and (2) threats to the purported DPS do not now and never have risen to the level that protection under the ESA is warranted. This delisting petition includes three Enclosures, which contain a thorough technical analysis, electronic copies of supporting materials, and correspondence regarding notice of this petition that Petitioners provided to relevant state agencies, as required by recently-adopted regulation. See 50 C.F.R. § 424.14.

This delisting petition initiates a statutory process for consideration of new information, including new data and analyses, presented regarding the yellow-billed cuckoo. The U.S. Fish and Wildlife Service (“USFWS”) is bound by statutory deadlines by which it must reach 90-day and 12-month findings on petitions to list, reclassify, or delist species. 16 U.S.C. § 1533(b)(3). We trust that the USFWS will expeditiously reach an initial 90-day finding that this petition “presents substantial scientific or

commercial information indicating that the petitioned action may be warranted” and commence a status review of the yellow-billed cuckoo western DPS. *See* 16 U.S.C. § 1533(b)(3)(A); 50 C.F.R. § 424.14.

Petitioners commend the USFWS for its demonstrated willingness to thoroughly and objectively reconsider taxonomic classifications and DPS designations where newer data and analyses contradict older information and conclusions, as exemplified by the USFWS’ recent decision to withdraw the proposed rule that would have listed both the headwater chub and a DPS of the roundtail chub as threatened species under the ESA. 82 Fed. Reg. 16,981 (Apr. 7, 2017). Petitioners believe that the current interpretation of both previously-considered and new taxonomic data and analyses presented in the petition similarly warrant USFWS reconsideration of whether the purported western DPS of the yellow-billed cuckoo is a valid taxonomic entity that is eligible for listing under the ESA. Further, the petition presents additional new data regarding fundamental aspects of the species’ habitat use and habitat requirements that contradicts USFWS assumptions regarding the species’ reliance on riparian habitat and is strongly supportive of a conclusion that prior USFWS analysis of the conservation status of the purported western DPS of the yellow-billed cuckoo was in error. Petitioners request that the USFWS remove the purported western DPS of the yellow-billed cuckoo from protection under the ESA, as the best available science does not support the distinctness of the purported western DPS nor the existence of any threats significant enough to drive the purported western DPS toward extinction in the foreseeable future.

Respectfully submitted on behalf of Petitioners,



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Enclosures:

- Encl. 1 – Technical Analysis for the Petition to Delist the Western Distinct Population Segment of the Yellow-Billed Cuckoo
- Encl. 2 – Electronic Copies of Supporting Materials
- Encl. 3 – Correspondence With State Agencies Regarding Notification of Intent to File Petition to Delist the Western Distinct Population Segment of the Yellow-Billed Cuckoo