

Staff Summary for August 12-13, 2026

11. Swainson's Hawk (Consent)**Today's Item**Information ☐Action ☒

Consider approving the Department's request for a 30-day extension to review the petition received to delist Swainson's hawk (*Buteo swainsoni*) from the list of threatened species under the California Endangered Species Act (CESA).

Summary of Previous/Future Actions

- | | |
|--|---------------------------|
| • Received petition | June 9, 2026 |
| • Transmitted petition to Department | June 19, 2026 |
| • Notice of receipt of petition published in the California Regulatory Notice Register | July 24, 2026 |
| • Public receipt of petition | August 12-13, 2025 |
| • Today, consider Department's request for a 30-day extension | August 12-13, 2026 |

Background

On June 9, 2026, the Commission received a petition from the California Building Industry Association to delist Swainson's hawk from the list of threatened species under CESA. On June 19, 2026, staff transmitted the petition to the Department for review.

California Fish and Game Code Section 2073.5 requires that the Department evaluate the petition and submit a written evaluation with a recommendation to the Commission within 90 days of receiving the petition. Under this section, the Department may request an extension of up to 30 days to complete the evaluation.

The Department has requested a 30-day extension to evaluate the petition (Exhibit 1). If approved, the due date for the Department's petition evaluation would change to October 17, 2026.

Significant Public Comments

A California resident resubmits comments originally sent in response to the Department's 2016 five-year review of Swainson's hawk. They believe the Department's 2016 review is outdated, inaccurate, and fails to include critical scientific findings regarding mass pesticide-related die-offs in South America. They present evidence suggesting population recovery in California that contradicts the classification of "threatened" status. (Exhibit 2)

Recommendation

Commission staff: Approve the Department's request for a 30-day extension to evaluate the petition to delist Swainson's hawk from the list of threatened species under CESA.

Department: Approve the request for a 30-day extension to allow the Department additional time to analyze and evaluate the CESA petition and complete the written evaluation report.

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Exhibits

1. [Department memo requesting a 30-day extension](#), received July 15, 2026
2. [Letter from Bruce Guelden](#), received July 30, 2026

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 10 through 12 on the consent calendar.

MEMORANDUM

Date: July 13, 2026

To: Melissa Miller-Henson, Executive Director
Fish and Game Commission

From: Meghan Hertel, Director

Subject: Request for 30-day Extension, Swainson's Hawk Petition Evaluation

The California Department of Fish and Wildlife (Department) requests a 30-day extension of time pursuant to Fish and Game Code section 2073.5 to allow the Department additional time to analyze and evaluate the petition to delist Swainson's Hawk (*Buteo swainsoni*) under the California Endangered Species Act and to complete the evaluation report. This extension would extend the Department's review time from 90 to 120 days and would change the due date of the Department's evaluation report from September 17, 2026 to October 17, 2026.

If you have any questions or need additional information, please contact Scott Gardner, Wildlife Branch, at [REDACTED] .

ec: Chad Dibble
Deputy Director
Wildlife and Fisheries Division

Scott Gardner
Wildlife Branch Chief

Neil Clipperton
CESA Unit Supervisor
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CESA Recovery Coordinator
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Request for 30-day extension, Swainson's Hawk Petition Evaluation

July 13, 2026

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Ari Cornman
Wildlife Advisor
California Fish and Game Commission

Jenn Bacon
CESA Analyst
California Fish and Game Commission

From: Bruce Guelden
Sent: Thursday, July 30, 2026 4:35 PM
To: Wildlife Management
Subject: De-listing of the Swainson's Hawk at the August 16 meeting
Attachments: letter to DFW. doc.pdf

I am submitting a document concerning the de-listing of the Swanson's Hawk.
Could the FGC please make this document available to the Commissioners.
It was written in 2016 and is more relevant today.
Please take note of pages 2-3.
Also page 7.

I request a follow-up that this email was received.

Thank you for your time.

Bruce Guelden
Member Yolo County Grand Jury 2018 and 2025.
City of Winters Council member 2008 and 2012.
City of Winters Planning Commission for 16 years.

I submitted this document back in August, 2016.

At that time the Department of Fish and Wildlife was reviewing a five-year status report which was an update from the 1993 status report.

A 23-year span between “five-year status reports”.

During the presentation to the California Commission of Fish and Game there was no mention of the various issues I had expressed in my letter to the Department of Fish and Wildlife.

Please take special note of pages 2–3 ...and also page 7.

Thank you for your attention.

Bruce Guelden 7-30-2026

August 23, 2016

To the California Department of Fish and Wildlife, Fish and Game Commission, and Yolo Habitat Conservancy;

In April of this year, the Department of Fish and Wildlife (DFW) submitted a Five-Year Status Report to the California Fish and Game Commission (FGC) concerning the Swainson's Hawk. The hawk is currently listed as *threatened* in California. The DFW recommends keeping the current status. Although this report is entitled “Five-Year Status Report,” the previous report was recorded in 1993. The DFW is obligated to submit a current and accurate report every five years. There has been a great deal of research on the Swainson's Hawk in the past 23 years and much of that updated information is missing from the current report.

I have reviewed the report and have several concerns. I find many of the report's statements are based on conjecture and erroneous facts. I am asking the DFW to review their report and make any corrections if so warranted.

My Biography and Concerns

I was a Winters City Council member for four years and was a Winters Planning Commissioner for 16 years. I was also a member of the Yolo County Grand Jury on two occasions. I have an extensive background in science and statistics. And, if it helps...I am also an Eagle Scout.

I became aware of the Swainson's Hawk situation several years ago as a member of the planning commission. Both the City of Winters and developers had struggled with the demands and bureaucracy of the DFW and California's Endangered Species Act. It was a time-consuming, expensive, and a frustrating process.

I have spent dozens of hours researching the Swainson's Hawk and have also had a close look at the DFW. I must emphasize that I am not paid to do this report and I am not a developer, nor do I have any self-interest. I am submitting this report because I believe the DFW has made errors in their assessment of this species. I also believe that the current report is factually inaccurate. Critical and pertinent information published since the 1993 report is missing. To properly assess the situation surrounding the Swainson's Hawk, it is necessary to review the hawk's history in California, nationally, and internationally. It is also important to review the DFW's five-year status report for inconsistencies and omissions.

History

Swainson's Hawk is not unique to California or to the United States. It can be found nesting in North America from Mexico into Canada and Alaska. In the 1970s, the hawk's population started to decline, not only in California, but also across North America. Within a short time, the hawk was listed as *threatened* by the United States Government and by the State of California. The International Union for Conservation of Nature (IUCN) also listed the hawk as *threatened*. From 1983 to the present, the hawk has remained listed as *threatened* in California.

Over the past 20 years, there have been hundreds of scientific papers published concerning the Swainson's Hawk. Most of those findings are still relevant today but unfortunately they are not included in the current five-year status report.

The single most important factor affecting the Swainson's Hawk is not found in the current report. A study done by Cornell University documents the poisoning death of 100,000+ hawks in South America. The current world population of hawks is approximately 350,000 and has been rising consistently since the late 1990s. This increase in population is directly related to the corrective actions that were taken as a result of the Cornell report. (Wirded/2013)

The Cornell University Report

Probably the single most important scientific document ever published concerning the Swainson's Hawk was released in 1996. That report received worldwide attention.

The Cornell University Ornithology Department was awarded a grant to study the declining population of this raptor. They knew that fewer and fewer hawks were returning from their winter migration and concluded that the problem was most likely occurring outside the United States. They focused their attention on the hawk's winter migration to South America. By monitoring 32 hawks from several different locations, they tracked their migratory path via satellite. They discovered that the vast majority of the hawks were migrating to Argentina. (Woodbridge, New York Times)

The Cornell research team flew to Argentina to further assess the situation. Their discovery became international news and jolted the scientific world. Within the first two weeks, they documented 5,000 dead Swainson's Hawks. Toxicology reports revealed that the insecticide monocrotophos was poisoning the hawks.

The Cornell team returned to the United States and immediately went to Washington D.C. They presented their findings to the United States Department of Fish and Game and the State Department. The United States sent representatives to Argentina to have a serious talk with their government officials. They agreed to ban the insecticide. Unfortunately, thousands of deaths were still recorded in the following years when local farmers chose to deplete their existing supply. The insecticide was finally banned in 2000.

The researchers concluded that *"over 5% of all the Swainson's Hawks in the world died in Argentina in 1995"* (Smithsonian Migratory Bird Center), and that *"pesticides used to control insects heavily affect the population, since Swainson's Hawks eat so many*

insects. It is estimated that 5-10% of the population die yearly of pesticide poisoning from eating locusts in Argentina.” (Conservation Status, CuriOdyssey)

“Monocrotophos caused notable bird kills elsewhere, including an incident in Argentina where 100,000 birds were killed after one heavy application in 1996”. (wired/2013)

The American Bird Conservancy explains the situation: *“In the 1990s, these amazing hawks showed an alarming decline in population in the western United States. This decline was traced to heavy mortality on their wintering grounds. An estimated 35,000 birds had died in Argentina in one season alone, carpeting the ground with dead birds in some places. This represented fully 5% of all Swainson’s Hawk in the world at the time. This disastrous die-off turned out to be due to the toxic pesticide monocrotophos, which was used to control insects in sunflower fields. The hawks were eating poisoned grasshoppers and dying in huge numbers. Although this pesticide was removed from use in the U.S. in 1991, it was still widely used in Latin America.” (ABC). (An added note: Mexico is currently the largest importer of the insecticide monocrotophos in the world).*

Fortunately, since the late 1990s, the Swainson’s Hawk has shown an amazingly rapid recovery in California.

For some reason the DFW gives only a passing reference to the poisonings in South America. It states: *“... the importance of this factor for California’s breeding hawks is unclear.”*

The Cornell report clearly implies otherwise.

Current Listing of the Swainson’s Hawk.

Today, all private and public agencies have delisted their *threatened* status on the Swainson’s Hawk with the exception of California.

- The US government delisted the hawk over 20 years ago.
- The ICUN has delisted the hawk to the status of “least concern” in 2004.
- Planet of Birds rated the hawk as “least concern” in August 2011. (PB/2011)
- California Audubon Society declared the hawk as the “comeback kid” of the year in 2013. (Cal Audubon /2013)
- The North American Bird Conservation has removed the hawk from its “concern” list. (NABC)



Within California the following statements have been documented. Most of these studies were funded with state or federal grants that were managed by the DFW. All these statements have been published in the past 10 years.

“Survival estimates demonstrated a strong quadratic effect, with survival decreasing from 1979 through 1996 and increasing thereafter when monocrotophos was limited.”

“Expansion of this species’ breeding, in recent years, has been documented in other counties within the central and northern Coast Ranges of California, including San Benito, Napa, and Sonoma, suggesting...that the Swainson’s Hawk may be adapting to new areas of natural or human-modified habitats” (HCP Yolo Co)(San Mateo2014)

“It has recently expanded into areas where it was thought the species was extirpated.” (Estep 2013/Yolo Co HCP)

“The Swainson’s Hawk is now five times more abundant in California then it was at its lowest point in 1980s” (UC Davis 2008/DFW)

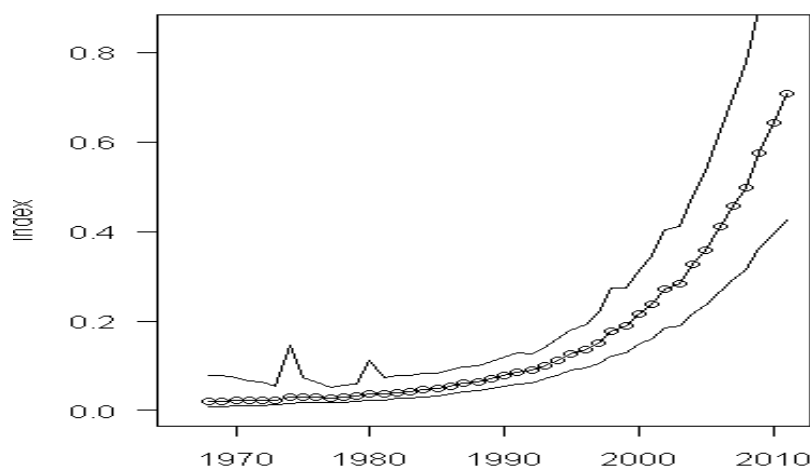
“An inventory of California Swainson’s Hawks conducted by the California Department of Fish and Game (now Fish and Wildlife) and the University of California, Davis, in 2005 and 2006 yielded an estimated 2081 breeding pairs, corresponding to a 600% increase in 27 years” (Santa Clara/2014)

Even with the rapid rise in the Swainson’s Hawk numbers, the DFW still maintains the hawk is a *threatened* species. This ranking has remained intact since 1983. Following the ban on insecticides in Argentina, the Swanson’s Hawk has shown an amazingly rapid recovery and especially with the consideration that it only reproduces once per year and does not mature until its third year.

Maps, Graphs, Research, Publications, Grants

The Breeding Bird Survey (BBS) trending graph illustrates the hawk's strong recovery in California. The BBS is a government agency under the umbrella of the United States Geological Survey. Their report is independent of any ranking system—whether the bird is considered endangered/threatened or not. They simply count birds.

Swainson’s Hawk California



The above graph can be found in the DFW's current five-year status report. It should be noted that the rapid increase in the Swainson’s Hawk population begins in the mid 1990s. The Cornell report was published in 1996 and their findings initiated the end of the use of monocrotophos in Argentina.

The BBS makes the following statement about this graph: *“This tool gives a Swainson’s Hawk trend index of 3.6 which translates into an increasing trend of 3.6% per year. The*

index value is a measure of percent change per year, and in this case is listed as significant. The BBS goes on to say: “*The graph suggests that a low initial value for Swainson’s Hawk detected followed by a slow rate of increase thru the 1990s, followed by a faster rate of increase in 2000s*” (BBS/DFW2016)

It should be noted that a 3.6% increase is a year-by-year increase. The overall increase is cumulative. The actual increase is 520% over 47 years. The BBS graph clearly illustrates a positive and healthy environment for the Swainson’s Hawk in California. It would be difficult to conclude otherwise.

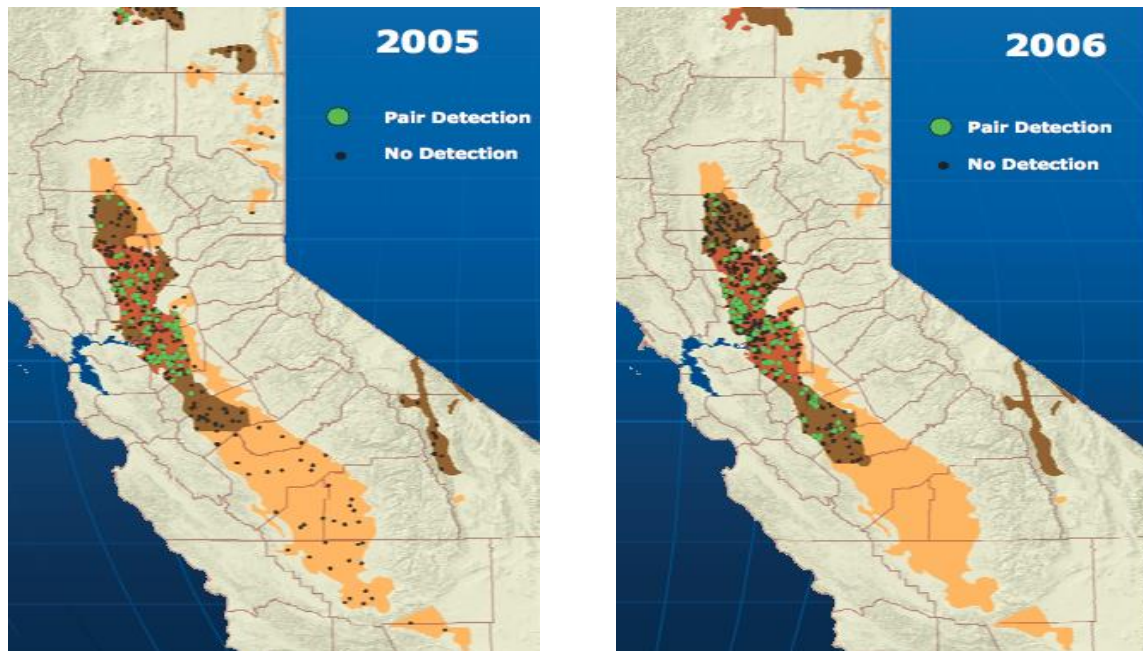
The BBS graph concurs with the following UC Davis/DFW findings:

Table 5. A comparison of Swainson’s hawk inventories.

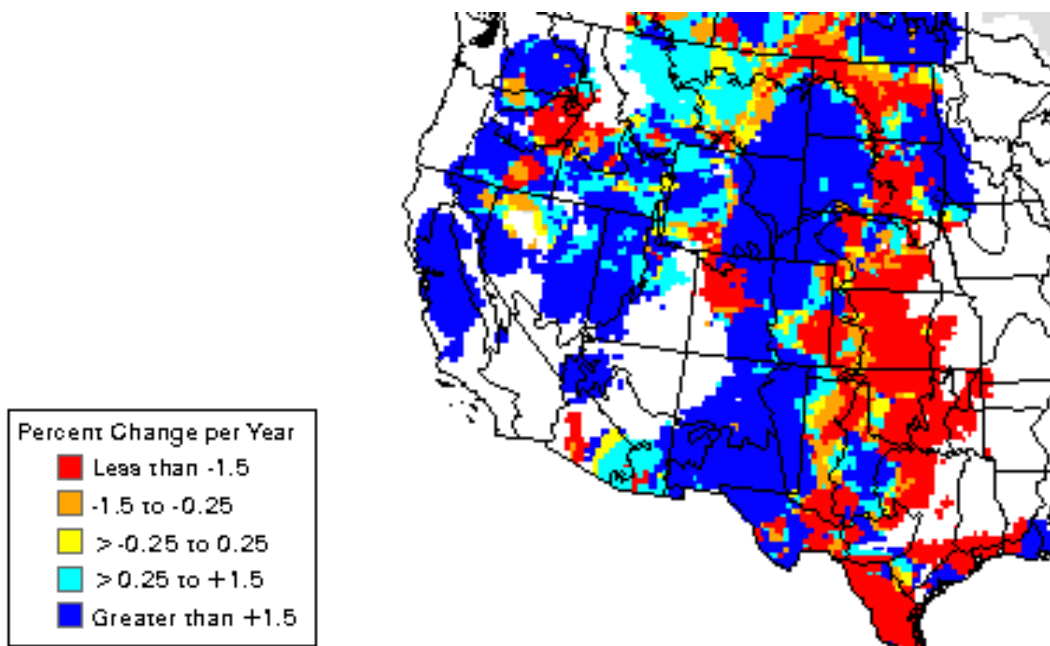
Statewide Swainson’s Hawk Inventories				
				
	1979 Bloom	1988 Estep	1994 CDFG	2006 CDFG/SWT AC/UCDWH C
SWHA Inventories	400 Statewide	800 Statewide	1000 Statewide	2081 Statewide

In the 27 years from 1979 to 2006, the hawk has increased 500%. This survey was funded by the Department of Fish and Game (Wildlife). It is not found in the 2016 status report.

In 2005 and 2006 the DFW again funded a count of the Swainson’s Hawk in California. The census methodology was consistent and peer reviewed. The count showed an increase of 339 pairs of hawks. This number indicates a 17 % increase in a single year.



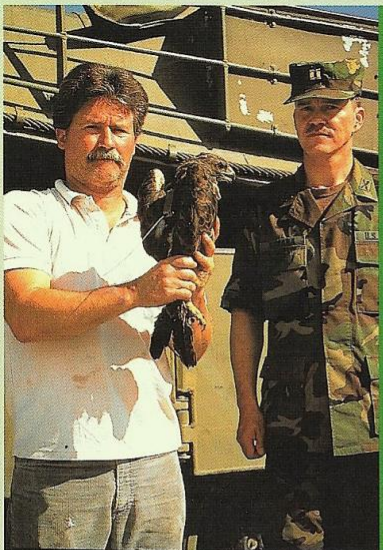
The map below illustrates the population change over a 20-year time span. It should be noted that this is a standardized format and is limited to a maximum change of 1.5%. The actual change is a positive 3.6% per year. California is equal to, or greater than, all other states. (BBS)





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by permission
William Seegar PhD



Swainson's
Hawks
outfitted with
a satellite PTL



SUCCESS STORY

SCIENTIFIC RESEARCH RESCUES SWAINSON'S HAWK BEFORE THREATENED OR ENDANGERED STATUS LISTING IS NEEDED

CCRT's Legacy project contributed significantly to radio tracking of Swainson's Hawks (SWHA) with satellite-based technology during 1995 and 1996. We monitored their distribution on and off military installations in the western U.S., where their numbers had been diminishing at an alarming rate for unknown reasons. The Swainson's Hawk is listed as a species of concern by five states and the Bureau of Land Management, and as a special emphasis species by the U.S. Forest Service. Nesting population declines had been reported over much of the hawk's range, including Dugway Proving Grounds. With no obvious reason for this decline, scientists postulated that problems along migration routes or on wintering areas were responsible.

Four SWHA were marked with PTTs near the Idaho Army National Guard Orchard Training Area. SWHAs were also marked near Dugway Proving Ground, UT, Navy land holdings in Oregon, and the Rocky Mountain Arsenal (now a Fish and Wildlife Service refuge) in Colorado. The locations of these hawks were monitored on their North American breeding grounds, Argentinean wintering grounds, and along migration routes. Results of the satellite telemetry study revealed that large numbers of this species, in fact thousands at a time, were being killed on their South American

wintering grounds.

In January of 1996, scientists visited different areas indicated by the satellite derived location data. They counted over 4,000 dead SWHA, killed as an apparent side effect of pesticide applications to croplands, and these scientists believed the actual mortality numbers may have exceeded 20,000. Since adults represented nearly 90% of the dead birds and the entire Canadian SWHA population is estimated between 20-40,000 pairs, this loss represented a serious threat to the survival of the species.

It turned out that this catastrophic population decline resulted from the use of a toxic organophosphate pesticide, recently brought into use on the pampas of Argentina where these hawks winter in communal roosts. Through the use of remote tracking and monitoring technology, this environmental problem was identified and, within 18 months, remedied through collaborative government and private sector management and education. Keeping this raptor off the endangered species list saved millions of federal dollars by avoiding costly large-scale research and recovery programs and related habitat management activities in North America. This application of wildlife tracking via satellite is a perfect demonstration of the unique advantage this technology can provide in the study of a wide ranging species.

To their credit, it should be noted that the DFW has completely delisted two birds from the more critical *Endangered Species* List. They are the American Peregrine Falcon (delisted 2009) and the California Brown Pelican (delisted 2009). Both of these birds were critically impacted by insecticides, as was the Swainson's Hawk. Today, the federal

government has delisted all three birds. The only remaining bird not to be delisted by California is the Swainson's Hawk. By reviewing numerous reports and studies funded by the government, the hawk could have been reasonably delisted 10 years ago. This proved to be a bit difficult since the DFW has not bother to submit a review since 1993. The DFW claims that it has not had the "...*budget, staff, and workload priorities*" to review the Swainson's Hawk for the past 23 years. (DFW status review/2016)

The DFW also states: "*The primary threat to the Swainson's Hawk population in California continues to be habitat loss, especially the loss of suitable foraging habitat...this impact may have been the greatest factor in reducing Swainson's Hawk range and abundance in California over the last century*". The DFW may wish to amend the above statement in light of the Cornell report published in 1996. Also, all other population reports since 1996 have indicated a dramatic increase in nesting pairs. The DFW gives no consideration to this fact.

I must re-emphasize that the DFW still recommends keeping the status of the Swanson's Hawk as "threatened".

Five-year Status Reports—A Flawed Theory

The obligation of the DFW is to present a five-year status report to the Fish and Game Commission in a timely manner.

The last five-year status report was submitted in 1993. At that time the DFW attempted to explanation the declining hawk population. They knew there was a problem and unfortunately they attempted to find a cure. The DFW developed a theory that tried to rationalize the situation. They proposed that farming practices, habitat, and development were the major problems facing the hawk. They submitted various opinions and random data to support this theory. At that time, the authors were not aware of the situation in South America. No one was. When the Cornell report was published 3 years later, it correctly defined the problem.

For some reason, the DFW continues to promote the theory that farming practices and habitat have caused the hawk's decline. This is a faulty assumption reprinted from the 1993 report. The Swainson's Hawk is obviously not declining in numbers. Much of the information from the 1993 report is repeated in the current report. It has been proven to be erroneous in 1993 and it is erroneous now.

The current five-year review submitted to the Commission is a poorly crafted makeover of the 1993 review. A great deal of information has been published in the past 20 years, yet the DFW has ignored the most pertinent data available. The current report dismisses the massive poisonings in Argentina as being ">1000 found dead". This is an embarrassingly poor understatement. The report continues with the following statement on the use of insecticides: "...*the importance of this factor for California's breeding hawks is unclear.*" These two statements are grossly deceptive.

The report then continues to make broad and erroneous statements about farming practices in California. "*This impact may have been the greatest factor in reducing the Swainson's Hawks range and abundance in California over the last century*" (2016 DFW) This statement should be removed from the report. The facts clearly show a species that is increasing in population at a rapid pace and independent of farming practices over the last 20 years. For some reason, the DFW continues to promote their flawed theory that implies that the hawk is declining in numbers.

The problems involving the Swanson's Hawk were not created within the boundaries of California. It had nothing to do with farming practices, crops selection, development or habitat. The critical issues affecting the Swainson's Hawk were the use of insecticides in South America. This was expressed clearly in the 1996 Cornell report. From the time that insecticides were banned in Argentina, the hawk population has grown at an extremely rapid pace. Unfortunately, the status report of 2016 continues to promote the erroneous theory originally proposed in the 1993 report. That report was released prior to the Cornell University findings.

By maintaining the current status of *threatened*, the DFW can justify its lack of responsibility to review the hawk in a timely manner. The facts clearly show a species that is increasing in population and at an aggressive rate.

The purpose of a five-year report is to provide the most current scientific information available and then to adjust the status of a species if necessary. The DFW has failed to do so.

The DFG should explain to the FGC what exactly is "threatening" to the Swainson's Hawk, especially since it has shown a 5-fold increase in the past 20 years. (Yolo/HCP)

I request that the DFW address several questions that are not addressed in the current 5-year status report:

- (First things first) Why is the report titled "Five Year Status Report?" It would be more accurate and less deceptive to call it a "23-Year Status Report"?
- Why is there no mention of the rapid increase in population?
- Why is the poisoning death of massive numbers of hawks in Argentina not given adequate attention?
- Why has the DFW submitted maps and information from the 1993 report and ignored more relevant and current information.
- Is there a possible conflict of interest by those who edited this report?
- The BBS trending graph shows a remarkably aggressive population increase in the past 15 years. How does the DFG justify a *threatened* status considering this rapid growth rate?
- What is the "unfavorable environment" for the hawk when it has shown such a healthy rebound from the mid 1990s?
- And finally, there are several template/formats that are recognized and available to determine the status of a species. I request that one of these programs be used to assess the status of the hawk that is independent of the DFW?

Recommendation

It would seem reasonable that the status of any species should be measured by how well it is doing by population. The health and adaptability of the Swainson's Hawk are best measured by its numbers. Understandably, regional variances can be expected among all wildlife.

The Swainson's Hawk is doing extremely well in California. It has been increasing at a

phenomenal rate of 500% in just 20 years. The BBS Trending Graph and several DFW publications confirm this growth pattern. The DFW and the FGC should give serious consideration to the delisting of the Swainson's Hawk. It should reflect the same listings as the American Peregrine Falcon and the California Brown Pelican (DFW/2009).

Of all the species under review by the DFW, the Swainson's Hawk is probably the best candidate to be delisted. The historical problems of the Swainson's Hawk were not created within California and have since been corrected. Published reports clearly show that this raptor was poisoned to death year-after-year in South America starting in the 1980s. That problem has been resolved.

It is the obligation of the Fish and Game Commission to review all status reports created by the Department of Fish and Wildlife. If the FGC cannot reach a consensus, then, at the minimum, it should reject the DFW report. Any discussion on the status of the Swainson's Hawk should be tabled until the DFW can submit a more accurate report and one that is free of conjecture and theories. The DFW is obligated to present a truthful, current, and accurate report to the Commission. They have failed to do so.

I would hope that the Endangered Species Act, the DFW, and the FGC would all encourage the delisting of any species when it is factually warranted. Of equal importance, the Commission and the public should be comfortable with the FGC's final decision.

I can provide additional supporting material upon request.

I thank the Fish and Game Commission for its time and welcome the opportunity to discuss this issue at a future date.

I welcome all comments. If any of the above statements are in error, I will make immediate and appropriate corrections.

Bruce Guelden
430 Main Street
Winters, California, 95694

Acknowledgments, Footnotes, References

Trend Maps (BBS)

Swainsons Hawk BBS Trend Map 1966 - 2013

Planet of Birds (PoB)

<http://www.planetofbirds.com/accipitriformes-accipitridae-swainsons-hawk-buteo-swainsoni>

CuriOdyssey

[Swainson's Hawk | CuriOdyssey](#)

Cal Audubon/2013

Swainson's Hawk [California's "come-back kid of the year"](#)

IUCN Status (least concern) [Buteo swainsoni \(Swainson's Hawk\)](#)

600% increase Santa Clara/2016 (page 176)

[600% pge 176 .webloc](#)

Wired/2013 (100,000 dead hawks)

<http://www.wired.com/2013/07/india-dead-children-and-a-dangerous-pesticide/>

New York Times (Woodbridge)

<http://www.nytimes.com/1996/10/15/science/accord-is-reached-to-recall-pesticide-devastating-hawk.html>