

Questions and Answers

Mexican Spotted Owl Critical Habitat Designation

These are some of the most frequently asked questions about critical habitat and the Mexican spotted owl:

1. What actions led to the current proposed critical habitat rule? The U.S. Fish and Wildlife Service listed the Mexican spotted owl as threatened in 1993. Two critical habitat designations have been completed since then but were challenged in court. This third one revises a previous proposal made on July 2000 (65 FR 45336). The public is invited to comment. An Environmental Assessment and an Economic Analysis will be completed and made available later for comment.

2. What is critical habitat? Critical habitat is defined as areas of land and water with physical and biological features that are essential to the conservation of a threatened or endangered species, and that may require special management considerations or protection.

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.

3. Does a critical habitat designation mean that an area has been designated a sanctuary and the owl "comes before anything else"? No. A critical habitat designation identifies areas that are important to the species and essential for its conservation and requires special management protection. A critical habitat designation requires Federal agencies to consult with the Fish and Wildlife Service on any of their actions that may affect critical habitat. The Service can then recommend ways to minimize any adverse effects.

4. How does a critical habitat designation affect private, State or tribal lands? Critical habitat generally applies only to the activities of Federal agencies. Projects proposed on private or tribal lands are evaluated only if they involve a Federal agency through either permits, or funding or some other mechanism.

5. How will the designation affect public use of Federal lands? The only activities affected will be those that are likely to destroy or adversely modify that habitat. If the Service makes a determination that a project is likely to adversely modify critical habitat, it will recommend reasonable and prudent alternatives that would allow the project to proceed with modifications. The Service does not expect the designation of critical habitat to affect activities such as thinning trees that are less than 9 inches in diameter, or harvesting fuel wood, Christmas trees or trees for

latilla or vigas. For livestock grazing activities in upland habitats or commercial logging, consultation is required only if they may adversely affect the Mexican spotted owl or modify its critical habitat. Most recreational activities, such as hiking, camping, fishing, hunting, cross-country skiing, off-road vehicle use, and various wildlife-observation activities, will not be affected. Overall, the Service does not expect the critical habitat designation to result in any restrictions that would not already be required as a result of listing the Mexican spotted owl as a threatened species.

6. Does the Fish and Wildlife Service evaluate all projects in critical habitat areas? No. Projects are evaluated only when a Federal agency believes its action may affect the designated critical habitat. The Federal agency must first analyze the project and determine if critical habitat will be affected. If appropriate, it must request consultation with the Service.

7. How did the Service decide what areas to include in the critical habitat proposal for the Mexican spotted owl? Whenever the Service considers critical habitat, it reviews the basic needs of the species. These include:

- Space for individual and population growth, and for normal behavior
- Cover, food, water, and other basic requirements
- Sites for breeding and rearing young

Once these areas are identified, the Service selects those that are essential to the conservation of the species and that need special management and protection. Here, the Service based its proposal on information included in the recovery plan for the Mexican spotted owl. Roosting and nesting habitat was included in the proposal while wintering habitat was not.

8. Why is the Service moving so fast, and why can't we have more time to provide comments? The Service is responding to deadlines established by the court. When the proposal was initially drafted, six public meetings were held. Those comments will be reviewed along with any that are received during the comment period and used to finalize the rule.

9. Why is the Service proposing acreage within mapped boundaries that is not suitable owl habitat? Roads, houses and other physical structures are examples of areas within the mapped boundaries that are not suitable owl habitat, because they do not contain specific habitat features required by the species. As such, critical habitat is found within the mapped boundaries only in places where the physical and biological features exist that are necessary for the species' survival.

10. How does fire affect critical habitat? Safety and property come first and the Endangered Species Act accommodates for measures undertaken while fighting fires.

Fire impacts habitat whether it is designated as critical habitat or not. Fire can be either devastating or beneficial to owl habitat. Wildfires can quickly consume forests across vast tracts. After a large crown fire, habitat components for nesting, roosting, and foraging are reduced or eliminated. Small-scale natural fires and prescribed burns, however, can benefit owl habitat by reducing fuel loads, creating small openings and thinning stands. The result is increased habitat diversity and reduced risk of catastrophic wildfire. Small-scale fires and lightning also create snags, canopy gaps, and large logs, and they perpetuate understory shrubs, grasses, and forbs, all of which are important habitat components for the owl, its prey, and other wildlife. Because

crownfire damage to owl habitat can be irreparable in the foreseeable future, efforts to limit large-scale catastrophic fires are of utmost importance in owl conservation. Unmanaged and unplanned wildfires that remove large areas of forests or woodlands disrupt management goals for maintaining or improving future spotted owl habitat. The Service encourages proactive fire management programs that promote fuels management and provide an understanding of the ecological role of fire. The Service is also working with the Forest Service to develop and consult on a regional fire program that minimizes the risks of catastrophic wildfire, while maintaining important threatened and endangered species habitat.

11. What measures are being taken to provide future replacement habitat? The Endangered Species Act requires all Federal agencies to participate in the recovery of the threatened species and their habitats. The Service recommends that all land management agencies implement the management guidelines provided in the Recovery Plan for the Mexican Spotted Owl. The plan outlines the steps necessary to remove the owl from the endangered species list.

12. What is the acreage in the proposed designation?

CRITICAL HABITAT ACREAGE BY LAND OWNERSHIP AND STATE

	AZ	NM	CO	UT	Total	%
Forest Service	3,287,339	4,171,869	375,837	274,616	8,109,661	60%
Bureau of Land Management	12,115	14,528	148,894	1,646,388	1,821,925	13.5%
National Park Service	795,850	31,179	0	643,328	1,470,357	11%
Department of Defense	24,038	4,157	44,394	0	72,589	0.5%
Bureau of Reclamation	0	0	0	270,853	270,853	2%
Unknown Federal*	0	0	0	385,995	385,995	3%
State	0	0	0	0	0	0%
Tribal	846,344	408,548	0	101,272	1,356,164	10%
Private	0	0	0	0	0	0%
Total	4,965,686	4,630,281	569,125	3,322,452	13,487,544	
Percentage	37%	34%	4%	25%		

*Includes land identified in the current Utah land ownership file as National Recreation Area or National Recreation Area/ Power Withdrawal; Federal land ownership is unclear (may be NPS, BOR, or other).

**Counts three critical habitat units that overlap two states.