BEFORE THE SECRETARY OF THE INTERIOR

Petition for Rulemaking Designating Critical Habitat Under the Endangered Species Act for the Puerto Rican Plain Pigeon (Patagioenas inornata wetmorei)

Photo Credit: Carlos Ruiz

Center for Biological Diversity

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Patronato Cidreño para la Historia, la Cultura y las Artes, Inc.

Hon. Hilda Diaz-Soltero

Frank S. González Garcia

February 17, 2026

NOTICE OF PETITION

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PETITIONERS

The Center for Biological Diversity (Center) is a non-profit 501(c)(3) conservation organization dedicated to the protection and restoration of imperiled species and their ecosystems. The Center has over 1.8 million members and supporters, including more than 1,200 in Puerto Rico who care about the survival of native species such as the Puerto Rican plain pigeon.

Hilda Diaz-Soltero is the former Secretary of Puerto Rico Department of Natural and Environmental Resources.

Frank S. González García is a registered Professional Engineer and nature enthusiast. He is a former President of the Puerto Rican Ornithological Society where he also collaborated as editor of the Bienteveo's quarterly newsletter. He was a founding member of non-profit organizations such as Centro Eco Educativo de Puerto Rico, Hacer and Coalición Bosque Seco Ventanas Verraco. His area of interest focuses on local endangered species and habitat restoration.

Julio C. Colón is a public interest lawyer and environmental advocate.

Comité Despertar Cidreño is a community-based environmental and civic organization founded in 1987 in Cidra, Puerto Rico. For more than three decades, the organization has engaged in environmental advocacy, public education, and community monitoring focused on the protection of forests, watersheds, wildlife habitat, and public natural resources within the municipality of Cidra and its surrounding regions. The organization has played a leading role in

documenting habitat loss, deforestation, and land-use changes affecting the Puerto Rican Plain Pigeon (Patagioenas inornata wetmorei), particularly within known breeding, foraging, and movement corridors in the central mountain region of Puerto Rico. Comité Despertar Cidreño works closely with residents, educators, scientists, and conservation partners to gather field observations, photographic evidence, and local knowledge relevant to the species' conservation status.

The Patronato Cidreño para la Historia, la Cultura y las Artes, Inc. is a volunteer organization whose vision is for current and future generations to know and share their history. Its mission is to rescue, protect, digitize, and promote the history, culture, and art of Cidra, the City of Eternal Spring. Additionally, Patronato Cidreño collaborates with all causes that benefit the environment and tourism.

The Sierra Club Puerto Rico Chapter is part of the Sierra Club, one of the most influential grassroots environmental organizations in the United States, founded in 1892. Established in Puerto Rico in 2005, the Chapter organizes within the island's distinct ecological, social, and colonial reality. Sierra Club Puerto Rico Chapter is a member-led movement of more than 2,000 people across the archipelago, building power alongside frontline communities most impacted by pollution, energy insecurity, and climate disasters. They defend every person's right to access and enjoy nature while advancing clean energy, protecting public health, defending wildlife, conserving critical ecosystems and ecological corridors, and preserving remaining wild places. Through grassroots organizing, public education, lobbying, and legal action, they turn community power into policy change at the local, territorial, and federal levels.

ACKNOWLEDGEMENT

We wish to recognize Professor Raúl A. Pérez-Rivera, who played a significant role in developing this petition. Pérez-Rivera, who passed away on December 25, 2025, leaves behind a robust legacy of conservation. His work to amplify the recovery of the Puerto Rican plain pigeon, including with the former aviary at the University of Puerto Rico – Humacao, is a testament to his lifelong commitment to the stewardship of Puerto Rico's native wildlife.

ACTION REQUESTED

Center for Biological Diversity, Hilda Diaz-Soltero, Frank S. González García, Julio C. Colón, Comité Despertar Cidreño, Patronato Cidreño, and Sierra Club Puerto Rico Chapter (collectively, Petitioners) petition the Secretary of the Interior, through the U.S. Fish and Wildlife Service, to designate critical habitat for the Puerto Rican plain pigeon (*Patagioenas inornata wetmorei*) under the Endangered Species Act, 16 U.S.C. §§–1544. This petition is submitted under Section 4 of the Administrative Procedure Act, 5 U.S.C. § 553(e), and Section 4 of the

Endangered Species Act (ESA), 16 U.S.C. § 1533(b)(3)(D) and 50 C.F.R. § 424.14(a). This petition sets in motion a specific process, placing definite response requirements on the Service.

The areas proposed for critical habitat designation in this Petition meet the requisite criteria for such designation as defined at 16 U.S.C. § 1532(5) and 50 C.F.R. §§ 424.02 & 424.12. There may be additional essential habitat that meets the criteria for designation of critical habitat as well. In the event the Service determines that some portions of the requested critical habitat revision do not meet the criteria for such designation, we request that the Service consider whether the remaining proposed area should be designated as critical habitat.

Dated this 17th Day of February, 2026

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INTRODUCTION

The Center for Biological Diversity, Julio C. Colón, Frank S. González Garcia, Hon. Hilda Diaz-Soltero, Comité Despertar Cidreño, Sierra Club Puerto Rico Chapter, and Patronato Cidreño (collectively referred to as "Petitioners") hereby petition the Secretary of the U.S. Department of Interior (Secretary) and the U.S. Fish and Wildlife Service (Service) to designate critical habitat for the Puerto Rican plain pigeon (*Patagioenas inornata wetmorei*), pursuant to the Endangered Species Act (ESA), 16 U.S.C. §§ 1531-1544 and Administrative Procedure Act, 5 U.S.C. § 553(e).

The Puerto Rican plain pigeon (plain pigeon) is a large, blue-gray pigeon with dark red legs and feet. The earliest recording of a plain pigeon was a report from 1878 by Juan Gundlach in the mountains of eastern Puerto Rico.[1] Mass deforestation in the early nineteenth century, coupled with "unregulated hunting, and increased nest predation"[2] drove the plain pigeon to "very near extinction" by 1926,[3] until the pigeon was "rediscovered" in 1963 in low numbers.[4] As a result, the Service listed the plain pigeon as an endangered species in 1970.[5]

Despite being listed for more than half a century, the plain pigeon has been left without life-saving protection for their critical habitat—areas that are essential to the species' survival and recovery. The 1978 Amendments to the ESA require the Service to designate critical habitat concurrently with the listing of a species as endangered or threatened under the ESA, but numerous species listed prior to 1978 have been left without the benefits of designated critical habitat, including the plain pigeon.

Research shows that species with designated critical habitat are more than *twice* as likely to have an improved population trend.[6] Without designated critical habitat, the plain pigeon is currently experiencing a drastic reduction in population size from an estimated 11,984 individuals in 2017 to just 287 individuals in 2024.[7] According to recent sightings, the plain pigeon is currently located only in the Municipalities of Gurabo, Caguas, Cidra, Comerío, Cayey, and San Lorenzo.[8] The Service predicts the plain pigeon is likely to become extinct if

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[1] U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon Recovery Plan* at 4 (1982) (citing Juan Gundlach, *Neue Beiträge zur Ornithologie der Insel Portorico*, 26 J. Ornithologie 157 (1878)).
[2] U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon (Patagioenas inornata wetmorei) 5-Year Status Review* at 4 (2025).
[3] Puerto Rican Plain Pigeon Recovery Plan at 4 (citing S. Danforth, *Puerto Rican Ornithological Records* at 15 J. Dep't Agric. Univ. P.R., 33 (1931)).
[4] *Id.* (citing N. F. Leopold, *Checklist of birds of Puerto Rico and the Virgin Islands.*, 82 J. Am. Ornithological Soc'y J. 297 (1963)).
[5] Appendix D – United States List of Endangered Native Fish and Wildlife, 35 Fed. Reg. 16047 (Oct. 13, 1970).
[6] Martin F. J. Taylor et al., *The Effectiveness of the Endangered Species Act: A Quantitative Analysis*, 55 BioScience 360 (2005).
[7] Frank F. Rivera-Milán et al., *Puerto Rico Plain Pigeon Patagioenas inornata wetmorei population assessment after Hurricanes Irma and María*, 35 Bird Conservation Int'l 1, 4 (2025).
[8] Ruiz, Carlos R. Personal communication (Nov. 12, 2025).

"reproduction remains low, anthropogenic disturbances continue, and another major hurricane strikes [their habitat]."[9] The impacts of two major category 4 and 5 hurricanes in 2017, Irma and Maria, devastated the island's flora, and the plain pigeon numbers crashed afterwards due to lack of food and impact of predators.[10] The Service has consistently found that the plain pigeon's fragmented and shrinking habitat is an important factor in the species' decline.[11]

This petition is designed to ensure that the necessary critical habitat designation for the plain pigeon is carried out expeditiously to support the species' survival and recovery, consistent with the ESA's core purpose.[12]

LEGAL FRAMEWORK FOR DESIGNATING CRITICAL HABITAT

The Puerto Rican plain pigeon was listed as an endangered species in 1970 under the Endangered Species Conservation Act of 1969 (ESCA).[13] The Endangered Species Act of 1973 (ESA) replaced the ESCA and provided further protection for listed species. The ESA remains the controlling framework for enforcing federal conservation of endangered and threatened species. The ESA has undergone amendments in 1978, 1982, 1988, and 2004. The 1978 Amendments require the Service to concurrently designate critical habitat when a species was listed as endangered or threatened under the ESA. Despite ongoing population declines and dwindling habitat, the plain pigeon has been left without federal protection for habitat that is essential to the plain pigeon's survival and recovery.

I. History of Critical Habitat Under the Endangered Species Act

Prior to the 1978 Amendments, the ESCA did not require the Service to designate critical habitat concurrently with listing a species. While the 1978 Amendments apply only to species listed after 1978, the ESA explicitly states that "[c]ritical habitat *may* be established for those species [then] listed as threatened or endangered species for which no critical habitat has heretofore been established."[14] Therefore, the Service has the discretion—and the obligation—to designate critical habitat where it would further a species' survival and recovery.

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[9] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 5 (2025).
[10] Frank F. Rivera-Milán et al., Puerto Rico Plain Pigeon *Patagioenas inornata wetmorei* Population Assessment After Hurricanes Irma and María, 35 *Bird Conservation Int'l* e16 (2025), https://doi.org/10.1017/S0959270925000127
[11] *Id.* at 9.
[12] 16 U.S.C. § 1531(b) (setting forth the Congressional purpose to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved," and "to provide a program for the conservation of such endangered species and threatened species").
[13] 35 Fed. Reg. at 16047 (Oct. 13, 1970).
[14] 16 U.S.C. § 1532(5)(B).

Through the text of the ESA, Congress acknowledges that availability of habitat, or lack thereof, influences species' chances of survival and recovery. Congress explicitly found that many species have been "rendered extinct as a consequence of economic growth and *development* untempered by adequate concern and conservation."[15] Likewise, one of the five factors considered when determining whether a species should be listed as endangered or threatened is the "present or threatened destruction, modification, or curtailment of [the species'] habitat or range."[16] And provisions governing cooperative agreements between state and federal government require the Service to consider whether states are "authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species of fish or wildlife."[17]

The 1978 Amendments then required critical habitat to be designated concurrently with the listing of a species.[18] While the 1978 Amendments did not require the Service to designate critical habitat retroactively for species listed prior to 1978,[19] the Service retained the mandatory duty to "develop and implement plans . . . for the conservation and survival of endangered species and threatened species . . . to the maximum extent practicable."[20]

The evolution of the ESA in 1978 demonstrates that Congress found the designation of critical habitat just as necessary to a species' survival as the initial listing of a species and the implementation of recovery plans.

II. Basic Legal Requirements for Critical Habitat

The ESA requires critical habitat to be defined to the maximum extent prudent and determinable.[21] Critical habitat consists of both a geographic area and elements such as plants or geological features within that area. The ESA defines it as:

> (i) the specific areas within the geographic area occupied by the species, at the time it is listed . . . on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species.[22]

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[15] *Id.* § 1531(a)(1) (emphasis added).
[16] *Id.* § 1533(a)(1)(A).
[17] *Id.* § 1535(c)(1)(D).
[18] *Id.* § 1533(a)(3)(A)(i).
[19] *Id.* § 1532(5)(B).
[20] *Id.* § 1533(f)(1).
[21] *Id.* § 1533(a)(3); 50 C.F.R. § 424.12(a) (2026).
[22] *Id.* § 1532 (5)(A); 50 C.F.R. § 424.12(b).

To identify critical habitat, Service regulations require the agency to "[i]dentify physical and biological features essential to the conservation of the species at an appropriate level of specificity using the best available scientific data" and "[d]etermine the specific areas within the geographical area occupied by the species that contain the physical or biological features essential to the conservation of the species."[23] The Service will then "[d]etermine which of these features may require special management considerations or protection."[24] In addition to assessing occupied habitat, the Service will also identify "specific areas outside the geographical area occupied by the species at the time of listing that [it] determines are essential for the conservation of the species."[25]

The Service's analysis of physical and biological features (PBFs) "will vary between species and may include consideration of the appropriate quality, quantity, and spatial and temporal arrangements of such features in the context of the life history, status, and conservation needs of the species."[26] From 1980 until 2016, the Service defined physical or biological features (PBFs) with specificity, focusing on "primary constituent elements" (PCEs) essential to the conservation of the species.[27] These PCEs could "include . . . roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types."[28] Although the agencies have since departed from using the PCE terminology, they have signaled that the same standards are subsumed into the PBFs analysis.[29]

III. Process for Submission and Review of Citizen Petitions

The ESA authorizes individuals to petition for critical habitat designations, in accordance with the Administrative Procedure Act,[30] which provides that "each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule."[31] Within 90 days, the Secretary "shall make a finding as to whether the petition presents substantial scientific information indicating that the revision may be warranted" and "shall promptly publish such finding in the Federal Register."[32] If the evidence is "not sufficiently definitive," the

[23] 50 C.F.R. § 424.12(b)(1)(ii)–(iii).
[24] *Id.* § 424.12(b)(1)(iv).
[25] *Id.* § 424.12(b)(2).
[26] *Id.* § 424.12(b)(1)(ii).
[27] *See* 50 C.F.R. § 424.12(b) (2015).
[28] *Id.*
[29] 84 Fed. Reg. 45023, 45047 (Aug. 27, 2019) (explaining that the agencies should "articulate" physical or biological features "with the level of specificity previously associated with 'primary constituent elements'"); *see also* 81 Fed. Reg. 7,414, 7,426 (Feb. 11, 2016) ("The specificity of the primary constituent elements that has been discussed in previous designations will now be discussed in the descriptions of the physical or biological features essential to the conservation of the species.").
[30] 16 U.S.C. § 1533(b)(3)(D) (citing 5 U.S.C. § 553(e)).
[31] 5 U.S.C. § 553(e).
[32] 16 U.S.C. § 1533(b)(3)(D)(i).

Secretary may solicit comments and additional information.[33] Within 12 months, "the Secretary shall determine how he intends to proceed with the requested revision, and shall promptly publish notice of such intention in the Federal Register."[34]

SPECIES BACKGROUND

I. Ecology of the Puerto Rican Plain Pigeon

The Puerto Rican plain pigeon is a large, pale blue-gray pigeon comparable to the size and shape of a domestic pigeon.[35] The head, hind neck, breast, and top central part of the folded wing are a wine color, the wings coverts are bordered with white, and rest of the wings are grayish-brown.[36] The legs and feet of the plain pigeon are a dark red.[37] The female plain pigeon is slightly smaller and duller than the male; however, "the sexes are indistinguishable in the field."[38] Younger plain pigeons are distinguishable from adults because they are browner overall, have pale borders on the wing coverts, and dark eyes.[39] Adults have lighter, blue eyes.[40]

The plain pigeon is a forest edge species that frequently nests, forages, and roosts, in trees near roads in east-central Puerto Rico.[41] The species inhabits secondary forest areas, such as gallery forests, that are formed along watercourses.[42] The species is known to "cross agricultural and urban areas" en-route to foraging or roosting sites and is "frequently observed on dairy farms and croplands."[43] Most species sightings are plain pigeons using habitat close to trafficked roads. The plain pigeon's central range at present is likely limited to east-central Puerto Rico in the Municipalities of Gurabo, Caguas, Cidra, Comerío, Cayey, and San Lorenzo, since no plain pigeon nesting has been observed outside of this area.

The plain pigeon depends on the trees in its habitat for shelter and food, building its fragile nests out of "sticks, twigs, leaves, and other plant material, which is usually placed in bamboo clumps, vine clusters, palm fronds, or hardwood trees."[44] The plain pigeon depends on a

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[33] 50 C.F.R. § 424.15(a).
[34] 16 U.S.C. § 1533(b)(3)(D)(ii); 50 C.F.R. § 424.14(c)(3).
[35] Puerto Rican Plain Pigeon Recovery Plan at 3 (1982).
[36] U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon*, https://www.fws.gov/species/puerto-rican-plain-pigeon-columba-inornata-wetmorei.
[37] *Id*.
[38] *Id*.
[39] *Id.*
[40] Puerto Rican Plain Pigeon Recovery Plan at 3 (1982).
[41] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*), 5-Year Status Review at 3 (2025).
[42] *Id*.
[43] *Id*.
[44] Jessica Castro-Prieto et al., The Puerto Rico Breeding Bird Atlas at 47 (2021).

variety of fruits and seeds, as well as livestock feed for nourishment. About "70 percent of [the plain pigeon's] foods come from tree branches, and 30 percent from the ground."[45]

II. Puerto Rican Plain Pigeon Population Status

The plain pigeon population has been experiencing a prolonged bottleneck. In its most recent status review, the Service stated that "the species could become extinct if its reproduction remains low, anthropogenic disturbances continue, and another major hurricane strikes the Island during the next decade."[46] Compared to other columbids in Puerto Rico (outside of quail-doves), the plain pigeon has "the lowest maximum population growth rate," which is exacerbated by the fact that female plain pigeons only produce one egg per nesting attempt.[47]

The initial decline of the plain pigeon "came at a time of almost total habitat destruction in Puerto Rico."[48] In the 1930s, the Puerto Rican plain pigeon "was considered almost extinct."[49] Mass deforestation, unregulated hunting, predation, and hurricanes led to a substantial decline in the plain pigeon population in the early twentieth century. A small population of fifty-two individuals was discovered in 1963.[50] Seven years later, the plain pigeon was listed as an endangered species in 1970.[51]

In 1974 and 1975, there were several instances of disturbance and destruction of the plain pigeon's nesting areas by "people moving through and around nesting areas, molesting nesting birds, and stealing squabs from nests."[52]

Then, a series of hurricanes struck Puerto Rico, resulting in the pigeon's intensified decline. In 1998, Hurricane Georges hit Puerto Rico, which began the trend of hurricanes impacting the species' population trajectory.[53] In 2017, Hurricane Irma and Hurricane María devastated Puerto Rico in the same year. These events impacted the plain pigeon's food sources and habitat.[54] Ultimately, the plain pigeon population has never recovered to "pre-hurricane

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[45] U.S. Fish & Wildlife Serv., *Puerto Rican plain Pigeon (Patagioenas inornata wetmorei)*, https://ecos.fws.gov/ecp/species/7955.
[46] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 5 (2025).
[47] *Id*.
[48] Puerto Rican Plain Pigeon Recovery Plan at 9 (1982).
[49] Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 4 (2011) (citing Stuart T. Danforth, *Puerto Rican Ornithological Records*, 15 J. Dep't Agric. 33 (1931)).
[50] Puerto Rican Plain Pigeon Recovery Plan at 4 (1982)
[51] 35 Fed. Reg. at 16047 (Oct. 13, 1970).
[52] Puerto Rican Plain Pigeon Recovery Plan at 17 (1982).
[53] Frank F. Rivera-Milán et al., *Puerto Rico plain pigeon, scaly-naped pigeon and red-tailed hawk: population dynamics and association patterns before and after hurricanes*, 47 Endang. Species Res. 75 (2022), https://doi.org/10.3354/esr01166.
[54] *Id.*

densities."[55] The plain pigeon's decline is further "exacerbated by anthropogenic disturbances and low reproductive capacity and success."[56] Invasive species such as rats, cats and snakes have also affected the plain pigeon populations.[57]

The plain pigeon has plummeted from an estimated 11,984 individuals in 2017 to just 287 individuals in 2024, [58] though species experts predict the number is likely much lower.[59] The Service has not recently undertaken any projects to protect plain pigeon habitat in the municipalities where populations still exist.[60] Except for passive population surveys (2022-25), it does not appear that the Service is currently taking any meaningful, concrete action to protect the plain pigeon or its habitat. Surveys merely document extinction; they do not serve as actions aimed at recovering the plain pigeon.

III. Current Threats to the Puerto Rican Plain Pigeon

While many threats endanger the plain pigeon, including nest predation and increasingly severe and more frequent hurricanes, the most significant threat to the species' long-term survival continues to be habitat modification, fragmentation, and destruction.[61] This habitat loss and reduction in quality severely curtails the plain pigeon's food source and reproductive capacity.[62] Furthermore, "rapid and largely unmitigated development" in Puerto Rico has forced the plain pigeon to use less acreage within its traditional range.[63] Deforestation and rapid development are considered major factors in "the fragmentation of remaining potential habitat for the plain pigeon."[64]

In the 2011 five-year review of the status of the Puerto Rican plain pigeon, the Service recognized that the "destruction, modification, or curtailment of the plain pigeon habitat or range continues to be an important factor threatening the survival and recovery of this species."[65] The Service also confirmed that the breeding areas of the plain pigeon are largely on private lands

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[55] Puerto Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 4 (2011).
[56] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 13 (2025).
[57] *Id*. at 9-10.
[58] Frank F. Rivera-Milán et al., *Puerto Rico Plain Pigeon Patagioenas inornata wetmorei population assessment after Hurricanes Irma and María*, 35 Bird Conservation Int'l 1, 4 (2025).
[59] Ruiz, Carlos R. Personal communication (Nov. 12, 2025).
[60] U.S. Fish & Wildlife Serv., Environmental Conservation Online System, Recovery Plan Ad Hoc Report: Implementation Activity Status Report, https://ecos.fws.gov/ecp0/reports/implementation-activity-status-ore-report?documentId=600268 &entityId=101 (last visited Feb. 13, 2026).
[61] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 9-10 (2025)
[62] *Id.* at 12-13.
[63] Puerto Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 6 (2011).
[64] *Id*. at 11.
[65] *Id*. at 12.

where there is "an increased level of land development threat[s]."[66] Despite determining that habitat issues pose the biggest threats to the plain pigeon's survival, the Service has only recommended programs promoting *voluntary, patchwork* efforts by individual, private landowners to participate in programs such as habitat mitigation banks or conservation easements.[67] While cooperative efforts with private landowners can be a helpful part of a more comprehensive conservation strategy, no programs have been designed or implemented. Instead, comprehensive protection for habitat is needed to ensure against destruction by federal agency actions.

IV. Insufficient Recovery Efforts for the Puerto Rican Plain Pigeon

Recovery efforts for the Puerto Rican plain pigeon have historically included captive breeding and release, aligned management of core breeding areas such as Carite State Forest and Toro Negro State Forest, and investigation and enforcement actions related to illegal harvesting and capture.

In 1982, the University of Puerto Rico, the PRDNER, and the Service partnered to build an aviary at the University of Puerto Rico – Humacao campus to establish a captive breeding program for the plain pigeon.[68] The Service recognizes the program released thirty-one plain pigeons from 1993 to 1995,[69] however the program released a total of 150 plain pigeon into the wild across its operation.[70] The Service has recommended evaluating the "re-initiation of a captive breeding program" in its most recent five-year status review of the plain pigeon,[71] though to date, meaningful steps have largely been taken by private conservationists.

In 2025, the University of Puerto Rico decided to demolish the captive breeding facility using the Federal Emergency Management Agency ("FEMA") Maria restoration funds. Conservationists and the University of Puerto Rico have recently agreed to re-establish an aviary at the University of Puerto Rico – Humacao. Additionally, a private donor has committed to finance, design, build and manage a second aviary in Dorado, Puerto Rico. Aviaries in UPR-Humacao and Dorado will be critical to increase the plain pigeon population by increasing the wild flock with birds bred in captivity, but these actions will only help to recover the species if the Service ensures adequate habitat for the species now and in the future.

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[66] *Id*.
[67] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 13-14 (2025).
[68] Puerto Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 10-11 (2011).
[69] *Id.* at 11.
[70] Professor Raúl A. Pérez-Rivera. Personal Communication (Aug. 2025).
[71] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 13 (2025).

The Service has consistently recommended protecting habitat for the pigeon to support its recovery.[72] In 2025, the Service made two updated recommendations regarding the conservation of the plain pigeon's remaining habitat.[73]

First, the Service recommended "habitat enhancement and protection on private lands through restoration projects and partnerships with landowners."[74] However, this proposal depends on financial incentives to landowners and their willingness to participate in restoration projects or the conservation of their private land through conservation easement. This voluntary, patchwork approach does not accomplish the comprehensive conservation of the plain pigeon's habitat necessary to conserve the species.

Second, the Service recommended establishing "rapid response teams," developing "restoration priorities to address immediate threats," and ensuring that "rapid action can be taken to protect the species" from natural disasters, invasive species predation and illegal activities.[75] This approach is inherently reactive, meaning action would not be taken until the plain pigeon has already suffered through more devastating hurricanes or human disturbance. While natural disasters are beyond control, affirmative habitat conservation makes for more resilient populations when natural events inevitably occur.

THE PUERTO RICAN PLAIN PIGEON NEEDS CRITICAL HABITAT

Considering the plain pigeon population has fallen far below the estimated viability level of 5,000 individuals,[76] the most appropriate and effective strategy would be directly supporting the plain pigeon's needs by designating critical habitat. Despite being listed for decades, the plain pigeon has slipped through the cracks, and its likelihood of survival is significantly reduced. The modification, fragmentation, and destruction of the plain pigeon's habitat over the years have severely impacted the population, which has declined precipitously after the 2017 hurricanes. The plain pigeon's fragmented, shrinking habitat and declining population necessitates priority and urgent attention and a critical habitat designation.

Currently, the Puerto Rican plain pigeon does not have designated critical habitat despite the best available science highlighting habitat modification, fragmentation, and destruction as the primary causes for the plain pigeon's recent decline.[77] According to Puerto Rican wildlife biologists, this "loss and fragmentation of second growth forests combined with the effects of

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[72] *Id.*; Puerto Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 17 (2011).
[73] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5 Year Status Review at 13 (2025).
[74] *Id.*
[75] *Id.*
[76] Frank F. Rivera-Milán et al., *Puerto Rico Plain Pigeon Patagioenas inornata wetmorei population assessment after Hurricanes Irma and María*, 35 Bird Conservation Int'l 1, 1 (2025).
[77] *Id.* at 9.

hurricanes and other factors may cause [the plain pigeon's] extinction."[78] As recent as 2025, the Service has expressed concern that the plain pigeon's unprotected habitat will be further impacted by development trends and described the plain pigeon as a species with a "high degree of threat" whose "recovery is in conflict with development activities."[79]

Moreover, many residents are unaware of the presence of the plain pigeon in their neighborhoods.[80] In the most recent five-year review, the Service suggested that "public and private protected lands" can help conserve habitat in Puerto Rico since the plain pigeon's breeding population is largely on private lands.[81] However, the Service acknowledged that enforcement of protective regulations for the plain pigeon on private lands has been a challenge.[82] At present, there is only one Service enforcement agent in all of Puerto Rico. In addition to designating critical habitat, increased law enforcement presence to patrol the plain pigeon habitat are desperately needed. Furthermore, efforts to engage the PR-DNER law enforcement agents, and the municipalities law enforcement staff are needed to provide additional protection to the remaining plain pigeons in the wild. Designating critical habitat would help increase public awareness and direct law enforcement attention to the most important parts of the Puerto Rican plain pigeon's range.

Additionally, municipalities within the core range of the Puerto Rican plain pigeon are beginning to formally recognize the need for habitat protections. For example, the municipality of Comerío recently passed Ordinance No. 6 (Series 2025-2026), which supports the federal designation of critical habitat for the Puerto Rican Plain pigeon within municipal boundaries.[83] This long-sought effort is testament to the work of conservationists, including the late Professor Raúl Pérez-Rivera, and to the willingness of local governments, like Comerío, to support habitat protections.

I. Critical Habitat Designation Would Meaningfully Advance the Conservation of the Puerto Rican Plain Pigeon

Critical habitat designation provides many significant protections to a listed species, the most important of which is via the Section 7 consultation requirement. The ESA requires federal

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[78] Frank F. Rivera-Milán et al., *Population Monitoring of Plain Pigeons in Puerto Rico*, 115 Wilson Bulletin 45 (2003).
[79] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 18 (2025).
[80] *Id*. at 6-7.
[81] *Id.* at 9.
[82] *Id*. at 11 (finding "Federal and Commonwealth laws provide protections to the Puerto Rican plain pigeon, [however] their practical enforcement, particularly on unprotected lands, remains inadequate to fully mitigate the effects of habitat loss and degradation.").
[83] Municipio Autónomo de Cidra, P.R., Ordenanza Núm. 6, Series 2025-2026 (2025), available at https://sutra.oslpr.org/SutraFiles/ordenanza_docs/8159/Ordenanza%20N%C3%BAmero%206%20Serie%202025-2026%20(Paloma%20Sabanera).pdf.

agencies contemplating action in designated critical habitat to consult with the Service to ensure that the action is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat.[84]

Critical habitat designation offers several additional benefits. For example, it provides guidance for private landowners and allows for judicial review of agency action that impacts habitat rather than (or in addition to) individual members of a species.[85] Because the critical habitat designation outlines the habitat needs of the species, the designation also affects related activities governed by the ESA such as incidental take permits, habitat conservation plans, land acquisition by the federal government and conservation groups, and the development or revision of recovery plans.[86]

Research shows that species with designated critical habitat are more than *twice* as likely to achieve an improved population trend.[87] A critical habitat designation will not only provide notice to the surrounding citizens of the presence of the plain pigeon but promote the targeted conservation of the plain pigeon in the habitat that it has left. The agencies responsible for the plain pigeon's survival can focus their conservation and management efforts towards the critical habitat areas where efforts would benefit the plain pigeon most.

II. Proposed Critical Habitat Designation for the Puerto Rican Plain Pigeon

Given the alarming freefall of the Puerto Rican plain pigeon population and the looming threat of another hurricane, which the Service recognizes could spell extinction for this species, we urge the Service to designate the largest possible critical habitat. This includes all lands within the core range[88] that contain the physical and biological features outlined below. (*See* Figure 1, below). This also includes nearby "suitable habitat" for the species that contains the physical and biological features essential to the survival of the species (*See* Figure 2, below).

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[84] 16 U.S.C. § 1536(a)(2).
[85] *Id.*, *See also*., U.S. Fish & Wildlife Serv., *Critical Habitat*), https://www.fws.gov/project/critical-habitat ("Identifying critical habitat informs landowners and the public which specific areas are important to a species' conservation and recovery.").
[86] *See* Pamela Baldwin*, The Role of the Designation of Critical Habitat under the Endangered Species Act,* in Endangered Species: Issues and Analysis 165 (Paul Foreman ed., 2002).
[87] Martin F. J. Taylor et al., *The Effectiveness of the Endangered Species Act: A Quantitative Analysis*, 55 BioScience 360 (2005).
[88] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 3 (2025). While petitioners reference the recent Core Range as identified by the Service in the most recent 5-year Review, we urge the Service to update the contours of the core range as included in any proposed critical habitat designation to reflect the results of the ongoing nest surveys and population monitoring. *See, e.g.,* E.A. Ventosa-Febles et al., *Puerto Rico Plain Pigeon (patagioenas inornata wetmorei) nest surveys and population monitoring in east-central Puerto Rico*, 2023-25 Final Report to U.S. Fish & Wildlife Service (2025).

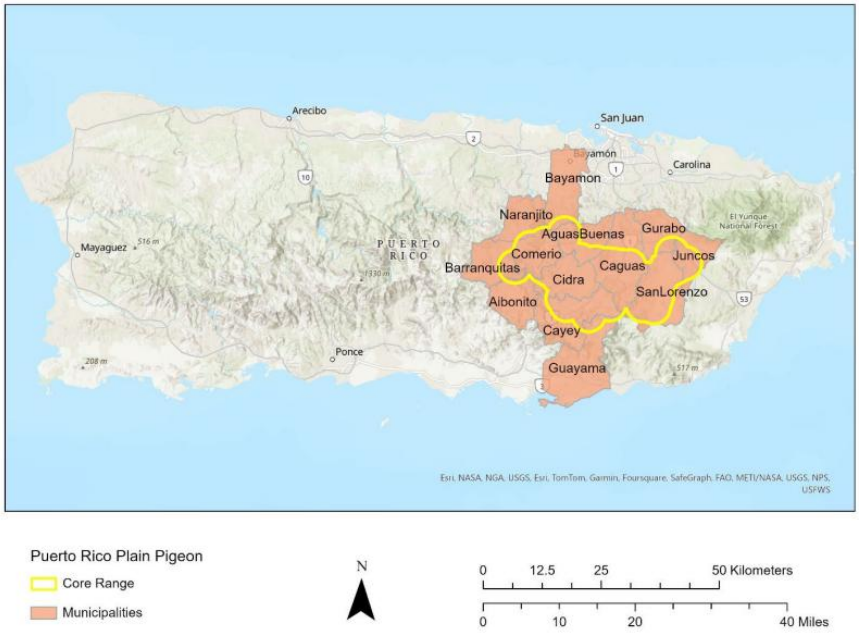

Figure 1: Core range of the Puerto Rican plain pigeon and associated municipalities. 5-year review (2025) at 3.

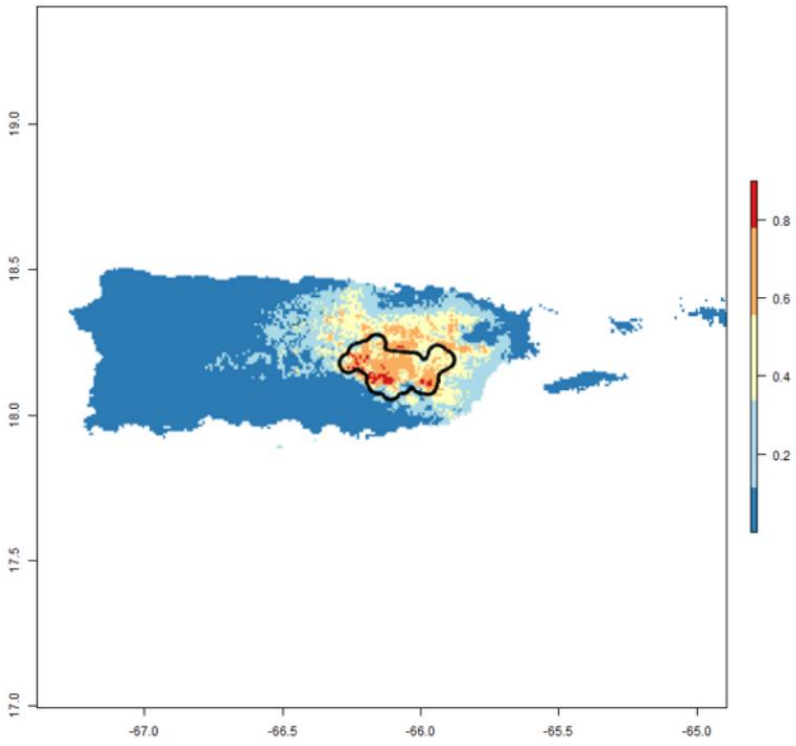

Figure 2: Predicted suitable habitat for the Puerto Rican plain pigeon. 5-Year Review (2025) at 8.

However, at a minimum, the Service should designate those areas known to be the most critical for the immediate, long-term conservation of the species within its range. Petitioners provide the following graphic detailing the areas (See, Figure 3, below).[89]

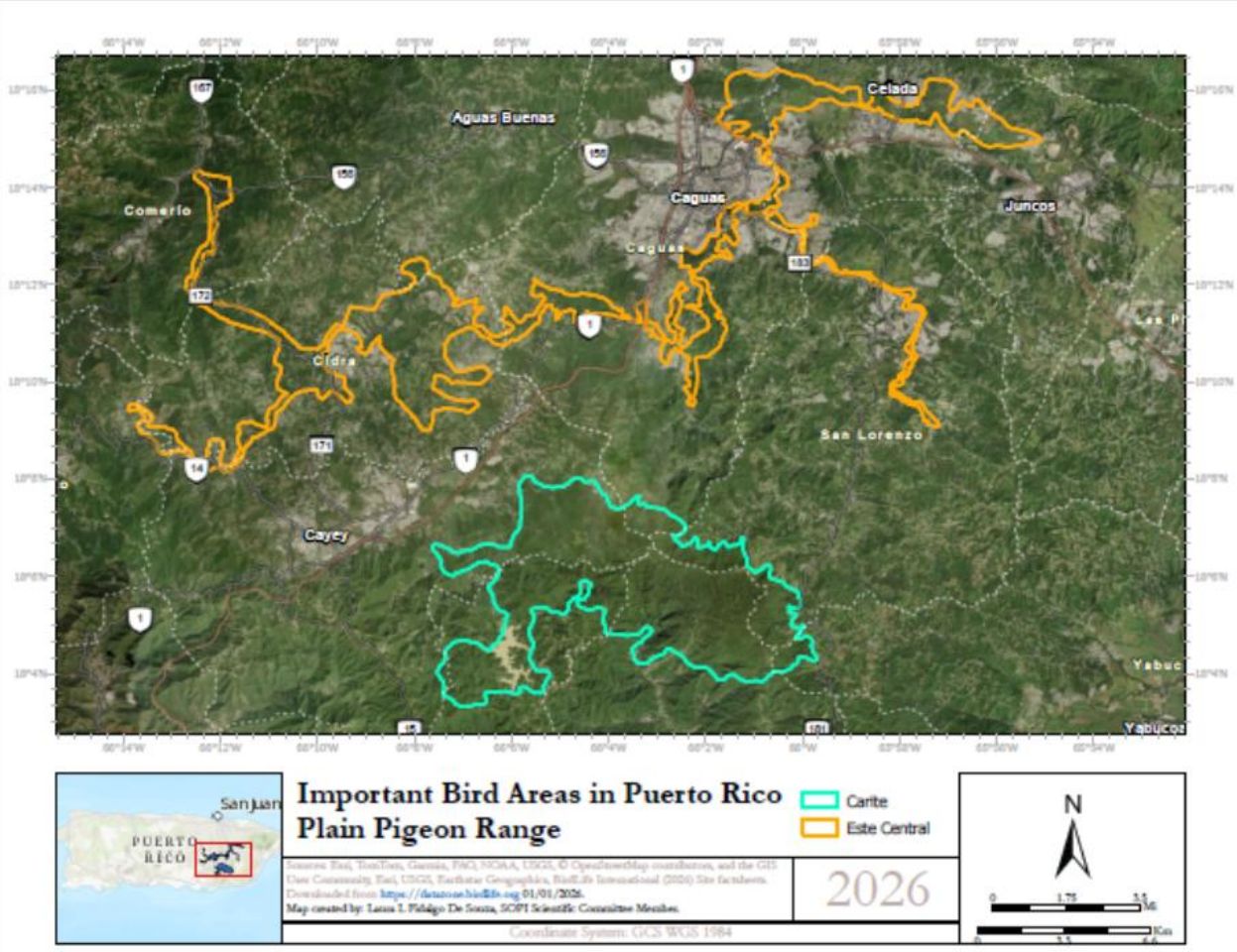

Figure 3: Important Bird Areas in Puerto Rican Plain Pigeon Range.
Laura L Fidalgo De Souza, SOPI Scientific Committee Member

The proposed critical habitat is comprised of two sections: (1) Este Central; and (2) Carite. The Este Central area encompasses a pivotal subtropical forest corridor that runs through the municipalities of Aguas Buenas, Caguas, Cidra, San Lorenzo, Junco, and Comerío. The total area covers 52 square kilometers along an elevation range between 45 to 550 meters. The area is rich with the physical and biological features essential to the conservation of the Puerto Rican

[89] This range depicted in Figure 3 was created in conjunction with the Important Bird Areas designation work done by The Sociedad Ornitológica Puertorriqueña, Inc., which is still supported by current monitoring research. Rivera-Milán et al., *Puerto Rico Plain Pigeon Patagioenas inornata wetmorei population assessment after Hurricanes Irma and María. Bird Conservation International*, *35*, e16 (2025). The shapefiles supporting this graphic, as well as a high-resolution image, are attached to this petition.

plain pigeon described below.[90] The Carite area is located in the central eastern part of Puerto Rico in the municipalities of Caguas, San Lorenzo, Yabucoa, Patillas, Cayey, and Guayama. The total area covers 60 square kilometers, where approximately 43 percent of the area is protected as a State Forest. The elevation range is between 190 to 910 meters. This area is also rich with the physical and biological features essential to the conservation of the Puerto Rican plain pigeon described below.[91]

III. Proposed Physical and Biological Features Essential to the Conservation of the Puerto Rican Plain Pigeon

The ESA defines "critical habitat" as those "specific areas within the geographic area occupied by the species at the time it is listed" which contain the "physical or biological features . . . essential to the conservation of the species and…which may require special management considerations or protections."[92] The ESA also allows critical habitat to be designated outside the geographic area of the species when those areas are determined to be essential for the conservation of the species.[93]

Physical or biological features are:

> The features that occur in specific areas and that are essential to support the life-history needs of the species, including but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.[94]

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[90] *See e.g.,* Frank F. Rivera-Milán et al., *Reproduction of Plain Pigeons (Columba inornata wetmorei) in East-Central Puerto Rico*, 120 The Auk 466–480 (2003) (reporting nest-search transects conducted in municipalities including Cidra, Aguas Buenas, Caguas, Cayey, and Comerío within forest fragments known to support nesting birds); Frank F. Rivera-Milán, *Distribution and Relative Abundance Patterns of Columbids in Puerto Rico*, 94 Condor 224 (1992). (surveying populations within the area described, documenting the species' association with humid forest environments).

[91] *See e.g*., U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon (Columba inornata wetmorei): Species Profile*, https://www.fws.gov/species/puerto-rican-plain-pigeon-columba-inornata-wetmorei (noting that approximately 70% of the plain pigeon's food comes from species of trees routinely found in the described area).

[92] 16 U.S.C. § 1532(5)(A)(i).

[93] 16 U.S.C. § 1532(5)(A)(ii).

[94] 50 C.F.R. § 424.02.

The Service should determine the following physical and biological features are essential for the conservation of the Puerto Rican plain pigeon: nesting substrate, adequate food sources, water sources, and connectivity corridors.[95] Nesting substrates include mature trees in secondary forests or gallery forests capable of supporting stick nests.[96] Food sources include a mosaic of vegetation providing fruits, seeds, and young leaves.[97] The Service has identified the royal palm, mountain immortelle, the West Indies trema, and the white prickle as the principal foods for the species.[98] Water sources include permanent or semi-permanent water bodies (streams, rivers, lakes) within flight distance of nesting sites for daily drinking. Connectivity corridors include linear strips of vegetation (e.g., riparian buffers, tree-lined roadsides) that allow movement between roosting and feeding areas, reducing isolation between subpopulations.[99] As discussed, the critical habitat proposed in this Petition contains these physical and biological features.

IV. The Proposed Areas Have Physical and Biological Features That Require Special Management Considerations and Protection

In order for an area to be designated as occupied critical habitat, the Service must make also make a determination that those areas "may require special management considerations or protections."[100]

The proposed areas of critical habitat require special management considerations to address the threats to this species' critical habitat from direct habitat destruction and degradation. The Service has repeatedly found that ongoing habitat fragmentation and destruction is a primary driver of the plain pigeon's declining populations, and that current methods of protecting that habitat are inadequate.[101] For example, Puerto Rico's recent land use zoning plan allows for

[95] Frank F. Rivera-Milán et al., *Reproduction of Plain Pigeons (Columba Inornata Wetmorei) in East-Central Puerto Rico*, 120 *Auk* 466 (2003) (describing the correlation between food abundance and forest fragments with pigeon nest density, reproductive success, and species distribution); Frank F. Rivera-Milán et al., *Population Monitoring of Plain Pigeons in Puerto Rico*, 115 *Wilson Bull.* 45 (2003) (noting that widespread sampling predominantly located individuals where food and nesting substrate were available).
[96] *See, e.g.,* U.S. Dep't of Agric., Nat. Res. Conservation Serv., *Caribbean Area Conservation Practice Standard: Wetland Wildlife Habitat Management* at 1–2 (2022) (explaining that the Puerto Rican plain pigeon "uses large, leafy trees … for nesting" and occurs in "secondary forests" and similar edge habitats).
[97] *Id.* at 2; U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon Recovery Plan*, 6-7 (Oct. 14, 1982).
[98] U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon (Columba inornata wetmorei): Species Profile*, https://www.fws.gov/species/puerto-rican-plain-pigeon-columba-inornata-wetmorei.
[99] U.S. Fish & Wildlife Serv., *Puerto Rican Plain Pigeon Recovery Plan*, 8-10 (Oct. 14, 1982) (emphasizing forested linkages and riparian/secondary growth used by the species for movement and foraging).
[100] 16 U.S.C. § 1532(5)(A)(i).
[101] Puerto Rican plain pigeon or paloma sabanera (*Patagioenas inornata wetmorei = Columba inornata wetmorei*) 5-Year Review at 11 (2011); Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 9 (2025).

agricultural development in areas near the Carite State Forest, which is an Important Bird Area and Key Biodiversity Area.[102]

V. A Critical Habitat Designation for the Puerto Rican Plain Pigeon is Prudent and Determinable.

The Service must designate critical habitat to the maximum extent prudent and determinable.[103] Here, the designation of critical habitat for the plain pigeon is both prudent and determinable.

The designation of critical habitat is prudent because, as discussed above, the Puerto Rican plain pigeon continues to be threatened by ongoing modification, fragmentation, and destruction of its habitat, which has contributed to substantial reductions in the plain pigeon population. There are no other threats to the Puerto Rican plain pigeon that might be increased or exacerbated by a critical habitat designation. While illegal collection or poaching may be a threat to the species, that does not present a rare circumstance where designation of critical habitat is not prudent.[104] Though studies have found some evidence of illegal harvest,[105] the threat is unlikely to increase with the designation of critical habitat because the current range of the species is small and poachers and traffickers likely already have the type of information that would be revealed in a critical habitat designation. Likewise, multiple range-wide surveys are freely accessible on the internet, identifying specific areas occupied by the species with as much specificity as a critical habitat designation would provide. Regardless, critical habitat designations need not be so granular that they would reveal the specific locations of Puerto Rican plain pigeons. Indeed, the ESA does not discuss what level of specificity is required. FWS's implementing regulations provide only that:

> Each critical habitat area will be shown on a map, with more-detailed information discussed in the preamble of the rulemaking documents published in the FEDERAL REGISTER . . . . Textual information may be included for purposes of clarifying or refining

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[102] Puerto Rico Planning Board, *Mapa de Clasificación del Territorio del Plan de Uso de Terrenos de Puerto Rico* (Resolution PUT-2014 (adopted Nov. 19, 2015) (on file with Puerto Rico Planning Board); See also Key Biodiversity Areas Global Database, Carite (19654), https://www.keybiodiversityareas.org/site/factsheet/19654/assessment

[103] 16 U.S.C. § 1533(a) (3)(A)(i); Frank F. Rivera-Milán et al., *Population Monitoring of Plain Pigeons in Puerto Rico*, 115 *Wilson Bull.* 45–51 (2003).

[104] H.R. Rep. No. 95-1625 at 17 (1978), reprinted in 1978 U.S.C.C.A.N. 9453, 9467 (emphasis added); *see also Enos v. Marsh*, 769 F.2d 1363, 1371 (9th Cir. 1985) (holding that the Secretary "may only fail to designate a critical habitat under rare circumstances"); *Northern Spotted Owl v. Lujan*, 758 F. Supp. 621, 626 (W.D. Wash. 1991) ("This legislative history leaves little room for doubt regarding the intent of Congress: The designation of critical habitat is to coincide with the final listing decision absent extraordinary circumstances.").

[105] G. Scott Boomer & Alexis J. Martínez, *Sustainability Assessment of Plain Pigeons and White-crowned Pigeons Illegally Hunted in Puerto Rico*, 118 Condor: Ornithol. Appl. 300 (2016), https://doi.org/10.1650/CONDOR-15-110.1.

> the location and boundaries of each area or to explain the exclusion of sites (e.g., paved roads, buildings) within the mapped area. Each area will be referenced to the State(s), county(ies), or other local government units within which all or part of the critical habitat is located. Unless otherwise indicated within the critical habitat descriptions, the names of the State(s) and county(ies) are provided for informational purposes only and do not constitute the boundaries of the area. Ephemeral reference points (*e.g.,* trees, sand bars) shall not be used in any textual description used to clarify or refine the boundaries of critical habitat.[106]

In other words, the level of detail required would not direct people to individual animals. Rather, the scale of mapping and narrative description would only need to define the outer boundary of the designation. Accordingly, there is no reason to believe that publication of such information would increase the threat of unauthorized collection.

The designation of critical habitat is determinable because the plain pigeon population is small and the most important habitat is predominantly in east-central Puerto Rico.[107] The Service's own August 2025 Review includes habitat suitability models and core range maps that can be used to determine critical habitat.[108]

Thus, the Petitioners request that the Service designate the broadest possible critical habitat for the plain pigeon, consistent with the most important available habitat for the species in the municipalities of Gurabo, Caguas, Cidra, Comerío, San Lorenzo and Cayey. Petitioners urge the Service to utilize updated information from the ongoing nest surveys and population monitoring to ensure any critical habitat designation is reflective of the true current range of the species.[109] Incorporating data from these surveys is important because it will best reflects the areas essential to the survival and recovery of the Puerto Rican plain pigeon at the time of the designation. However, at a minimum, the Service should designate the minimum proposed critical habitat detailed above.[110]

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[106] 50 C.F.R. § 424.12(c).
[107] Frank F. Rivera-Milán et al., *Reproduction of Plain Pigeons (Columba inornata wetmorei) in East-Central Puerto Rico*, 120 The Auk 466–480 (2003); Frank F. Rivera-Milán et al., *Population Monitoring of Plain Pigeons in Puerto Rico*, 115 *Wilson Bull.* 45–51 (2003).
[108] Puerto Rican Plain Pigeon or Paloma Sabanera (*Patagioenas inornata wetmorei*) 5-Year Status Review at 8 (2025).
[109] E.A. Ventosa-Febles et al., *Puerto Rico Plain Pigeon (atagioenas inornata wetmorei) nest surveys and population monitoring in east-central Puerto Rico*, 2023-25 Final Report to U.S. Fish & Wildlife Service (2025).
[110] These areas area contained in Figure 3 and detailed in the attached shapefiles.

CONCLUSION

The best available scientific data strongly indicate that designating critical habitat is prudent for the survival of the Puerto Rican plain pigeon. Habitat destruction, modification, and fragmentation continue to be significant factors leading to the decline of the plain pigeon species. In addition to being necessary, the plain pigeon's small population and confined habitat shows that critical habitat is determinable. This petition has proposed areas of critical habitat that contain the physical and biological features essential to the recovery of the Puerto Rican plain pigeon such that, if successful, it would no longer need protections. Thus, designating critical habitat for the Puerto Rican plain pigeon would advance the ultimate goal of the ESA.