



# Big fight over tiny owl

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**TUCSON , Arizona (AP) -- Conservation groups have gone to court to try to stop the U.S. Fish and Wildlife Service from removing a tiny owl from the endangered species list.**

The cactus ferruginous pygmy owl -- which is only about 6 inches long and weighs less than 3 ounces -- has been at the center of a battle between environmentalists and developers for years.

It is scheduled to officially be taken off the list Monday.

The Center for Biological Diversity and Defenders of Wildlife filed suit in federal court in Tucson on Thursday challenging the delisting decision and requesting a temporary restraining order to block Monday's action.

The Justice Department filed a response Friday asking the court to deny a temporary restraining order or a preliminary injunction.

The Fish and Wildlife Service is removing the pygmy owl from the endangered species list because it has determined it is not a distinct subspecies.

There are only 13 known pygmy owls left in Arizona , said Jenny Neeley of the Defenders of Wildlife. Neeley said the owl, which has been listed as endangered since 1997, will face imminent extinction if the protection is removed.

Critical habitat designations for the owl covering more than a million acres in

Arizona will be lifted if the owl comes off the list.

Developers and landowners have opposed endangered status for the bird because of its economic impact. Its presence delayed numerous developments and road projects, and also blocked construction of a high school northwest of Tucson .

Daniel Patterson, desert ecologist at the Center for Biological Diversity, said eliminating the bird's protection would immediately affect dozens of conservation agreements in southern Arizona .

"If the owl is no longer protected, a lot of these agreements could become invalid, which would open up big new areas to urban sprawl," he said.

The current agreements typically require a biological opinion if a developer wants to build a project, spelling out how to avoid an adverse impact on the owl.

A Fish and Wildlife Service spokesman declined comment, noting the case has been turned over to the Justice Department.