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U.S. Fish and Wildlife Service  
Pacific Southwest Region  
2493 Portola Road, Suite B,  
Ventura, CA 93003

September 17, 2013

**Re: Post-ESA Delisting Monitoring of the Brown Pelican**

Dear Mr. Henry,

On behalf of our combined 775,000 members and supporters, Audubon California and the Center for Biological Diversity are writing to urge the U.S. Fish and Wildlife Service (Service) to act on its statutory mandate under the Endangered Species Act (ESA) to monitor and assess the status of the three populations of Brown Pelicans removed from the ESA list in 2009<sup>1</sup>. These mandates include finalizing a post-delisting monitoring plan (PDMP) and undertaking critical monitoring activities to support a five-year status review in 2014.

We further urge the Service to focus immediate attention on California Brown Pelicans, which have in the years since delisting experienced unprecedented breeding failures as well as Unusual Mortality Events, both likely associated with inadequate supplies of forage fish near breeding islands and in wintering areas.

Audubon California is a field program of the National Audubon Society, with a mission to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. We have over 150,000 members and supporters in California. The Center for Biological Diversity is a national, nonprofit conservation organization with more than 625,000 members and online activists dedicated to the protection of endangered species and wild places.

**Background on California Brown Pelican Subspecies**

The California Brown Pelican subspecies breeds in the northeast Pacific from mainland Mexico through the U.S. Channel Islands, and winters in California, Oregon, Washington and British Columbia. The most recent population estimate of the brown pelican subspecies that ranges from California to Mexico along the Pacific Coast is approximately 70,680 nesting pairs, which equates to 141,360 breeding birds. They nest in four distinct geographic areas: (1) The Southern

California Bight (SCB), which includes southern California and northern Baja California, Mexico; (2) southwest Baja California; (3) the Gulf of California, which includes coastlines of both Baja California and Sonora, Mexico; and (4) mainland Mexico further south along the Pacific coastline (including Sinaloa and Nayarit). The most recent population estimate for the Southern California Bight is over 12,000 pairs, the vast majority of these nest on the U.S. Channel Islands (Anacapa group and Santa Barbara Islands), and Isla Coronado Norte, Mexico.<sup>ii</sup> Overall, 15 to 20 percent of California Brown Pelicans nest on the U.S. Channel Islands, also the northernmost breeding site for this population.

### **Statutory context for a post-delisting monitoring plan**

The ESA Section 4(g) directs the Service to monitor delisted species:

*MONITORING.—(1)The Secretary shall implement a system in cooperation with the States to monitor effectively for not less than five years the status of all species which have recovered to the point at which the measures provided pursuant to this Act are no longer necessary and which, in accordance with the provisions of this section, have been removed from either of the lists published under subsection (c).*

The Service notes that:

*The intent of this monitoring is to determine whether the species should be proposed for relisting under the normal listing procedures, relisted under the emergency listing authority of the Act, or kept off of the list because it remains neither threatened nor endangered.*

The Service further notes that a formal plan is not required to implement monitoring, however, strongly encourages this approach:

*The legislative history of section 4(g) indicates that Congress intended to give the Services and states latitude to determine the extent and intensity of PDM that is needed and appropriate. The ESA does not require the development of a formal PDM “plan.” However, the Services envision few, if any, instances where some type of written planning documentation will not substantially contribute to the effective implementation of section 4(g) by guiding collection and evaluation of pertinent information over the monitoring period and articulating the associated funding needs.<sup>iii</sup>*

### **Failure to finalize a post-delisting monitoring plan for Brown Pelicans**

The Service published its Final Rule on the delisting of the Gulf of Mexico, Pacific Coast and West Indies populations of Brown Pelican on November 17, 2009. A draft PDMP was developed for Brown Pelicans<sup>iv</sup> because their wide distribution, variety of threats and their occurrence across multiple nations and jurisdictions requires broad coordination.

The Final Rule noted that:

*We proposed a draft post-delisting monitoring plan in the Federal Register on September 30, 2009 (74 FR 50236) and expect to finalize that post-delisting monitoring plan within a year.*

Peer review and public comments were collected following the release of the draft PDMP, however, comments were never incorporated and a Final PDMP was never completed.

Meanwhile, Service and the Department of the Interior have published statements suggesting to the public and the conservation community that a PDMP is in place and there is ongoing coordinated monitoring focused on securing information sufficient for a five-year status review. For example, in its November, 2011 press release announcing the delisting of the Brown Pelican, the Service notes:

*The Service has developed a Post-Delisting Monitoring Plan, designed to monitor and verify that the recovered, delisted population remains secure from the risk of extinction once the protections of the ESA are removed.*<sup>v</sup>

To date, 56 species have been delisted, 28 due to recovery.<sup>vi</sup> The Service has neither provided an explanation for its failure to finalize the Brown Pelican PDMP nor provided any additional guidance or coordination to the States or other partners on monitoring the three populations recommended for monitoring attention in the draft PDMP.

### **California Brown Pelicans at the Channel Islands and Gulf of California**

At the U.S. Channel Islands, the northernmost and most important U.S. breeding colonies for this subspecies, biologists have noted a general decline in reproductive success since 2010, culminating in near-total nesting failure in 2012 and likely nesting failure in 2013 (Figure 1). These failures have been attributed to a lack of prey availability during the breeding season.<sup>vii</sup> Additionally, unusual adult Brown Pelican mortality events during the non-breeding season on the California and Oregon coasts were observed in 2009-2010 and attributed primarily to starvation.<sup>viii</sup>

Since 2007, there has been no funding or plan in place to monitor reproductive effort or success of California Brown Pelicans in the U.S. The information on nest effort and success gathered after 2007 at the Channel Islands was collected by seabird experts opportunistically using standard boat-based monitoring methods conducted in the course of other seabird restoration activities. Due to lack of funds, much of this data remains to be analyzed, and all of it is unpublished.

In the southern California Bight, breeding Brown Pelicans rely on northern anchovy and sardines. In the 1980's, annual reproductive success of Brown Pelicans in southern California and the Pacific coast of northern Baja California, Mexico (Southern California Bight) was shown to be strongly correlated with northern anchovy (*Engraulis mordax*) abundance (i.e., the rate of nest abandonment and nestling mortality is higher in years when anchovies are scarce).<sup>ix</sup> In subsequent years, diet studies of breeding Brown Pelicans at the Channel Islands found that pelicans rely on local (~50km radius) availability of northern anchovy and sardine.

Sardine is an essential prey item for numerous piscivorous seabirds including Brown Pelican, Elegant Tern, Heerman's Gull and the federally threatened Marbled Murrelet. Sardines comprised 25%-67% of the diets of breeding pelicans in six years of surveys that took place at the Channel Islands between 1991-2005.<sup>x</sup> National Marine Fisheries Service scientists have recently reported that sardines are in a collapsed condition.<sup>xi</sup> In central California, sardines have been scarce since 2010<sup>xii</sup> and have been absent from the diets of breeding Brown Pelicans in southern California in recent years.<sup>xiii</sup> Additionally, in the Gulf of California, where the majority

of the population breeds, sardines are showing signs of overexploitation.<sup>xiv</sup> Bycatch mortality of Brown Pelicans in the sardine and anchovy fishery in the Gulf of Mexico also appears to be increasing, yet there are no fisheries observers and no reporting on bycatch information.<sup>xv</sup>

A provision of the PDMP addresses the relationship of breeding effort and success with the status of anchovies and sardine. Without a final PDMP, this following critical action from the draft PDMP will not be initiated:

*To determine if a decline in the number of nesting pairs is the result of reduced prey availability, in years when pelican monitoring data show a substantial decline the Service will review the Pacific Fishery Management Council's annual stock assessment and fishery evaluation reports. These reports detail any significant changes or trends in pelagic fish populations, fisheries, or marine ecosystems; document harvest levels; and assess the success of State and Federal fishery management programs. The Service will also review any reports from the Gulf Coast or Caribbean Fishery Management Councils and any fishery reports for areas where brown pelicans occur outside the U.S. that may provide insight on the status of the species.*

According to the Final Rule, the Pacific Fisheries Management Council has a statutory responsibility to ensure a forage reserve for brown pelicans. Yet the Council cannot act on this responsibility in the absence of information on where a lack of forage fish may be constraining breeding or wintering success:

*The Coastal Pelagic Species Management Plan (CPSMP) will continue to ensure that adequate forage is available to pelicans if economic conditions change and northern anchovies become more intensively fished. The CPSFMP will also ensure that other forage fishes used by pelicans, such as Pacific sardines and Pacific mackerel, are also managed to preserve adequate forage reserves...food supplies are assured by the CPSFMP.*

We ask the Service to:

- Assemble updated information on the Pacific, Gulf and Caribbean subspecies to inform best monitoring practices for a revised PDMP. Available information includes data on colony occupancy, number of nesting pairs at colony sites, reproductive success at focal sites, roost site occupancy, mortality events, monitoring of ecosystems parameters affecting pelicans such as prey availability and oceanographic conditions, and threats monitoring. This information should be incorporated into a range-wide report on the status of the Brown Pelicans to be released by the Service in 2014.
- Revise, finalize and release the PDMP in 2014. In the process, incorporate the public comments on the draft plan, including the recommendations from pelican experts, into the final PDMP.
- Collaborate with other agencies and organizations to identify funding sources for monitoring, for example Deepwater Horizon settlement funds and the California Oil Spill Trustee Councils.
- Help assemble and support a Brown Pelican Working Group comprised of persons and agencies conducting colony, roost site, and mortality event monitoring across the ranges of the three subspecies. The Service should organize bi-annual meetings of this group (or

more frequent meetings as needed) via conference call to share and discuss monitoring information, determine monitoring, research, and conservation needs, and discuss any needed changes to the monitoring plan.

- Identify linkages and mechanisms for information exchange between the Service and fisheries management agencies including NMFS and the Pacific Fisheries Management Council, such that information on the energetic needs and constraints of Brown Pelicans are integrated into coastal pelagic species scientific evaluations and management.
- Undertake an immediate analysis of existing data on colony monitoring in the Channel Islands and make these data and analyses available in the above-mentioned range-wide status report to be released in 2014. Provide funding and personnel for colony monitoring at Anacapa and Santa Barbara Islands in 2014 and on a continuing annual basis, including nest count and reproductive success monitoring.

Thank you for your attention to this matter, and we look forward to a discussion in the near future.

Sincerely,



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<sup>i</sup> Federal Register / Vol. 74, No. 220 / Tuesday, November 17, 2009 / Rules and Regulations  
50 CFR 17 Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican  
(*Pelecanus occidentalis*).

<sup>ii</sup> Anderson, D. et al. 2007. Size of the California Brown Pelican Metapopulation during a non-El  
Nino year. USGS Open File Report 2007-1299.

<sup>iii</sup> U.S. Fish and Wildlife Service and National Marine Fisheries Service. 2008. Post de-listing  
monitoring plan guidance under the U.S. Endangered Species Act.

[http://www.nmfs.noaa.gov/pr/pdfs/recovery/pdm\\_guidance.pdf](http://www.nmfs.noaa.gov/pr/pdfs/recovery/pdm_guidance.pdf)

<sup>iv</sup> U.S. Fish and Wildlife Service. 2009. Draft post-delisting monitoring plan for the brown  
pelican. U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California.

19 pp.

<sup>v</sup> [http://www.doi.gov/news/pressreleases/2009\\_11\\_11\\_release.cfm](http://www.doi.gov/news/pressreleases/2009_11_11_release.cfm)

<sup>vi</sup> U.S. Fish and Wildlife Service. Species delisted from the Endangered Species Act list of threatened and endangered species. [http://ecos.fws.gov/tess\\_public/DelistingReport.do](http://ecos.fws.gov/tess_public/DelistingReport.do)

<sup>vii</sup> Harvey, L. 2013. California Institute of Environmental Studies. California Brown Pelican reproductive decline on the Channel Islands colonies. Unpublished data. March.

<sup>viii</sup> Nevins, H. et al. 2011. Summary of unusual stranding events affecting Brown Pelican along the US Pacific Coast during two winters, 2008-2009 and 2009-2010. California Department of Fish and Wildlife.

<sup>ix</sup> Anderson, D., Franklin Gress and Kenneth F. Mais. 1982. Brown pelicans: influence of food supply on reproduction. OIKOS 39: 23-31.

<sup>x</sup> Harvey et al ibid.

<sup>xi</sup> Zwolinski, J. and D. Demer. 2012. A cold oceanographic regime with high exploitation rates in the northeast Pacific forecasts a collapse of the sardine stock. Proceedings of the National Academy of Sciences (PNAS)109(11).

<sup>xii</sup> Bjorkstedt, E. et al. 2012. State of the California Current 2011-2012: ecosystems respond to local forcing as La Nina wavers and wanes. CalCOFI Rep., Vol. 53.

<sup>xiii</sup> Harvey, L. Ibid.

<sup>xiv</sup> Velarde, E. et al. 1994. Seabirds as indicators of important fish populations in the Gulf of California. CalCOFI Rep., Vol. 35.

<sup>xv</sup> Velarde, E. Personal Communication. September 2013.

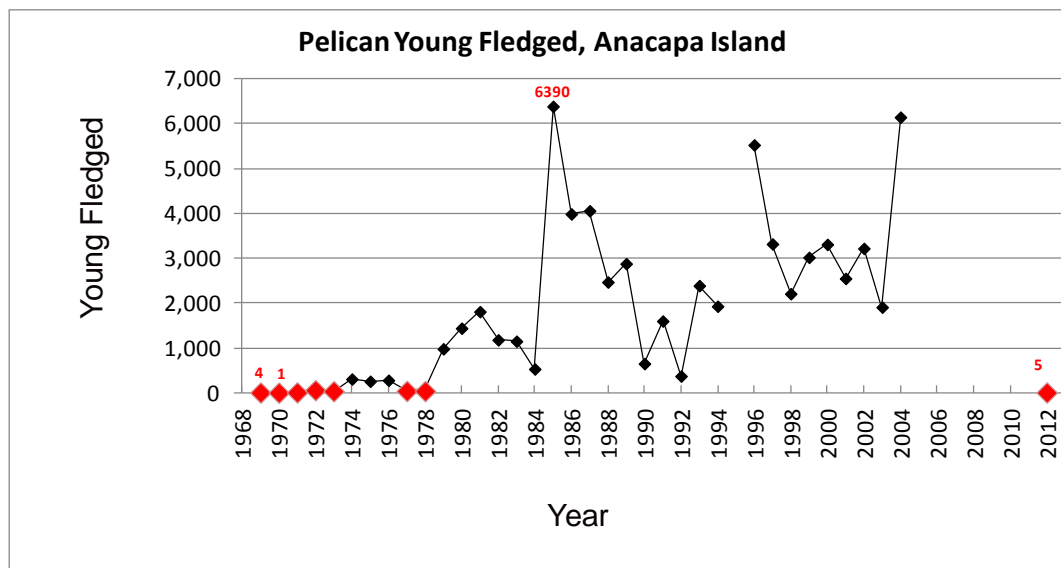


Figure 1. Number of young fledged from 2005 to 2011 was under 2000 individuals (L. Harvey, pers. comm.)