



News Release

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Cactus Ferruginous Pygmy-Owl Will No Longer Receive Endangered Species Act Protection

The U.S. Fish and Wildlife Service announced today that it is removing the cactus ferruginous pygmy-owl from federal Endangered Species Act (ESA) protection, effective May 15. The pygmy-owl's current and proposed critical habitat designations have also been rescinded. The Service published the rule in today's edition of the *Federal Register*.

The decision to remove the pygmy-owl's endangered status was based on a Ninth Circuit Court of Appeals opinion, as well as relevant science, policy and legal considerations. The Service found that the Arizona population of the cactus ferruginous pygmy-owl does not contribute significantly to the species as a whole, which currently exists throughout Arizona, Texas, and Mexico. Although the numbers are low in Arizona, that alone does not qualify the entire owl subspecies for endangered status under criteria established by a recent court decision and Service policy for distinct population segments.

"All biological information received during our comment period was examined while considering our distinct population segment policy and direction from the courts," said Dr. Benjamin N. Tuggle, acting Regional Director for the Southwest Region. "Our final decision in no way diminishes our interest in protecting wildlife. We will use all opportunities to support the local community's conservation efforts and will assist them in any way possible."

The small owl was listed as endangered in 1997. While pygmy-owls are located throughout Mexico's west coast states and a portion of the east coast of Mexico and Texas, only the Arizona population of pygmy-owls was listed as an endangered distinct population segment. Under the ESA, entire species, subspecies, and distinct population segments of vertebrates are listable entities.

The Service's decision to delist the pygmy-owl is in response to a Ninth Circuit Court of Appeals' opinion that the agency must show how Arizona pygmy-owls were of sufficient biological and ecological significance to the entire cactus ferruginous pygmy-owl subspecies to qualify for listing as a distinct population segment. The Service reevaluated whether the owl was distinct from other populations and whether the population was significant to the subspecies.

A proposal to remove the owl's endangered status was published in the *Federal Register* on August 3, 2005. The rule announced today finalizes the Service's decision to delist the pygmy-owl and also rescinds any proposed critical habitat for the species.

The pygmy-owl is a small bird, less than seven inches long and weighing about the same as a tennis ball. It is reddish brown overall, with a cream-colored belly streaked with reddish brown. The pygmy-owl will still receive protection under the Migratory Bird Treaty Act which prohibits killing, pursuing or harassing pygmy-owls or possessing any of its parts (feathers, eggs, etc.).

The latest monitoring data over the past three years shows the annual number of known adult pygmy-owls in Arizona to be around 20, with five or fewer nests each of those years. “The Service will continue working with Arizona Game and Fish Department, tribes, county and other local officials and concerned parties on cooperative conservation measures for this bird and other rare species found in the Sonoran desert ecosystem,” said Tuggle.

Copies of the final rule and other pertinent materials are available on the internet at <http://www.fws.gov/arizonaes/> or by writing to U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021-4951.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 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 and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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