

News

U.S. Fish and Wildlife Service

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FISH AND WILDLIFE SERVICE PROVIDES NEW PYGMY-OWL GUIDANCE FOR LANDOWNERS

The U.S. Fish and Wildlife Service announces updated guidance for landowners planning to clear vegetation from land that may be occupied by cactus ferruginous pygmy-owls. South-central Arizona has been mapped into three zones based upon probability of use by owls and the Service is recommending varying degrees of precaution be applied in each zone before private landowners clear vegetation that could support owls. The guidance is designed principally to assist private landowners concerned that their development projects might violate the Endangered Species Act by harming an owl.

“Our intent in developing updated guidance for landowners is three-fold,” said the Service’s Southwest Regional Director, Nancy Kaufman. “We want to better understand where owls are and their habitat requirements, help landowners avoid harming or harassing owls, and still permit landowners and local economies to develop with the certainty that the unique natural resources of the Southwest are not compromised.”

The new guidance is derived from public input received during comment periods and public meetings, increased knowledge of owl habitat characteristics and distribution, and recently refined owl survey methodology.

It is recommended that federally permitted pygmy-owl surveyors use a newly adopted 2000 survey protocol developed by Service and Arizona Game and Fish Department biologists to improve the likelihood of detecting owls. Surveyors may detect a pygmy-owl when a territorial bird responds to the playing of a tape recorded owl vocalization. Generally, the revised survey

protocol prescribes surveying an area three times during the owl's active territory-defending season - January through June - with at least one of those surveys occurring during the peak calling period - February through April. For small landowners located in "Zone-2", fall surveys may be conducted for vocally responsive juvenile and dispersing owls by two tape-playing sessions between September 15 and October 31.

"The Service has worked closely with Arizona Game and Fish Department to improve the existing survey protocol, which was originally developed in 1993," said Kaufman. "We believe the new protocol will provide better and more comprehensive information on the species, giving us and local planners a better scientific basis on which to make management decisions."

In Arizona, pygmy-owls currently are found in Sonoran desertscrub, semi-desert grasslands, and forested desert streams and washes with saguaro cactus or other columnar cacti, or ironwood, palo verde or mesquite, ash, cottonwood, and other trees (with trunk diameters 6 inches or greater at 4.5 feet above the ground). The Service's guidance to private landowners applies to activities that might affect those habitat types below 4000' elevation with the exception of designated urbanized areas in Tucson and Phoenix. Designated pygmy-owl critical habitat has no bearing on private landowner application of the guidance unless that landowner requires a permit, authorization, or funding from a Federal agency.

ZONE 1 AREAS WITHIN THE CURRENT RANGE OF THE PYGMY-OWL WITH A HIGH POTENTIAL FOR OWL OCCUPANCY. This zone is located within portions of Pima and southern Pinal Counties in southern Arizona and encompasses all pygmy-owl locations since 1993.

In this zone the Service recommends that **before** private landowners **remove vegetation** suitable as owl habitat, they **choose one** of the following three options:

1. Coordinate with the Service to **develop property in a manner that avoids negative effects to the pygmy-owl** - such as avoiding suitable habitat and respecting the owl breeding season;
-or-
2. Proceed as if pygmy-owls are present and develop a Habitat Conservation Plan (HCP) so your activity can proceed, with any modifications necessary to minimize and mitigate effects or taking of an owl;
-or-
3. Survey the property to determine if an owl is present. These surveys should only be done by a federally permitted pygmy-owl surveyor following the revised 2000 survey protocol - three surveys conducted each year, for two consecutive years before any vegetation suitable for pygmy-owls is disturbed. If a pygmy-owl is located, contact the Service immediately for further guidance. Contact the Service if you have questions.

ZONE 2 AREAS WITHIN THE CURRENT RANGE OF THE PYGMY-OWL WITH A MODERATE POTENTIAL FOR OWL OCCUPANCY. This zone includes areas [in Pima and southern Pinal counties] where biologists might expect pygmy-owls from Zone 1 to be dispersing into suitable habitat and where biologist might expect any new pygmy-owl locations to occur. Here, it is recommend that before private landowners remove any vegetation suitable as owl habitat, they choose one of the three options provided to private landowners in Zone 1 above, with the following consideration should they choose the surveying options:

A single-family residence:

It is recommended that landowners planning a single-family residence or guest house that would remove suitable pygmy-owl habitat conduct surveys within a one-calendar year period of commencing the project. This recommendation is based on the low likelihood of harming or harassing a pygmy-owl in this zone from a small-scale action such as construction of a single-family residence. We recommend a one calendar year survey protocol consisting of three to five surveys depending on the timing of their project.

All other developments:

For multiple (two or more) residential developments, commercial developments, public works, etc. it is recommended that the two-year survey protocol identified for Zone 1 be completed before disturbing suitable habitat. Survey results will be valid from the last survey during the second year of surveys until December 31 of that same calendar year. After January 1, additional surveys are recommended if suitable habitat for pygmy-owls is proposed for removal or disturbance.

The goal of the Endangered Species Act is to conserve plants and wildlife and the habitats upon which they depend. The Service believes that a clearer picture of the owl's habitat needs

ZONE 3 AREAS WITHIN THE HISTORIC RANGE OF THE PYGMY-OWL WITH A LOW POTENTIAL OF OWL OCCUPANCY. This area is based on the historical distribution of this species and the presence of suitable habitat. We are not recommending pygmy-owl surveys for strictly private actions on private land that have no Federal nexus (authorization or funding). This recommendation is based on the low likelihood of harming or harassing pygmy-owls in this zone. For any land-clearing activities in Zone 3 affecting suitable pygmy-owl habitat, and involving private landowner actions that have a Federal nexus, consultation under Section 7 of the ESA may be required and the Service may recommend that surveys be conducted. For Federal projects and actions requiring Federal permits, it is recommended that the responsible agency conduct surveys within suitable habitat in this zone to help determine if pygmy-owls are present. [Under the Act, Federal agencies have a greater responsibility then private parties for maintaining habitat and recovering endangered species.]

NOTE: Following the revised 2000 survey protocol and private landowner recommendations will greatly reduce the likelihood that private development would result in take of the endangered cactus ferruginous pygmy-owl. However, no survey protocol is 100 percent effective and some risk remains that a pygmy-owl will be missed or will show up after surveys are completed. If a pygmy-owl is detected at any time during development, even if surveys were conducted as recommended and the results were negative, landowners will need to contact the Service immediately for assistance in complying with the ESA.

and numbers will develop as survey intensity increases. This will ultimately assist land managers

and owners in understanding how their actions may effect recovery of the species.

“The Arizona population of the cactus ferruginous pygmy-owl was listed as endangered in 1997 because there were so few birds,” said Nancy Kaufman, Regional Director of the Service’s Southwestern Region. “Surveys conducted in 1999 detected 39 adult pygmy-owls in Arizona.”

The full guidance to landowners and revised survey protocol are available on the Internet at <http://ifw2es.fws.gov/arizona>. Copies can also be requested by writing to Field Supervisor, Arizona Ecological Services Office, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Rd., Suite 103, Phoenix AZ 85021.

The Service is the principal Federal agency responsible for conserving, protecting, and enhancing fish, wildlife, plants and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System comprising more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.

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