

# EXPLORER

## NEWS

### Feds to weigh protections for rare owl, snake *Move likely to pit environmentalists against developers*

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The collective fate of a small snake and even smaller owl soon may hold sway over development of vast swaths of land throughout Northwest Tucson and southern Pinal County.

The potential listing of the 7-inch cactus ferruginous pygmy-owl and the barely foot-long Tucson shovel-nosed snake as endangered species may pit environmentalists against builders in a heated ecological battle.

Those advocating federal protections for the pygmy-owl, which at one time was listed as endangered, and the shovel-nosed snake consider conserving habitat for the animals the single most important issue.

And that's what has many local developers worried.

"From my point of view, we must be the endangered species capital of the world," said Ed Taczanowsky, president of the Southern Arizona Home Builders Association.

Taczanowsky's frustration seemed palpable last week as he discussed a pair of successful petitions by the Center for Biological Diversity to study addition of the pygmy-owl and the shovel-nosed snake to the list of species protected under the sweeping Endangered Species Act.

"Radical environmental groups do very little to preserve species," Taczanowsky charged. "What they do is sue."

The battle over how to protect the ruddy-colored pygmy-owl has raged off and on for much of the past two decades.

The small bird, which makes its home in thorny desert scrub and inside saguaros, first made the endangered species list in 1997. The designation touched off years of legal wrangling over what portions of the Northwest to set aside for pygmy-owl habitat, a battle that at one time threatened to halt the building of Ironwood Ridge High School in Oro Valley. In response to a developer lawsuit that contended the owl was plentiful in Mexico, it was taken off the list in 2006.

"The pygmy-owl should have never been taken off the list," said Noah Greenwald, a conservation biologist with the Center for Biological Diversity. "It's clearly imperiled."

Studies commissioned by the center show the owl's numbers in northern Sonora, Mexico, have declined by about 36 percent since 2000, mainly due to increased development, ranching and a greater human presence along the border.

The U.S. Fish and Wildlife Service had argued that Arizona's contingent of pygmy-owls qualified as a distinct sub-species worthy of federal protection. Developers, including SAHBA, however, questioned the agency's — and by extension environmentalists' — science, convincing a federal district court judge in 2005 to cast doubt on the owl's endangered status. Developers contended that owls from Mexico would boost populations in Southern Arizona.

The Fish and Wildlife Service chose to abandon its call for protection of the bird.

"The biggest problem with the pygmy-owl has been with drought, not with developers," Taczanowsky believes.

Just how many owls remain in Pima County seems unknowable, though.

Federal regulators suggest that, in any given year, Arizona has less than 50 resident pygmy-owls and 10

nest sites.

Between 2002 and 2004, federal scientists found owls at three Northwest locations — off Cortaro Farms Road, between Thornydale and Old Father roads; at La Cholla Boulevard and Overton Road; and on Thornydale, between Cortaro Farms Road and Linda Vista Boulevard.

Yet, after surveying the region for nearly a decade, Pima County officials say the evidence “indicates overwhelmingly that the owl has no, or extremely limited presence” here, according to a June 25 letter sent to federal regulators who this summer began a yearlong process to consider whether to re-list the owl as endangered.

The fate of the lesser-known Tucson shovel-nosed snake seems more in doubt.

Research indicates that the last time anyone spotted the brightly colored snake in the Northwest — in the Avra Valley area — occurred in 1979. Scientists now believe the red, black and yellow snake has confined itself to southern Pinal and points west.

[The Center for Biological Diversity in 2004 asked the Fish and Wildlife Service to list the snake as endangered, a move the service said last week it would consider.](#)

The snake is among 13 species earmarked for protective measures under Marana’s proposed habitat conservation plan, according to town environmental manager Jennifer Christelman.

The plan, however is far from complete, she added.

“We stopped working on it for a while when the pygmy-owl was de-listed,” Christelman said. “Now, we’ve picked that ball back up.”

Whether either animal receives federal protection in the coming year remains uncertain. But, in the meantime, the opposing sides — developers and environmentalists — have begun marshalling their forces for a protracted legal fight.

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