

Red-Cockaded Woodpecker/Endangered Species Act: U.S. Fish and Wildlife Service Downlists from Endangered to Threatened



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The United States Fish and Wildlife Service (“Service”) published a final rule in the October 25th Federal Register changing the Endangered Species Act (“ESA”) classification of the Red-Cockaded Woodpecker (“Woodpecker”). See 89 Fed. Reg. 85294.

The final rule changes the Woodpecker from an endangered listing to a threatened listing.

The Woodpeckers range includes parts of the State of Arkansas.

Pursuant to the ESA, the Service may determine that a species is endangered or threatened because of any five factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or manmade factors affecting its continued existence.

The Service may reclassify a species if it believes the best available commercial and scientific data indicate that the species no longer meets the applicable definition in the ESA. If a species is reclassified from endangered to threatened, this is often referred to as “downlisting”.

The Service determined that the Woodpecker should be downlisted from endangered to threatened. It had been listed as an endangered species since 1973. In making the reclassification, the Service references an increasing population of the Woodpecker throughout its range.

The Woodpecker is described as a territorial, non-migratory bird species whose habitat includes mature pine forests in the southeastern United States. Its historical range included Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Virginia.

The Woodpecker can be found in Arkansas’ Ouachita National Forest and other areas of the State. It has been described as the rarest of Arkansas’ nesting woodpeckers with the exception of the ivory-billed woodpecker.

The Service's October 25th rule is based on its belief that the species' status is improved such that it is not currently in danger of extinction throughout all or a significant portion of its range.

The Service is also finalizing what it describes as "protective regulations" under the authority of Section 4(d) of the ESA. It concludes that this rule is necessary and advisable to provide for the conservation of the Woodpecker.

The 4(d) rule continues the same prohibitions for Woodpeckers as an endangered species. This includes exceptions for routine law enforcement activities and habitat management. Further, it provides species-specific exemptions for beneficial management practices. The prohibitions apply throughout the species' range on both public and private lands.

A copy of the Federal Register Notice can be downloaded [here](#).