



News Release

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FISH AND WILDLIFE SERVICE FILES COURT DECLARATION Projects on millions of federal acres could be affected

The U.S. Fish and Wildlife Service (Service) will oppose a motion filed by the Center for Biological Diversity designed to stop a variety of federal projects, including many fuel reduction tasks, which would affect the threatened Mexican spotted owl and its habitat in Arizona, Colorado, New Mexico and Utah.

The Service filed a declaration in the U.S. District Court for the District of Arizona today that explains the anticipated impact of the Center's motion. The Center's motion asks the Arizona District Court to find the Secretary of the Interior in contempt of court and/or to halt the Service from consulting with federal agencies on any projects that would affect Mexican spotted owls, which includes millions of acres of public lands. The Service believes the motion could halt forest health planning, fuels reduction efforts to stave off catastrophic wildfires and evaluation of fire fighting effects on endangered species through the next two fire seasons if the court agrees.

As the lead federal agency for protecting threatened and endangered species, the Service consults with other federal agencies to minimize, mitigate, monitor and in some cases permit harm to the owl. In addition, states, tribes, counties and other municipalities receive federal permits that could be affected by the Center's motion.

"We are very concerned, during the ongoing drought in the Southwest, that any delays in treating forest areas to reduce high fuel loads could put human life and property at risk of catastrophic wildfires," said Dale Hall, Director for the Service's Southwest Region. "Wildfires are also the single greatest threat to the Mexican spotted owl. The Center's motion also puts the owl at great risk."

The Service listed the Mexican spotted owl as threatened in 1993. The Endangered Species Act also calls for habitat critical to a species' survival to be identified so that federal agencies and the Service can evaluate the effects of federal habitat modification in those areas. On February 1, 2001, the Service completed a final designation of 4.6 million acres of critical habitat in Arizona, Colorado, New Mexico and Utah. Since then the Federal Court ruled the Service was arbitrary and capricious in their determination that Forest Service special management considerations adequately protected proposed critical habitat. The Court ordered a new critical habitat designation by October 13, 2003. Due to lean budgets and a back-log of designations awaiting completion, the Service requested the date be changed to January, 2005.

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 nearly 540 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource offices 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 fish and wildlife agencies.

<http://Southwest.fws.gov>

Note – Copies of the declaration, photographs and other Mexican spotted owl documents are on the internet at <http://southwest.fws.gov> – click on Hot Topics.