



News Release

Public Affairs Office
PO Box 1306
Albuquerque, NM 87103
505/248-6911
505/248-6915 (Fax)

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) <http://southwest.fws.gov>

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Contacts: Elizabeth Slown (505) 248-6909 or Victoria Fox (505) 248-6455 or Diane Katzenberger (303) 236-4578 or Jeff Humphrey (602) 242-0210 x222

CRITICAL HABITAT PROPOSED FOR MEXICAN SPOTTED OWL

For the third time in less than a decade, the U.S. Fish and Wildlife Service is undertaking designation of critical habitat for the threatened Mexican spotted owl, which can be found in the mountains and canyons of Arizona, Colorado, New Mexico and Utah.

The Service designated critical habitat for the Mexican spotted owl in 1995 and again in 2001. 4.6 million acres were included in the second final designation (Feb. 2001, *Federal Register*, 66 FR 8530.) Both designations were successfully challenged in court. The Service was ordered by a Federal District Court in January 2003 to redo the critical habitat designation.

This proposal includes public and tribal lands in four states: 4,965,686 acres in Arizona; 569,125 acres in Colorado; 4,630,281 acres in New Mexico; and 3,322,452 acres in Utah. A public comment period will be open until December 18. A final rule is scheduled for August, 2004.

There are 7.5 million acres of U.S. Forest Service lands and 1.2 million acres of tribal lands in Arizona and New Mexico that could be included in the critical habitat designation. The Service's previous designation was challenged in court because it excluded those lands. The court ordered the Service to re-propose critical habitat, and it stated that the current critical habitat designation for the owl shall remain in effect and be enforced until such time as the Service publishes its final designation. The U.S. Fish and Wildlife Service welcomes public comment on this proposed critical habitat designation.

"We want and need input from affected landowners and the public to help us satisfy the court's order in the most effective way," said Dale Hall, Regional Director of the Service's Southwest Region.

Critical habitat is a term in the Endangered Species Act. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including habitat conservation plans, safe harbor agreements, candidate conservation agreements, and state programs. In addition, voluntary partnership programs such as the Service's private stewardship grants and partners for fish and wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges managed by the Fish and Wildlife Service and on state lands administered by the Department of Land and Natural Resources.

The Mexican spotted owl is a medium-sized bird with dark eyes, dark to chestnut brown coloring, whitish spots on the head and neck and white mottling on the abdomen and breast. Of the three subspecies of spotted owl occurring in the United States, the Mexican spotted owl has the largest geographic range. It lives in canyon and mountain forest habitats across a range that extends from southern Utah and Colorado, through Arizona and New Mexico, to the mountains of central Mexico. The owl's fragmented distribution throughout its United States range corresponds to the availability of forested mountains and canyons, and, in some cases, rocky canyon lands.

As part of the process, an environmental assessment and an economic analysis on the effects of the designation will be completed. The comment period will be reopened once these supporting documents are available.

The notice requesting public comments was published in the November 18, 2003 edition of the Federal Register and can be found online at http://www.archives.gov/federal_register/. The proposal and other pertinent documents are available online at <http://mso.fws.gov>, look under the critical habitat link and the electronic library. Copies can also be obtained by calling the Service's Field Office at (800) 299-0196 or by writing to the Field Supervisor, NMESFO, 2105 Osuna NW, Albuquerque, New Mexico, 87113. Comments are due by December 18 and can be submitted in writing to the above address or by facsimile to (505) 346-2542 or by electronic mail to R2fwe_AL@fws.gov.

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 542 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource 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 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 fish and wildlife agencies.

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