

Critical Habitat for the
Southwestern Willow Flycatcher
(*Empidonax traillii extimus*)
and What This Means to You



Photo by Suzanne Langridge, USGS

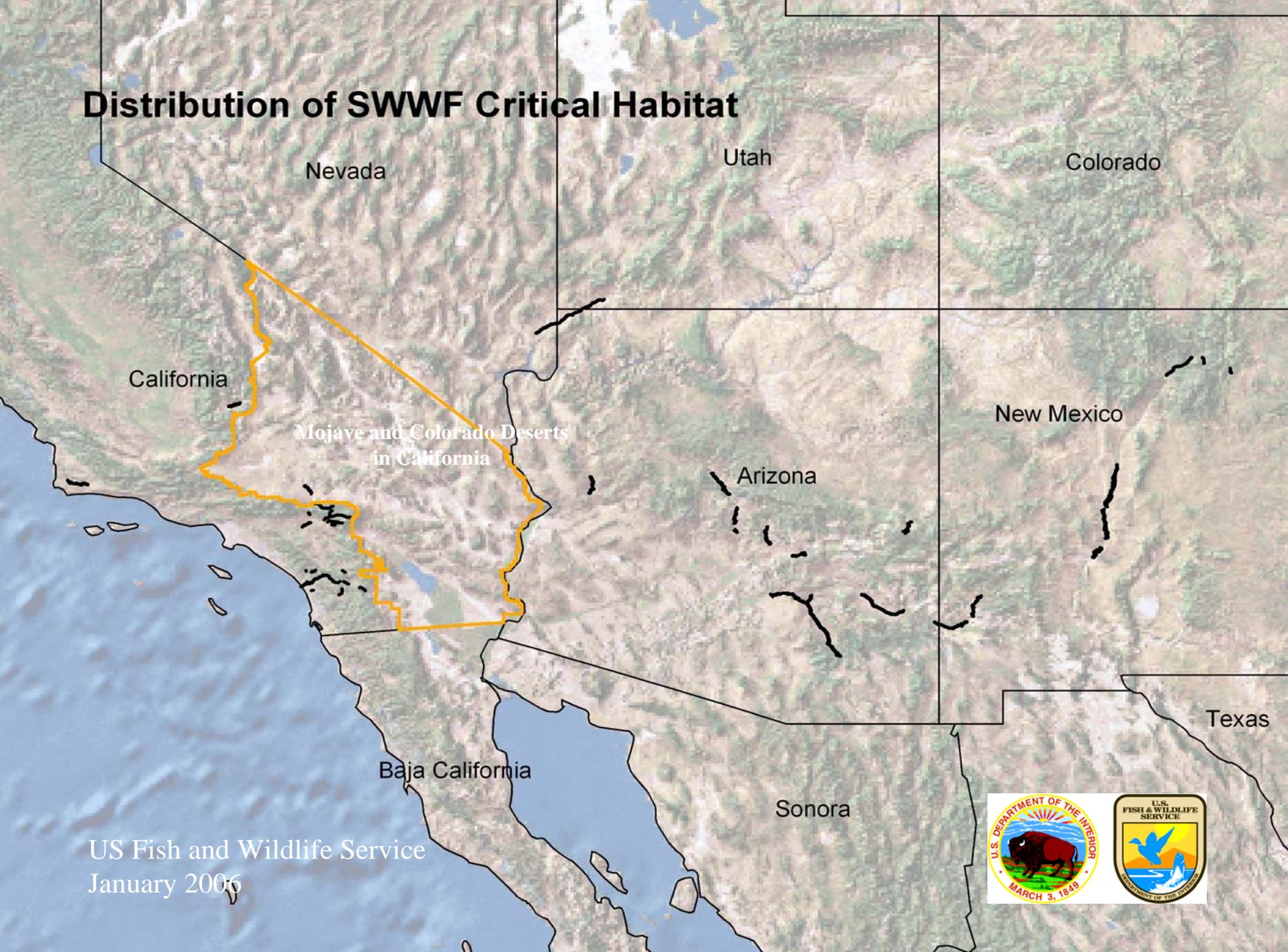
Overview

- On February 27, 1995, the U.S. Fish and Wildlife Service (FWS) listed the southwestern willow flycatcher as endangered
- October 19, 2005, the FWS designated 737 miles of riparian habitat in California, Arizona, Nevada, Utah, and New Mexico as critical habitat for the southwestern willow flycatcher

Overview (cont'd.)

- The final rule (Federal Register Vol. 70 pp. 60886-61009), maps, and other documents are posted on the FWS's Region 2 website at: http://www.fws.gov/arizonaaes/SWWF_CH_Oct05.htm
- Critical habitat maps for other species are at: <http://criticalhabitat.fws.gov>
select taxonomy or state/county

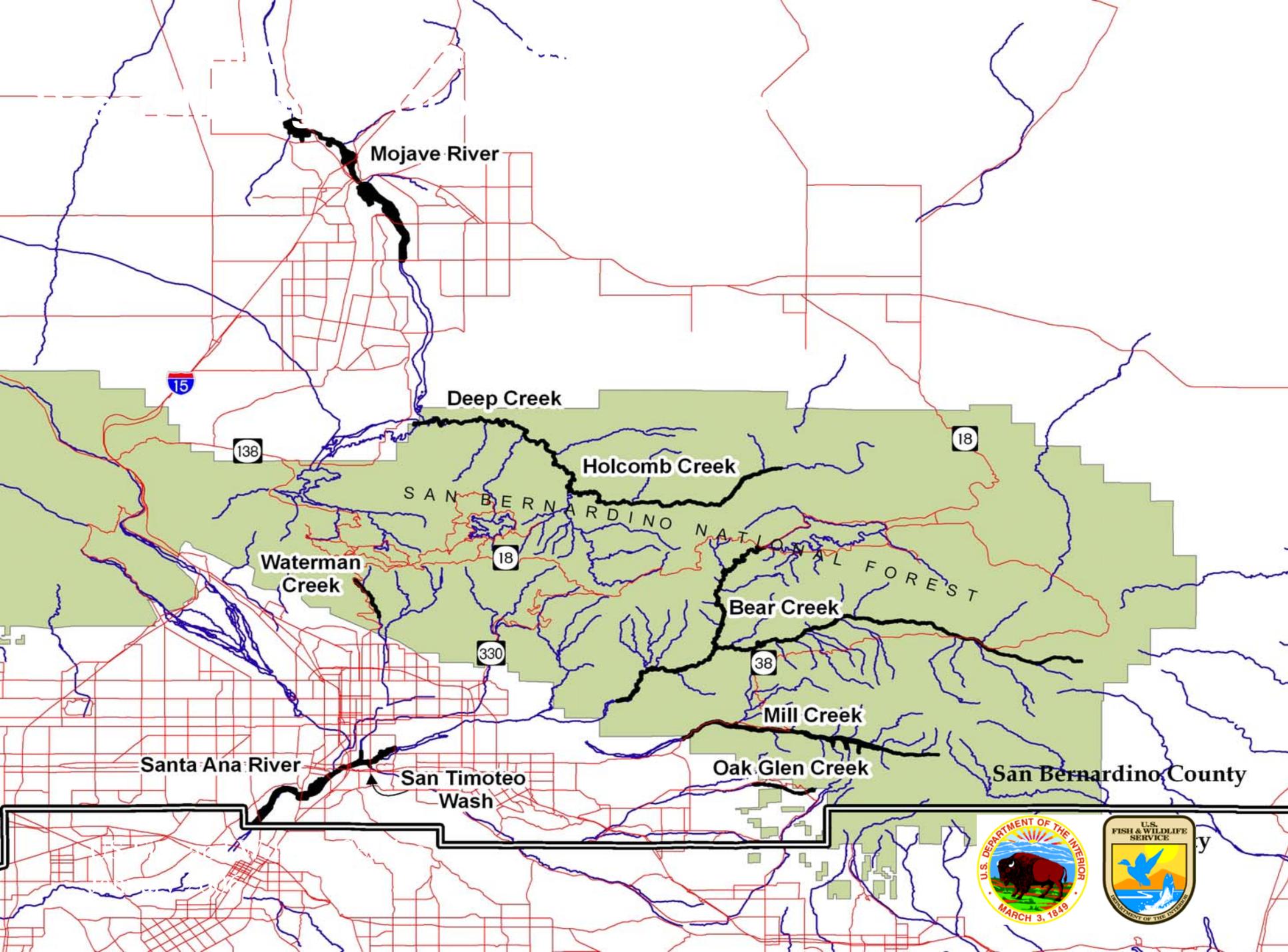
Distribution of SWWF Critical Habitat



US Fish and Wildlife Service
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- Critical habitat within the Desert Managers Group area of interest is restricted to the Mojave River and San Bernardino Mountains in San Bernardino County, California.



Mojave River

Deep Creek

Holcomb Creek

Waterman Creek

Bear Creek

Santa Ana River

San Timoteo Wash

Oak Glen Creek

San Bernardino County



What Is Critical Habitat

- “Critical habitat” is a term defined and used in the Endangered Species Act.
- It is a specific geographic area (s) that contains physical or biological features essential for the conservation of the listed species and that may require special management and protection.

What Is Critical Habitat (cont'd.)

- Critical habitat may include an area that is not currently occupied by the species but that is needed for its recovery.

How Does Critical Habitat Affect Non-Federal Land Owners

- Critical habitat has no effect on actions where there is no Federal nexus
- Federal nexus is an action that is authorized, funded, or carried out by a Federal agency

How Does Critical Habitat Affect Non-Federal Land Owners (cont'd.)

- Non-Federal landowners are free to do any non-Federal activity that was legal prior to critical habitat designation
- Question: existing graded property that would be improved (e.g., building, landscaping, etc.) and is in the boundary of critical habitat (non-Federal activity)

How Does Critical Habitat Affect Non-Federal Landowners (cont'd.)

- Question: property within CH boundary and is occupied by SWWF that would be graded and a structure constructed (non-Federal activity)

How Does Critical Habitat affect Private Land Owners (cont'd.)

- Regardless of critical habitat designation, Federal law prohibits non-Federal landowners from harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting any endangered or threatened animal on their land, without a permit from FWS.

How Does Critical Habitat Affect Federal Agencies?

- Federal agencies are required to consult with FWS on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat
- Consultation is done concurrently for the listed species and critical habitat; this begins with the Federal agency requesting informal consultation with FWS

Summary

- Non-Federal action – CH designation does not apply; take of a listed species does apply
- Federal action – CH designation does apply; may affect of a listed species does apply



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