

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

California Endangered Species Act



Petition Evaluation for Mount Pinos Sooty Grouse (*Dendragapus fuliginosus howardi*)

Report to the California Fish and Game Commission
August 2026



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LIST OF ABBREVIATIONS, ACRONYMS, AND TERMS

BLM	– Bureau of Land Management
CESA	– California Endangered Species Act
CEQA	– California Environmental Quality Act
CNDDB	– California Natural Diversity Database
Commission	– California Fish and Game Commission
Department	– California Department of Fish and Wildlife
ESA	– Federal Endangered Species Act
MBTA	– Migratory Bird Treaty Act
NCCP	– Natural Community Conservation Plan
NEPA	– National Environmental Policy Act
Sky islands	– isolated mountain peaks in the southernmost Sierra Nevada and northern Transverse Ranges
SSC	– Species of Special Concern
USFS	– United States Forest Service
USFWS	– United States Fish and Wildlife Service

EXECUTIVE SUMMARY

This petition evaluation for Mount Pinos sooty grouse (*Dendragapus fuliginosus howardi*) has been prepared by the California Department of Fish and Wildlife (Department) in response to the petition to list Mount Pinos sooty grouse as threatened or endangered under the California Endangered Species Act (CESA) submitted to the Fish and Game Commission (Commission) by the Center for Biological Diversity and Los Padres ForestWatch, dated March 25, 2026. The purpose of this petition evaluation is to provide a recommendation to the Commission on whether the petition provides sufficient information to indicate the petitioned action may be warranted.

The Mount Pinos sooty grouse is a subspecies of sooty grouse with a historical range in the mountains of California from Kings Canyon in the southern Sierra Nevada to the isolated mountain peaks of the southernmost Sierra Nevada and northern Transverse Ranges located in Ventura and Kern counties. However, the petition notes the extirpation of the Mount Pinos sooty grouse from the southern isolated mountain peaks since the late 20th century. The Mount Pinos sooty grouse requires high elevation montane forested habitat for breeding and wet meadows or other mesic habitat for brooding of chicks. The petition states that the principal threats to Mount Pinos sooty grouse are logging, wildfires exacerbated by fire suppression and climate change, livestock grazing, recreational activities, and hunting. The Mount Pinos sooty grouse is a large grouse, 15–21 inches in length. The male plumage is gray to bluish-gray, with red to yellowish-orange combs or “eyebrows” over the eyes, and yellow cervical apteria surrounded by white feathers.

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 the Mount Pinos sooty grouse 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 Mount Pinos sooty grouse (*Dendragapus fuliginosus howardi*) 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 March 25, 2026, the Center for Biological Diversity and Los Padres ForestWatch submitted the petition to the Commission to list Mount Pinos sooty grouse as threatened or endangered under CESA. On April 6, 2026, the Commission referred the petition to the Department for evaluation. At its meeting on April 15, 2026, the Commission officially acknowledged receipt of the petition. At its meeting on June 18, 2026, 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

The Mount Pinos sooty grouse was petitioned to be listed under the federal Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.) in 2024 and upon evaluation of the petition, the United States Fish and Wildlife Service (USFWS) found that listing Mount Pinos sooty grouse as threatened or endangered may be warranted (91 Fed. Reg. 3096). The petition to list the Mount Pinos sooty grouse under the ESA is under review by the USFWS.

1.4 Additional Species Status Designations

1.4.1 California Species of Special Concern

The Mount Pinos sooty grouse is designated by the Department as a Priority II Species of Special Concern (SSC). The Department has assigned the Mount Pinos sooty grouse a Global Rank of T2T3, meaning the subspecies is ranked between imperiled and vulnerable and is facing a risk of extirpation due to a restricted range, few populations or occurrences, declines, threats, or other factors (CNDDB 2026).

1.4.2 NatureServe Conservation Status Ranks

The Mount Pinos sooty grouse is ranked as T2 by NatureServe, which classifies the subspecies as imperiled due to extirpations in the southern portion of its small range and threats of incompatible timber harvest, fire suppression, livestock grazing practices, land development, recreation in habitat, and climate change (NatureServe 2026).

1.4.3 U.S. Forest Service Species of Conservation Concern

The Mount Pinos sooty grouse is designated as a Species of Conservation Concern for the Inyo and Sequoia National Forests in their Land Management Plans, which means there is substantial concern about the species' capability to persist over the long term within the National Forest (USFS 2019b,c).

2 SPECIES DESCRIPTION AND TAXONOMY

CESA defines the “species” eligible for listing to include “species or subspecies” (Fish & G. Code, §§ 2062, 2067, 2068) and courts have held that the term “species or subspecies” includes “evolutionarily significant units” (*Central Coast Forest Assn. v. Fish & Game Com.* (2018) 18 Cal.App.5th 1191, 1236, citing *Cal. Forestry Assn., infra*, 156 Cal.App.4th at pp. 1542, 1549).

2.1 Species Description

The petition describes the Mount Pinos sooty grouse as a large grouse, 15–21 inches in length. The male plumage is gray to bluish-gray, with red to yellowish-orange combs or “eyebrows” over the eyes as their distinctive feature. The unfeathered skin on the sides of the neck, known as cervical apteria, is yellow and surrounded by white feathers. The tail feathers are black with a light gray band across the tips. The female coloration is mottled brown and cream, and the tail is long and dark (Schroeder et al. 2009). The eggs are pale buff with brown speckles, and the chicks are downy when hatched.

2.2 Species Taxonomy

The petition describes the taxonomy of the Mount Pinos sooty grouse as a member of the family Phasianidae, order Galliformes, class Aves, phylum Chordata, and kingdom Animalia.

The petition notes that the sooty grouse species (*Dendragapus fuliginosus*) had in the past been considered one of two main groups of blue grouse, the other being the more inland *Dendragapus obscurus*, or dusky grouse, group (Hoffman 1956). In 2004, evidence of differences in genetics, as well as behavioral (e.g., hooting and courtship) and morphological characteristics, reclassified the two blue grouse groups into separate species (Barrowclough et al. 2004; Banks et al. 2006). Examples of the morphological differences are the “color of the bare skin on the male apteria, the presence or absence of a distinct color band, the number of rectrices, and the color of the downy young” (Barrowclough et al. 2004).

The petition states that the sooty grouse species (*D. fuliginosus*) is divided into four subspecies within its range, with three subspecies found in California. From the

northern border with Oregon to the south, the three subspecies are *D. f. fuliginosus* (Oregon sooty grouse), *D. f. sierrae* (Sierra sooty grouse), and *D. f. howardi* (Mount Pinos sooty grouse) (Grinnell and Miller 1944). The Mount Pinos sooty grouse and the bordering subspecies the Sierra sooty grouse have traditionally been distinguished by morphological differences (Dickey and van Rossem 1923).

2.3 Population Structure and Genetics

The petition discusses geographic features that may have served as barriers to gene flow across the sooty grouse species range. In northern Oregon, Barrowclough et al. (2004) suggests that the Columbia River valley served as a historical, though not complete, barrier to gene flow for the sooty grouse in that region. The petition points out that Kings Canyon has acted as a barrier to movement for yellow-legged frog (Byrne et al. 2024) and northern alligator lizard (Leaché et al. 2024) and suggests it could also serve as a barrier to sooty grouse movement. The petition also states that multiple glaciation events in the southern Sierra could also have segregated populations of sooty grouse and contributed to the evolution of two subspecies (the Sierra sooty grouse and the Mount Pinos sooty grouse).

The petition presents the results of an unpublished mitochondrial DNA (mtDNA) study that suggested the sooty grouse population in the southern Sierra may represent *D. f. sierrae* rather than *D. f. howardi*, and only the isolated populations now extirpated from the “sky islands”¹ in Kern and Ventura counties represented *D. f. howardi* (NatureServe 2026). However, the petition states that the manuscript was rejected from publication on the grounds of insufficient sample size and a lack of supporting evidence from nuclear DNA and that until the taxonomic uncertainty is resolved using mtDNA and nuclear DNA (Davis et al. 2021), the currently recognized taxonomy should be retained.

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

¹ In the context of the petition, the sky islands are the isolated mountain peaks in the southernmost Sierra Nevada and northern Transverse Ranges.

- 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

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 life history of the Mount Pinos sooty grouse is described on pages 3 and 8–10 of the petition, including information on foraging, diet, breeding ecology and behavior, and movement. The following is a summary of the information provided.

The petition first discusses the diet of the Mount Pinos sooty grouse in relation to season. Sooty grouse are primarily vegetarian, consuming conifer needles, buds, and twigs in the winter, and conifer needles, leaves and flowers of herbs and shrubs, berries, and insects in the spring. Females will seek “open, mesic sites with lush vegetation and an abundance of insects,” such as ants, beetles, grasshoppers, and spittle bugs, for their chicks. Sooty grouse prefer to forage in the early morning and late afternoon and will also consume grit or tiny stones to aid in digestion.

The petition states that the sooty grouse breeding season commences in early spring, varying from April to early May depending on the persistence of the snow cover. The male courtship display consists of performing short fluttering flights from perches around 30.5 m (100 feet) high in a tree and releasing up to six low-pitched, loud hoots that can be heard up to two kilometers away. Males are strongly territorial of their “hooting sites” or “spring activity centers” in large old-growth trees, which they return to year after year, generation after generation. Males confront rivals using threat postures, growling calls, and chase flights, and may escalate to physical combat. The petition

points out this is in contrast with other North American grouse species, which participate in communal courtship displays. The petition notes that this behavioral difference may be correlated with the sooty grouse's habitat preference of dense tree cover, as compared to other grouse species' preference to hoot in more open spaces.

Once a female attracted to the male display reveals herself by softly cackling, the male descends the tree and performs a courtship dance. Males may mate with multiple females, but it is unknown whether females mate with multiple males. After mating, males can be aggressive toward females, and females can also be aggressive toward other females.

Female sooty grouse raise their young without the involvement of males. Females build nests on the ground with overhead cover such as shrubs. Cover can vary from a sparse collection of twigs to more complete cover, like logs and rocks. A sooty grouse nest is a shallow scrape usually 17 cm (6.7 inches) across and 4.5 cm (1.8 inches) deep (Cornell Lab 2026) and lined with vegetation and feathers. The female lays on average 5 to 10 eggs, which are incubated for 25 to 28 days. After hatching, the chicks are able to walk within a day and fly in just over a week. Once grown to adult size, the chicks may disperse or remain with the female, such as during the winter when small groups form to roost in trees.

The petition summarizes the movement behavior of the Mount Pinos sooty grouse. The petition notes that flying for sooty grouse is relatively uncommon, but that they may briefly fly in or out of trees to respond to intruders or to escape. Sooty grouse migrate over short distances during seasonal changes. In the autumn, individuals move gradually from relatively open breeding areas to higher-elevation montane conifer forests. The petition notes that the Mount Pinos sooty grouse may be less migratory than other sooty grouse subspecies due to the relatively restricted suitable habitat only found in narrow belts along the main ranges of the southern Sierra Nevada and peaks of the sky islands. The petition mentions the persistence of droppings found during the winter in males' breeding territories as suggesting little seasonal migration in the southern Sierra Nevada. In winter, sooty grouse form small social groups and will remain almost exclusively in conifer trees until the snow melts.

3.2 Range and Distribution

This section summarizes the information in the petition regarding the Mount Pinos sooty grouse's 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 historical range of the Mount Pinos sooty grouse as occurring from “Kings Canyon in the southern Sierra Nevada (approximately latitude 37°) southward (in Fresno, Tulare, and Inyo counties), and into the sky island Tehachapi Mountains, Piute Mountains, and the Frazier Mountain and Mount Pinos regions of Kern and Ventura counties,” as shown on the provided historical range map (Figure 1).

The petition discusses the contemporary range and distribution of the Mount Pinos sooty grouse on pages 1, 3, 5, 12–13, 15, and 17. The petition states that the current range has receded northward by about 160 km (100 miles), with sightings in Kern County becoming increasingly rare. The petition shows that, based on a map of recent (2005–2025) eBird observations (Figure 2), the Mount Pinos sooty grouse has been extirpated from the sky islands of its southern range in Kern and Ventura counties. A 2002 survey of southern portions of the Mount Pinos sooty grouse range in the Sierra Nevada at Bear Mountain, the Tehachapi Mountains, the Piute Mountains, the Greenhorn Mountains, and Breckenridge Mountain, and the Mount Pinos area in the Transverse Ranges, found that Sunday Peak in the Greenhorn Mountains (in the southern Sierra Nevada in eastern Kern County and Tulare County) was the southernmost known occurrence (Bland 2002).

The petition states that the Mount Pinos sooty grouse has lost more than 10% of its historical breeding range. The remaining range is now approximately 2.66 million acres and occurs primarily on federal lands administered by the United States Forest Service (USFS; Inyo and Sequoia National Forests and Giant Sequoia National Monument) and National Park Service (Sequoia and Kings Canyon National Parks).

MOUNT PINOS SOOTY GROUSE (*Dendragapus fuliginosus howardi*)

JAMES D. BLAND

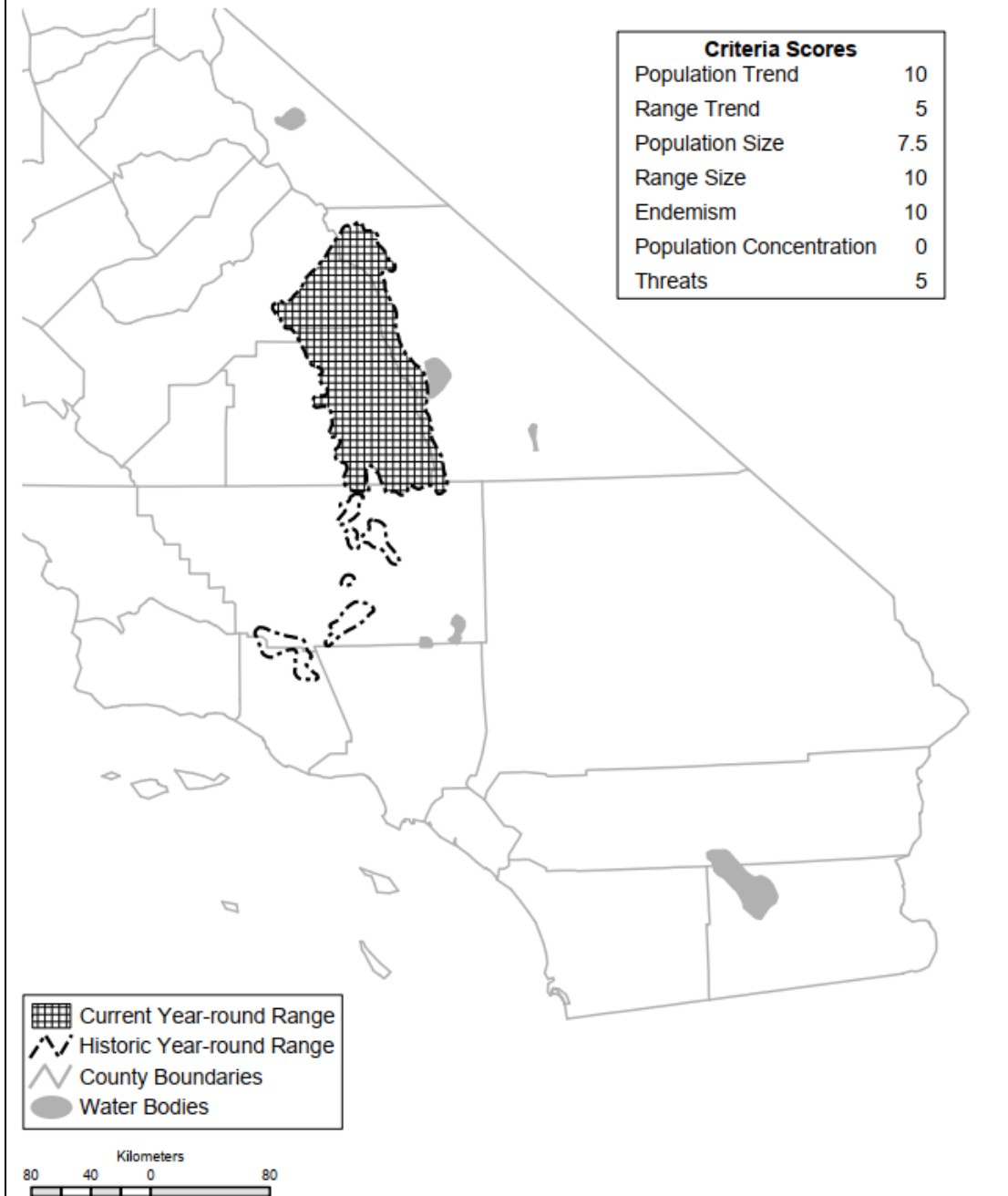


Figure 1. Map depicting the range of the Mount Pinos sooty grouse, with historical range outlined in a dashed line and current range shaded with crosshatch marks. From Shuford and Gardali 2008. Figure 3 in the petition.

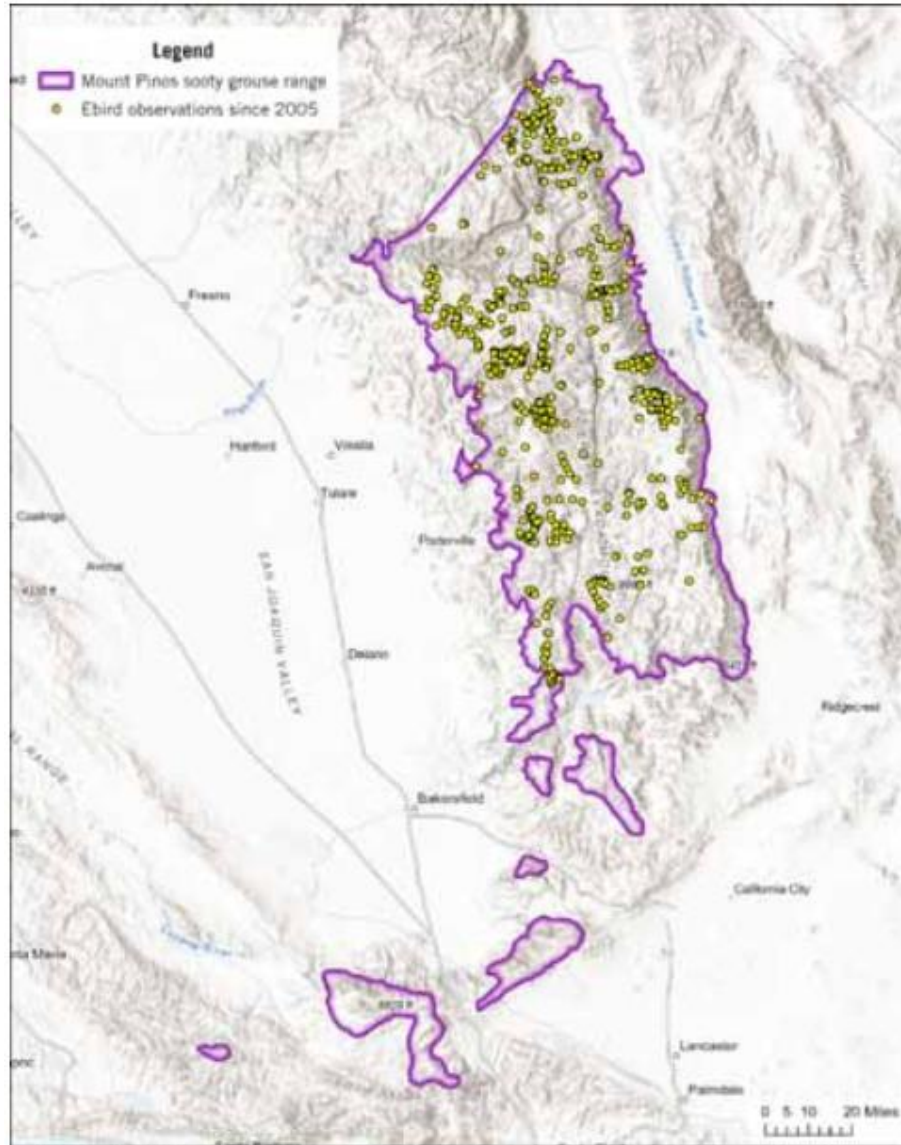


Figure 2. The Mount Pinos sooty grouse’s historical range outlined in purple, with eBird observations from 2005–2025. Figure 4 in the petition.

3.3 Habitat

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

The petition describes the habitat requirements of the Mount Pinos sooty grouse on pages 1, 3, 10–11, and 15. The petition states that the Mount Pinos sooty grouse is closely associated with upper-elevation (1,830–3,050 m [6,000–10,000 feet]) mixed-conifer and fir forests and open meadows that make up a fraction of the southern Sierra Nevada

and Transverse Ranges sky islands. The Mount Pinos sooty grouse prefers old-growth open forests or regenerating burned areas and avoids closed forests, high alpine, and shrub-steppe habitat. Particularly during the breeding season, males select for trees with diameters more than 1 m in diameter and occurring in stands of three to six trees in which to perform their courtship displays (Bland 2008).

The petition characterizes the “key ecological conditions” of the Mount Pinos sooty grouse as within the Montane, Upper Montane, and Subalpine Zones. The typical dominant tree species in Mount Pinos sooty grouse habitat on the western slopes of the Sierra Nevada are red fir (*Abies magnifica*), Jeffrey pine (*Pinus jeffreyi*), and lodgepole pine (*Pinus contorta*). Further south in the Sierra Nevada, white fir (*Abies concolor*) replaces red fir and western white pine (*Pinus monticola*) also occurs (USFS 2019c). On the sky island peaks in Ventura and Kern counties, mature fir, mixed conifer-fir, mixed conifer-pine, ponderosa pine (*Pinus ponderosa*)-fir, and sugar pine forests were considered potential breeding habitat by the petitioner (Bland 2013). The petition states that Subalpine and Alpine Zones in the southern Sierra Nevada may become refugia for the Mount Pinos sooty grouse in response to climate change.

3.4 Abundance and Population Trend

This section summarizes the information in the petition regarding the Mount Pinos sooty grouse’s abundance and population trend (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1)).

The petition discusses the abundance and population trends of the Mount Pinos sooty grouse on pages 3, 14–16, and 27. The range-wide population of sooty grouse (including all subspecies) declined by 57% from 1968 to 2015 according to the North American Breeding Bird Survey (Cornell Lab 2026). The petition notes that if this trend continues, the current population will be halved again by 2088. However, the petition cautions that utilizing data from the Breeding Bird Survey can be unreliable when estimating regional trends due to low detection rates and few survey transects in the area. Also, the trends reported in the petition based on Breeding Bird Survey data were not specific to the Mount Pinos sooty grouse subspecies.

The petition also utilizes the results of the Department’s Game Take Hunter Survey reports to describe a “long term, sustained, and significant decrease in the species’ population” over the last 30 years (see Section 3.5.5). However, the most recent Upland Game Bird Harvest Survey available to the Department cautioned that results of the survey are extrapolated based on a relatively small sample of upland game bird hunters (the internet-based survey is distributed to 20,000 potential hunters) and accuracy is highly dependent on response rate of sampled hunters. The response rate in 1994 was 50%, while the response rate in 2023 was 5%. Additionally, the sampling strategy for the

harvest survey changed substantially in 2017, targeting hunters with upland game validations. In previous years, the survey was sent to all hunters regardless of validation, possibly inflating take numbers (CDFW 2024).

Historically, the Mount Pinos sooty grouse was considered “locally common” in the southern Sierra Nevada (Grinnell and Miller 1944). Surveys conducted by Bland in 1992 characterized densities in the southern Sierra Nevada as 0.5 and 1.5 hooting males per km transect in Sequoia National Forest and Sequoia National Park, respectively. In addition, Bland noted the highest sooty grouse density in California at 3 males per km² (0.03 birds per hectare) at Big Baldy Ridge in Sequoia National Park, the northernmost extent of the Mount Pinos sooty grouse range (Bland 1993, 2008). In comparison, densities for the northern sooty grouse subspecies in the Pacific Northwest can exceed 130 males per km² (1.3 birds per hectare). However, density of sooty grouse regardless of subspecies is lower on average in California than the Pacific Northwest and the petition states that the sooty grouse density estimates in the northern portion of the Mount Pinos range represent some of the highest densities in the state. The petition notes that the Mount Pinos sooty grouse can be common in Inyo County, but abundance decreases south of the 36° North Latitude. In Sequoia and Kings Canyon National Parks, the density of Mount Pinos sooty grouse was estimated at 0.01–0.03 birds per hectare, based on past reports and point count surveys (Steel et al. 2012).

By the 1940s, the Mount Pinos sooty grouse was considered rare in the sky islands at the southern extreme of its range. For example, only 50 pairs were estimated to occupy Mount Pinos in 1928, one of the southern sky islands. The Department has access to two studies which were not included in the petition, that provide additional information on Mount Pinos sooty grouse occurrences on the sky island peaks. Abbott (1965) noted two, possibly three, individuals on Mount Pinos in Kern County in 1964. A USFS transect survey conducted in 1979 in this region did not detect any grouse. A later sighting of a single Mount Pinos sooty grouse was reported on Alamo Mountain (Weiss 1979). The petition mentions that the Mount Pinos sooty grouse likely last occupied this area in the early 1990s, which accounts for the recession of an estimated 100 miles northward in the current range for the subspecies.

The petition presents a rough calculation of the current Mount Pinos sooty grouse population using an assumed density of 0.01–0.03 birds per hectare (based on density estimates in Sequoia and Kings Canyon National Parks) and a habitat suitability model produced by the Department based on the current range. The Department modeled 228,698 hectares (565,125 acres) of high suitability habitat and 235,905 hectares (582,935 acres) of medium suitability habitat, based on reproduction, cover, and feeding habitat needs (CDFW 2025). The petition states that occupancy of only high suitability modeled habitat would give an estimate of 2,287–6,861 grouse. Occupancy of both medium as well as high suitability modeled habitat would give an estimate of 4,646–

13,938 grouse. However, the petition notes that densities may vary on land managed by the USFS, where extractive activities such as logging are allowed and affect available suitable habitat. There is no information on abundances or population trends for Inyo National Forest.

3.5 Threats

This section summarizes the information in the petition regarding the factors affecting the ability of the Mount Pinos sooty grouse 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 the Mount Pinos sooty grouse on pages 3, 18–30, and 34. The petition identifies the principal threats to the Mount Pinos sooty grouse and its habitat as logging, wildfire exacerbated by fire suppression and climate change, livestock grazing, recreational activities, and hunting.

3.5.1 Logging

The petition states that the forested habitat of the Mount Pinos sooty grouse is severely threatened by timber harvest. The petition cites an account (Bland 2016) that observed that male Mount Pinos sooty grouse choose trees that average 1 m in diameter as song posts, which are often targeted for timber harvest, leading to decreasing occupancy of habitat. In addition, the petition argues that logging disrupts the “predator-cover complex,” which heightens the risk of predation. The petition notes that Bland (2013) found fewer sooty grouse males on land subjected to harvesting than on unharvested land. Recent Land Management Plans for Sequoia National Forest and Giant Sequoia National Monument permit timber harvest in areas that overlap with the Mount Pinos sooty grouse’s habitat.

The petition mentions additional situations when trees can be removed from areas not designated for timber production, which the petition claims will negatively impact the Mount Pinos sooty grouse. The Inyo and Sequoia National Forest Land Management Plans allow for removal in response to disturbance events such as “wildfire, windthrow, insects, parasites, or pathogen-related decline,” as well as hazard tree removal for safety reasons (USFS 2019a, 2023). The petition also notes that private lands in the Tehachapi Mountains have been converted from forests suitable for sooty grouse to pine plantations.

3.5.2 Fire Suppression and Altered Wildfire Regimes

According to the petition, wildfire suppression in the western United States, along with extreme droughts, has contributed to more intense and larger wildfires than historical

wildfire patterns, elevating the risk to the Mount Pinos sooty grouse forested habitat. In particular, the petition notes that the average wildfire size in the Sierra Nevada has increased from 200–400 ha to 1,400 ha over the past 30 years (Safford and Stevens 2017). The petition argues that these changes in wildfire regimes continue to drive the contraction of the southern edge of the Mount Pinos sooty grouse range. The petition presents a study by Bland (2002) that surveyed the mountains along the southern extent of the Mount Pinos sooty grouse range in Kern County and Ventura County, which found breeding males at only one location: Sunday Peak in the Greenhorn Mountains. In 2016, the old-growth forest habitat on Sunday Peak was burned in the Cedar Fire and no sightings of Mount Pinos sooty grouse have been reported there since then.

3.5.3 Livestock Grazing

The petition states that montane meadows and other mesic areas that are essential for chick-rearing are degraded by livestock grazing. The Forest Service currently authorizes grazing upon 485,620 hectares (1.2 million acres) of land within the Mount Pinos sooty grouse range. The Bureau of Land Management (BLM) also authorizes livestock grazing across 56,055 hectares (138,516 acres) of land within the subspecies' range (Figure 3). The petition describes how grazing degrades meadow habitat by reducing food availability and cover and causes “soil compaction, altered channel morphology and riparian communities, elevated fuel hazards, and spread of invasive plants” (Geos Institute 2012). The petition states that sooty grouse hens are more successful at rearing chicks in ungrazed areas than in adjacent grazed areas. The petition summarizes a report by the Center for Biological Diversity that found “significant” cattle damage within two grazing allotments on National Forest land (CBD 2025). In addition, the report documented damage by livestock grazing to Mount Pinos sooty grouse habitat on private lands.

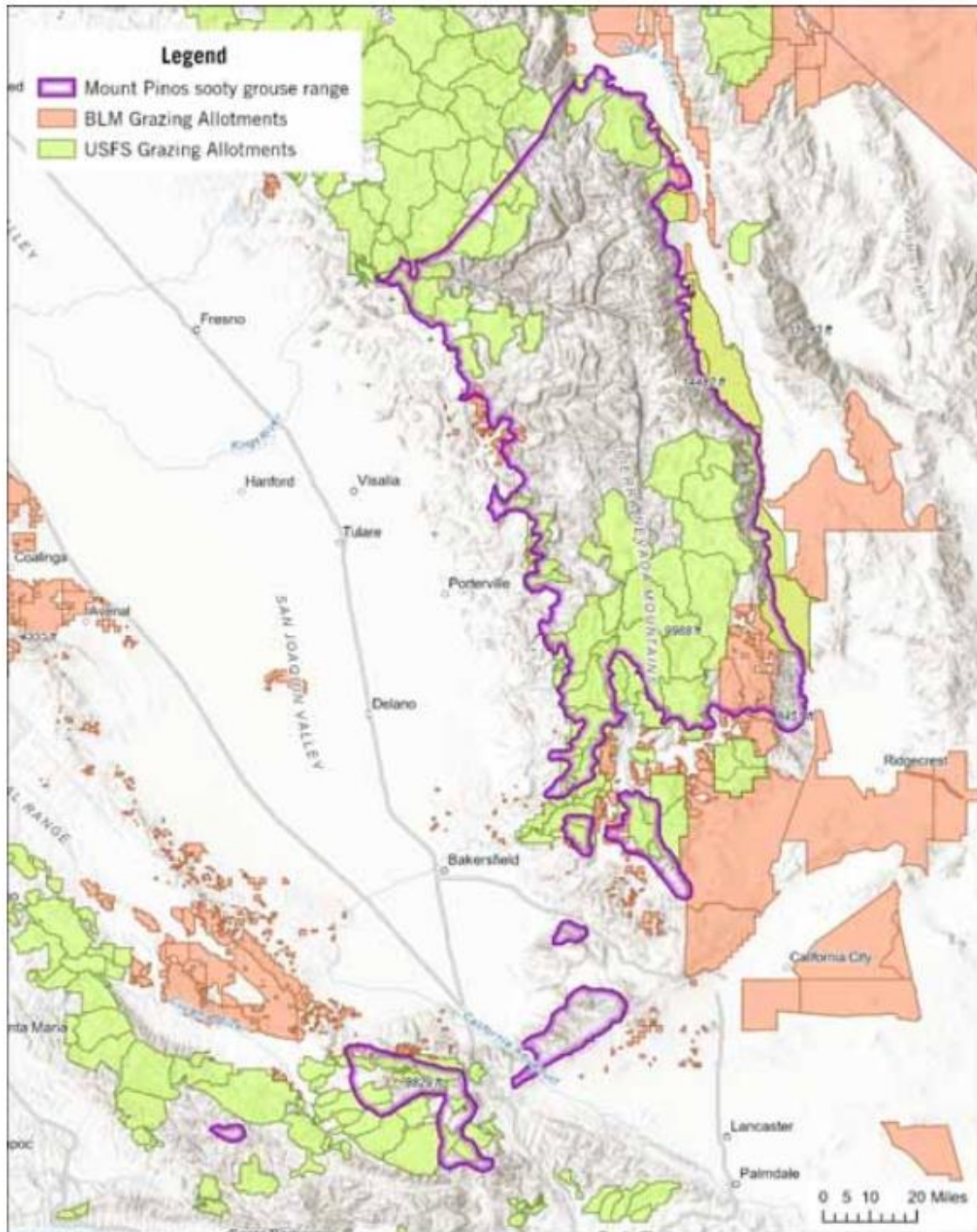


Figure 3. Current United States Forest Service and Bureau of Land Management grazing allotments (shaded green and orange, respectively) within the historical Mount Pinos sooty grouse range. Figure 6 in the petition.

3.5.4 Recreational Uses

The petition states that development of montane meadow habitat into recreational campgrounds is a threat to Mount Pinos sooty grouse reproduction, as females utilize meadows for rearing chicks. Additionally, the petition states that the use of motorized vehicles in high elevation areas is visibly affecting montane habitats in Sequoia National Forest.

3.5.5 Hunting

The Department classifies sooty grouse as a “resident small game” bird and allows hunting of the Mount Pinos subspecies within Fresno, Inyo, and Tulare counties with a daily take of two birds and a maximum possession of six birds. There is no hunting allowed in the historical range of Kern and Ventura counties. Hunting for sooty grouse is also permitted within Sequoia and Inyo National Forests. The petition notes that differentiating between the Sierra and Mount Pinos subspecies may be difficult for hunters in the field, which could pose a risk to the Mount Pinos sooty grouse. The petition states that a decreasing harvest number of Mount Pinos sooty grouse over the last 30 years shows the species is in decline and that hunting may be a factor. The petition also provides a table of selected years of reported sooty grouse hunting take and highlights that no harvest has been reported in Tulare County since 2010, and little harvest has been reported in Inyo County. Across all counties within the Mount Pinos sooty grouse range, the petition reports that the ratio of harvested sooty grouse per hunt day decreased from 1.16 grouse/hunt day in 1994 to 0.12 grouse/hunt day in 2023. However, as mentioned in Section 3.4, the extrapolated numbers in harvest survey reports are based on many assumptions and the methods for conducting surveys have changed over time, so survey report numbers do not necessarily represent an accurate number of grouse or hunters in each county (CDFW 2024).

The petition discusses additive versus compensatory effects of hunting on game bird survival and allowable harvest rates that do result in additive mortality (i.e., a decrease in the overall survival rate in the population). According to studies on different game bird species, rates of sustainable harvest varied depending on the species and region, with additive mortality occurring when harvest rates were more than 25–50% of the population (depending on species and study). While the harvest rate of Mount Pinos sooty grouse in California is likely well below this range of harvest rates, the petition concludes that hunting is a threat to the subspecies.

3.5.6 Climate Change

The petition describes how climate change is negatively impacting the habitat of the Mount Pinos sooty grouse by increasing temperatures. Current warming trends project

snowlines rising higher in elevation and reduced size of snowpacks. Droughts can also lead to large tree mortality. Old-growth conifer forests (which males use as hooting sites and to perform courtship displays) are vulnerable to future loss, and the petition states that the alpine zone of the Kern Plateau is at particular risk (Dettinger et al. 2018). The petition notes that climate change may also negatively impact meadow habitat through shifts in hydrology—heavy to moderate shrub encroachment is already observed at meadows in the Sequoia and Inyo National Forests, possibly reducing available brooding habitat for Mount Pinos sooty grouse.

3.5.7 Disease and Predation

Disease: The petition notes that disease is not a current threat to the Mount Pinos sooty grouse.

Predation: The petition states that any carnivorous mammal and raptorial bird can be considered potential predators of the Mount Pinos sooty grouse at any life stage. The petition adds that changes in forest structure, such as logging, has exposed Mount Pinos sooty grouse to “unsustainable rates of predation” through disruption of the “predator-cover complex” (Bland 2013).

3.6 Existing Management

This section summarizes the information in the petition regarding the impact of existing management efforts on the Mount Pinos sooty grouse (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 the Mount Pinos sooty grouse on pages 31–41.

The petition describes current federal regulatory mechanisms that may provide protection for the Mount Pinos sooty grouse, including: the Endangered Species Act (e.g., through indirect protection provided by critical habitat established for co-occurring ESA-listed species within the range of the Mount Pinos sooty grouse); National Parks and National Monuments (e.g., protection from “consumptive activities” such as logging, mining, and hunting for populations that occur on these lands); USFS Sensitive Species designation; and the National Environmental Policy Act (NEPA). The petition claims the Mount Pinos sooty grouse receives protection provided by the Migratory Bird Treaty Act (MBTA); however, species in the order Galliformes, such as sooty grouse, are not included on the list of birds protected by the MBTA.

The petition provides a map of landownership within the historical range of the Mount Pinos sooty grouse (Figure 4).

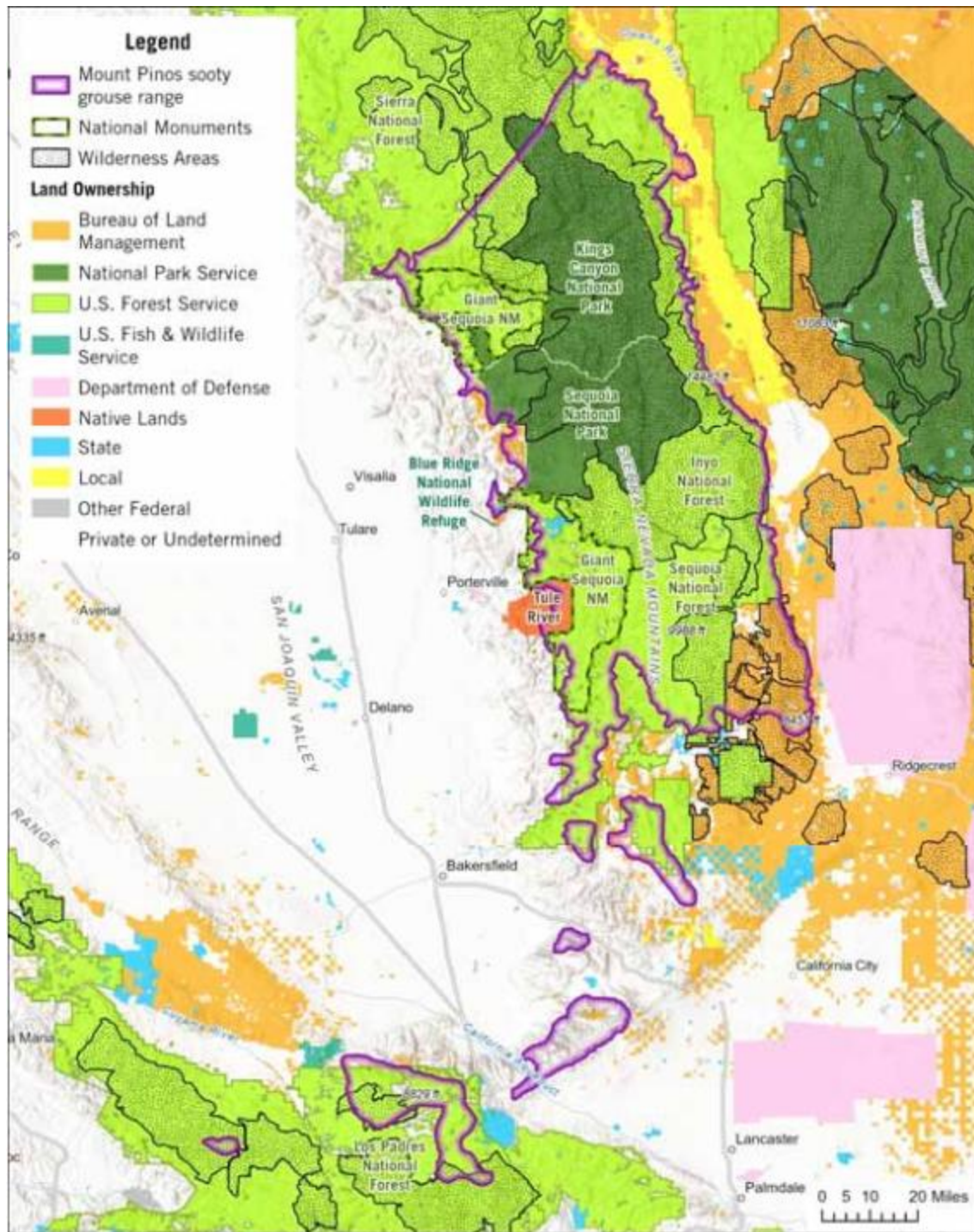


Figure 4. Map of landownership within the historical range of the Mount Pinos sooty grouse. Figure 11 in the petition.

The petition also discusses the current state regulatory mechanisms that may provide protection for the Mount Pinos sooty grouse. These include designation as a Species of Special Concern (SSC) in California; designation as a Species of Greatest Conservation Need (SGCN) under California's State Wildlife Action Plan (SWAP); potential to be

covered under a Natural Community Conservation Plan (NCCP); and protections provided by the California Environmental Quality Act (CEQA) as a potentially “rare” species.

The petition states that existing regulatory mechanisms are not sufficient to protect the Mount Pinos sooty grouse. The petition points to a lack of protection under the federal ESA, including: the lack of protection for habitat features necessary to the Mount Pinos sooty grouse in existing ESA-designated critical habitat for other species; the lack of existing Habitat Conservation Plans that include the Mount Pinos sooty grouse; livestock grazing allowances in Giant Sequoia National Monument; continued commercial timber harvest and hazard tree removal in National Forests; a recent directive by President Trump to increase timber production; the United States Department of Agriculture’s notice of intent to repeal the Roadless Area Conservation Rule in National Forests; the rollback of many NEPA implementing regulations; elimination of protection from indirect forms of take under the MBTA; and lack of adequate legal protection under CEQA.

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)).

On page 42, the petition provides the following recommendations for future management of Mount Pinos sooty grouse.

- Investigate the subspecific status of the Mount Pinos sooty grouse with modern genetic techniques.
- Map all potential habitats suitable for the Mount Pinos sooty grouse.
- Survey all potential Mount Pinos sooty grouse breeding sites.
- Protect remaining habitat by restricting logging, fire suppression, livestock grazing, and motorized recreation.
- Suspend hunting in Tulare and Inyo counties (the petition argues that the suspension of hunting Mount Pinos sooty grouse within its range will only affect a small percentage of hunters).
- Pending genetic results, reintroduce the Mount Pinos sooty grouse to the southern sky islands where it was previously extirpated.
- Restore old-growth forest and meadow habitats within the Mount Pinos sooty grouse range.

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 44–54. 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 additional information related to the Mount Pinos sooty grouse. The Department evaluated and incorporated readily available information and expertise relating to historical detection occurrences (Abbott 1965 and Weiss 1979), past Department draft management plans (Bland 1995), and the most recent hunting harvest data (CDFW 2024).

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 in the Department's possession, 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 subspecies 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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