

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

California Endangered Species Act



Petition Evaluation for Bendire's Thrasher (*Toxostoma bendirei*)

Report to the Fish and Game Commission
January 2026



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LIST OF ABBREVIATIONS, ACRONYMS, AND TERMS

BLM – Bureau of Land Management
CESA – California Endangered Species Act
Commission – California Fish and Game Commission
Department – California Department of Fish and Wildlife
ESA – Federal Endangered Species Act
HCP – Habitat Conservation Plan
INRMP – Integrated Natural Resource Management Plan
NCCP – Natural Community Conservation Plan
NEPA – National Environmental Policy Act
SGCN – Species of Greatest Conservation Need
SSC – Species of Special Concern
subsp. – subspecies (singular)
subsp. – subspecies (plural)
USFWS – U.S. Fish and Wildlife Service

EXECUTIVE SUMMARY

This petition evaluation for Bendire's Thrasher (*Toxostoma bendirei*) has been prepared by the California Department of Fish and Wildlife (Department) in response to the petition to list Bendire's Thrasher as threatened or endangered under the California Endangered Species Act (CESA). The purpose of this petition evaluation is to provide a recommendation to the Fish and Game Commission (Commission) on whether the petition provides sufficient information to indicate the petitioned action may be warranted.

Bendire's Thrasher is a medium-sized songbird that occurs in California in a variety of desert habitats within the Southern and Eastern Mojave Desert and Colorado Desert up to 2,000 m in elevation. It is also found in portions of Arizona, Nevada, Utah, New Mexico, Colorado, and Mexico. In California, the species seemingly prefers Joshua tree (*Yucca brevifolia*) and cholla (*Cylindropuntia* spp.) habitats as nesting locations. The petitioner notes range-wide declines in the species' abundance between the 1980s and 2001 and longer-term declines since the 1960s. The Department has few recent detection records across the species' range in California.

The Department has determined that the petition addresses each of the required petition components listed in Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1):

- Life history
- Range
- Distribution
- Detailed distribution map
- Kind of habitat necessary for survival
- Abundance
- Population trend
- Factors affecting the ability to survive and reproduce
- Degree and immediacy of threat
- Impact of existing management efforts
- Suggestions for future management
- Availability and sources of information

In completing its petition evaluation, the Department considered the information in the petition and other relevant information the Department possesses. The Department has determined that there is sufficient scientific information to indicate that the petitioned action to list Bendire's Thrasher as threatened or endangered under CESA may be

warranted. Therefore, the Department recommends that the Commission accept the petition for further consideration pursuant to CESA.

1 INTRODUCTION

1.1 Petition Evaluation Overview

This petition evaluation serves as the basis for the California Department of Fish and Wildlife's (Department) recommendation to the California Fish and Game Commission (Commission) on whether the petition to list Bendire's Thrasher (*Toxostoma bendirei*) as threatened or endangered under the California Endangered Species Act (CESA) should be accepted and considered. The recommendation is based on the sufficiency of scientific information in the petition, as well as other relevant information that was reviewed by the Department during the evaluation period.

A petition to list a species under CESA must include "information regarding the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population to survive and reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, and the availability and sources of information. The petition shall also include information regarding the kind of habitat necessary for species survival, a detailed distribution map, and any other factors that the petitioner deems relevant" (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

Once a petition is submitted to the Commission, the Department has 90 days (120 days with extension) to prepare a petition evaluation that assesses each of the petition components and makes a recommendation to the Commission as to whether there is sufficient scientific information to indicate that the petitioned action to list the species under CESA may be warranted (Fish & G. Code, § 2073.5, subds. (a)-(b)). Once completed by the Department, the petition evaluation is delivered to the Commission and placed on the agenda for receipt at the next available meeting of the Commission. At that time, the petition evaluation will be made available to the public for a 30-day public comment period prior to the Commission taking any action on the petition. The Commission then considers the petition, the Department's petition evaluation and recommendation, written comments received, and oral testimony, and will then make a finding at the next available meeting of the Commission as to whether the petition provides "sufficient information to indicate that the petitioned action may be warranted" (Fish & G. Code, § 2074.2, subd. (e)(2)). The standard for accepting a petition for consideration and assessing sufficiency of information is addressed in *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597.

If the Commission determines that the petitioned action may be warranted, the species becomes a candidate for CESA listing and proceeds to the status review stage of the CESA listing process. The Department then prepares a peer-reviewed report that advises

the Commission on whether the petitioned action is warranted, based upon the best scientific information available (Fish & G. Code, § 2074.6). Finally, the Commission determines whether the petitioned action to list the species as threatened or endangered is warranted, based on the Department's status review and other information in the administrative record (Fish & G. Code, § 2075.5).

1.2 CESA Petition History

On September 16, 2025, the Center for Biological Diversity submitted to the Commission a petition to list Bendire's Thrasher as threatened or endangered under CESA. On September 26, 2025, the Commission referred the petition to the Department for evaluation. At its meeting on October 8, 2025, the Commission officially acknowledged receipt of the petition. At its meeting on December 10, 2025, the Commission granted the Department's request for a 30-day extension of the period to review the petition and prepare this petition evaluation.

1.3 Federal Endangered Species Act (ESA) Petition History

On May 20, 2025, the Center for Biological Diversity submitted a petition to the U.S. Fish and Wildlife Service (USFWS) to list Bendire's Thrasher as a threatened or endangered species under the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). At the time this CESA petition evaluation was prepared, USFWS had not published a determination regarding the federal petition.

1.4 Additional Species Status Designations

1.4.1 California Species of Special Concern

Bendire's Thrasher is designated as a Species of Special Concern (SSC) by the Department. The Department has assigned the species a Global Rank of G4 and State Rank of S2 ("Imperiled"), meaning the species is at high risk of extirpation in the state due to a restricted range, few populations or occurrences, steep declines, severe threats, or other factors (CNDDB 2025).

1.4.2 USFWS Birds of Conservation Concern

Bendire's Thrasher is listed by the USFWS on the Birds of Conservation Concern list (CNDDB 2025).

1.4.3 Bureau of Land Management Sensitive Species

Bendire's Thrasher is listed by the Bureau of Land Management (BLM) as a "Bureau Sensitive" species in California (CNDDB 2025).

1.4.4 IUCN Red List

Bendire's Thrasher is considered a Vulnerable species by the International Union for Conservation of Nature (IUCN) Red List (IUCN 2025).

1.4.5 NatureServe Conservation Status Ranks

NatureServe is a network of over 60 government and non-governmental organizations that uses a standardized approach to assess the conservation status of each species.

Bendire's Thrasher is globally ranked as G4 (Apparently Secure) by NatureServe, but populations in California are ranked as S2 (Imperiled; (NatureServe 2025)).

2 SPECIES DESCRIPTION AND TAXONOMY

CESA defines the "species" eligible for listing to include "species or subspecies" (Fish & G. Code, §§ 2062, 2067, 2068).

2.1 Species Description

The petition describes Bendire's Thrasher as a migratory, medium-sized bird, with a mean body mass of 60 g and body length of 23–25 cm (CLO 2025). The species has a grayish brown bill with a pale patch at the base of the mandible which is present during all life stages (Borgman et al. 2024). Its bill is fairly long and slightly curved (CLO 2025). The species' plumage is brown, with paler underparts and indistinct spotting on the breast. The undertail covert feathers are buffy, and the tips of the tail feathers are grayish. Plumage color changes seasonally with age, and older birds may appear more uniformly gray-brown or buffy brown ventrally than younger birds (CLO 2025).

2.2 Species Taxonomy

The petition describes Bendire's Thrasher (*Toxostoma bendirei*) as a songbird belonging to the Mimidae family, genus *Toxostoma*, species *T. bendirei*. The petition states that Bendire's Thrasher is accepted as a valid species by the American Ornithological Society, amongst other ornithological authorities. The petition also notes that there are three subspecies of Bendire's Thrasher: *T. b. bendirei*, *T. b. candidum*, and *T. b. rubricatum*, with only *T. b. bendirei* occurring in California.

2.3 Similar Taxa

Bendire's Thrasher is one of the seven recognized species of thrashers (*Toxostoma* spp., *Oreoscoptes* sp.) occurring in California. The other six thrashers are: Brown Thrasher (*T. rufum*), California Thrasher (*T. redivivum*), Crissal Thrasher (*T. crissale*), Curve-

billed Thrasher (*T. Curvirostre*), LeConte's Thrasher (*T. lecontei*), and Sage Thrasher (*Oreoscoptes montanus*). While Bendire's Thrasher overlaps in range in California with several of these species (Crissal Thrasher, Curve-billed Thrasher, LeConte's Thrasher, and Sage Thrasher), it is distinguishable from other species based on general morphology, including plumage and bill morphology, and songs (CLO 2025).

3 SUMMARY OF PETITION COMPONENTS

Pursuant to Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1), the Department evaluated whether the petition contained information on each of the following petition components:

- Life history;
- Range;
- Distribution;
- Detailed distribution map;
- Kind of habitat necessary for survival;
- Abundance;
- Population trend;
- Factors affecting the ability to survive and reproduce;
- Degree and immediacy of threat;
- Impact of existing management efforts;
- Suggestions for future management; and
- Availability and sources of information.

The Department did not receive new information from the public during the petition evaluation period (Fish & G. Code, § 2073.4). Pursuant to Fish and Game Code section 2073.5, the Department evaluated the petition to determine whether there is, or is not, sufficient information to indicate that the petitioned action may be warranted. A summary of the relevant information from the petition for each of the petition components is presented below. The Department has grouped similar components together and renamed components to create a more cohesive and readable document.

3.1 Life History

This section summarizes the information in the petition regarding the species' life history (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition describes the life history of Bendire's Thrasher on pages 1–2 and 6–11, providing information on the species' diet, territoriality, breeding, growth and longevity, and migration and dispersal. The following is a summary of the information presented.

The petition states that, similar to other thrasher species, Bendire's Thrasher mainly forages for prey on the ground. The diet of Bendire's Thrasher consists primarily of invertebrates, but the species is also known to consume fruit and seeds from trees and shrubs at low frequency. In proximity to development and agriculture, the species has also been observed consuming livestock feed and seed at bird feeders.

The petition states that individual Bendire's Thrasher breeding territories are generally large and separated by 400–1000 m depending on habitat. Territories seem to be selected based on habitat containing areas of high vegetation heterogeneity and high amounts of bare ground.

The petition describes that the breeding timing of Bendire's Thrasher varies spatially due to elevation and ecological conditions. Breeding generally occurs between late-January to mid-February in California but may occur as late as April. During the breeding season, males sing from perches on shrubs and trees to attract a mate. Females are not known to sing. Both sexes aid in constructing bowl-shaped nests and in feeding young, while females are the primary incubators. Most nests are located 1.5 m above ground in shrubs (cholla cacti [*Cylindropuntia* spp.], mesquite [*Prosopis* spp., *Neltuma* spp.], yucca [*Yucca* spp.]) and trees (mesquite, Joshua tree [*Yucca brevifolia*]).

The petition notes that nest survival is seemingly influenced by time of year, with later initiated nests having decreased chances of survival. Nesting and incubation periods for Bendire's Thrasher are not well defined. Juveniles fledge approximately 12 days after hatching, but the fledgling period varies geographically across the species' North American range. Post-fledgling survival is relatively low (40%) and while adult survival estimates are not known, some estimates put the average lifespan at 2–6 years and some individuals may live as long as 10 years.

The petition describes that Bendire's Thrashers withdraw from breeding areas and migrate southward, but that southern winter distributions are poorly understood. Recent research has also found that some, but not all, individuals in Arizona populations may stay within their breeding territories year-round. Migration timing varies geographically, but typically initiates between late July to late September, with individuals returning to breeding areas in February.

3.2 Range and Distribution

This section summarizes the information in the petition regarding the species' range and distribution and provides a detailed distribution map (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)). A species' range for the purposes of CESA and this petition evaluation is the species' range within California (Cal. Forestry Assn. v. Cal. Fish and Game Com. (2007) 156 Cal.App.4th 1535, 1551). Range describes the

general geographical area in which a species occurs. Distribution describes the actual sites where individuals and populations of the species occur within the species' range.

The petition describes the range and distribution of Bendire's Thrasher on pages 12–13, 17–19, and 25–26. The petition states that the species' global range encompasses New Mexico, Arizona, Utah, Colorado, California, and northwestern Mexico from sea level to 2,000 m in elevation. The petition notes that approximately 5% of the global population (8% of the U.S. population) resides in California. In California, the species is known from Eastern Mojave, Southern Mojave, and Colorado Desert Regions of the state (**Figure 1, Figure 2**). The species range also overlaps with two EPA Level III ecoregions: 1) Mojave Basin and Range; and 2) Sonoran Desert. Although not described in the petition, the species observation points in the distribution map (**Figure 2**) are from multiple data sources, including eBird, surveys conducted by the Desert Thrasher Working Group, and other research efforts (Borgman et al. 2024).

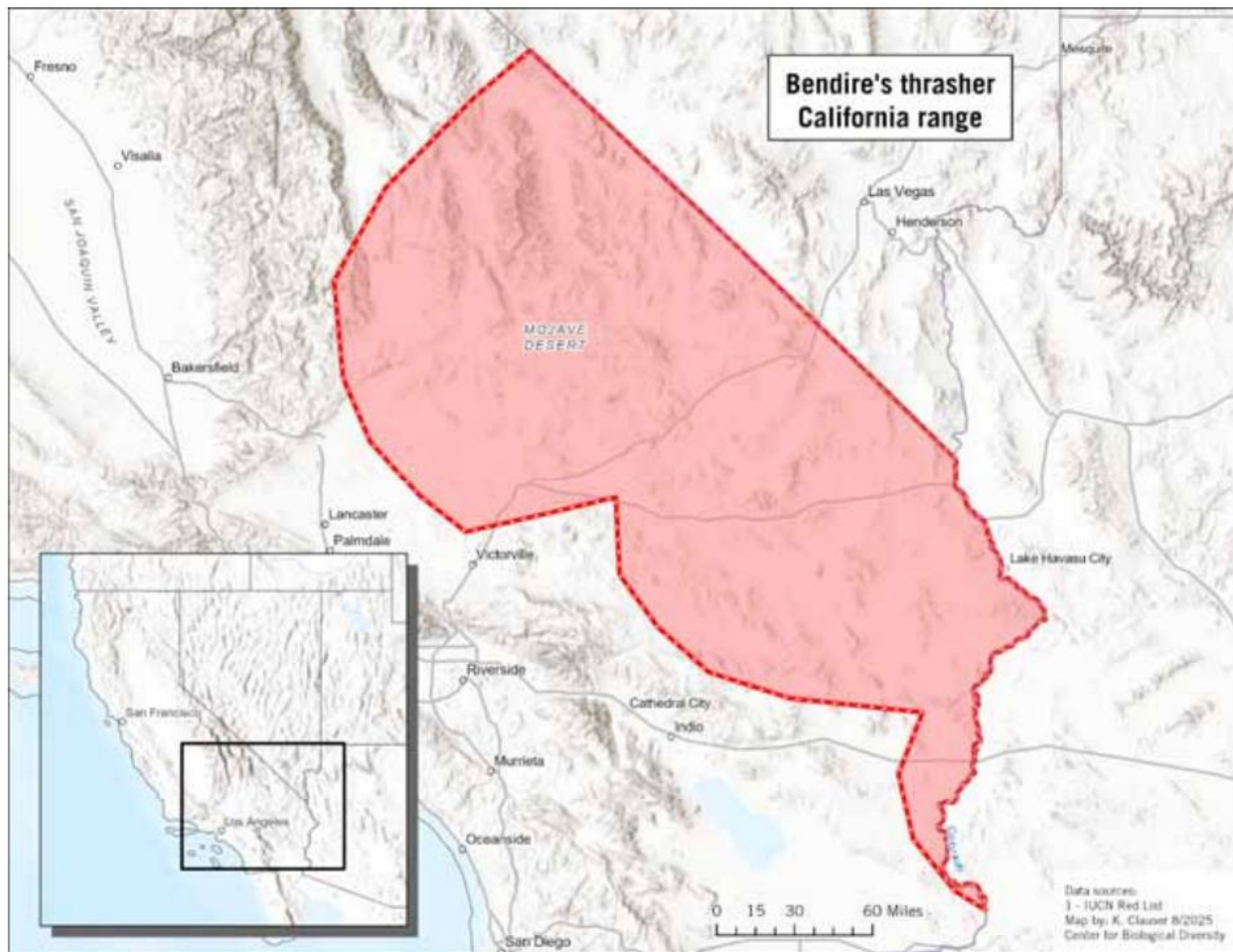


Figure 1. Breeding range of Bendire's Thrasher in California. Data sources: IUCN Red List; Borman et al. 2024. Figure 5 in the petition.

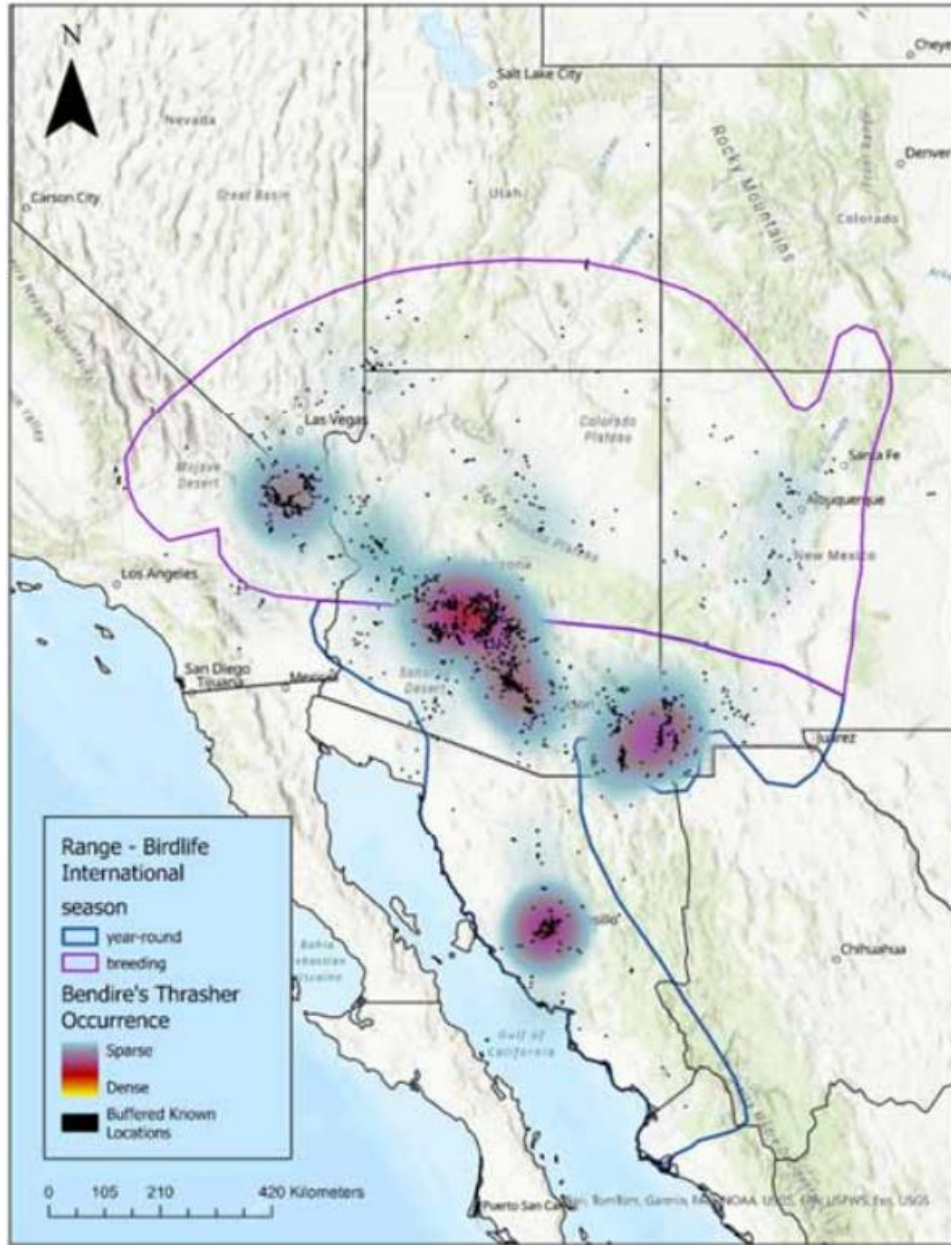


Figure 2. Global range and population density map of Bendire’s Thrasher from Borgman et al. 2024. Presence is depicted as a heat density map, with black dots as buffered confirmed detection points. Points included are not comprehensive, and densities are likely skewed towards more populated areas where there is higher observation effort. Figure 4 in the petition.

3.3 Habitat

This section summarizes the information in the petition regarding the kind of habitat necessary for species survival (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses the habitat of Bendire's Thrasher in the "Habitat" section on pages 12–14 and "Breeding" section on page 7.

The petition states that knowledge of Bendire's Thrasher habitat requirements are evolving, but the species generally prefers patchy areas of dense shrubs for nesting and concealment. The petition notes however that some research suggests a preference for habitats near washes, in areas with low slopes, in areas of low shrub or tree density, and near 1,000 m in elevation. Areas with vegetation approximately 1.5 m in height are preferred for nesting. The petition notes that habitat preferences for the species vary geographically, by elevation, and by ecoregion due to vegetation differences across habitats.

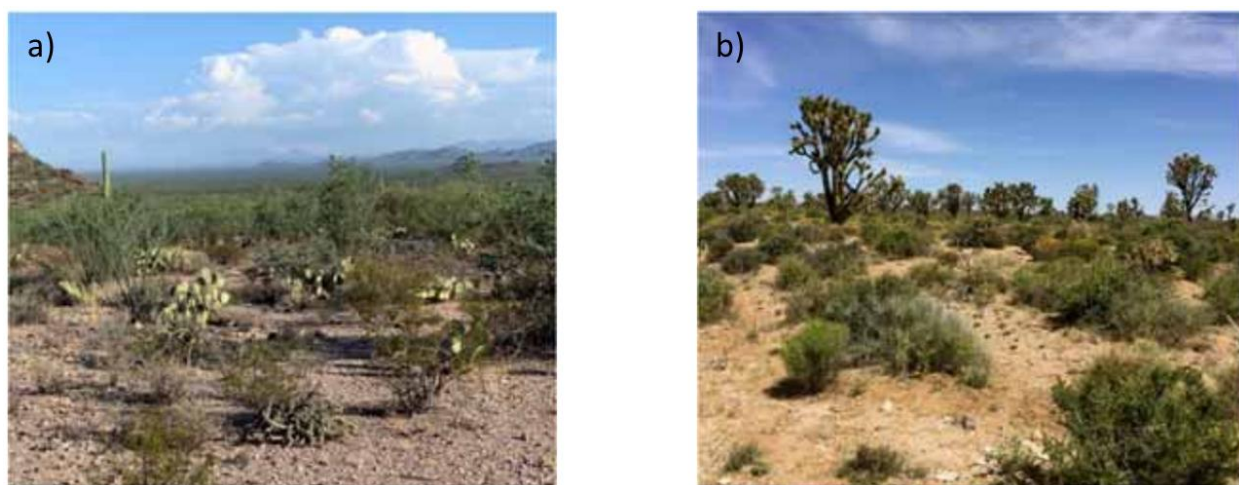


Figure 3. Examples of Bendire's Thrasher habitat in the Sonoran Basin and Range ecoregion (a) and Mojave Basin and Range ecoregion (b). Photos from Borgman et al. (2024) and Ammon et al. (2020). Figure 2 in the petition.

In California, Bendire's Thrashers in the Mojave Basin and Range ecoregion are associated with habitats with a moderate density of Joshua tree and bunchgrasses (e.g., big galleta [*Hilaria rigida*]) (**Figure 3a**). In the absence of Joshua trees, the species will also use habitats with large Mojave yucca (*Yucca schidigera*). Preferred Bendire's Thrasher habitat varies geographically, but typically plants within occupied areas include Mojave buckwheat (*Erigonum fasciculatum*), blackbrush (*Coleogyne ramosissima*), white bursage (*Ambrosia dumosa*), ephedra (*Ephedra* spp.), winterfat (*Krascheninnikovia lanata*), Mojave yucca, or banana yucca (*Yucca baccata*). Bendire's Thrashers found in the Sonora Desert ecoregion are associated with habitats consisting of creosote (*Larrea tridentata*), *Lyccium* spp., graythorn (*Ziziphus obtusifolia*), large yuccas and chollas, mesquite, palo verde (*Parkinsonia* spp.), and ironwood (*Olneya tesota*; **Figure 3b**). In addition to native habitats, Bendire's Thrasher has also been detected using shrubs and mesquite trees at the edge of agricultural and rangeland areas and rural communities.

3.4 Abundance and Population Trend

This section summarizes the information in the petition regarding the species' abundance and population trend (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

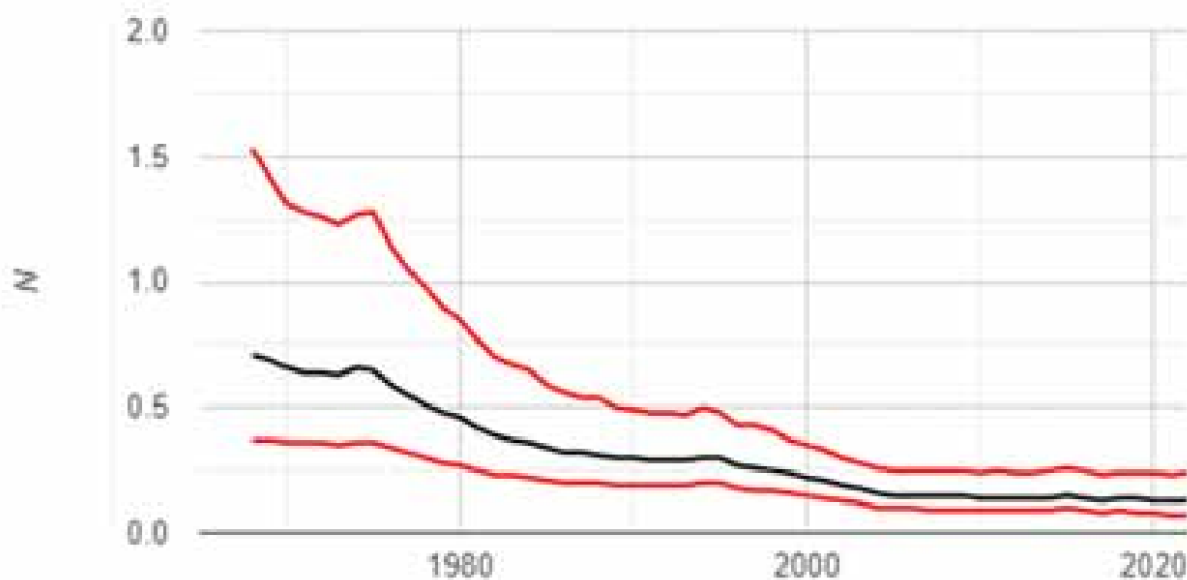


Figure 4. U.S. Breeding Bird Survey population trends for Bendire's Thrasher, 1966–2022. The black line represents the annual population index, and the red lines represent the upper and lower 95% Confidence Intervals. Figure 10 in the petition.

The petition discusses the abundance and population trends of Bendire's Thrasher on pages 25–29. The petition estimates that approximately 4,400 adult individuals breed in California, which is 8% of the estimated U.S. population. The petition references U.S. Breeding Bird Survey data and notes that Bendire's Thrasher is one of the fastest declining avian taxa in North America (**Figure 4**), with U.S. populations having declined 3.12% per year over approximately 50 years (86% total decline nationally). The petition did not provide California-specific population trends, but the Department accessed readily available analyses of U.S. Breeding Bird Survey data for California, which estimated a decline of 2.74% per year in the state from 1966–2022 (about an 80% total decline, although the 95% CI slightly overlaps zero [-5.8% to 0.11% per year]). The petition reports negative population trends at regional scales which overlap with California populations. The petition highlights a resampling study in a portion of the species' range in California (western and southern Mojave Desert), where a sharp decline in Bendire's Thrasher abundance was observed (10x fewer individuals) between two sample periods. The petition does point out that the difference in abundance between the two sample periods may have been due in part to potential normal annual variation in the abundance of the species and ongoing drought conditions causing

abundances to be low in 2001. This argument may be supported by anecdotal reports in 2005, from after the resampling effort, which indicated increased breeding activity in some parts of the species' range.

3.5 Threats

This section summarizes the information in the petition regarding the factors affecting the ability of the species to survive and reproduce, and the degree and immediacy of threats (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses threats to Bendire's Thrasher in the section title "Threats" on pages 33–66.

The petition discusses four main types of threats:

1. Habitat loss, degradation, and fragmentation
2. Direct and indirect anthropogenic mortality events
3. Disease and predation
4. Climate change

3.5.1 Habitat loss, degradation, and fragmentation

The petition states that habitat loss, degradation, and land conversion are major threats to Bendire's Thrasher persistence. The petition argues that because the desert habitats preferred by the species are also desired for anthropogenic uses, there is increased potential of harm due to impacts from anthropogenic sources. The petition lists nine (9) sources of habitat loss, degradation, and fragmentation, which include: urban development, infrastructure development, agricultural development and pesticide use, livestock grazing, renewable energy production, mining activities, military activities, off-highway vehicle (OHV) use, and plant harvesting. These habitat threats cause changes in soil and plant cover, directly and indirectly remove breeding and nesting habitat, introduce invasive plant species, remove food resources, and cause changes in natural fire cycles. The petition suggests that urban development is a significant and immediate threat to Bendire's Thrasher, particularly in the western Mojave Desert portion of the species' range near Morongo, Coachella, Lucerne Valley, and Apple Valley. The petition also notes that increased fire frequency due to habitat change (e.g., invasive grasses) may be of particular concern, because of the slow ability for desert vegetation to recover from disturbance. The petition also specifically notes that OHV use within Bendire's Thrasher habitat may degrade habitat via noise and light pollution, adversely influencing breeding behaviors and habitat use. The petition argues that the effects of these threats make habitat unsuitable for supporting populations of Bendire's Thrasher in some portions of the species' range in California.

The petition notes that some livestock grazing may be beneficial to the species via promoting nesting habitat, removing some grasses, and increasing foraging and water source availability but states that most grazing occurs at intensities beyond which is beneficial to the species.

The petition argues that a high degree or portions of the species' range overlap with several of these threat sources (**Figures 5–8**) and most populations in California are threatened by these sources. The petition states that these habitat threats have already led to a reduction in Bendire's Thrasher range, population decline, and extirpation of populations from areas with historically healthy populations.

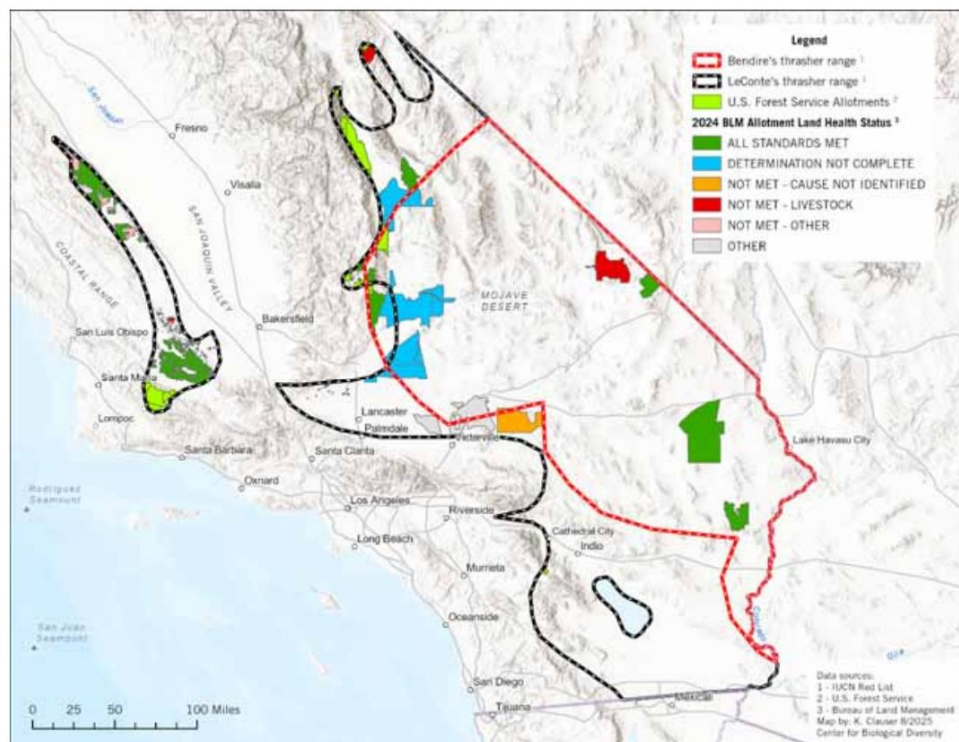


Figure 5. Bureau of Land Management and U.S. Forest Service grazing allotments in California within Bendire's Thrasher (red) and LeConte's Thrasher ranges (black). Figure 13 in the petition.

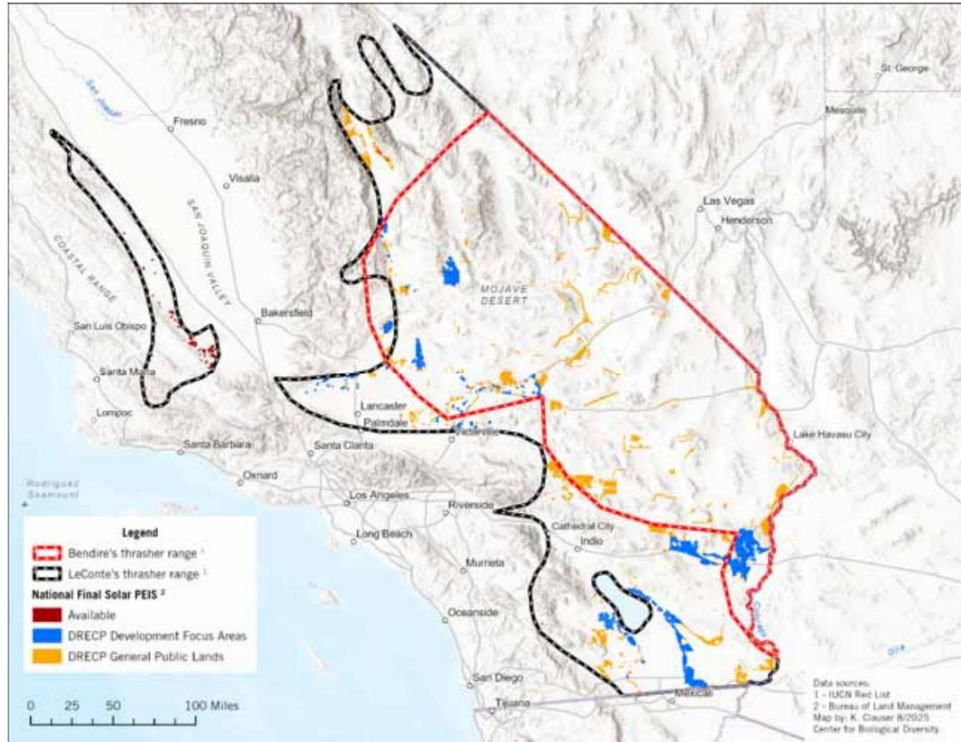


Figure 6. Lands available for solar development in California within Bendire's Thrasher (red) and LeConte's Thrasher (black) ranges. Figure 14 in the petition.

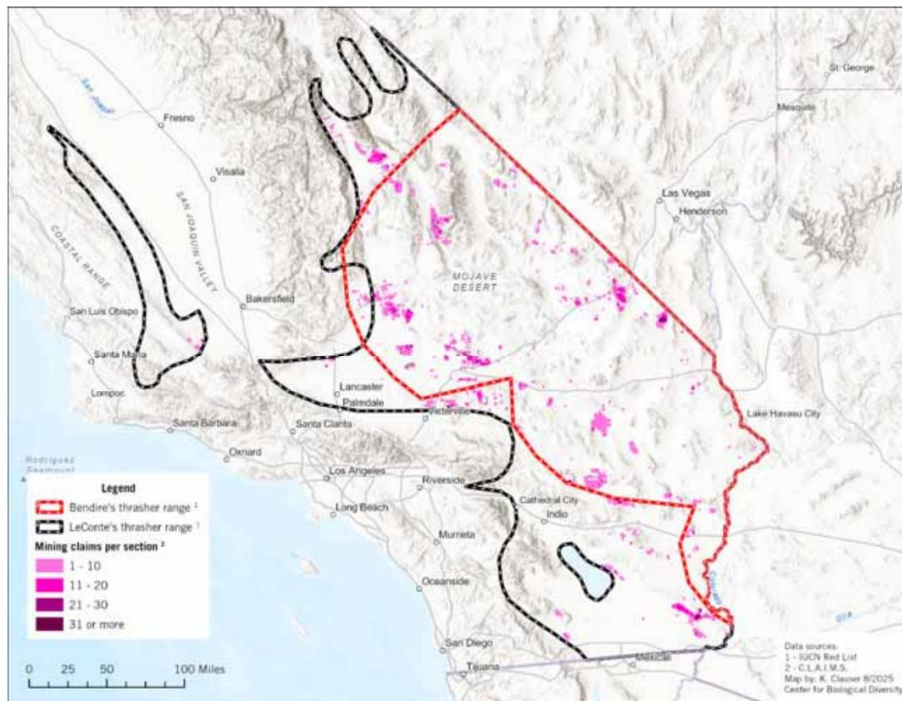


Figure 7. Density of mining claims within Bendire's Thrasher (red) and LeConte's Thrasher (black) ranges in California. Figure 15 in the petition.

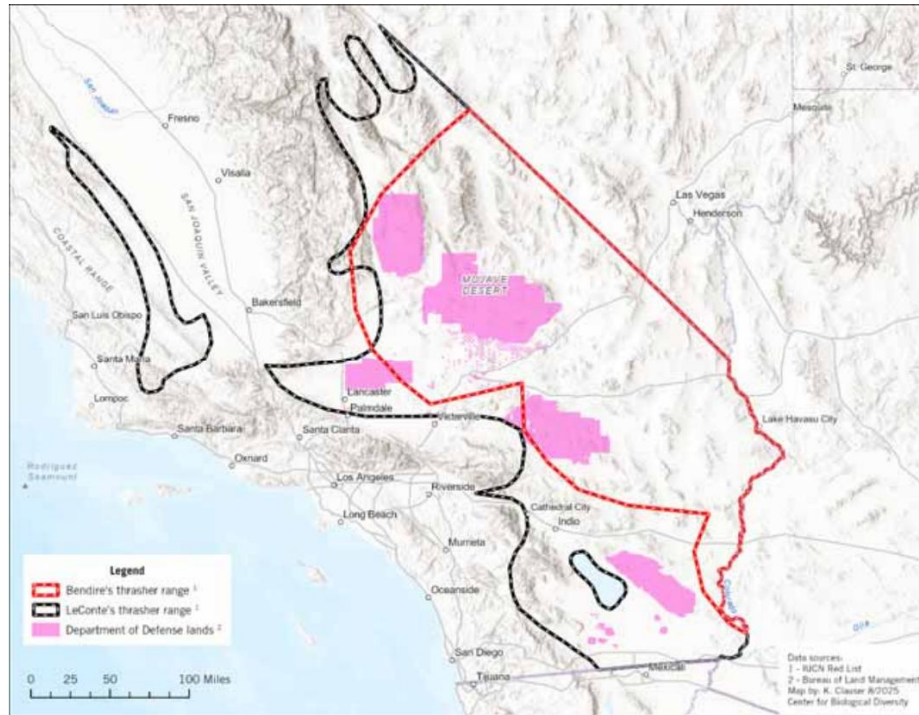


Figure 8. Active military installations and testing ranges within Bendire's Thrasher (red) and LeConte's (black) Thrasher ranges in California. Figure 16 in the petition.

3.5.2 Direct Mortality

The petition describes that in addition to changes in habitat quality and quantity, several of the threats listed above can cause direct mortality to individual Bendire's Thrashers.

The development of infrastructure projects such as roads, fences, and power lines may attract individuals to areas where they are at increased risk of fatal vehicle strikes. Livestock grazing may cause direct mortality to individuals through the disturbance and destruction of nesting birds. The petition states that the development of utility scale solar projects may attract birds to infrastructure and increase the risk of mortality via vehicle strikes and collisions with solar panels, fencing, and transmission lines. The petition also notes that there is a risk of vehicle strikes because roadsides and OHV trails may cause habitat changes (e.g., enhanced shrub nesting habitat) which could potentially attract birds to the areas of vehicle activity and put them at risk of vehicle strikes.

3.5.3 Disease and Predation

The petition notes that the impact of disease on Bendire's Thrasher is unknown but suggests there is potential for population level effects on the species based on disease impacts seen in other species and the possibility of disease becoming more prevalent in

the future. West Nile Virus has been detected in a deceased LeConte's Thrasher. Additionally, while highly pathogenic avian influenza (H5N1) has low infection rates in songbirds, there is potential for detrimental effects due to the disease's rapid spread and potential interactions with susceptible species that overlap in range and habitat-use with Bendire's Thrasher (e.g., corvids). The petition states that disease caused by other sources such as pesticide exposure from agriculture, exposure to toxic materials from mining activities, and exposure to dust-containing pollutants (via grazing, OHV-use, and ground disturbing development) may have negative effects on the fitness of individuals, according to the petition, based on effects seen in other avian species.

The petition states that predation is not listed as a major threat in thrasher literature. However, the petition describes that predation is suspected of driving declining fledgling survival and nest success rates in some Bendire's Thrasher populations. Potential common predator species include Common Raven (*Corvus corax*), house cat (*Felis catus*), kit fox (*Vulpes macrotis*), coyote (*Canis latrans*), Loggerhead Shrike (*Lanius ludovicianus*), and various raptors, snakes, and rodents. The petition notes that thrasher populations adjacent to developed areas may be at increased risk of predation by artificially inflated predator populations due to supplemental food and water resources (e.g., raven, coyote) and because urban-edge habitats provide opportunities for non-native species to encounter Bendire's Thrasher habitat.

3.5.4 *Climate Change*

The petition states that the Desert Thrasher Working Group has identified climate change as "one of the top threats to desert thrashers." Climate change is likely to exacerbate many of the threats listed above, with potential effects on increased fire frequency as a specific concern. The petition discusses that changes in temperature and precipitation due to climate change are expected to decrease individual survival and breeding and lead to decreases in prey resource availability. The petition describes that years of low precipitation have been associated with low fecundity and absence of breeding in some thrasher species, including Bendire's Thrasher. The petition notes that changes in temperatures may expose birds to conditions outside their thermal tolerances. Furthermore, climate change may drive phenological mismatches between resource availability and the timing of migration for migratory populations of thrashers, like Bendire's Thrasher. The petition argues that Bendire's Thrasher may be especially susceptible to climate change affects due to dependence on particular plant species for nesting and potential inability for the species to shift distributions with changing environmental conditions.

3.6 Existing Management

This section summarizes the information in the petition regarding the impact of existing management efforts on the species (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses the impact of existing management efforts for Bendire's Thrasher in the section titled "Inadequacy of Existing Regulatory Mechanisms" on pages 66–84.

The petition describes the current regulatory mechanisms that may provide protection for Bendire's Thrasher, including some protection provided by occurring on habitat protected for other species that are listed under the Federal ESA and their designated Critical Habitat; designation as a Sensitive Species by the Bureau of Land Management (BLM, see section 1.4 above); listing under the USFWS Birds of Conservation Concern List; listing as Tier 2 Mission Sensitive species under the Department of Defense's Partners in Flight program; consideration of the effects of Federal agency actions under the National Environmental Policy Act (NEPA); designation as Species of Special Concern by the California Department of Fish and Wildlife; designation as Species of Greatest Conservation Need under California's State Wildlife Action Plan; protections under the Migratory Bird Treaty Act, and the California Environmental Quality Act.

The petition also describes the current management efforts for Bendire's Thrasher, including one joint Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP); natural resource management policy through the National Park Service and State Parks Department; resource management by the Bureau of Land Management (BLM) through National Monuments, Areas of Critical Environmental Concern, and the Desert Renewable Energy Conservation Plan; resource management on military lands implemented by Integrated Natural Resource Management Plans (INRMPs) and the Partners in Flight program; and the Department of Agriculture's Conservation Stewardship Program. The petition notes that the non-regulatory Desert Thrasher Working Group also conducts research and provides species management recommendations for Bendire's Thrasher and other thrasher species; these efforts include conservation strategies and survey protocols for Bendire's Thrasher.

According to the petition, existing regulatory protections and management actions are insufficient to manage the species, as evidenced by the decline in species' range and abundance despite these mechanisms. The petition states that many of the regulatory policies and management efforts have limited impact on the species because of their limited geographic scope compared to the more expansive range of Bendire's Thrasher (e.g., management activities on military lands or protections provided by national parks only cover a small portion of the species' range). Furthermore, the petition states that regulations and policy toward non-listed species on federal lands may be changed with

political climates and do not provide long-term protection or management. The petition also argues that protections for species provided by HCPs often fail as the petitioner believes they are used as exemptions from ESA and habitat protection policies and are poorly monitored for effectiveness, and as such are not useful for non-listed species. The petition states that different “sensitive species” designations for Bendire’s Thrasher (including the SSC and SGCN designations) by the Department and federal agencies has not provided significant protection for the species. The petition argues that these “inadequacies” of regulation mechanisms and management highlight that protections as a CESA-listed species are necessary for the species’ survival.

3.7 Future Management

This section summarizes the information in the petition regarding suggestions for future management (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition makes suggestions for future management in the section entitled “Recommendations for Future Management” on pages 85–87.

The petition recommends two (2) priority management and recovery actions for Bendire’s Thrasher:

1. Protect Bendire’s Thrasher under CESA.
2. Implement solar project guidelines developed by the Desert Thrasher Working Group.

The petition recommends nine (9) additional conservation actions and strategies for Bendire’s Thrasher:

1. Compile essential thrasher habitat requirements.
2. Enhance monitoring efforts.
3. Identify and prioritize research to address key data gaps.
4. Increase funding for research and monitoring.
5. Identify areas of climate resiliency.
6. Develop beneficial management practices for thrasher habitat.
7. Habitat restoration projects.
8. Encourage stakeholders to consider thrashers in planning and increase awareness.
9. Strengthen regulation and enforcement of off-road vehicles.

3.8 Availability and Sources of Information

This section summarizes the information in the petition regarding availability and sources of information (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition cites an extensive list of sources on pages 89–120. The Department referenced additional literature when developing this petition evaluation (see Literature Cited section).

4 OTHER RELEVANT INFORMATION AVAILABLE TO THE DEPARTMENT

Pursuant to Fish and Game Code section 2073.5, the Department also evaluates petitions in relation to other relevant information the Department possesses or receives.

The Department possesses some additional information related to Bendire's Thrasher. The Department evaluated readily available information and expertise relating to detection occurrences and project report records. The Department also reviewed U.S. Breeding Bird Survey data analyses for California conducted by the U.S. Geological Survey (available at <https://www.mbr-pwrc.usgs.gov/>); this information is included in the Abundance and Population Trend section.

To the extent the Department was able to review other relevant information in its possession as it relates to the petition, the Department concluded that none of the additional information constitutes countervailing information that wholly undercuts the conclusions in the petition at this juncture in the listing process.

If the Commission accepts the petition for consideration, all reasonable attempts will be made by the Department to notify affected and interested parties and to solicit data and comments on the petitioned action (Fish & G. Code, § 2074.4). At that time, the Department will commence a review of the status of the species and produce a written peer-reviewed report, based upon the best scientific information available to the Department, which indicates whether the petitioned action is warranted (Fish & G. Code, § 2074.6).

5 SUFFICIENCY OF SCIENTIFIC INFORMATION AND RECOMMENDATION TO THE COMMISSION

The Department evaluated the petition components set forth in Fish and Game Code section 2072.3 and California Code of Regulations, title 14, section 670.1, subdivision (d)(1) for sufficiency of information pursuant to Fish and Game Code section 2073.5. Based upon the information contained in the petition and other relevant information,

the Department determined there is sufficient information to indicate that the petitioned action may be warranted (Fish & G. Code § 2073.5). Therefore, the Department recommends the Commission accept the petition for further consideration under CESA. If the Commission accepts the petition for further consideration, the Department will commence a review of the status of the species at that time pursuant to Fish and Game Code section 2074.6 and California Code of Regulations, title 14, section 670.1, subdivision (f).

ACKNOWLEDGEMENTS

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