

GAME, FISH, AND PARKS COMMISSION ACTION FINALIZATION

Endangered and Threatened Species Chapter 41:10:02

Commission Meeting Dates:	Proposal	July 7-8, 2022	Spearfish
	Public Hearing	September 1, 2022	Sioux Falls
	Finalization	September 1-2, 2022	Sioux Falls

COMMISSION PROPOSAL

Proposed change: Downlist the Peregrine Falcon (*Falco peregrinus*) from endangered to threatened on the list of state threatened and endangered bird species.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

SUPPORTIVE INFORMATION

Peregrine Falcon populations rapidly declined between 1940 and 1970 (Hickey 1969) causing the species to be listed as federal endangered. Population declines were primarily attributed to the widespread use of the pesticide DDT, which accumulated in small birds eaten by peregrines and caused eggshell thinning and breakage. After successful reintroduction efforts the peregrine was federally delisted in 1999 (USFWS 1999, Cade et al. 2003) but remained on the state endangered species list in South Dakota due to its rarity in the state.

The GFP commission approved State Threatened and Endangered Species Status Review identified recovery criteria and goals to downlist and delist the peregrine from the state threatened and endangered species list. Criteria for downlisting the species from endangered to threatened stated that the peregrine population should consist of an average of two active nests for at least 5 years in a 6-year timespan, and the average productivity of the active nests must be 1.25 naturally produced young/pair across the 5-year period. A nest is considered active or occupied if there are observations of a mated pair on or near the nest or evidence of reproduction such as eggs, young or an incubating bird present.

The peregrine is considered a rare summer resident of the Black Hills and an uncommon statewide migrant. Historically there was a limited nesting distribution in western South Dakota with only two confirmed nesting records at separate locations in 1925 and 1948-1960 (Patton 1926, Pettingill and Whitney 1965). Since then, there were no documented nesting records until 2017, when surveys for peregrines in the spring and summer documented two confirmed and one potential nest locations in the northern and central Black Hills (Oakleaf 2017). Survey efforts have continued every year since 2017 resulting in the documentation of 5 nest locations. Three of these nests were documented as active during all 5 years of the surveys. The number of young fledged from 2017-2021 was calculated at 1.7 young per active pair (Oakleaf 2021, Table 1). These results indicate that the peregrine has met the criteria to downlist the species from endangered to threatened.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

Table 1. Number of peregrine falcon sites occupied, successful, and young fledged in western South Dakota, 2017 - 2021.

YEAR	N OCC	N SUCCESS	YG FLEDGED
2017	3	2	6
2018 ^a	4	1	3
2019	4	1	2
2020 ^a	5	4	8
2021	4	4	12
Total	20	11	31

^a Surveys to count fledged young were not adequate for some of the occupied sites

31/18 = 1.7 fledged young per occupied site (2 of occupied sites not included in calculations)
 or 31/11 = 2.8 young per successful pair.

Literature Cited

Cade, T.J., W.A. Burnham, and P. Burnham. 2003. Return of the Peregrine: A North American saga of tenacity and teamwork. The Peregrine Fund, Boise, Idaho, USA.

Hickey. J.J. 1969. Peregrine Falcon Populations, Their Biology and Decline. University of Wisconsin Press. Madison, WI, USA.

Oakleaf, Robert J. 2017. Peregrine falcon surveys for the South Dakota Department of Game, Fish and Parks. Unpublished report to SDGFP, Pierre, SD, USA.

Oakleaf, Robert J. 2021. Peregrine falcon surveys for the South Dakota Department of Game, Fish and Parks. Unpublished report to SDGFP, Pierre, SD, USA.

Patton, F. 1926. Our trip to the eagle nest. The Oologist 43:30-31.

Pettingill, O.S. and N.R. Whitney. 1965. Birds of the Black Hills. Special Publ. No. 1. Cornell Laboratory of Ornithology, Cornell University. Ithaca, New York, USA.

U.S. Fish and Wildlife Service [USFWS]. 1999. Endangered and threatened wildlife and plants; final rule to remove the American Peregrine Falcon from the Federal list of endangered and threatened wildlife. Federal Register 64:46542-46558.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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DRAFT ADMINISTRATIVE RULE CHANGES

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the Commission.

41:10:02:01. List of endangered birds. Birds classified as endangered in the state are as follows

- (1) ~~Peregrine falcon, *Falco peregrinus*;~~
- (2) Whooping crane, *Grus americana*;
- (3) Eskimo curlew, *Numenius borealis*;
- (4) Least Tern, *Sternula antillarum*.

41:10:02:02. List of threatened birds. Birds classified as threatened in the state are as follows:

- (1) Osprey, *Pandion haliaetus*;
- (2) Piping plover, *Charadrius melodus*;
- (3) American dipper, *Cinclus mexicanus*;
- (4) ~~Peregrine falcon, *Falco peregrinus*;~~

RESIDENT/NONRESIDENT CRITERIA

Not applicable.

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

Not applicable.

FISCAL IMPACT

No fiscal impact to the Department.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____