DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018 AB97

Endangered and Threatened Wildlife and Plants; Final Rule Determining Endangered Status for the Southwestern Willow Flycatcher

AGENCY: Fish and Wildlife Service,

Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines the southwestern willow flycatcher (Empidonax traillii extimus) to be an endangered species under the authority of the Endangered Species Act of 1973, as amended (Act). The breeding range of this bird includes southern California, southern Nevada, southern Utah, Arizona, New Mexico, western Texas, southwestern Colorado, and extreme northwestern Mexico. Within this region, the species is restricted to dense riparian associations of willow, cottonwood, buttonbush, and other deciduous shrubs and trees. This habitat was historically rare and sparsely distributed and is currently more rare owing to extensive destruction and modification. The southwestern willow flycatcher is endangered by extensive loss of habitat, brood parasitism, and lack of adequate protective regulations. This rule implements Federal protection provided by the Act for the southwestern willow flycatcher. Designation of critical habitat for the southwestern willow flycatcher is deferred while the Service gathers further comments and reconsiders the prudence of designation and the appropriate boundaries of any area to be designated.

DATES: The listing of the southwestern willow flycatcher is effective March 29, 1995. Comments on the designation of critical habitat may be submitted until April 28, 1995.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business

hours at Ecological Services State Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021.

FOR FURTHER INFORMATION CONTACT: Sam F. Spiller or Robert M. Marshall at the above address (Telephone 602/640–2720).

SUPPLEMENTARY INFORMATION:

Background

The southwestern willow flycatcher is a small bird, approximately 15 centimeters (cm) (5.75 inches) long. It has a grayish-green back and wings, whitish throat, light grey-olive breast, and pale yellowish belly. Two wingbars are visible; the eye ring is faint or absent. The upper mandible is dark, the lower is light. The song is a sneezy "fitzbew" or "fit-za-bew," the call a repeated "whitt."

The southwestern willow flycatcher occurs in riparian habitats along rivers, streams, or other wetlands, where dense growths of willows (Salix sp.), Baccharis, arrowweed (Pluchea sp.), buttonbush (Cephalanthus sp.), tamarisk (Tamarix sp.), Russian olive (Eleagnus sp.) or other plants are present, often with a scattered overstory of cottonwood (Populus sp.) (Grinnell and Miller 1944, Phillips 1948, Phillips et al. 1964, Whitmore 1977, Hubbard 1987, Unitt 1987, Whitfield 1990, Brown and Trosset 1989, Brown 1991, Sogge et al. 1993, Muiznieks et al. 1994). Throughout the range of E. t. extimus, these riparian habitats tend to be rare, widely separated, small and/or linear locales, separated by vast expanses of arid lands. The southwestern willow flycatcher has experienced extensive loss and modification of this habitat and is also endangered by other factors, including brood parasitism by the brown-headed cowbird (Molothrus ater) (Unitt 1987, Ehrlich et al. 1992, Sogge et al. 1993, Muiznieks et al. 1994).

The southwestern willow flycatcher (Order Passeriformes; Family Tyrannidae) is a subspecies of one of the ten North American flycatchers in the genus *Empidonax*. The willow flycatcher and alder flycatcher (*E.*

alnorum) were once considered a single species, the Traill's flycatcher (E. traillii). Some sources [American Ornithologists' Union (AOU) 1983, McCabe 1991] treat E. traillii and E. alnorum, and all their subspecies as a superspecies, the "traillii complex". However, the two species are distinguishable by morphology (Aldrich 1951), song type, habitat use, structure and placement of nests (Aldrich 1953), eggs (Walkinshaw 1966), ecological separation (Barlow and McGillivray 1983), and genetic distinctness (Seutin and Simon 1988). The breeding range of the alder flycatcher generally occurs north of the willow flycatcher's range.

The southwestern willow flycatcher is one of five subspecies of the willow flycatcher currently recognized (Hubbard 1987, Unitt 1987, Browning 1993) (Figure 1.). The breeding ranges of the widely distributed *E. t. traillii* and E. t. campestris extend across the northern United States and southern Canada, from New England and Nova Scotia west, through northern Wyoming and Montana, and into British Columbia. Hubbard (1987) and Unitt (1987) treated E. t. campestris as synonymous with E. t. traillii, but Browning (1993) considered them separate subspecies (Figure 1.). The subspecies *E. t. adastus* breeds from Colorado west of the plains, west through the Great Basin States and into the eastern portions of California, Oregon and Washington. The breeding range of *E. t. brewsteri* extends from the central California coast north, through western Oregon and Washington to Vancouver Island. The breeding range of the southwestern willow flycatcher (E. t. extimus) includes southern California, southern Nevada, southern Utah, Arizona, New Mexico, and western Texas (Hubbard 1987, Unitt 1987, Browning 1993). It may also breed in southwestern Colorado, but nesting records are lacking. Records of probable breeding E. t. extimus in Mexico are few and are restricted to extreme northern Baja California del Norte and Sonora (Unitt 1987, Wilbur 1987).

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