

U.S. FISH AND WILDLIFE SERVICE

**DRAFT POST-DELISTING
MONITORING PLAN FOR THE
INYO CALIFORNIA TOWHEE**

*(Pipilo crissalis eremophilus =
Melospiza crissalis eremophilus)*

[Inyo Brown Towhee

(Pipilo fuscus eremophilus)]

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I. INTRODUCTION

Section 4(g) of the Endangered Species Act of 1973, as amended (Act), requires the Secretary of the Interior to implement a system in cooperation with the States to monitor, for not less than 5 years, the status of all species that have recovered to the point at which the measures provided pursuant to the Act are no longer necessary and have been removed from the List of Threatened and Endangered Wildlife or the List of Threatened and Endangered Plants (50 CFR 17.11, 17.12, 224.101, and 227.4). Post-delisting monitoring (PDM) refers to activities undertaken to verify that a species delisted due to recovery remains secure from risk of extinction after the protections of the Act no longer apply. The primary goal of post-delisting monitoring is to monitor the species to ensure the status does not deteriorate, and if a substantial decline in the species (numbers of individuals or populations) or an increase in threats is detected, to take measures to halt the decline so that re-proposing it as a threatened or endangered species is not needed.

Section 4(g) of the Act explicitly requires cooperation with states in development and implementation of PDM programs, but the Service remains responsible for compliance with section 4(g) and therefore, must remain actively engaged in all phases of PDM.

The Service and states have latitude to determine the extent and intensity of PDM that is needed and appropriate. The Act does not require the development of a formal post-delisting monitoring plan (PDMP). However, a written planning document provides for 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.

This draft PDMP provides information on the goals, duration, implementation, methods, and reporting schedule for monitoring the Inyo California towhee. The plan follows the Service's August 2008, *Post-Delisting Monitoring Plan Guidance Under the Endangered Species Act*.

II. BACKGROUND

When the Inyo California towhee was listed on August 3, 1987, it was classified as one of eight subspecies of what was then considered the brown towhee (*Pipilo fuscus*) (52 FR 28780-28786). In 1989, the American Ornithologists' Union (AOU) split the brown towhee into two unique species, the canyon towhee (*Pipilo fuscus*) and the California towhee (*Pipilo crissalis*), dropping the name brown towhee altogether. The Inyo California towhee (*Pipilo crissalis eremophilus*) is classified as a subspecies of the California towhee. More recently, the AOU (2010) changed the scientific name of the California towhee to *Melozone crissalis*, changing the Inyo California towhee scientific name to *Melozone crissalis eremophilus*. The Inyo California towhee is listed as *Pipilo crissalis eremophilus* on the Federal List of Endangered and Threatened Wildlife, which we consider equivalent to *Melozone crissalis eremophilus*. These changes did not alter where or to what individuals protections of the Act apply.

The Inyo California towhee is restricted to the southern Argus Mountains in the Mojave Desert, Inyo County, California. The towhee was thought to have been more widespread

historically, but climate changes at the beginning of the Pliocene (roughly 5.4–2.4 million years ago) constrained the subspecies to its current distribution (Davis 1951). Within its current range, the Inyo California towhee occupies dense riparian vegetation and adjacent upland habitats. The riparian vegetation, which the towhee relies on for nesting, protection from predators, and shade from the desert sun, is supported by groundwater-fed springs in most cases. The surrounding upland habitat on adjacent slopes is used extensively for foraging, making these upland areas an important component of the towhee's habitat. The distribution of the Inyo California towhee's range is predominantly on Federal lands: 68 percent on Department of Defense (Navy) land within the Naval Air Weapons Station China Lake (NAWS China Lake); 26 percent on Bureau of Land Management (Bureau) land; 5 percent on California Department of Fish and Wildlife (Department) land; and less than 1 percent on private property (LaBerteaux and Garlinger 1998).

California towhees, including the Inyo California towhee, are omnivorous, feeding on seeds, grain, invertebrates, and fruit, with the composition of their diet changing with food availability (Davis 1957). Inyo California towhee territories, which they occupy year-round, range in size from 25 to 62 acres (10 to 25 hectares) and are defended by both the male and female (LaBerteaux 1989). The breeding season generally starts in early spring, coinciding with local plant growth and flowering periods. The most frequent clutch size is four eggs, but can range from two to four. Incubation takes about 14 days, and nestlings may fledge in as few as 8 days after hatching. Fledglings are fed by the adults for at least 4 weeks, and juveniles are independent by about 6 weeks of age, but remain within their natal territory through the subsequent fall and winter. The birds reach sexual maturity in the first breeding season after hatching.

III. REASON FOR INYO CALIFORNIA TOWHEE DECLINE AND LISTING

We listed the towhee as threatened, and at the same time designated critical habitat, because of the loss and degradation of the dense riparian habitat the towhee requires (August 3, 1987, 52 FR 28780). Riparian vegetation is limited in extent naturally in the desert, and destruction of this vegetation from feral animal grazing, recreational activities, water diversion, and mining had significantly degraded and reduced the towhee's already limited habitat. At the time of listing, the population was believed to be less than 200 individuals (52 FR 28780). On November 4, 2013, the Service published a 12-month finding and proposed rule to remove the Inyo California towhee from the Federal List of Endangered and Threatened Wildlife (78 FR 65938). For additional information, refer to the Recovery Plan for the Inyo California Towhee (Service 1998) and the 5-year review of the Inyo California towhee (Service 2008).

IV. RECOVERY

The reduction of threats to the towhee's limited riparian habitat was identified as critical to its recovery (Service 1998). At the time of listing, grazing by feral burros and horses was widespread throughout the towhee's range and had substantially reduced the ability of the

habitat to support towhees. Since 1980, more than 9,400 feral grazers (5,884 burros (*Equus asinus*) and 3,539 horses (*Equus caballus*)) have been removed from the region where the towhee occurs through Navy- and Bureau-funded round-ups (Easley 2012, *in litt.*). In addition, both the Bureau and NAWS China Lake have installed and are maintaining fencing around some springs occupied by towhees to limit grazing which in turn has also reduced the impact of recreational activities around the springs on Bureau land. Furthermore, the Bureau has developed new trails to encourage hiking away from springs, specifically to reduce the impacts of recreational activity on the riparian habitat (Parker 2008, *in litt.*). Water diversion from riparian springs has also been reduced since the time of listing. According to LaBerteaux and Garlinger (1998), water diversions were occurring at four springs occupied by towhees in 1998, while in 2011, water diversions were only occurring at two of the four springs (LaBerteaux 2011).

The efforts by the Bureau and NAWS China Lake to protect, improve, and expand the towhee's riparian habitat have resulted in as much as a four-fold increase in towhee abundance between 1987 when the species was listed and 2011 when the last survey was conducted. The earliest population estimate of 72–138 individuals was for the period 1978–1979 (Cord and Jehl 1979). At the time of listing in 1987, the population was believed to be less than 200 individuals (52 FR 28780). Using a combination of her own observations and data from several other researchers, LaBerteaux estimated the minimum population size of the Inyo California towhee in 1994 to be 180 adults (LaBerteaux 1994). In 1998, LaBerteaux and Garlinger conducted systematic surveys for the Inyo California towhee throughout what was then believed to be nearly the entire potential habitat in the southern Argus Range, including the NAWS China Lake, Bureau, and Department lands. Based on these surveys, LaBerteaux and Garlinger (1998) estimated the total towhee population to be 640 adults. A portion of this increase was likely the result of differences in methodology; however, the species had expanded its range since the earlier surveys, and there were a greater number towhees in areas that were included in previous surveys indicating that an actual increase had occurred. In 2004, LaBerteaux conducted surveys of Bureau and Department lands only (31 percent of the towhee's range) and recorded a population increase of 13.6 percent for those locations that were surveyed in both 1998 and 2004. Extrapolating the results to the 69 percent of the range not included in the survey, LaBerteaux estimated the rangewide population to be 725 adults (LaBerteaux 2004). In 2007, LaBerteaux (2008) conducted towhee surveys on NAWS China Lake land (68 percent of the towhee's range) and observed a population increase of 2.8 percent for those locations that were surveyed in both 1998 and 2007. Based on the results of the 2007 surveys, in combination with the 2004 surveys on Bureau and Department lands, LaBerteaux (2008) estimated the rangewide population to range from 706 to 741 adults. In 2011, LaBerteaux (2011) conducted surveys of Bureau and Department lands and observed a population increase of 6.3 percent for those locations that were surveyed in both 2004 and 2011. Based on the results of the 2011 surveys, and in combination with the 2007 surveys on NAWS China Lake, LaBerteaux estimated the total rangewide population to be 729 adults (LaBerteaux 2011). Therefore, since 1998, the total rangewide population has been estimated to range from 640 to 741 individuals (LaBerteaux 2011).

The criterion for delisting the towhee in the Recovery Plan for the Inyo California Towhee described, in part, the need for the establishment of a population of at least 400 individuals for a 5-year period (Service 1998). This population goal was believed to represent a self-sustaining population and was based on the estimated carrying capacity of the towhee's habitat (Service 1998). In addition, the criterion stated that threats to the species habitat must be reduced and managed, and degraded habitat must be restored and maintained. Therefore, the recovery strategy focused on monitoring the population; managing, reducing, or eliminating threats to the habitat; and rehabilitating destroyed or degraded habitat. Since listing, the population criterion has been met and exceeded, threats have been reduced and are being managed for, and the towhee's habitat has improved.

V. PURPOSE AND OBJECTIVES

The purpose of this PDMP is to monitor the Inyo California towhee and its habitat over time, and to verify that the species remains secure from risk of extinction after it has been removed from the protections of the Act. Monitoring will focus on the three main factors for delisting the species in the recovery plan: (1) the abundance of adults detected during periodic breeding season surveys, (2) the condition of the species' riparian habitat, and (3) threats to its habitat. We believe that by monitoring these three factors, as determined using the same methodology that was used in all previous surveys beginning with the 1998 survey, we will be able to detect a substantial decline in the species or an increase in threats so that appropriate measures can be taken.

The numerical goal of a minimum of 400 pairs sustained over 5 years is the principle criterion for delisting in the recovery plan. This criterion has been reached and exceeded for many years, and is one of the main reasons for the proposed delisting of the species. LaBerteaux and Garlinger (1998) developed a survey methodology for determining towhee abundance, which will be used in all future surveys to ensure that results are comparable. Another reason for the delisting of the towhee is the improvement in the condition of the towhee's riparian habitat that has occurred since the towhee was listed. LaBerteaux and Garlinger (1998) also developed a survey methodology for monitoring towhee habitat, which will be used in all future surveys. Finally, the primary threat that resulted in the listing of the towhee was habitat destruction and alteration, and therefore, threats to the species' riparian habitat will also be monitored to ensure that they are not increasing to a degree that would necessitate relisting the towhee; threats are included in the habitat survey methodology developed by LaBerteaux and Garlinger (1998).

VI. MONITORING DURATION

Although the Act has a minimum PDM requirement of 5 years, the Service believes that the Inyo California towhee should be monitored for 12 years following delisting. A 12-year monitoring period is necessary to account for environmental variability (e.g., drought) that may affect the condition of riparian habitat and to provide for a sufficient number of surveys to document any changes in the abundance of the species. Based on the frequency of past

surveys, a complete survey of known and potential towhee habitat should be conducted every 4 years. The abundance surveys should continue to be accompanied by habitat and threats surveys, as in previous years. Therefore, the 12-year monitoring period will result in a minimum of three complete surveys of the towhee's abundance, habitat condition, and threats in its known and potential range during the period of the PDMP. However, if a decline in abundance is observed or a substantial new threat arises, post-delisting monitoring may be extended or modified as described below.

VII. IMPLEMENTATION

Inyo California towhee PDM is a cooperative effort, and the Service will coordinate with the Bureau, NAWS China Lake, and Department to implement an effective monitoring program to track the state of the Inyo California towhee and its habitat.

The roles of the Service are:

- 1) prepare a draft PDMP;
- 2) publish the Notice of Availability for the draft PDMP in the "Federal Register," conduct outreach and distribute the draft PDMP within the Service, and to other Federal agencies, State resource agency directors, other cooperators, and the public for comment;
- 3) solicit peer review of the draft PDMP by scientific experts;
- 4) after reviewing all comments received from peer reviewers, other Federal agencies, the State, cooperators, and the public, prepare a final PDMP;
- 5) publish the Notice of Availability for the final PDMP in the "Federal Register" and distribute the final PDMP within the Service, and to other Federal agencies, State resource agency directors, other cooperators and the public;
- 6) organize a meeting or conference call with the Bureau, NAWS China Lake, and Department after each survey to discuss results and the state of the towhee and its habitat;
- 7) prepare a final report on the state of the Inyo California towhee and its habitat within 1 year after the final complete survey.

The roles of the Bureau, NAWS China Lake, and Department are:

- 1) provide input to the Service on the draft PDMP;
- 2) continue to conduct towhee abundance, habitat, and threats surveys using the same methods as used in past surveys;

- 3) continue to control threats to the Inyo California towhee for their respective areas including: removal of feral grazers and invasive and exotic plants, maintaining fences, and fire management;
- 4) prepare data reports following each survey in their respective areas; and
- 5) compile the information from the above surveys and submit to the Service for inclusion in the final report at the end of PDMP period.

VIII. METHODS

A. Population Surveys: Monitoring Abundance and Distribution

Abundance for the duration of the post-delisting monitoring period will be determined using the same survey methodology developed by LaBerteaux and Garlinger (1998), which has been used for all Inyo California towhee surveys conducted on Federal and State lands beginning with the 1998 survey. This methodology will be used because we believe it is effective at detecting towhees and provides an accurate population estimate. Additionally, use of this methodology will maintain consistency between data sets and allow for comparison with previous population estimates. When necessary, we provided additional detail to clarify the survey methodology that will be used during the post-delisting monitoring period.

Each survey will be conducted between 15 March and 30 June, which is the breeding season for the Inyo California towhee when they are most active, displaying territorial behavior, singing, mating, and feeding young. A survey is considered complete when all 258 sites within the Argus Range included in the 1998 survey and portions of canyons and side canyons within 805 meters (m) (0.5 mile) from a water source are visited a minimum of one time. However, depending on funding, sites in only a portion of the towhee's range may be visited in a single year, which will require data collected from different years to be combined for a full survey. When feasible it is preferable that sites are visited during the morning hours, from 1 hour after sunrise until a decrease in bird activity occurs, typically 11:00 a.m.; however, sites may be visited throughout the day if the air temperature remains below 32° C (89.6° F). Because bird activity decreases with increasing temperature and wind speed, surveys should not be conducted when the temperature exceeds 32° C (89.6° F) or when the wind speed exceeds 10 kilometers/hour (6.2 miles/hour). Weather conditions, including temperature, cloud cover and wind speed, should be recorded at the beginning and end of each visit. The methodology uses the strip/belt method presented in Merikallio (1946) and reviewed by Franzreb (1977). All transects are oriented to ensure that visible or calling towhees would not likely be missed. For linear stretches of riparian vegetation, transects are walked parallel to the vegetation, usually along a slope above the habitat. The observer(s) stops periodically along the transect to detect birds by sight or sound without the aid of tape playback. Circular patches of riparian vegetation are either walked around, or an observation point is established overlooking the patch. The size of the circular patches may vary; therefore, observer(s) should select a position such that towhees in the center of the patch can

be seen or heard. If Inyo California towhees are not detected initially, a tape-playback technique is used to determine presence. This technique involves broadcasting pre-recorded towhee songs to elicit a response from potential resident birds. The observer(s) broadcasts two to three songs at a decibel level that a towhee could reasonably hear and respond to and then listens for 2 to 3 minutes for a response and repeats if necessary. The songs are played at 50-m (164-foot) intervals along linear stretches of habitat, and at circular patches the songs are played at a minimum of four equidistant points around the patch. No more than 12 songs are played at a site, per survey period, to minimize harassment and the possibility of territory abandonment by the resident birds, and tape playback is stopped once a towhee is detected. In cases where Inyo California towhees are not readily detectable, and the tape-playback technique does not elicit a response, the observer(s) remains at the site for a minimum of 30 minutes before making a determination of ‘undetected.’ In addition to the number of towhees observed or the absence of towhees, an attempt will be made to record the age of individuals (adult or juvenile), along with any indication of breeding. Breeding is inferred if two adult towhees are observed in proximity and/or exhibiting breeding or nesting behavior or a single adult is observed at a nest or with a juvenile. A towhee is considered unmated if it sings persistently without another adult in proximity or if a breeding pair chases the individual from the pair’s territory. When the breeding status is not clear, the site is visited once more to attempt to determine status. Location of towhees and any towhee nests are recorded with a GPS unit. Any evidence of brown-headed cowbird (*Molothrus ater*) nest parasitism is also noted.

Observations from those sites visited in a single season are compared with those made at the same sites in previous years to determine any change or trend in towhee abundance. At the end of each complete survey, which may span multiple years depending on funding, all observations will be used to estimate the total number of birds, number of breeding pairs, and number of unmated birds across the range of the species.

B. Monitoring Habitat and Threats

In addition to the survey methodology for determining towhee abundance, LaBerteaux and Garlinger (1998) also developed a methodology for assessing habitat condition and threats. Although LaBerteaux and Garlinger (1998) called these “water source surveys,” which could imply that they were intended to monitor only water availability or flow rates, they are also used to collect information on habitat condition and threats in towhee territories. Water source surveys will continue to be conducted throughout the 12-year post-delisting monitoring period to maintain consistency between data sets and allow for comparison with previous surveys. Information collected during water source surveys include: predominant vegetation, extent of riparian vegetation, surface area of free water, land ownership, impacts of feral grazers and recreational use, and presence of nonnative and invasive plants. Water flow is calculated in gallons per minute by recording the amount of time required to fill a container of known quantity. Predominant vegetation, stream length, extent of surface water, and extent of riparian vegetation are estimated either visually or by measuring features plotted on topographic maps. When feasible, it is preferable to use a GPS unit to delineate the riparian patches. The length of a stream that flows steadily aboveground through adjacent sites is calculated as the distance from the upstream edge of one site’s riparian habitat to the upstream edge of the adjacent downstream riparian habitat.

For purposes of this PDMP, we believe the most important threats to monitor for the Inyo California towhee are those that have been sufficiently reduced and contained, but not permanently eliminated, during the recovery process. For the towhee, those threats are habitat degradation from feral grazers, recreational use, and water diversion. The Cooperative Management Agreement (Service *et al.* 2010) signed by the Service, Bureau, NAWS China Lake, and Department outlines the commitment of the cooperating agencies to continue the conservation measures that led to the improvement of the riparian habitat and consequently the recovery of the towhee. The water source survey methodology includes an assessment of the impacts of these threats on the towhee's habitat.

Impacts to riparian habitat relating to recreational and feral grazer uses at water sources are ranked using the following categories: severe, moderate, low, no disturbance, or not applicable.

For recreational use the categories are defined as follows:

Severe: Widespread impact on vegetation, numerous foot trails and OHV paths or tracks, several heavily used campsites.

Moderate: Localized impact on vegetation, numerous foot trails, but little or no OHV activity; few heavily used campsites.

Low: Slight impact on vegetation; few foot trails, but no OHV activity; no heavily used campsites.

No disturbance: Recreational use negligible.

Not applicable: No use.

For feral grazer use the categories are defined as follows:

Severe: Widespread hedging of browse; heavy use of grasses and forbs; numerous trailing and trampling of vegetation, with an obvious increase in bare ground since the last survey.

Moderate: Localized heavy use of plants; few trails and little trampling, with localized increase in bare ground since the last survey.

Low: No heavy use of plants; few trails, no trampling.

No disturbance: Use negligible.

Not applicable: No use.

Subsequent to the listing of the towhee, the spread of non-native and invasive plants has been identified as a potential threat to towhee habitat. In addition to the above information, the presence or absence of tamarisk (*Tamarix* sp.) and carrizo (*Phragmites australis*) is noted for each site during the water source surveys.

The information above will be used to calculate the percent change in the number of affected sites from the previous survey. For example, the percent change in the number of sites classified as receiving moderate impacts from feral grazers would be calculated to determine if this type of impact had increased, decreased, or remained unchanged since the last survey. Our partners will also alert us immediately in the case of any major natural events that may adversely affect towhees, such as a fire or flood.

Other habitat monitoring methodologies (e.g., remote sensing and aerial photography) may be considered during the monitoring period to supplement and enhance the existing methods.

IX. FACTORS INDICATING POTENTIAL NEED FOR ACTION BY THE SERVICE AND ITS PARTNERS

After each survey, the Service and its partners will compare the results with those from previous surveys and consider the implication of any observed change in abundance or threats to the conservation of the species. If there has been only a relatively minor (<10 percent) decrease in abundance and if any increase in threats is likely to be temporary or readily resolved, the Service and its partners may determine that no additional response is necessary. However, if a more substantial change has occurred, the Service and its partners may consider taking additional actions to avoid the need to relist the Inyo California towhee. Examples of changes that may indicate additional actions should be considered include, but are not limited to:

- 1) two consecutive quadrennial surveys indicate abundance is markedly (>10 percent) lower than that observed in 2011 (LaBerteaux 2011);
- 2) a survey indicates that the adult population drops below 400 individuals, the delisting criterion for the population established in the 1998 Recovery Plan (Service 1998);
- 3) over the PDM period, analysis of data collected during water source surveys indicates threats have increased substantially (e.g., >25 percent of sites affected) in comparison to baseline conditions (i.e., 2011); or
- 4) a fire or flood event occurs in known occupied habitat.

Based on the above, the Service and its partners may determine that one or more of the actions listed below are needed. The actions are:

- 1) hold a special meeting between the Service and its partners to discuss potential causes and severity of the observed change and appropriate responses;

- 2) add new components to the PDMP;
- 3) extend the PDM period;
- 4) conduct a status review of the species, which would include a five-factor analysis of the threats to the species, to determine whether the species warrants relisting under the Act; or
- 5) emergency list the Inyo California towhee as a threatened or endangered species.

Section 4(g)(2) of the Act directs the Service to make prompt use of its emergency listing authorities under section 4(b)(7) to prevent significant risk to the well-being of any recovered species. While not specifically mentioned in section 4(g), authorities to list species in accordance with the process prescribed in sections 4(b)(5) and 4(b)(6) may also be used to reinstate species on the Federal List of Threatened and Endangered Wildlife, if warranted.

X. MEETINGS AND REPORTS

The Service, Bureau, NAWS China Lake, and Department have entered into an Agreement (Service *et al.* 2010) in which they established annual meetings to discuss issues related to the Inyo California towhee, such as timing of future surveys, funding for surveys, new threats, and potential new conservation measures. In addition, after each quadrennial towhee and water source survey is completed, the agencies will convene to review the results and discuss the state of the towhee, its habitat, and threats to the species. As part of these meetings, the Service will also consider changes to the PDMP; if such changes are necessary to meet the Service's responsibilities under Section 4(g) of the Act, they will be promptly implemented, subject to available funding needed for their implementation.

At the end of the PDMP period, the Service will conduct a final internal review and prepare a final report summarizing the results of monitoring. This report will include: 1) a summary of the results from the three complete surveys for towhee abundance and distribution; 2) a summary of the results of the water source surveys evaluating the condition of the riparian habitat; 3) any other data that could be used to assess the state of the towhee and its habitat; 4) the status of threats to the species with respect to the five factors considered when a species is proposed for addition to the Federal List of Threatened and Endangered Wildlife [i.e., A) the present or threatened destruction, modification, or curtailment of habitat or range; B) overutilization for commercial, recreational, scientific, or educational purposes; C) disease or predation; D) inadequacy of existing regulatory mechanisms; and E) other natural or manmade factors affecting its continued existence]; and 5) recommendations for any actions and plans for the future. A Notice of Availability of the final report will be published in the "Federal Register." The final report will include a discussion of whether monitoring should continue beyond the 12-year period for any reason. If the results are inconclusive, monitoring should continue, and the monitoring plan should be modified as appropriate. If there is no indication that the Inyo California towhee may meet the definition of endangered

or threatened under the Act at the end of the 12-year monitoring period, then monitoring can be discontinued at that time. The Service may request species experts and other independent specialists to review drafts of the final report, as appropriate. The final report will be posted on the Internet at: <http://www.fws.gov/ventura>.

XI. FUNDING

The PDMP will be implemented through cooperation between the Bureau, NAWS China Lake, Department and the Service. The estimated cost to conduct a complete, range-wide abundance and water source survey is \$68,000, which includes field surveys and report preparation. Additional field surveys to evaluate the potential expansion of the population into suitable neighboring riparian habitat are estimated to be \$15,000. Therefore, the estimated cost of each complete survey is \$83,000, and the total cost of the three complete surveys that will be conducted over the course of the PDMP is estimated to be \$249,000.

XII. ANTI-DEFICIENCY ACT DISCLAIMER

Post-delisting monitoring is a cooperative effort between the Service and State, Tribal, and foreign governments; other Federal agencies; and non-governmental partners. Funding of PDM presents a challenge for all partners committed to ensuring the continued viability of the Inyo California towhee following removal of Act protections. To the extent feasible, the Service intends to provide funding for PDM efforts through the annual appropriations process. Nonetheless, nothing in this PDMP should be construed as a commitment or requirement that any Federal agency obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. 1341, or any other law or regulation.

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