

Groups fight owl's removal from feds' list

Ginger D. Richardson

The Arizona Republic

May. 23, 2008 12:00 AM

Environmental groups say they plan to sue the U.S. Fish and Wildlife Service if it does not respond to their petition to return a tiny desert owl to the endangered-species list.

The long-running dispute focuses on the cactus ferruginous pygmy owl, which commonly nests in saguaro cactuses. The bird was listed as endangered in 1997 but removed from the list in 2006.

The organizations - the Center for Biological Diversity, Defenders of Wildlife and Public Employees for Environmental Responsibility - petitioned to have the bird returned to endangered-species status in March 2007.

In a letter delivered to the Department of the Interior this week, they said they will file suit if the Fish and Wildlife Service doesn't respond to their petition within the next 60 days. Under the rules spelled out in the Endangered Species Act, the agency was supposed to respond to the petition within 90 days - or last summer.

Noah Greenwald, science director at the Center for Biological Diversity, said the tiny owl was de-listed on a technicality and that now fewer than 30 of its kind remain in Arizona.

"They've sharply declined in Arizona since the turn of the century," Greenwald said. "They are on the brink of extinction."

The dispute over whether the bird should be protected goes back to 2001 when the National Association of Home Builders and the Southern Arizona Home Builders Association challenged the listing.

Courts then ordered the Fish and Wildlife Service to show that Arizona pygmy owls were of sufficient biological and ecological significance to the entire population to qualify for listing as a distinct-population segment. Service officials said they were unable to do that largely because sufficient numbers of the owls are believed to exist in Mexico.

But in the groups' 2007 petition to have the pygmy owl re-listed, conservationists said the Fish and Wildlife Service ignored scientific evidence provided by its own biologists. They added that the agency refused to consider that the quickly disappearing Arizona population constitutes the last U.S. population of the owl's Western subspecies.

Jeff Humphrey, a spokesman for the Fish and Wildlife Service, said he had not seen the notice to file suit.

But the agency anticipates publishing its 90-day finding on the groups' original petition "very shortly," he said.

Humphrey would not comment on what the finding will say.

Reach the reporter at ginger.richardson@arizonarepublic.com or (602) 444-4834.