

# Black-capped vireo no longer considered endangered

By **Asher Price** - American-Statesman Staff

In the latest turn in the divisive saga involving rare Central Texas species, the population of a songbird has recovered enough for it to move off the endangered species list, U.S. Fish and Wildlife officials announced Wednesday.

The lifting of habitat protections for the black-capped vireo, long a bulwark against development, is unlikely to open long-restricted areas to construction or road building, given the number of other species that remain protected. But property rights groups and some birders greeted the proposal as good news for a tiny bird.

Nearly 30 years ago — with their nests overrun by another bird species and their shrubby habitat destroyed under the hooves of goats — black-capped vireos were declared endangered.

At the time, there were an estimated 350 adult birds in the United States and Mexico.

Special habitat protections for the vireo, along with other species, were fiercely fought by property owners, who worried the rules would limit what they could do with their land. Environmental groups, on the other hand, saw the regulations as a way to prevent sprawl and pollution.

Now the vireos have made a comeback, due to a decline in the goat population and efforts by government officials, environmental groups and private landowners to trap brown-headed cowbirds, who lay their eggs in vireo nests, essentially duping the vireos into raising cowbird chicks at the cost of the survival of their own young.

Researchers also discovered other breeding grounds.

Officials currently estimate there are at least 14,000 birds across their breeding grounds, including in Travis and Williamson counties, leading the Fish and Wildlife Service to take the rather unusual step of proposing the lifting of the bird's habitat protections.

Since the Endangered Species Act became law in 1973, only 37 species have been taken off the list, including 23 during the Obama administration.

“It’s a success story that shows the (Endangered Species Act) can really work,” said Omar Bocanegra, a supervisory biologist in the Fish and Wildlife Service’s Arlington office.



As with many matters involving endangered species, court action lurked in the background.

The decision to delist the vireo was prompted by a 2012 petition filed by a handful of property-rights groups, including the Texas Farm Bureau, pushing for the agency to delist the vireo. A 2007 federal report had recommended the bird's status be downgraded to threatened, but no action had been taken — federal officials say they were bogged down with higher priority issues.

As a result of the 2012 petition, the Fish and Wildlife Service took another look at the species, and ultimately decided it should be removed altogether, since the bird's population appeared to be on the upswing.

Property rights groups have long wrestled with environmental groups and the Fish and Wildlife Service over the endangered species protections.

According to federal law, development cannot lead to the harming or harassment of endangered species or to the destruction of their habitat.

“Every time we have a listing, regardless of species, it comes with set of restrictions that can be very burdensome to farmers and ranchers, and can interfere with decisions they make about how land is used,” said Gene Hall, a Texas Farm Bureau spokesman.

Black-capped vireos, which see some of their greatest concentrations in the Austin area, nest in Texas during April through July, and spend the winter on the western coast of Mexico.

But the vireo's removal from the endangered species list doesn't necessarily mean bulldozers will start to rev up.

Preserves to protect the species will remain in place, including the Balcones Canyonlands Preserve in western Travis County, a collaboration between the city of Austin, Travis County and the federal government since the mid-1990s to set aside open space to offset habitat destruction for the vireo, the golden-cheeked warbler and other species.

Protections for the golden-cheeked warbler will remain in place; the Fish and Wildlife Service recently turned away an effort by current and former state officials to delist that species.

“The recovery of the vireo is completely independent of the warbler,” said Bocanegra, “which has a more limited breeding range” and faces different threats.

The recovery of a species is “always a good thing,” said Clifton Ladd, a biologist on the board of the birding group Travis Audubon.

The Fish and Wildlife Service will take public comment on the delisting proposal and expects to make a final determination by next December.

